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Statement of
Elmer B. Staats, Comptroller General of the United States
before the

Special Studies Subcommittee
Committee on Government Operations
House of Representatives

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H1512

in connection with

A Study of the Utilization and Operations of
Interagency and Public Advisory Committees in the Federal Service

Mr. Chairman and Members of the Subcommittee:

I am pleased to appear here today as you requested in
connection with your study.

Committees and commissions in the Government service serve
such a variety of purposes that it is not possible to categorize
them as to subject matter. These groups may range all the way from
the Hoover-type commission consisting of legislative, executive,
and private industry members and created for the purpose of making
studies and recommendations on very broad scale and far-reaching
matters of Government-wide policy and organization, to a small,
ad hoc committee from a particular profession or industry called
in to advise a department head on a single, relatively narrow
problem. In between these will be found a large number of committees,
commissions, panels, boards, and other groups of myriad sizes,
compositions, purposes, and lifespans.

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My statement today is arranged around three principal groupings:
1. Presidential Advisory Groups 2. Interagency Advisory Committees;
and 3. Public Advisory Committees, the latter appointed by the head
of an agency purely for his own guidance in a certain area.

PRESIDENTIAL ADVISORY GROUPS

There is no general requirement in statutes or regulations governing the establishment, number, or operation of Presidential Advisory Groups.

The Presidential groups for the most part are established by executive action on a continuing basis such as the President's Science Advisory Committee (1951); the President's Committee on Consumer Interests (1964); the President's Committee on Manpower (1964); the President's Council on Aging (1962); and the Council for Urban Affairs (1969). The President may also create committees and commissions on an ad hoc basis specifying that they shall expire upon submission of a report or within a specified time period. For example, the recently terminated National Commission on the Causes and Prevention of Violence, whose chairman was Dr. Milton Eisenhower, was an ad hoc type of commission. The Executive Order of June 10, 1968, creating that commission specified that it would terminate 30 days following the submission of its final report or one year from the date of the order. Later, the Executive Order was amended to provide for termination 30 days following submission of its final report or December 10, 1969, whichever was earlier. Another ad hoc group was the President's Commission on Budget Concepts established March 3, 1967. As you probably know, I was a

member of that Commission and it ceased to exist after we made our report in October of 1967.

Some Presidential Advisory groups are created by statute either on a continuing basis or for a specified period of time. For example, the United States Advisory Commission on International Educational and Cultural Affairs was created on a continuing basis pursuant to the act of September 21, 1961 (22 U.S.C. 2456), whereas the act of September 19, 1964 (43 U.S.C. 1393) creating the Public Land Law Review Commission specified that it would submit its report not later than December 31, 1968, and cease to exist six months thereafter or no later than June 30, 1969 (later extended to June 30, 1970).

Certain commissions may be created by Executive action as a practical means of complying with directives contained in a particular statute although the statute itself may not call for a commission specifically. For instance, under 19 U.S.C. 1871, a Special Representative for Trade Negotiations was authorized to be appointed and the statute directs that the Special Representative shall with respect to each negotiation seek information from representatives of industry, agriculture, and from such agencies as he deems appropriate. To enable the Special Representative to obtain such information for participation in international trade negotiations the President, by Executive Order, created the Public Advisory Committee for Trade Negotiations.

Public Disclosure

There is no required procedure to assure public disclosure of such a group's creation, although this is in fact accomplished usually through press releases. When advisory groups are created by Executive Orders and proclamations, these documents are published in the Federal Register. However, when they are created by letter, official publication appears usually in the "Weekly Compilation of Presidential Documents." While selected committees and commissions are listed in the United States Government Organization Manual, I know of no complete list or inventory of Presidential advisory groups or other types, for that matter.

Likewise, so far as I know, there is no general requirement for the President to disclose a group's recommendations. As a practical matter, recommendations of such a group will usually, in one way or another, become available to the press and public in cases involving significant or controversial matters.

Compensation and Expenses of Members

The members of Committees - - Presidential as well as Public Advisory Committees - - may or may not be compensated, depending upon the terms of the document creating the committee or possibly upon language contained in letters of appointment to the members. If compensated, their rates of pay are usually fixed in accordance with 5 U.S.C. 3109 which deals with the appointment and compensation of experts and consultants. Traveling expenses are covered by 5 U.S.C. 5703 and 5709.

