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REPORT TO THE CONGRESS

UNITED STATES
GENERAL ACCOUNTING OFFICE

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BY THE COMPTROLLER GENERAL
OF THE UNITED STATES

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Better Followup System Needed To Deal With Recommendations By Study Commissions In The Federal Government

Greater benefits could be obtained from the work of special study commissions--which the Government often uses to get advice on national problem areas or issues--if an effective system were established to promptly and fully follow up the commissions' reports and recommendations.

The Office of Management and Budget should provide the leadership in the executive branch for evaluating such recommendations and developing plans for action. Legislative action also would be desirable to clearly specify



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To the President of the Senate and the
Speaker of the House of Representatives

This report discusses the need for effective followup systems in the Federal Government to consider study commission recommendations. The report recommends that the Office of Management and Budget provide the necessary leadership in the executive branch and that the Congress consider enacting certain legislative provisions when creating future study commissions.

We made our review pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

We are sending copies of this report to the Director, Office of Management and Budget; the heads of interested executive departments and agencies; and interested congressional committees.


Comptroller General
of the United States

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ABBREVIATIONS

EPA Environmental Protection Agency
GAO General Accounting Office
GSA General Services Administration
HUD Department of Housing and Urban Development
OMB Office of Management and Budget

D I G E S T

The Federal Government often uses special study commissions to examine problems or issues of national concern and to recommend action by the executive branch and the Congress.

In spite of the extensive study efforts and expenditure of large amounts of money, benefits expected from some of these studies are not being achieved because their recommendations are not being acted upon by the responsible Federal agencies.

This condition has been largely attributable to the absence of an effective followup system under which the executive branch would promptly take a position on the merits of commission recommendations and develop and execute a plan for adopting those which merit action. Also, because study reports sometimes take positions which members of the appropriate congressional committees do not find readily acceptable, they do not always receive strong backing and interest in the Congress.

GAO recognizes that not all study commission recommendations merit implementation but believes such studies call for careful executive and legislative branch consideration.

GAO recommends that the Office of Management and Budget provide the necessary leadership in the executive branch to establish effective followup systems on study commission recommendations. (See p. 29.)

GAO also recommends that the Congress consider the following actions:

- Legislation creating future study commissions specify as clearly as possible a commission's study objectives and an action program by the

executive branch to evaluate recommendations and carry out those meriting implementation.

--The Federal Advisory Committee Act be strengthened by requiring that the executive branch periodically report to the Congress on the status of action taken. This would be similar to the requirement in the December 1974 act creating the Commission on Federal Paperwork.

--The appropriate House and Senate committees having jurisdiction in the area covered by a study commission hold hearings about the commission's findings and recommendations to provide oversight over the executive branch action program and development of necessary legislative changes.
(See p. 29.)

GAO discusses two important study reports issued during the last 5 years which did not receive adequate consideration. These reports were issued by the Public Land Law Review Commission in June 1970 and by the National Water Commission in June 1973. (See chapters 2 and 3.)

Other similar examples, cited in this report, are the report by the National Commission on Urban Problems issued December 12, 1968, and the report by the National Commission on Materials Policy issued June 27, 1973.
(See pp. 14 and 16.)

By contrast, effective procedures have been instituted to evaluate and implement the recommendations in the December 1972 report by the Commission on Government Procurement. A satisfactory followup system evolved with participation by both the legislative and the executive branch and GAO performing a monitoring role. This system could well serve as a model for taking action on similar future studies. (See p. 18.)

The Office of Management and Budget concurs with this report's purpose and goal and the need for increased efforts by all branches and levels of government to consider study commission recommendations. The Office, however, does not agree with GAO's recommendations for new legislation to require more formal followup systems. (See p. 32.)

The Department of the Interior also agrees with the general thrust of the report and recommendations but cautions that study commissions are only advisory and the merits of their recommendations should not be presumed. The Department claims it has made use of appropriate commission recommendations although such actions may not have been documented in the manner contemplated by GAO. (See p. 36.)

CHAPTER 1

INTRODUCTION

The Federal Government frequently establishes special commissions to study national problem areas and to recommend action by the executive branch and the Congress for their solution. Often these commissions are created by an act of Congress and are authorized to spend millions of dollars. They make extensive and thorough studies, employing the know-how of many experts within and outside the Government, and after years of study present voluminous reports containing numerous recommendations for corrective action. Yet, often recommended actions are not taken and the responsible Federal agencies do not develop plans for implementing recommendations or justify their rejection. As a result, the benefits expected from the studies are not achieved, nor are they commensurate with the efforts expended in undertaking them.

Two notable examples of important study reports which were issued during the last 5 years and which did not receive adequate consideration are those by the Public Land Law Review Commission (issued June 20, 1970) and by the National Water Commission (issued June 14, 1973). These studies are discussed in some detail to demonstrate the need for a more effective system of analysis and, where appropriate, implementation of study commission recommendations. Other examples of major studies which have not received the attention needed to assure that their recommendations would be promptly considered and implemented are the report by the National Commission on Urban Problems issued December 12, 1968, and the report by the National Commission on Materials Policy issued June 27, 1973.

In contrast to the aforementioned studies, effective procedures are being followed to evaluate and implement the recommendations of the Commission on Government Procurement contained in its report of December 31, 1972. Although the authorizing legislation contained no specific requirement in this respect, a most satisfactory followup system evolved, with active participation by both the legislative and the executive branch, and with us performing a special monitoring role.

Our report also discusses the effectiveness of legislative requirements calling for specific action by the executive branch to evaluate and implement study commission recommendations. This discussion considers (1) the provisions of legislation authorizing individual study commissions and (2) the general requirement of the Federal Advisory Committee Act (Public Law 92-463) which provides for an executive branch

response to all public reports of presidential advisory committees or similar panels.

Our report presents proposals for strengthening legislative requirements and for making adequate organizational arrangements which will insure a satisfactory evaluation and, when appropriate, implementation of study commission recommendations.

CHAPTER 2

INADEQUATE FOLLOWUP ON REPORT BY PUBLIC LAND LAW REVIEW COMMISSION

CREATION AND PURPOSE

The Public Land Law Review Commission was created by Public Law 88-606, approved September 19, 1964 (43 U.S.C. 1391). The Commission was to make a comprehensive review of the public land laws of the United States and the rules and regulations promulgated under them. Because these laws had developed over a long period through a series of congressional acts that were not fully correlated and in some cases were possibly inadequate to meet the needs of the American people, the Commission was to determine whether and to what extent revisions were necessary. Another reason for the Commission's creation was that administration of the public lands and related laws had been divided among several Federal agencies.

The Commission was composed of 19 members. Twelve were Members of Congress who were selected from the Senate and House Committees on Interior and Insular Affairs and represented both parties in equal numbers. Six were Presidential appointees from outside the Government. These 18 appointed members elected the Chairman of the House Interior Committee at that time as Chairman of the Commission.

The Commission was to recommend such modification in existing laws, regulations, policies, and practices as would, in its judgment, best serve to carry out the policy that "* * * the public lands of the United States shall be (a) retained and managed, or (b) disposed of, in a manner to provide the maximum benefit for the general public." This policy was set forth in section 1 of the Commission's organic act.

The Commission was to submit its final report to the President and the Congress not later than December 31, 1968. It was to terminate 6 months after submitting the report or on June 30, 1969, whichever was earlier. Public Law 90-213, approved December 18, 1967, extended the target date for the report to June 30, 1970, and the termination date to December 31, 1970. This law also increased the funds authorized for the Commission from the \$4 million provided in Public Law 88-606 to \$7,390,000.

REPORT AND RECOMMENDATIONS

On June 20, 1970, the Commission submitted its report, entitled "One Third of the Nation's Land." The Commission's work, which began in January 1966 when the major staff

positions were filled, acquired a staff of up to 48 persons and extended over 4-1/2 years. It involved the undertaking of 33 individual studies, most of them done under contract, on public lands and their resources and contained the advice and counsel of 58 consultants. The report totals 289 pages, exclusive of appendixes, and contains 137 recommendations. In addition, the report sets forth basic concepts for long-range goals, objectives, and guidelines underlying the more specific recommendations and numerous unnumbered recommendations subsidiary to the numbered ones.

