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BY THE COMPTROLLER GENERAL

RELEASED

**Report To The Chairman
Committee On Government Operations
House Of Representatives
OF THE UNITED STATES**

**Objectivity Of DOD's Senior Scientific
Advisory Committees Can Be Better Assured**

The Department of Defense established its senior scientific advisory committees to provide independent advice and information to the military services. The committees conduct their work primarily through panels. Each panel performs a specific task or study.

The services have procedures for (1) identifying potential conflicts of interest of panel members, (2) selecting individuals to serve on panels, and (3) announcing panel meetings and preparing minutes of meetings. Improvements in these areas could, however, better assure the appearance of independence--hence objectivity--of the services' senior scientific advisory panels. The direct involvement of DOD personnel in panel decisionmaking also bears on the apparent independence of the panels.



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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON D.C. 20548

B-199008

The Honorable Jack Brooks
Chairman, Committee on
Government Operations
House of Representatives

Dear Mr. Chairman:

This report responds to your July 27, 1982, request that we review the operations of the four senior scientific advisory committees within the Department of Defense (DOD): the Defense Science Board, the Army Science Board, the Air Force Scientific Advisory Board, and the Naval Research Advisory Committee. Specifically, you asked us to determine (1) if DOD is following appropriate legal procedures and ethical standards in operating the committees, (2) if members of the advisory committees appear to have conflicts of interest, (3) if all relevant points of view are represented in the advisory groups and their panels, (4) the degree with which the same individuals participate in multiple advisory groups within DOD, and (5) the full cost of such committees.

Appendix I contains a discussion of our objective, scope, and methodology, along with detailed responses to the questions you asked us to address. Appendix II is a detailed breakdown of the costs of the scientific advisory committees.

At the time we began our work, DOD's Inspector General was reviewing the operations of the Defense Science Board (DSB). Since the Inspector General's review addressed the same basic questions you raised, we concentrated our audit on the scientific advisory committees for the three services. DOD's Inspector General performed his review from August to December 1982 and issued a report on July 7, 1983 ("Policies, Procedures, and Practices for Operation of the Defense Science Board," No. 83-156). Appendix III contains a summary of the DOD's Inspector General's report.

DOD established the senior scientific advisory committees to provide independent advice and information to the military departments. Their functions range from providing broad policy advice to providing specific technical recommendations for solving particular problems. These committees conduct their work primarily through panels--usually created for 1 year or less. Each panel performs a specific task or undertakes a specific study. Panels we considered for review studied such topics as ballistic missile defense, chemical warfare, and application of advanced electronics. Because of the significance of the issues studied by panels, it is important that they adhere to and fully document procedures for assuring independence and objectivity.

We found that the services do not always follow appropriate procedures in the operation of their scientific advisory committees. Although the services have procedures for reviewing committee members' financial disclosure statements,^{1/} these procedures do not provide for documenting the determination of whether potential conflicts of interest exist when members are assigned to panels. When we reviewed financial disclosure statements for 117 panel members, we found that 32 were employed by or had financial interests in areas that could be affected by recommendations of the panels they served on. The Navy does not appoint Naval Research Advisory Committee panel members as special Government employees, a practice followed by the other services. The Navy considers the panel members to be employees of a grantee which performs administrative functions for the committee. Therefore, it does not require its panel members to submit financial disclosure statements.

^{1/}DOD's financial disclosure requirements are contained in DOD Directive 5500.7. These DOD regulations and the implementing service regulations were being applied at the time of our review and continue to be applied by the services. As discussed in our letter of August 30, 1983, to the Chairman, Subcommittee on Human Resources, House Committee on Post Office and Civil Service, Justice Department interpretations of the Ethics in Government Act have cast doubt on the current legal status of these and other executive branch financial disclosure requirements. However, our conclusions and recommendations concerning the service advisory boards should apply even if revisions are necessary in the DOD and service financial disclosure systems.

Although we examined the steps taken by the services to comply with the Federal Advisory Committee Act requirements designed to ensure balanced representation, the committee panels review such diverse topics that we could not determine conclusively whether all relevant points of view are in fact represented. We found that, although the Navy's advisory panels perform functions similar to those of the other services, the Navy does not consider its panels subject to the act. The Naval Research Advisory Committee itself, is subject to the act.

The services attempt to achieve balanced representation through their selection of panel members. The methods of selection vary depending on the service; selections can be made by individuals or by consensus. However, the services do not document the selection process. In addition, DOD military personnel sometimes participate in panel decisionmaking processes. The type of participation varies; it can include all or few aspects of panel activities.