Funding

The act of March 4, 1909, as codified in 31 U.S.C. 673, provides as follows:

"No part of the public moneys, or of any appropriation made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law; nor shall there be employed by detail, hereafter or heretofore made, or otherwise personal services from any executive department or other Government establishment in connection with any such commission, council, board, or other similar body."

Under the above statute, it has been held by our Office, as well as the Attorney General, that the words "authorized by law" does not necessarily require that a committee be specifically provided for by statute. In other words, if the committee's task is related to an authorized function, then the committee is considered to be authorized by law. An early decision of our Office to that effect is published in 11 Comp. Gen. 495 and a similar opinion, along with a rather complete presentation of the legislative history of the act in support of his position, can be found in volume 27 of the Opinions of the Attorney General at page 432.

Creation of advisory groups by the President when they are not specifically authorized by statute has ordinarily been pursuant to the authority of the President to execute the laws of the United States. The creation of such committees or commissions, therefore, has been in furtherance of that broad purpose.

Section 213 of the act of June 27, 1944, 31 U.S.C. 696, commonly called "The Russell Amendment," prohibits the use of appropriated funds to finance the operation of any agency or instrumentality of the Government for longer than one year without specific authorization by Congress.

INTERAGENCY ADVISORY COMMITTEES

Interagency committees are concerned with matters of common interest to more than one department or agency. These committees may be established by the President by agreement between agency heads or officials at other levels as one means of facilitating the coordination of certain related operations.

Central Regulation and Control

Bureau of the Budget Circular No. A-63, issued on March 2, 1964, provides the agencies with fairly comprehensive guidelines governing the establishment, use, funding, and termination of interagency committees. Generally, we consider these guidelines to be adequate and, later in my statement, I will discuss the results of a limited survey our Office made of committees subject to those guidelines.

Funding of Interagency Committees

Joint funding of interagency committees appears to have been sanctioned by the Congress in the act of May 31, 1945, codified at 31 U.S.C. 691 as follows:

"Appropriations of the executive departments and independent establishments of the Government may be available for the expenses of committees, boards, or other interagency groups engaged in authorized activities of common interest to such departments and establishments and composed in whole or in part of representatives thereof who receive no additional compensation by virtue of such membership; Provided, That employees of such departments and establishments rendering service for such committees, boards, or other groups, other than as representatives, shall receive no additional compensation by virtue of such service."

Circular A-63 contemplates financing interagency committee activities as a rule from funds available to the chairing agency only. It recognizes the possibility, however, of member agencies contributing staff services in kind and even funds in certain unusual circumstances. Prior approval of the Bureau of the Budget is required for member agencies to contribute funds and approval will be limited to those situations where there is a compelling need for a committee to begin operation and the chairing agency is unable to provide financing immediately.

Recently, however, Congress has included in various appropriation acts a provision restricting the use of funds for financing interagency committees by either the chairing agency or other member agencies. The following, as quoted from Public Law 91-98, approved October 29, 1969, is typical of language contained in several appropriation acts for fiscal years 1969 and 1970:

"None of the funds in this Act shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under section 214 of the Independent Offices Appropriation Act, 1946, (31 U.S.C. 691), which do not have prior and specific congressional approval of such method of financial support."

PUBLIC ADVISORY COMMITTEES

The committees created by departments and agencies for the purpose of furnishing advice and recommendations to the heads of such departments and agencies in connection with their functions and operations are usually referred to as Public Advisory Committees. Of the advisory groups of all types in Government, this appears to be the most numerous. In a review we made some years ago, which I will refer to later, we learned that there were over 300 such groups serving the Department of Agriculture alone at that time.

Regulation of the Formation and Use of Public Advisory Committees

Mr. Chairman, I believe that the regulations which are in effect today on this subject can be traced pretty directly back to actions of your Committee several years ago.

The House Government Operations Committee held hearings in 1957 and reported out a bill, H.R. 7390, which passed the House on July 10, 1957, containing various measures of control over the creation and utilization of advisory committees. The bill died in the Senate but the Senate Government Operations Committee, in lieu of acting on the bill, pressed for the Bureau of the Budget to review operations of advisory committees in the Executive Branch and report back to the Committee. Upon completing its review, the

Bureau issued "Standards and Procedures for the Utilization of Public Advisory Committees by Government Departments and Agencies." Issued first on February 2, 1959, the regulations were formalized later in Executive Order No. 11007, dated February 26, 1962.