The recommendations are presented in 18 chapters under the following captions:

	<u>Number of recommendations</u>
Planning future public land use	15
Public land policy and the environment	12
Specific resources (eight chapters, one each on timber, range, minerals, water, fish and wildlife, intensive agriculture, outer continental shelf, and outdoor recreation)	61
Occupancy uses	12
Tax immunity	3
Land grants to the States	4
Administrative procedures	3
Trespass and disputed title	3
Disposal, acquisition, and exchanges	15
Federal legislative jurisdiction	2
Organization, administration, and budgeting policy	<u>7</u>
Total	<u>137</u>

Some of the recommendations require legislative action by the Congress, some can be implemented by administrative action in the executive branch, and others require both legislative and administrative action. The Commission, however, did not clearly designate who should take action on each recommendation.

IMPLEMENTATION OF RECOMMENDATIONS

In transmitting the Commission's report, the Chairman stated that the Commission's recommendations would support early implementation through executive and legislative action to assure equitable treatment of all citizens and make U.S. public land laws and their administration simpler, more effective, and truly for the maximum benefit of the general public.

There has been no systematic effort, however, to implement the Commission's recommendations. Many of the legislative proposals have not been enacted. It is difficult to determine to what extent individual recommendations have been implemented in the 5 years following issuance of the report.

The two agencies principally concerned with the administration of the public lands are the Departments of Agriculture and the Interior. One agency has gone on record in stating its views on what actions should be taken in response to the report, while the other has submitted information on actions taken or in process. However, the executive branch has not designated an action agency or official to formulate an overall policy or plan on what to do about the report's recommendations and did not establish a timetable or a followup system for implementing action.

On July 30, 1970, the Secretary of Agriculture submitted to the President, in response to a request by the White House staff, an analysis of the Commission's report. The Secretary's transmittal letter expressed general agreement with many of the report's recommendations but pointed out that the report raised some basic issues concerning public lands and their administration which needed further evaluation.

One of the enclosures to the Secretary's letter presented a list of issues requiring priority consideration by the executive branch, differentiating between six possible subjects for legislative proposals and seven for administrative action. The other enclosure presented a discussion of several important policy issues raised by the report followed by an analysis of individual report chapters. This enclosure stated that the Commission's report was complex and contained many ambiguities requiring considerable interpretation; therefore, no attempt was made to develop firm positions on some recommendations and those presented on many of the recommendations were only initial positions.

Officials of the Department of Agriculture and the Office of Management and Budget (OMB) said that there was no response to, or followup of, Agriculture's initial analysis and proposals for legislative and administrative action on behalf of the President.

The Department of the Interior, insofar as we could determine, did not prepare a formal analysis and evaluation of the Commission's recommendations similar to that by the Department of Agriculture. The only public record we could find of Interior's reaction to the report was a summary of actions taken or in process about 1 year after issuance of the report submitted during July 1971 hearings before the

Subcommittee on the Environment, House Committee on Interior and Insular Affairs. These hearings concerned consideration of the proposed Public Land Policy Act of 1971 (H.R. 7211, 92d Cong.), which had been introduced by the Chairman and other members of the Committee to implement the principles recommended by the Commission for the administration of the public lands.

At the request of the Subcommittee, the Department of the Interior placed in the hearing record a list of (1) proposed legislation submitted to the Congress, (2) regulations proposed or adopted, and (3) other actions taken by the Department or individual bureaus, with a cross-reference to the numbered Commission recommendations to which such action related. The list was headed by the administration-proposed National Resource Land Management Act of 1971 (H.R. 10049, 92d Cong.) which would institute a new organic act for the Bureau of Land Management and, as claimed by the Department, related to over 100 of the Commission's recommendations. The information submitted by Interior did not include specifics of how the proposed legislation related to the recommendations. The Department recommended enactment of its bill in preference over H.R. 7211 and pointed out its reasons in a July 22, 1971, letter to the Chairman.

In addition to the bills here cited, several other important legislative proposals relating to Federal land use and responsive to Commission recommendations were introduced, both at the request of the administration and at congressional initiative, in the 92d and 93d Congress but were not enacted. These proposals included a Land Use Policy and Planning Assistance Act passed by the Senate in 1972 and 1973 (S. 632, 92d Cong. and S. 268, 93d Cong.) but not by the House; an organic act for the Bureau of Land Management passed by the Senate in 1974 (S. 424, 93d Cong.) but not by the House; and legislation proposed by the administration to reform the mineral leasing law (S. 1040, 93d Cong.) but not acted upon in either House. Legislation in these key areas is again pending before the 94th Congress.

Although Agriculture and Interior devoted considerable effort to evaluating the recommendations of the Public Land Law Review Commission, there has been no concentrated and systematic effort to arrive at an overall position in the executive branch. The report concerned public land management policies of all Federal agencies--not only those of Agriculture and Interior. Also, the report raised complex and difficult issues concerning desirable Federal policies which, as pointed out in Agriculture's July 1970 analysis, required further evaluation.

Information submitted by Interior in July 1971 to the House Interior Subcommittee claimed that numerous administrative actions had been taken in response to many of the Commission's recommendations. But Interior did not explain whether these actions would fully satisfy the recommendations; what further actions, if any, were planned; and what disposition was to be made of other Commission recommendations not referred to in the listing.

Considering the broad Government-wide scope of the Commission's recommendations and their expressed intent to help bring about long needed reforms in public land management, we believe that a coordinated overall position in the executive branch should have been formulated which could then have served as a basis for developing and carrying out an effective action plan. Formulation of such a position also would have helped the Congress in seeking desirable solutions and initiating appropriate legislation.

CHAPTER 3

INADEQUATE FOLLOWUP ON REPORT BY NATIONAL WATER COMMISSION

CREATION AND PURPOSE

The National Water Commission was established by Public Law 90-515, approved September 26, 1968. It was composed of seven members appointed by the President from among knowledgeable persons not employed by the Government.

The Commission was to review present and anticipated national water resource problems, projecting water requirements and identifying alternate ways of meeting them. It was to consider economic and social consequences of water resource development, including impact on regional economic growth, institutional arrangements, and esthetic values affecting the quality of life of the American people.

The Commission was to consult with the Water Resources Council and furnish its proposed reports and recommendations to the Council for review and comment. The Commission's reports were to be submitted simultaneously to the President and the Congress. The Council's views on such reports were also to be submitted simultaneously to the President and the Congress. Furthermore, the President was to transmit with the Commission's final report to the Congress such comments and recommendations for legislation as he deemed appropriate.

The Commission was to terminate not later than 5 years from the date of the enacting legislation.

The act authorized an appropriation of \$5 million for the Commission's work.

REPORT AND RECOMMENDATIONS

On June 14, 1973, the National Water Commission submitted its final report as provided under its organic act. The report is a document of over 500 pages and contains 232 recommendations, together with a number of conclusions covering almost all aspects of water resource problems that the Nation may face.

The Commission employed a staff of 35, counting those who served for a year or more, and 9 principal consultants. It had contracted for 62 background studies--the reports on which are available through the Department of Commerce's National Technical Information Service. In addition, the Commission had prepared and published a summary digest of Federal water laws and programs and a summary digest of State water laws.

The Commission's recommendations were presented under the headings of 15 chapters, as follows:

<u>Chapter heading</u>	<u>Number of recommendations</u>
Water and the natural environment	4
Water pollution control	16
Improving water-related programs	44
Procedures for resolving differences over environmental and developmental values	4
Making better use of existing supplies	69
Interbasin transfers	5
Means of increasing water supply	7
Better decisionmaking in water management	18
Improving organizational arrangements	26
Water problems of metropolitan areas	6
Federal-State jurisdiction in the law of waters	10
Indian water rights	6
Paying the costs of water development projects	6
Financing water programs	3
Basic data and research for future progress	<u>8</u>
Total	<u><u>232</u></u>

The recommendations were addressed in part to the Congress, in part to the executive branch, and in other parts to States or local agencies.

IMPLEMENTATION OF RECOMMENDATIONS

As required in the authorizing legislation, before submitting its final report the Commission consulted with the Water Resources Council. The Council acted as coordinating agency in the executive branch and provided its comments to the Commission during various stages of the draft report. The Council, however, did not, insofar as we could ascertain, comply with that part of the legislation which provides for submission of its views on the Commission's report to the President and the Congress. Neither did the President transmit comments and recommendations for legislation.