The Federal Advisory Committee Act also requires advisory committees to announce meetings in advance and prepare detailed minutes. We found that DOD's panels do not always announce meetings beforehand or prepare minutes as required by the act. Most meetings of the panels we reviewed were closed to the public because they included classified matters.

Individuals generally do not participate on more than one advisory panel. We found that 164--about 15 percent--of 1,049 individuals served on more than 1 of 133 panels established during calendar years 1978 through 1982.

Although the services did identify some costs of the scientific advisory committees, sufficient records were not available for us to determine all costs.

The services could better assure the appearance of panel objectivity by (1) documenting potential conflict of interest determinations when individuals are selected as panel members, (2) documenting the steps followed in selecting panel members, and (3) announcing all meetings in advance and preparing minutes of all meetings. In addition, the direct involvement of DOD personnel in panel decisionmaking is significant because it bears on the apparent independence--hence objectivity--of the services' panels.

In his July 1983 report, DOD's Inspector General basically concluded that the objectivity of the DSB's recommendations was open to question. The Inspector General's conclusion is based

on the findings that the DSB's operating procedures did not comply with DOD policies and Federal regulations governing advisory committees, the review of members' financial disclosure statements to identify possible conflicts of interest appeared perfunctory, and the process for appointing task force members did not ensure balanced views on task forces. The Inspector General made several recommendations to the Under Secretary of Defense for Research and Engineering and the Assistant Secretary of Defense (Comptroller) for corrective action in these areas.

RECOMMENDATIONS

We recommend that the Secretary of Defense require the services to

- document the review of financial disclosure information when members are selected for specific panels,
- document the resolution of potential conflicts of interest or the appearance of such conflicts,
- comply with the Federal Advisory Committee Act's requirements relating to announcing meetings and preparing minutes, and
- document the steps followed in selecting individuals for panels.

We also recommend that the Secretary of Defense require the Secretary of the Navy to

- appoint Naval Research Advisory Committee panel members as special Government employees and make them subject to the same conflict-of-interest standards as other committee members and
- apply the same standards of balance, independence, and openness to the Naval Research Advisory Committee panels that apply to the advisory committee panels of the other services.

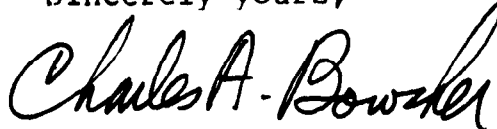
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We did not obtain agency comments on this report. As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution until 30 days from the date of this report. At that time, we will send copies

to the Secretary of Defense, the Secretaries of the Army, Navy, and Air Force, and other interested persons, and copies will be available to others upon request.

We will be glad to discuss this matter further with you if you so desire.

Sincerely yours,

A handwritten signature in black ink that reads "Charles A. Bowser". The signature is written in a cursive style with a large, prominent initial "C".

Comptroller General
of the United States

OBJECTIVITY OF DOD'S SENIOR SCIENTIFICADVISORY COMMITTEES CAN BE BETTER ASSUREDOBJECTIVE, SCOPE, AND METHODOLOGY

The objective of this review was to respond to the five questions raised by the July 27, 1982, letter of the Chairman, House Committee on Government Operations, concerning the activities of the Defense Science Board (DSB) and the scientific advisory committees of the military services. The questions were:

- Is DOD following appropriate legal procedures and ethical standards in the operation of its scientific advisory committees?
- Do members of the advisory committees appear to have conflicts of interest?
- Do the scientific advisory committees and their various panels represent all relevant points of view?
- Do the same individuals participate in multiple scientific advisory groups within DOD?
- What are the full costs of such committees, including salaries, travel, and related expenses of Government employees involved with the committees?

At the time we began our audit work, DOD's Inspector General (formerly the Defense Audit Service) was performing a review of the operations and practices of DSB at the request of the DSB chairman. The chairman based his request on his reaction to our 1982 report on problems in the operations of a DSB task force. ¹/ The Inspector General performed its review from August to December 1982 and issued a report on July 7, 1983. To avoid duplicating the Inspector General's audit of DSB, we directed our audit efforts to the military services' scientific advisory committees. We did, however, obtain background information on the DSB.

¹/"Objectivity of the Defense Science Board's Task Force on Embedded Computer Resources, Acquisition, and Management" (GAO/FPCD-82-55, July 22, 1982).

We talked to representatives of the Army, Navy, and Air Force Inspectors General Offices and Audit Services to determine if these offices had received any allegations or complaints concerning any of the three advisory committees or their panels.

To address the first, second, and third questions, we reviewed the operations and activities of 18 panels selected from the 3 services' committees. We used the following criteria in selecting the panels:

- potential for financial impact on commercial firms,
- potential for effects on the services' procurement policies, and
- potential for large increases in funding levels of programs being reviewed.