With the exception of a requirement proposed in H.R. 7390 that the Speaker of the House and the President of the Senate be advised 30 days before establishment of any advisory committee, E.O. 11007 imposes the same controls and standards as were proposed in that bill.

Our Office supported H.R. 7390 and its predecessor bill, H.R. 3378, in 1957. However, since essentially all the standards and controls proposed by those bills are now in effect by Executive Order, we do not consider legislation covering the same requirements necessary at this time.

GAO REVIEWS BEARING UPON ADVISORY COMMISSIONS AND INTERAGENCY COMMITTEES

In your letter, you requested that we discuss certain specific reports of our Office relating to advisory committees. The General Accounting Office has done only a limited amount of work directly aimed at reviewing the operations and activities of the advisory committees. Indirectly, however, the activities of such committees may come under consideration within our normal reviews of agency programs. I will briefly summarize the work we have done.

Public Advisory Committees in Department of Agriculture

We have issued only one report to Congress on the administration of advisory committees. This was in 1960 and concerned the operation and administration of public advisory committees in the Department of Agriculture. At the time of our review, there were 46 national advisory committees and 241 regional, state, and local advisory committees which had been established to serve the Department.

Although we found no great deficiencies in management, we recommended that the department should provide for periodic, objective reviews of committee activities so as to maintain closer control. The Department agreed with this recommendation.

Survey of Interagency Committees

In 1965 the General Accounting Office made a survey of the general purposes and activities of about 150 boards, committees, and commissions that had been established by law or by Presidential directive. The survey was primarily directed to selected interagency committees that were composed of officers or employees of more than one department or agency of the Federal Government and which were subject to Bureau of the Budget guidelines on management of interagency committees prescribed by Bureau of the Budget Circular No. A-63. The survey generally did not include interagency committees established by means other than by statute or Presidential directive, nor was it directed at public advisory committees.

Our survey indicated that the management of the interagency committees, commissions, and boards was generally consistent with the policies set forth in the BOB Circular. However, in a report dated May 27, 1966, our Office suggested to the Bureau that more timely disposition of recommendations contained in annual reports submitted to the Bureau from executive departments and agencies on the subject of interagency committees would help to avoid undue continuation of committees which may need to be reorganized or abolished.

We also brought the following committees to the Bureau's attention for its consideration as to whether they continued to meet the Bureau's criteria for continuation - - The President's Council on Physical Fitness, the Interdepartmental Committee on Narcotics, the Commission on International Rules of Judicial Procedure, and the Marine Corps Memorial Commission.

At the time of our report, the President's Council on Physical Fitness had not met since 1963, and the Interagency Advisory Group, comprised of representatives of each of the departments making up the Council, had not met since April 7, 1964, over 2 years prior to the date of our report. In view of the inactivity of the Council, we suggested that the present arrangement concerning the staff of the Council, operating almost as an "independent agency," and its relationship to the Council, be reconsidered.

The Bureau of the Budget took the position that the President's Council on Physical Fitness appeared to have served a useful purpose by the special emphasis given to the physical fitness program and that, while most of the Council's program was settled and consultation with the public body was required less frequently, there was still a significant value in the public support given to the program by such a body.

The Bureau agreed that the Interdepartmental Committee on Narcotics would be abolished and pointed out that the statutory life of the Commission on International Rules of Judicial Procedure would end shortly. Since the Marine Corps Memorial Commission had been created by and reported to the Congress, the Bureau proposed no action to terminate this Commission.

Economic Opportunity Council

The Economic Opportunity Act of 1964 established the Economic Opportunity Council, comprised of the Director of the Office of Economic Opportunity (OEO) and the heads of several Federal departments and agencies. As initially constituted, the Council was to consult with and advise the Director in carrying out his functions, including the coordination of antipoverty efforts by all segments of the Federal Government.

In our report to the Congress in March 1969 on our Review of Economic Opportunity Programs, we stated the conclusion that:

"As an instrument of coordination, the Economic Opportunity Council has not fulfilled the legislatively assigned role. The role provided by legislation prior to the 1967 amendments to the act was unrealistic because the act (a) placed this responsibility on a body of peers who could not be expected to voluntarily relinquish decisionmaking control over planning for or operation of programs and (b) designated a noncabinet level official [the Director, OEO] to exercise coordinative authority over officials of greater status. * * *."