Our review indicated that the only public record of an executive branch response was made during hearings held by the Subcommittee on Water and Power Resources of the Senate Committee on Interior and Insular Affairs on July 17, 1973. At this hearing the Subcommittee received testimony from representatives of the Water Resources Council acting as spokesmen for the administration's position on the Commission's recommendations. Since the member agencies of the Council administer most Federal water programs, the Subcommittee Chairman considered them to be in a good position to provide technical advice concerning the impact which the Commission's recommendations would have if they were implemented.

The spokesman for the Council pointed out that his comments to the Subcommittee were only of a general nature and addressed only a few highlights of the Commission's report. He stated that the Council would conduct a more complete review, as required by Public Law 90-515, and that Council views would be submitted in a series of reports to the President and the Congress. This submission, however, apparently was not made.

In addition to responding to specific questions raised by members of the Subcommittee, the Council furnished written answers to 33 questions posed by the Subcommittee Chairman for inclusion in the hearings record. Neither the testimony during the hearings nor the material subsequently entered into the hearings record presented firm positions by the executive branch and both left open what action, if any, would be taken or proposed to implement the Commission's recommendations.

The Council's spokesman acknowledged that the National Water Commission's report represented the most significant review and examination of water and land resources policy since the Senate Select Committee on National Water Resources had completed its study in 1961. He expressed the belief that the report would have a profound effect on the Nation's water resources for years to come and that the Government was indebted to the Commission for its efforts.

Very little action, however, has been taken in response to the Commission's report and no legislative proposals have been made. It is generally recognized that an important reason for this lack of action has been the fact that the Commission took certain positions toward the solution of current and anticipated water problems which the members of cognizant congressional committees and representatives of the principal Federal water resource agencies did not find readily acceptable.

In particular, the Commission stressed throughout its report the need for cost sharing by non-Federal beneficiaries of water resources projects, because the economic justification for such projects should be based on the willingness to pay the full costs of the benefits received. Also, the Commission recommended discontinuing subsidized irrigation for agricultural purposes, on the basis of the assumption that the United States can produce enough food and fiber by using available land resources. Moreover, the Commission took a position different from that expressed by the Congress in the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500, October 18, 1972) with respect to the feasibility and desirability of meeting national water quality goals. The Commission considered the goal of eliminating pollutant discharges into national bodies of water by 1985 impractical and unattainable and advocated greater flexibility in the administration of the Federal grant program for constructing municipal waste-treatment plants.

Since issuance of the report, a few actions have been taken administratively or legislatively which correspond to recommendations in the Commission's report. For example:

- Use of nonstructural measures in flood control programs, such as flood plain regulation, was authorized in the Water Resources Development Act of 1974 (title I of Public Law 93-251, Mar. 7, 1974).
- A procedure for deauthorizing certain projects that have not been funded for an undue length of time was instituted by the same 1974 act.
- A new Office of Water Research and Technology was created in July 1974 by the Department of the Interior, although a broader concentration of water research programs in the Federal agencies, which was recommended by the Commission, was not accomplished.

To consider the controversial issue of cost sharing, the Water Resources Council established an interagency task force which presented in August 1973 an analysis of the significant problems involved, but the Council decided to take no further action. Another issue dealt with by the Commission, the subject of Federal water rights and their delineation from State and individual rights, was made a special project by the Council in cooperation with the Department of Justice. The project was to provide a new legislative basis for regulating water rights of the Federal Government, the States, and private citizens. Officials of the Council said that acceptable draft legislation had not been completed, principally because of objections raised by State representatives to a draft circulated by the Justice Department.

The Department of the Interior, in commenting on follow-up measures taken on the National Water Commission's report (see app. II), calls attention to section 80 of Public Law 93-251, which directs the President to fully study principles and standards for planning and evaluating water and water-related resource projects. The study is to include the interest formula to be used in evaluating and discounting future benefits and appropriate Federal and non-Federal cost sharing. The Department believes this provision is evidence that the Congress was not satisfied with the Commission's recommendations on these subjects and that deficiencies in the followup system on the report were not as serious as suggested in our report.

The legislative committee reports dealing with section 80 do not appear to support the Department's view because they contain no mention of the Commission's report. Our discussions with the staffs of cognizant congressional committees indicated that section 80 was enacted principally to preclude administrative action to change the formula for determining the discount rate applied to Federal water resource projects without prior congressional approval. Section 80 also was to afford the President and the Water Resources Council the opportunity to submit, after appropriate study of the underlying principles and standards, alternative legislative proposals for the interest rate formula and for cost sharing.

Although the Commission's report raised complex and controversial issues, we believe that a careful analysis of the Commission's positions and an objective evaluation of the advantages and disadvantages of proposed solutions would have assisted the President and the Congress in reaching informed views on these issues. Moreover, the Commission's authorizing act specifically provided for an expression of views by the Water Resources Council and legislative recommendations by the President as he deemed appropriate.

The Water Resources Council, in commenting on our report (see app. III), acknowledges that it is factual and accurately states the Council's actions. The Council did not explain why its views had not been submitted to the Congress.

The Council, however, advises that it is aware of the need to act upon unresolved matters including followup on the Commission's recommendations. Primary attention is being directed to cost sharing and Federal water rights. The matter of cost sharing is being considered by the Council in connection with the Presidential study required under section 80 of Public Law 93-251--responsibility for which the President assigned to the Council. In the matter of Federal water rights, the Council is developing a legislative position after considering the views expressed by representatives of State governments.

The Council mentions other actions which demonstrate its concern with the issues raised in the National Water Commission's report and which will result in administration positions on many of the Commission's recommendations. The Council expects to produce a series of actions leading to a final administration response, including Executive orders and legislative proposals.

CHAPTER 4

REVIEW OF FOLLOWUP PROCEDURES FOR SELECTED STUDY COMMISSION REPORTS

From the many study commissions which have been created to advise the Government on important national issues, we have selected three whose reports we believe are notable because they are examples of reports which (1) did not receive deserved attention, (2) were evaluated but no action program was developed, or (3) received prompt and constructive consideration by the executive and the legislative branch. The examples are:

- December 1968 report entitled "Building the American City" by the National Commission on Urban Problems. The report received insufficient consideration by the executive branch, largely because of a lack of agreement on the Commission's scope of authority.
- June 1973 report entitled "Material Needs and the Environment Today and Tomorrow" by the National Commission on Materials Policy. An executive branch response was prepared in compliance with the Federal Advisory Committee Act, but no followup system was established for implementing the recommendations.
- December 1972 report by the Commission on Government Procurement. A satisfactory followup system evolved, with the cooperation of both the legislative and the executive branch, which could serve as a model for future similar studies.

NATIONAL COMMISSION ON URBAN PROBLEMS

The President appointed this Commission on January 12, 1967, to review, in cooperation with the Department of Housing and Urban Development (HUD), zoning, housing and building codes, taxation, and development standards because they had not kept pace with the times and had given rise to many of the ills of urban life. The Commission was to recommend solutions, particularly those in which the efforts of the Federal Government, private industry, and local communities could be marshalled to increase the supply of decent low-cost housing. The Commission was composed of 16 private citizens headed by former Senator Paul H. Douglas.

A congressional mandate for the Commission's task was included in section 301 of the Housing and Urban Development Act of 1965 (Public Law 89-117, Aug. 10, 1965) which required a predecessor agency of HUD to study housing and building

codes, zoning, tax policies, and development standards and to report to the President and the Congress. An appropriation of \$1.5 million was granted for the study.

The Commission transmitted its report entitled "Building the American City" to the Congress and the President on December 12, 1968. The report totaled 500 pages and included 150 recommendations. To arrive at its conclusions, the Commission had made onsite inspections and held public hearings and its staff of 46 professionals and administrative assistants together with outside consultants had engaged in over 40 detailed research projects and studies, many of which resulted in the issuance of publications.

Conversations we had with HUD officials and former members of the Commission staff indicated that HUD took no specific implementing action as a result of the Commission's report. We were informed that no official or office within HUD was assigned responsibility to formulate positions on the report's findings and recommendations and to set up a followup system for implementation. HUD officials pointed out that some of the report's recommendations may have influenced later conduct of housing programs; however, they could point to no program actions resulting directly from the Commission's report.