While the results of our reviews of the operations and activities of 18 panels cannot be projected to all panels within the services, we believe they do provide indications of (1) whether the services are taking appropriate steps to ensure high ethical standards and (2) whether the committees are following legally required procedures.

We reviewed military service regulations and Federal laws on advisory committees and on conflicts of interest. We examined available financial disclosure statements filed by members of the 3 advisory committees and our 18 selected panels, and by the DOD officials affiliated with the committees. We interviewed the chairmen of the Army Science Board, the Air Force Scientific Advisory Board, and the Naval Research Advisory Committee, as well as the chairpersons of the 18 selected panels, on their operations, including procedures and policies followed during committee and panel meetings.

To address the fourth question--are the same individuals participating on multiple advisory groups--we analyzed the membership of 133 panels established by the 3 services and DSB from 1978 to 1982. We also analyzed members' affiliations to determine if the same organizations are continually providing advice to the military services.

To address the fifth question--what are the full costs of the scientific advisory committees--we discussed costs of the three committees with DOD officials. We also analyzed annual reports for 1980 through 1982, which show costs for each committee. In an attempt to identify unreported costs, we interviewed 28 advisory committee members whom DOD officials told us

declined compensation and travel reimbursements. We wanted to determine if their expenses had been absorbed by the member, the member's employer, or the applicable advisory committee.

We also interviewed DOD officials to determine if military aircraft were used to transport committee members and military participants to advisory committee meetings. We analyzed Air Force documents for 1980 through 1982 to determine the number of military flights and the number of individuals transported. We were told by Army and Navy advisory committee officials that military planes are not used to transport Army and Navy advisory committee members.

We performed this review in accordance with generally accepted government audit standards between August 1982 and March 1983. As requested, we did not obtain agency comments.

HOW DOD'S FOUR SENIOR SCIENTIFIC ADVISORY COMMITTEES OPERATE

Defense Science Board (DSB)

DOD established the DSB in 1956 to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering (USDRE) on research and engineering matters.

The current DSB charter (which is subject to renewal every 2 years) authorizes 33 members--30 members from the civilian sector, and the 3 chairmen of the Army, Navy, and Air Force scientific advisory committees. The Secretary of Defense appoints the civilian members, basing the decisions on the USDRE's recommendations and on the members' preeminence in the fields of research and engineering. Each member serves a 4-year term. In addition, the Office of USDRE retains 12 former DSB members as senior consultants to advise the USDRE on issues reviewed by DSB.

The USDRE appoints an executive officer (a DOD employee who is not a DSB member), basing the choice on the DSB chairman's recommendation or concurrence. The executive officer ensures that the board functions in accordance with Federal laws, and General Services Administration and DOD regulations for Federal advisory committees. He or she is responsible to the DSB chairman for the planning, operations, and coordination of DSB work.

The Secretary of Defense, the USDRE, and the chairman of the Joint Chiefs of Staff can assign work to the DSB. According to DOD's guidelines, the work must be of great interest to these officials, and DSB's work must be able to provide a constructive

impact on DOD activities. Once a potential assignment is identified, the USDRE formally requests DSB to begin work.

DSB conducts its work primarily through panels. The USDRE appoints a panel chair from the DSB membership, basing the decision on recommendations from the DSB chairman and a DOD sponsoring official, who is a representative of the DOD office that will be affected by the panel's advice. The panel chair and the DOD sponsoring official then select members of the panel, subject to approval by the DSB chairman and the executive officer. At least two members of the panel must be DSB members or senior consultants.

The DOD sponsoring official also selects an executive secretary (a DOD employee who is not a panel member) to assist the panel in carrying out its assigned responsibility. The executive secretary is usually chosen because of his or her expertise in the subject being studied by the panel. The executive secretary ensures that the panel meets the objectives of the sponsoring office, oversees all task force administrative matters, and ensures, with the assistance of the panel chair, that action is taken to implement task force recommendations.

Army Science Board (ASB)

The Secretary of the Army established the ASB ^{2/} in 1954. It advises the Secretary of the Army, the Chief of Staff, the Assistant Secretary of the Army for Research, Development, and Acquisition (ASA/RDA), the Deputy Chiefs of Staff, and major Army Commanders on scientific, technological, and acquisition matters.

The current ASB charter (which is subject to renewal every 2 years) authorizes the Secretary of the Army to appoint 100 civilian members. The Secretary must have the concurrence of the Secretary of Defense and must base his or her choices on recommendations by the ASA/RDA and on the prospective members' preeminence in the fields of science, technology, engineering, testing, acquisition, or management. Members serve 2-year terms and may be reappointed for one additional term. The ASA/RDA selects a chairman and vice chairman from among the members, but the Secretary of the Army must approve them. The ASA/RDA also appoints an executive director (a DOD employee who is not an ASB member) to manage and guide ASB activities. The executive director serves as an ex-officio member of ASB. DOD employees may not serve on the ASB or as ASB panel members.