The Council might have contributed to closer coordination both at the level of policy formulation for the executive branch and at the level of operating relationships.

Later amendments to the Economic Opportunity Act continued provisions for the Economic Opportunity Council. I understand, however, that the Council has not been reestablished.

National Advisory Council on Economic Opportunity

The Economic Opportunity Act also provided for a 21-member National Advisory Council on Economic Opportunity, whose members were to be appointed by the President. The Council is composed of representatives of the public in general and of fields of endeavor related to purposes of the act.

The Council is required to advise the Director of the Office of Economic Opportunity with respect to policy matters arising in the administration of the act and to review the effectiveness and operation of programs under the act and make appropriate recommendations.

As required by law, the Council has issued annual reports to the President in March 1968 and March 1969 based on its evaluations. These reports have included a number of recommendations concerning program and organizational matters.

During the course of our evaluations of antipoverty programs, we had several contacts with the professional staff of the Council. In our summary report on economic opportunity programs, we concluded that this Council had served a useful purpose in its continuing review of the antipoverty programs and in providing information to the public, and that it should be continued.

COMPTROLLER GENERAL'S EDUCATOR - CONSULTANT PANEL

Our own use of advisory groups is presently limited to one such group - - Comptroller General's Educator Consultant Panel. This panel is composed of leading educators from colleges and universities and they provide valuable assistance to us in our recruiting and training programs for the professional accounting and auditing staff.

The panel is a continuing group but the membership is rotated periodically with individual panel members serving about five years on the average. Two or three new replacements are appointed from different universities each year.

CONCLUDING REMARKS

Mr. Chairman, during my Government service, particularly in the Bureau of the Budget and as Comptroller General, I have had occasion to observe the creation and performance of many advisory committees of various types. I have participated in their operation. Overall, I believe the proper utilization of advisory groups can be of tremendous benefit to the Government and I have witnessed such benefits many times.

As in all operations, however, management problems will occur from time to time. My personal feeling is that one of the more significant problems is in the danger of committees being permitted to remain in existence beyond their usefulness.

If the continued existence of a committee serving no useful purpose involves staff and operating expenses, then an obvious waste of funds occurs. Even if continuation is in name only, involving no staff or expenses, it is undesirable merely because of the confusion it creates both in Government and in the minds of the public.

For this reason alone there needs to be a periodic and systematic review by both the agency head and the Bureau of the Budget as to the continued need for interagency and public advisory committees, together with a review of their membership and staff support. In addition, since both types of committees are established either pursuant to law or to facilitate carrying out statutory responsibilities vested in the President or the

executive agencies, I would favor an annual public report to the Congress on the status and changes in composition of such groups. I believe that such a report would be of interest not only to the Government Operations Committees, but also to other committees. It should likewise be of interest to the many groups outside of Government who are concerned with the administration of specific programs.

A second suggestion is that the executive branch be requested to supply at an appropriate interval, perhaps after one year, the follow-up actions taken as a result of the reports of such interagency task forces or public advisory groups as are made public. Many times reports on highly important subjects are made public in part to obtain reactions prior to recommendations of the executive branch, based in whole or in part on the reports of such groups. Many of these reports are of great importance, but the danger exists that the investment of time, effort, and expense is not fully justified in terms of follow up in either the executive or legislative branch. An alternative to a follow up executive branch report would be, of course, to schedule hearings before the appropriate committees of the Congress at which the Chairmen or staff directors of such groups would be asked to appear.

Thirdly, I am sure that considerable more can be done by way of improving on the guidelines on the management of interagency committees and the formation and use of advisory committees now set

forth in Bureau of the Budget Circular A-63 and Executive Order 11107. It is my understanding that Budget Circular A-63 is to be revised in the near future. Additionally, it seems that the responsibility for management of interagency and public advisory committees needs continuing attention in each of the major departments and agencies, both from the standpoint of assuring the observance of the guidelines governing such groups also in providing assistance to subordinate officials in the conduct and arrangements for such meetings. Much has been learned in and out of Government which can make such groups more useful and conducted in ways to save time and money.

Mr. Chairman, this concludes my statement. I will be pleased to answer any questions you may have.