The former executive director of the Commission said that several recommendations were adopted and incorporated into subsequent housing legislation, but this was done at the initiative of interested Members of Congress and not at the request of the executive branch. HUD's failure to establish a followup system may be attributable to some extent to a jurisdictional dispute between the Commission and HUD. The 1965 act had made a predecessor agency of HUD responsible for carrying out the required study, rather than a Presidential study commission, and HUD considered the scope assigned to the Douglas Commission broader than warranted under the mandate of the legislation. Also, the timing of the report's submission in December 1968, when a change in the national administration was imminent, adversely affected consideration of the report. The former executive director told us that the incoming Secretary of HUD showed some interest in the Commission's recommendations but did not order a further followup.

We believe that the disappointing results of the study on urban problems highlight the importance of (1) writing a clear congressional or Presidential charter when establishing such a study commission, (2) defining its objectives and scope of authority, and (3) assuring the full cooperation of the executive agencies having responsibilities in the appropriate area. Also, there should be a commitment on the part of the executive branch to support the study commission's efforts and thoroughly consider its findings.

NATIONAL COMMISSION ON MATERIALS POLICY

The Commission was established by the National Materials Policy Act of 1970 (title II of Public Law 91-512, Oct. 26, 1970). Its task was to develop a national materials policy which would utilize resources and technology more efficiently; to anticipate future national and world materials requirements; and to make recommendations on the supply, use, recovery, and disposal of materials. The enabling act authorized an appropriation of \$2 million for the study.

The Commission consisted of seven members appointed by the President from Government service and the private sector for their special qualifications and demonstrated competence. A former mineral industry executive and Bureau of Mines Director was named executive director. A full-time staff of about 25 was hired, industry advisory panels were formed, 8 university symposia were held, and extensive information was supplied by Government departments and agencies.

In June 1973 the Commission issued its final report, "Material Needs and the Environment Today and Tomorrow," addressed to the President and to the Congress. Throughout the report the Commission stressed a national policy which would strike a balance between providing adequate energy and materials supplies and protecting the environment. In addressing this policy the Commission presented 12 summary and 177 more specific recommendations.

In October and November 1973, the Subcommittee on Minerals, Materials, and Fuels of the Senate Committee on Interior and Insular Affairs held hearings on the Commission's report. The Subcommittee received testimony from the Commission's former Chairman and executive director and from representatives of the Departments of Commerce and the Interior and the Environmental Protection Agency (EPA). Interior's representative pointed out that there was a large area of common coverage and agreement between the Commission's report and the Secretary's second annual report of June 1973 under the Mining and Minerals Policy Act of 1970 (Public Law 91-631, Dec. 31, 1970). He explained that, therefore, many of the Commission's 177 recommendations were encompassed by the 9 broader ones in the Interior report. Interior, however, would be responsible for coordinating the Federal effort in making further recommendations based on the Commission's study.

OMB designated the Department of the Interior as the lead agency to develop an executive branch response as required by the Federal Advisory Committee Act. With the advice and assistance of a task group and subcommittee of the Domestic Council, in November 1974 Interior submitted to OMB a proposed response which OMB cleared and forwarded to both Houses

of the Congress on April 21, 1975. This response was published as House Document No. 94-121, dated April 30, 1975, under the title "Actions on the Recommendations of the National Commission on Materials Policy."

This document presents executive branch positions in terms of "concurrence," "concurrence in principle," "disapproval," or "seek more information" and describes certain executive agency actions underway or planned which would meet the Commission's recommendations. The document, however, is not specific regarding the nature and timing of the action to be taken and therefore cannot be considered an effective vehicle for implementing the recommendations.

For example, in chapter 8, which deals with water resources, Commission recommendation 8.4 calls for improved utilization and conservation of groundwater through early completion of surveys of the Nation's major aquifers, using them for planning the optimum management of ground and surface supplies, and monitoring aquifers from which substantial withdrawals are being made. The executive branch response expressed concurrence in principle and stated that "Interior and Agriculture are working toward these ends. Increased activity will be required."

Other responses to recommendations with which the executive branch expressed concurrence or concurrence in principle described the actions to be taken in general language such as "current efforts are underway," "efforts are being made," or "interested agencies are fully involved in the question" but gave no further particulars.

Our discussions with OMB, Interior, and EPA officials indicated that no formal followup system for implementing the Commission's recommendations was contemplated. We were informed that Interior's and EPA's regular program activities would accomplish most of the actions recommended by the Commission and that a separate mechanism to insure their implementation was not needed. These officials pointed out that the very general nature of the Commission's recommendations made it difficult for the executive agencies to formulate specific action plans. The task group and subcommittee of the Domestic Council, when drafting an executive branch response, noted that some of the recommendations were simplistic and subjective, that some were inappropriately worded or did not reflect ongoing activities in the executive agencies, and that there was no clear ordering of priorities.

In the hearings before the Senate Subcommittee, the Commission's former Chairman pointed out that the limited budget and very short life given the Commission made it necessary to

restrict it to basic issues of policy and not to recommend specific new legislation that would meet urgent national requirements.

We believe that the results of the study on a national materials policy could have been more beneficial if it had been directed to more specific problem areas and had specified recommended actions. Also, preparation of an executive branch response, as required by the Federal Advisory Committee Act, is not enough to insure successful implementation of a study commission's report. Effective machinery for implementation and follow through must be established and monitored on the highest level in the executive branch.

COMMISSION ON GOVERNMENT PROCUREMENT

The Commission was created by Public Law 91-129 in November 1969 to study and recommend to the Congress methods to promote economy, efficiency, and effectiveness in procurement by the executive branch. The law provided for a bipartisan, 12-member body, including 2 members from each House of Congress and a public member appointed by each House, 2 members of the executive branch and 3 public members appointed by the President. Also, the Comptroller General was designated as a member.

The collection and analysis of massive amounts of materials was accomplished with the help and advice of Government, industry, and the academic community. Altogether the services of almost 500 persons were loaned to the Commission on a full- or part-time basis, some for periods exceeding a year.

In the course of the study, more than 400 problems and issues were identified and divided among 13 study groups and several special teams. The study was organized to provide indepth coverage of

- the environment in which procurement occurs,
- the sequence of procurement events, and
- the types of procurement undertaken by the Federal Government.

The products of more than a year's intensive work by the study groups were presented to the Commission in reports totaling over 15,000 pages.

Following its 2-1/2 years of study the Commission submitted its final report to the Congress in December 1972.

The report consists of 4 volumes containing 149 recommendations interspersed throughout the 10 parts into which the report is divided. The Commission designated 63 of these recommendations as requiring legislative action.

The followup system which evolved to consider and act on the Commission's recommendations is comprised of three interdependent elements:

- The executive branch promptly established a formal action program.
- We performed a special monitoring role at the request of a congressional committee.
- The cognizant congressional committees provided legislative oversight and initiative to enact needed legislation.

Executive branch action program

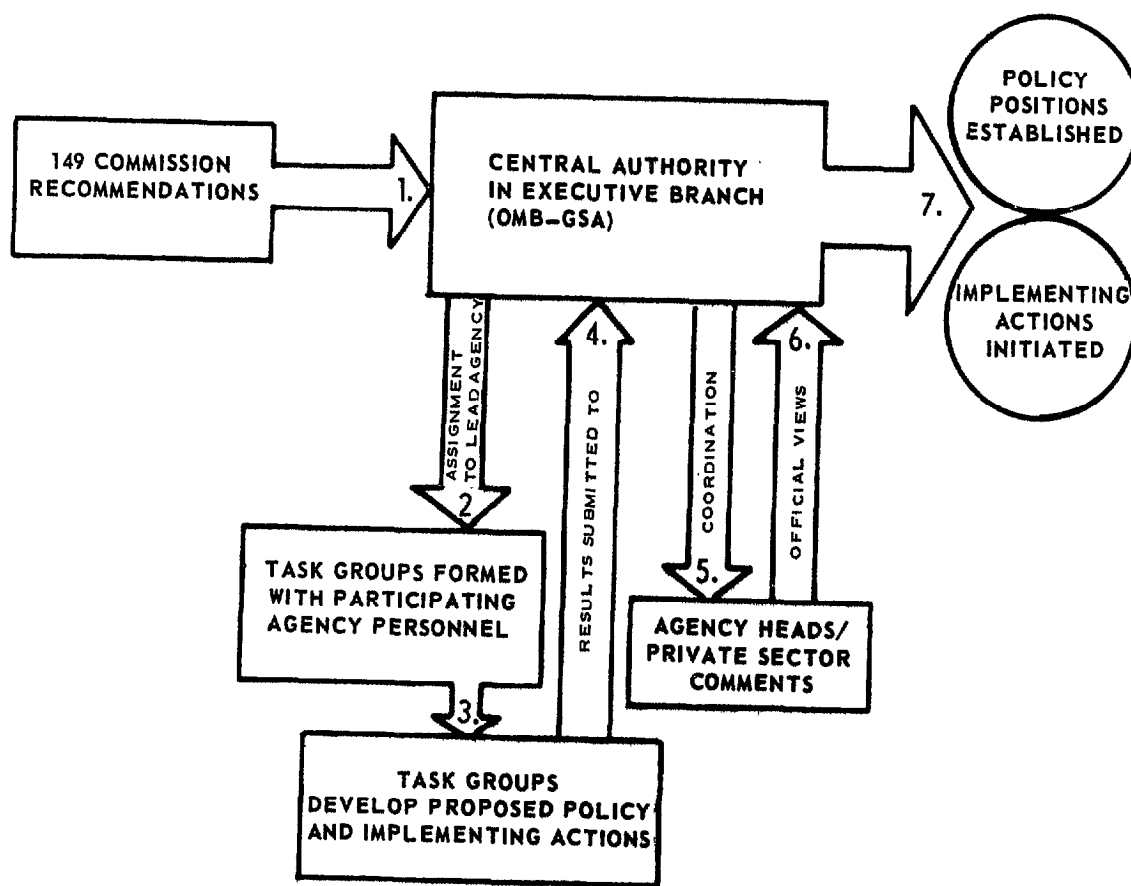
Soon after the Commission submitted its report in December 1972, OMB as a central authority in the executive branch established the following two-phase action program: first, to develop an executive policy on each recommendation and, second, to formulate the requisite implementing action.

OMB assigned responsibility for individual recommendations or groups of recommendations to particular Federal agencies with special background and interest to take the lead in developing an executive policy position and, if appropriate, an implementing proposal. Representatives from other Federal agencies having an interest in the recommendations were asked to participate with each lead agency to form an interagency task group. The total program consists of 14 lead agencies and 74 task groups. OMB designated the General Services Administration (GSA) to act as executive branch program coordinator. A group of top policy officials from the larger procurement agencies have been acting as advisors to GSA throughout the program.

The executive branch program requires the task groups to submit reports to GSA with proposals and supporting rationale for accepting, modifying, or rejecting the Commission recommendations. If GSA considers the task group's report satisfactory, it is forwarded to all affected Federal agencies for official comment. If appropriate, private sector comments are also obtained. Consideration of Federal agency and private sector comments culminates in an official executive policy to accept, modify, or reject a recommendation. Major policy, such as legislation, or controversial matters are referred to OMB for final decisions.

The second phase involves putting recommendations into effect through implementing actions. These include drafting legislation, unless the Congress has already sponsored the legislation, or developing a directive or regulation with Government-wide application.

The following chart shows the executive branch operating cycle and the sequence of steps followed in formulating positions and implementing actions on the Commission's recommendations.



GAO monitoring

Concurrently with establishment of the executive branch program to act on the Commission's recommendations, the House Committee on Government Operations asked us to monitor this program's progress. As of mid-1975, we had issued five progress reports.¹ A sixth report is planned for release in the fall of 1975. These reports track the progress and status of executive action on each of the 149 recommendations. They also provide an overall evaluation of the program and identify executive branch actions on specific recommendations needing management attention.

Legislative initiative and oversight

Several months after the Commission submitted its report, the Senate Committee on Government Operations established a special subcommittee to follow up on the recommendations. An existing subcommittee of the House Committee on Government Operations undertook a similar responsibility. These two subcommittees have initiated bills implementing the Commission's legislative recommendations, held hearings on such legislation, and acted as coordinator with other interested committees. The Senate subcommittee also held oversight hearings on the executive branch action program,² and the House Government Operations Committee was planning similar oversight hearings.

The results of the program indicate that a majority of the Commission recommendations will be accepted, a few modified, and perhaps 10 to 15 percent of them rejected. Some legislation has been enacted and a number of other bills before the 93d Congress have been reintroduced and are pending in the 94th Congress. The most significant legislation enacted was Public Law 93-400 which created the Office of Federal Procurement Policy within OMB. This Office became the central authority in the executive branch for all procurement policy matters in the Federal Government.

Although progress has been made, more remains to be done in completing the implementing actions for all of the Commission's recommendations. Followup on the second phase of the

¹B-160725, June 19 and September 19, 1973, and January 31, 1974; PSAD-75-6, July 31, 1974; and PSAD-75-61, March 17, 1975.

²Hearings before the Subcommittee on Federal Spending Practices, Efficiency and Open Government, Senate Government Operations Committee, April 21, 1975.

executive branch program is to be accomplished by the Office of Federal Procurement Policy with participation by GSA and designated executive branch agencies.

It should be noted that the effectiveness of the followup system for this study report may well be attributable to the fact that none of the three elements comprising the system has a vested interest in maintaining the status quo. Rather, the elements complement each other and are working in concert toward achieving the progressive response the Commission envisioned.

CHAPTER 5

STATUTORY FOLLOWUP REQUIREMENTS NEED STRENGTHENING

The legislation establishing individual study commissions generally does not provide for specific action by the executive branch to evaluate and, if appropriate, to implement recommendations contained in the commissions' reports. An exception was Public Law 90-515, the act creating the National Water Commission, which provided for submission of executive branch views and legislative recommendations to the Congress when the Commission had transmitted its final report. As previously discussed, however, no views or legislative recommendations were submitted.

The enactment of Public Law 92-463, the Federal Advisory Committee Act, in October 1972 introduced a general requirement for an executive branch response to all public reports of Presidential advisory committees or similar panels. Compliance with this requirement, however, does not necessarily assure an adequate implementation and followup system, unless appropriate organizational arrangements are made for this purpose. This was not done, for example, for the report of June 1973 by the National Commission on Materials Policy, as discussed in chapter 4.

A more effective statutory arrangement for followup is contained in the recently enacted legislation to create a Commission on Federal Paperwork (Public Law 93-556, Dec. 27, 1974). This act requires OMB, in coordination with the executive agencies, not only to evaluate and implement, to the extent practicable, the Commission's recommendations and to propose needed legislative changes but also to periodically report to the Congress and the President on the status of such action.

The provisions of Public Laws 92-463 and 93-556 are further described in the following paragraphs.

REQUIREMENTS OF FEDERAL ADVISORY COMMITTEE ACT

The Federal Advisory Committee Act (Public Law 92-463, approved Oct. 6, 1972) contains a legislative requirement for executive branch action which is applicable to all public reports of "Presidential advisory committees." The act defines this term as an advisory committee which advises the President. The term "advisory committee" is defined as any committee, board, commission, council, conference, panel, task force, or similar group, or any subcommittee or other subgroup thereof which is established by statute, reorganization plan, the President, or by one or more executive agencies

in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government.

Section 6(b) of the Federal Advisory Committee Act provides that within 1 year after a Presidential advisory committee has submitted a public report to the President he or his delegate shall report to the Congress, stating either his proposals for action or his reasons for inaction with respect to the recommendations contained in the public report.

Section 6(a) provides that the President may delegate responsibility for evaluating and taking action, where appropriate, with respect to all public recommendations made to him by Presidential advisory committees. The House Committee on Government Operations, in reporting out the bill which became Public Law 92-463, explained that this provision was intended to prevent a situation such as one that arose with the report of the National Commission on Urban Problems, whose final report the White House staff refused to accept. (The report of the National Commission on Urban Problems is one of the study reports discussed in chapter 4.)

The House Committee on Government Operations explained in its report the rationale for the followup procedure required of the President by quoting from an earlier House report in 1970 as follows:

"This procedure would help to justify the investment of advisory groups and their utilization. It would assure that Government funds would not be wasted but used as economically and efficiently as possible. Because this procedure provides for accountability to the public and the Congress, it would insure more discriminating use of advisory groups."

OMB, pursuant to Executive Order 11769 of February 21, 1974 (superseding Executive Order 11686, Oct. 7, 1972), administers the provisions of the Advisory Committee Act. OMB has issued instructions to heads of departments and agencies for the act's implementation and for delegation of functions assigned to the President and from time to time designates the Federal agencies responsible for specific advisory committees.

SPECIAL REQUIREMENT FOR COMMISSION ON FEDERAL PAPERWORK

Recently enacted legislation establishing a Commission on Federal Paperwork (Public Law 93-556, Dec. 27, 1974) contains a special requirement to assure effective followup by

the executive branch on the recommendations which this Commission may present in its final report.

Section 3(d) requires that OMB, in coordination with the executive agencies, shall take action to

- formulate the views of the executive agencies on the Commission's recommendations;
- the extent practicable within the limits of their authority and resources, carry out Commission recommendations in which they concur; and
- propose legislation needed to carry out or to provide authority to carry out other recommendations in which they concur.

In addition, at least once every 6 months, OMB shall report to the Congress and to the President on the status of action taken or to be taken. A final status report is to be submitted within 2 years after submission of the Commission's recommendations.

The above requirements for executive implementation were included in the legislation at our suggestion. In testifying before the Subcommittee on Legislation and Military Operations of the House Committee on Government Operations, we noted that the bill then under consideration did not provide any requirements for the executive branch to report on and implement the Commission's recommendations. Given the magnitude of the problem, the broad scope of work to be completed by the Commission, and the potential for extensive changes to be recommended, we recommended that consideration be given to such a requirement.

PROPOSAL TO STRENGTHEN LEGISLATION

In the case of the National Water Commission, the authorizing act provided specifically for executive branch views and legislative recommendations in response to the Commission's report, but none were submitted.

In the case of the Commission on Government Procurement, an effective followup system evolved without a specific requirement in the legislation authorizing the Commission.

In the case of the National Commission on Materials Policy, there was compliance with the Presidential response required by the Federal Advisory Committee Act--although not within the 1 year prescribed by the act--but no followup system was established to assure implementation of those

recommendations with which the executive branch expressed concurrence.

These developments, however, should not lead to the conclusion that a legislative requirement for followup is not meaningful or necessary. We believe that a requirement similar to that contained in the act establishing the Commission on Federal Paperwork provides a useful device for promoting and accelerating executive branch followup action. We therefore believe that future legislation authorizing the creation of a study commission should include such a requirement.

The period of 2 years, which Public Law 93-556 prescribes for submitting a final status report on the implementation of the Federal Paperwork Commission's recommendations, may not be realistic in the case of other study commission reports to cover the actual period needed for their implementation. The Commission on Government Procurement, for example, submitted its report in December 1972 and 2-1/2 years later much remains to be done to accomplish all necessary implementing actions. The period allowed for implementation, therefore, should be tailored to the scope expected to be covered by the study and the magnitude of the task of implementing the study recommendations.

Further, as a matter of general legislation, we believe that the Federal Advisory Committee Act could be strengthened to require periodic reporting to the Congress on the status of such implementing actions by the executive branch, with a final report at the end of a period within which full implementation may be reasonably expected.

OMB informed us (see app. I) that it did not agree that there was a need to amend the Federal Advisory Committee Act to require the executive branch to develop followup systems and report to the Congress on the status of actions taken on recommendations made by each study commission.

OMB believes that the proposed amendment of Public Law 92-463 would dilute the thrust of this act, which is to control the establishment and operations of advisory committees --but not necessarily study commissions--and that it would be incongruous to place study commissions under some provisions of the act (reporting on followup) but not under others. OMB further believes the additional reporting requirements would be substantial and without identifiable benefit.

We note that Public Law 92-463 now covers, by virtue of its broad definition of "Presidential advisory committee," study commission reports and makes them subject to the evaluation and followup report requirements of section 6(a) and (b).

Our proposal to supplement these requirements by periodic status reports would not seem to be an unreasonable extension of the reporting duty of the President or his delegate. The administrative burden and complexity of such reporting would vary according to the nature and magnitude of the study report. However, the establishment of an effective followup system in the executive branch with clearly assigned responsibilities to affected agencies and target dates set for analysis, evaluation, and implementation action should greatly facilitate the additional reporting task.

CHAPTER 6

CONCLUSIONS, RECOMMENDATIONS, AND EXECUTIVE BRANCH COMMENTS

CONCLUSIONS

The unsatisfactory consideration of study reports in the past can be largely attributed to the absence of an effective followup system by the executive branch. Such a system is needed to insure that the executive agencies having responsibilities in the areas covered by the study commission promptly and thoroughly analyze and evaluate the commission's recommendations, that these evaluations are coordinated and reconciled for the purpose of a unified executive branch position, and that such position is appropriately publicized and communicated to the congressional committees having legislative oversight.

The evaluation of commission recommendations should lead to affirmative action on recommendations with which the executive branch agrees or to legislative proposals if congressional action is needed to provide new authority or modify existing legislation. On the other hand, the reason for executive branch disagreement with recommendations should be clearly stated.

After the executive branch has decided upon a plan of action, the plan should be properly time-phased and periodic reports should be submitted to the Congress on the progress made, problems encountered, and remaining actions to be taken.

It appears that, in the case of some study commission reports, an impediment to the executive branch taking effective action has been the overly general nature of the commission reports. These reports did not (1) pinpoint specific remedial action to be taken, (2) clearly identify the agency that should take the action, and (3) fully recognize any recently passed legislation or executive activities underway that would solve some of the problems discussed in the reports.

We believe it essential that the legislation establishing a study commission clearly spell out its objectives and the particular problems or issues to which its recommendations should be directed. Further, we believe it would be desirable for the legislation to prescribe the procedures to be followed in establishing an effective followup system. In the case of the Commission on Government Procurement, a satisfactory followup process evolved on a voluntary basis without a statutory requirement. In many situations, however, a specific followup requirement in the authorizing legislation

would serve a useful purpose by setting forth the manner and the time period for acting on a study commission's recommendations. The act establishing the Commission on Federal Paperwork represents a step in this direction because it contains a requirement for OMB to prepare periodic status reports for the Congress and the President during a 2-year period.

Since enactment of the Federal Advisory Committee Act, all future study commission reports--which come under the act's definition of Presidential advisory committees--will require the President or his delegate to report to the Congress his proposals for action or inaction within 1 year from issuance of the study report. This requirement could be strengthened by incorporating in the act the further provision, similar to that applicable to the Commission on Federal Paperwork, that the President or his delegate submit periodic status reports on actions taken or to be taken until the commission recommendations that have been accepted are carried out.

While such statutory requirements should help to promote and accelerate followup action by the executive branch, we further believe that continuing interest and concern on the part of legislative committees of the Congress are needed to provide a public forum for, and to actively monitor, the efforts of the executive branch. Also, committee action is essential to initiate proposed changes in legislation. The active roles performed by the House and Senate Committees on Government Operations in implementing recommendations of the Commission on Government Procurement have been an important factor in the effectiveness of the followup process.

RECOMMENDATIONS TO THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

We recommend that the Director, OMB, provide the necessary leadership in the executive branch to establish effective followup systems on recommendations that may be presented as a result of the work of study commissions. To this end OMB should, in addition to administering the reporting duties imposed on the President by the Federal Advisory Committee Act, designate the Federal agencies to take specific actions, coordinate them with other affected agencies, and set time targets for accomplishing those actions that have been agreed upon.

RECOMMENDATIONS TO THE CONGRESS

We recommend that the Congress, when considering legislation creating future study commissions, specify as clearly as possible the commission's study and reporting objectives

and include appropriate requirements for an executive branch action program to evaluate commission recommendations and carry out those meriting implementation.

We also recommend that the Congress consider strengthening the provisions of the Federal Advisory Committee Act (which now call for an executive branch response to all public reports by Presidential advisory committees) by adding a requirement that the President or his delegate shall periodically report to the Congress on the status of action taken or to be taken in carrying out accepted recommendations. We suggest the following language be added to section 6(b):

"Subsequently, at least once every year, the President or his delegate shall report to the Congress on the status of action taken or proposed to be taken in carrying out accepted recommendations. A final report shall be submitted when all such recommendations have been carried out to the extent practicable within the President's authority."

Further, we recommend that the appropriate congressional committees hold hearings about the findings and recommendations presented by future study commissions for the purpose of providing oversight over the executive branch action program, including compliance with any reporting requirements imposed by the act creating the commission, and developing the legislative changes necessary for implementation of the commission recommendations.

EXECUTIVE BRANCH COMMENTS

Comments by OMB and Interior on this report are summarized below and enclosed in full as appendixes I and II. HUD informed us that it had no comments on the section in our report dealing with the National Commission on Urban Problems. The comments by the Water Resources Council are summarized at the close of chapter 3 and enclosed in full as appendix III.

Comments by OMB

OMB concurs with the purpose and goal of our report and regards efforts to improve followup on study commission reports extremely important and essential to good management. OMB, however, cautions against establishing too formal a followup system as it may become burdensome. OMB pointed out that frequent lack of precision and practicability have been major reasons why some commissions' recommendations have not been favorably considered.

OMB therefore agrees with our recommendation that the authorizing legislation specify as clearly as possible a commission's study and reporting objective. OMB also agrees that it should provide leadership in seeing that study commission recommendations are adequately considered but does not agree that there is a need to amend the Federal Advisory Committee Act to strengthen followup reporting requirements.

OMB proposes that a commission's enabling legislation should require it to obtain executive agency comments on a draft report rather than on a final report. We note that the legislation creating the National Water Commission required the Commission to furnish its proposed reports and recommendations to the Water Resources Council for review and comment. In addition, the law required the Council's views on the Commission's final report. Our review showed that the Commission did obtain executive agency comments on its proposed report. We were advised by the executive agencies, however, that it gave little recognition to these comments in formulating positions taken in the final report.

We acknowledge the importance of obtaining executive agencies' views, as evidenced by our own practice of soliciting such comments before submitting our reports to the Congress. More important, however, from the standpoint of congressional oversight is the need to insure prompt consideration of a commission's final report so that all affected executive agencies will evaluate the merits of the commission's recommendations and initiate appropriate implementing action.

Comments by Interior

Interior agrees with the general thrust of our report and recommendations. It emphasizes, however, that study commissions are only advisory and that the merits of their recommendations should not be presumed. It points, in particular, to legislative action by the Congress which evidenced congressional dissatisfaction with the National Water Commission's recommendations.

Interior claims that it has made use of appropriate recommendations by both the Public Land Law Review Commission and the National Commission on Materials Policy in considering legislative proposals on subjects covered by these commissions. Interior also claims substantive administrative action on a number of the commissions' recommendations has been taken. It concedes, however, that these actions may not be documented in the manner contemplated in our report.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

SEP 17 1975

Mr. Victor L. Lowe
Director
General Government Division
U.S. General Accounting Office
Washington, D. C. 20548

Dear Mr. Lowe:

We have reviewed the draft report prepared by your office entitled, "Need for Effective Followup System to Implement Recommendations by Study Commissions in the Federal Government."

The report examines the efforts of the executive and legislative branches of government to implement the recommendations made by three study commissions during the last five years. The report alleges that the recommendations of two of these commissions did not receive adequate consideration: those made in 1970 by the Public Land Law Review Commission and those made in 1973 by the National Water Commission. By contrast, the report cites the effective follow-up system that was instituted by OMB to evaluate and implement the recommendations that were made in 1972 by the Commission on Government Procurement. The draft report sees the Procurement Commission follow-up system as a potential model for taking action on future studies.

The report concludes that the unsatisfactory implementation of study recommendations in the past can be attributed in large measure to the absence of an effective follow-up system in the executive branch. The report then goes on to recommend that OMB provide the necessary leadership to establish effective follow-up systems on recommendations that may be made by existing or future study commissions. Further, the report recommends that the Federal Advisory Committee Act (FACA) be amended by adding a requirement that the executive branch periodically reports to Congress on the status of action taken on recommendations.

We concur with the purpose and goals of the report, which are centered on efforts to improve the processes used to consider and implement recommendations made by study commissions. In fact, we regard these efforts as extremely

important. Follow-up on study efforts of Presidential and Congressional importance is essential to good management in both the executive and legislative branches. However, we would caution that to establish a formal follow-up system may emphasize process at expense of substance.

The existence of such a formal system in some of the case studies cited would not necessarily have resulted in a different outcome. In fact, follow-up systems were established for some of the studies mentioned in the report (the National Water Commission and the Public Land Law Review). With regard to the National Water Commission, for example, the draft report notes that both Congressional committees and Federal agencies opposed certain positions taken by the Commission (pages 15 and 16). Similarly, the task group and subcommittee of the Domestic Council expressed reservations about recommendations made by the National Materials Policy Commission. The subcommittee noted that the recommendations did not reflect ongoing activities in the executive agencies. This frequent lack of precision and practicability is a major reason why some commissions' recommendations are not favorably considered. A follow-up system would not cure such defects.

The recommendation that the Congress consider strengthening the provisions of FACA is considered inappropriate for the following reasons:

1. The danger of diluting the thrust of FACA: advisory committee management and follow-up on study commissions are two separate management areas. The former involves the need to establish particular committees (not necessarily study commissions) and the management of those committees within the parameters of the FACA. The latter involves the quality of work performed by a study commission and the feasibility and practicability of implementing its recommendations. It would be incongruous to place study commissions under FACA for some purposes (i.e., reporting on follow-up), and not for others (open meetings, balanced memberships, etc.). The merging of these two different areas of management would only tend to distract and confuse the administration of each.

2. The additional reporting requirements imposed on the executive branch by this proposal would be substantial and without any identifiable benefits. Follow-up reports are now required on all Presidential Advisory Committees (PACs), whether study commissions or not. The draft report

proposes more reports on more entities and over a longer period of time. The report implies that better management will result from increased reporting. In fact, the very opposite may be true -- that is, excessive or unnecessary reporting requirements tend to detract from good management..

Therefore, I suggest that this recommendation be deleted. The FACA should not be diluted by increasing its coverage to determining the feasibility or practicability of implementing study commission recommendations. Any additional reporting requirements will vary from commission to commission -- and should be tailored to the complexity of the subject area and the need for information.

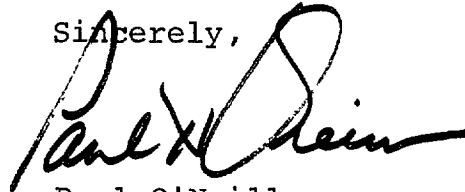
I concur with the recommendation that the Congress specify as clearly as possible a commission's study and reporting objectives. The failure to identify the objectives and responsibilities of commissions has resulted in disputes, confusion, and has contributed to the development of impractical and unsound recommendations. We agree with the draft report that many of these problems could be eliminated by better identification of a commission's objectives.

The problems resulting from the failure of commissions to coordinate findings and recommendations with action agencies are not fully addressed in the draft report. Implementation of study commission recommendations could sometimes be improved if the recommendations could be tempered by the "real-world" limitations cited in many Federal position papers, which are usually prepared after a commission's final recommendations have been made. When appropriate, a commission's enabling legislation should require it to obtain action agency comments on a draft report rather than on a final report. This would enable the commission to react to criticism, i.e., clarify misinterpretations, re-evaluate alternatives, put recommendations in more precise terms and achieve focus on constraints and major issues.

We agree that more needs to be done to ensure that the investment of time, effort and funds in study commissions is properly protected. Also, we agree that OMB should provide the leadership necessary to ensure that the executive branch gives due consideration to recommendations made by study commissions. However, to be effective, this leadership cannot be limited to the executive branch alone, since many of the recommendations made by study commissions apply directly to the legislative and judicial branches of government.

In summary, we do not agree that there is a need to amend the FACA or to enact new legislation to require the executive branch to develop follow-up systems and to report to Congress on the status of actions taken on recommendations made by each study commission. Instead, we recommend: (1) increased efforts on the part of the executive and legislative branches to specify as clearly as possible a commission's study and reporting objectives, (2) limiting Presidential reporting requirements to those identified by Congress in a commission's enabling legislation, (3) when appropriate, requiring commissions to obtain action agency comments on draft reports rather than on final reports, and (4) increased efforts by all branches and levels of government, including states and localities, to improve the processes and procedures used to consider and implement recommendations made by study commissions.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul O'Neill", written in a cursive style.

Paul O'Neill
Deputy Director

GAO note : Page references in this appendix refer to our draft report and do not necessarily agree with page numbers in final report.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

SEP 12 1975

Mr. Henry Eschwege
Director, Resources and
Economic Development Division
U. S. General Accounting Office
Washington, D. C. 20548

Dear Mr. Eschwege:

We have reviewed your draft of a proposed report to the Congress entitled "Effective Followup System Needed to Implement Recommendations by Study Commissions in the Federal Government". We agree with the general thrust of the report and recommendations. A strengthened followup system is desirable to assure that attention and action, when appropriate, are given to recommendations of study commissions. However, such a system should retain the notion that study commissions are advisory only. Therefore, we do not agree with that aspect of the GAO recommendation to Congress which would provide for the inclusion of "appropriate requirements for an executive branch action program that is responsive to the commissions' recommendations".

In presenting a case for an improved followup system, we believe the draft GAO report, particularly the "Digest", goes too far in presuming the merits of study commission recommendations and in assuming that the lack of action on such recommendations stems, in large measure, from an ineffective followup system. One example that questions these presumptions may be noted in recent Congressional actions which relate to some recommendations in the report of the National Water Commission, discussed on pages iii, iv, and 11-18 of the GAO report. In the Water Resources Development Act of 1974, P.L. 93-251, section 80, Congress requested a report on planning objectives, the discount rate, and cost sharing. The Water Resources Council, with the participation of the major water program agencies, is conducting the study for the President.

The Congressional request is evidence that the Congress was not satisfied with the recommendations of the National Water Commission on these subjects. Also, one might conclude from the Congressional action that cited deficiencies in the commission report followup system are not as serious as suggested in the audit report.

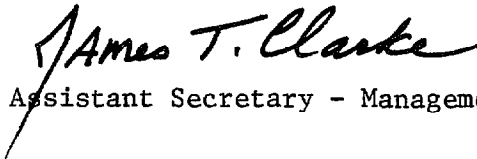


Similar evidence of Congressional oversight and followup is noted for the two other study commission reports, cited in the draft GAO report, which affect responsibilities of the Department of the Interior. These are the report of the Public Land Law Review Commission and the National Commission on Materials Policy. For both reports, the Department was requested by Congressional committees to submit information on the implementation of study commission recommendations.

Also with respect to these two study commission reports, we believe the draft GAO report incorrectly implies that little consideration has been given to study commission recommendations. Department of the Interior officials have made use of appropriate recommendations in considering legislative proposals on such subjects as land use planning, mining and mineral leasing laws, and development of fuel supplies. Further, substantive action on a number of the commissions' recommendations has occurred. These activities may not be documented, however, in the manner contemplated by the GAO analysis and recommendations.

We appreciate the opportunity to review the draft report.

Sincerely,


Assistant Secretary - Management

GAO note: Page references in this appendix refer to our draft report and do not necessarily agree with page numbers in final report.



UNITED STATES WATER RESOURCES COUNCIL

SUITE 800 • 2120 L STREET, N.W. WASHINGTON, D.C. 20037

OCT 1 1975

Mr. Henry Eschwege
 Director
 Resources and Economic
 Development Division
 U.S. General Accounting Office
 Washington, D.C. 20548

Dear Mr. Eschwege:

Thank you for the opportunity to review the draft report on "Effective Followup System Needed to Implement Recommendations by Study Commissions in the Federal Government."

The report is factual and we do not fault the findings, especially as they relate to the Water Resources Council (WRC). However, the WRC is actively aware of the need to act upon unresolved matters including the follow-up on National Water Commission (NWC) recommendations. Accordingly, in revising its Purpose, Policy, Objectives document (copy enclosed) in April 1975, the WRC focussed on unresolved issues as a key activity for the Council. Section 3b of the document, under objectives, states:

"National Water Commission Report: Recommendations of the NWC report are continually under review. Some are being addressed in the Section 80 study and reports prepared by the General Accounting Office and other agencies."

The WRC has directed its primary attention toward urgent policy matters needing current resolution. On page 17 of your draft report it is noted that the WRC has undertaken studies relating to cost sharing and Federal water rights. Additional information on WRC actions on these two subjects is provided below.

The WRC has given concentrated and continuing attention to cost sharing for water and related land resources projects. A task group was completing a report on this subject when the Water Resources Development Act of 1974, P.L. 93-251, was enacted. Because Section 80(c) of this Act calls for

MEMBERS SECRETARIES OF INTERIOR, AGRICULTURE, ARMY, HEALTH, EDUCATION AND WELFARE; TRANSPORTATION, CHAIRMAN FEDERAL POWER COMMISSION - ASSOCIATE MEMBERS SECRETARIES OF COMMERCE, HOUSING AND URBAN DEVELOPMENT, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY - OBSERVERS DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET ATTORNEY GENERAL, CHAIRMEN - COUNCIL ON ENVIRONMENTAL QUALITY, RIVER BASIN COMMISSIONS



a study of the WRC's "Principles and Standards for Planning Water and Related Land Resources," with special attention to be given cost sharing, discount rate, and planning objectives, the special task group halted its efforts and made its data available to the Section 80(c) study. The President assigned the responsibility of the study to the WRC. The study, which is scheduled for completion later this fall, will cover approximately 35 of the 232 recommendations included in the NWC report.

On the matter of Federal water rights, the WRC requested the Department of Justice to prepare a draft legislative proposal for the inventorying and quantification of the reserved, appropriate, and other rights to the use of water by the United States that would serve as an alternative to the recommendations of the NWC. Several public hearings were held in the field to obtain State views on the Justice proposal. In addition, time was provided for the Interstate Conference on Water Problems, an affiliate of the Council of State Governments, to draft detailed comments on the proposed legislation. The WRC is in the process of developing a position relative to Federal water rights legislation.

On page 16 of the GAO draft report it is noted that: "Use of nonstructural measures in flood control programs, such as flood plain regulation, was authorized in the Water Resources Development Act of 1974 (Public Law 93-251, Mar. 7, 1974)." Related to this action, a task force of the WRC has completed a draft report on "A Unified National Program for Flood Plain Management." The draft report is being revised to reflect comments of the WRC's Policy Committee and others. Considerable staff time has been devoted to the study.

The WRC has also considered several NWC recommendations on the Water Resources Council and has recommended certain actions, particularly with respect to the Title III grant program and to membership of the WRC.

To assist the WRC in establishing reasonable policy positions on the many water and related land resources issues, the WRC sponsored a National Conference on Water in Washington, D.C., on April 22-24, 1975. The theme of the Conference was to (1) examine the role of water in national affairs through 1985, and (2) consider the adequacy of existing and proposed policies and programs in fulfilling this role. The objectives of the Conference were in full accord with the duties of the WRC as spelled out in Section 102(b) of the Water Resources Planning Act, P.L. 89-80.

The issues raised at the Conference, in one way or another, touched on practically all of the recommendations developed by the NWC. The WRC is currently reviewing, in detail, the issues raised at the Conference. Recommendations the Council makes regarding the issues may result in Administration positions regarding many of the NWC recommendations.

It should be noted also, that Member agencies of the WRC are considering many of the NWC recommendations and that, where appropriate, agency actions in this regard will be submitted to the WRC for Council consideration. Because of its methods of operation it can now be expected that the WRC will produce a series of sequential actions regarding NWC recommendations rather than regular periodic reports. Priority will be given to the most urgent matters. It is anticipated that with the great amount of preliminary work and analysis already expended on most of the subjects included in the NWC recommendations, final Administration response, including Executive orders and proposed legislation, will be accelerated.

Again, thank you for the opportunity to comment on your draft report.

Sincerely,



Warren D. Fairchild
Director

Enclosure

GAO note: Page references in this appendix refer to our draft report and do not necessarily agree with page numbers in final report.

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