^{2/}The board was originally established as the Army Scientific Advisory Panel; the name was changed in 1977.

Any Army official or group can request the board to address scientific or technological matters. Requests are submitted through the executive director for consideration and are approved by ASA/RDA. In addition, an ASB Executive Review Board, whose function is to assist the ASA/RDA in reviewing proposals, can recommend subjects for the board to review. The review board is composed of senior Army officials. Once an assignment is approved, an ad hoc panel performs the assignment.

Ad hoc panels are usually made up of current ASB members and include a chair, several members, and an Army staff assistant (not an ASB member). The chair and members are chosen on the basis of expertise, availability, and lack of appearance of conflicts of interest. The staff assistant, whose role is largely administrative, is selected by the panel chair and is from the Army office affected by the work.

Air Force Scientific Advisory Board (SAB)

The SAB was established in 1944 to advise the Secretary of the Air Force and the Chief of Staff on science and technology activities relating to the Air Force.

The SAB is made up of 67 civilian members--a chairman and vice chairman, 5 senior scientists, and 60 at-large members. The Chief of Staff, with the approval of the Secretary of the Air Force, appoints the chairman, the vice chairman, and the senior scientists. The Secretary of Defense, the Secretary of the Air Force, and the Chief of Staff, jointly appoint the at-large members, basing their choices on the chairman's recommendations.

The Air Force also retains seven scientists and engineers from other Government agencies to serve as associate advisors to review issues addressed by SAB. The SAB chairman, with the concurrence of the agency concerned, selects the associate advisors.

At-large members normally serve 1-year terms but may be re-appointed. They cannot serve for more than 6 consecutive years. The chairman and vice chairman serve for 3 years and the Secretary of the Air Force decides the length of tenure for senior scientists. Associate advisor appointments are renewed annually.

The Deputy Chief of Staff, Research and Development, is the military director of the board. The military director assists the chairman in matters of policy and operation and receives Air Force requests for SAB assistance. Any Air Force activity can

request assistance from SAB. SAB's Steering Committee--consisting of the chairman, vice chairman, military director, Assistant Secretary of the Air Force for Research and Development, and the Air Force chief scientist--reviews and approves requests for board assistance. Generally, once the Steering Committee approves a task, a panel is appointed to perform the work.

Panels consist of SAB members, supplemental ad hoc advisors (non-SAB members from the civilian sector), and general officer participants (non-SAB), who represent the Secretary of the Air Force and the Chief of Staff. The SAB chairman selects the panel chair, who, in turn, selects panel members. The ad hoc advisors serve only for the duration of a particular study.

In addition, SAB has established nine standing subcommittees to serve as Division Advisory Groups (DAGs). DAGs, composed of three to five SAB members, provide advice to subordinate commanders on scientific and technical problems and, if necessary, recommend specific subjects for SAB investigation. DAG members are appointed by the SAB chairman, with the agreement of the appropriate subordinate commanders.

Naval Research Advisory Committee (NRAC)

Public Law 79-588, enacted in 1946 and now codified as 10 U.S.C. 5153, authorized the establishment of NRAC to advise the Secretary of the Navy, the Chief of Naval Operations, and the Chief of Naval Research, on research and development. NRAC's mission is to become familiar with the problems of the Navy and Marine Corps, to keep abreast of ongoing research and development on the problems, and to offer judgments on the adequacy of efforts to resolve the problems.

NRAC membership is limited to 15 civilian members preeminent in the fields of science, research, and development, with one member representing the medical field. Members are appointed by the Secretary of the Navy for a 2-year term; their appointments must be approved by the Secretary of Defense. Members may be reappointed but cannot serve for more than 6 consecutive years. The NRAC executive director is the Chief of Naval Research and, under the direction of the Assistant Secretary of the Navy for Research, Engineering, and Systems, provides the technical, financial, and administrative support for the operation of NRAC.

An NRAC Executive Committee (composed of senior Navy officials) identifies NRAC work assignments, which must be approved by the Assistant Secretary of the Navy for Research, Engineering, and Systems. Panels, which, in most instances, are made up

of a chair (NRAC member), members, and an executive secretary, generally perform the work. Panel chairs are chosen by the NRAC chairman while panel members from the Navy and civilian sectors are selected by the NRAC chairman, panel chairs, executive director, and the Navy office affected by the panel's work. The Assistant Secretary of the Navy for Research, Engineering, and Systems must approve the selections. The executive secretary represents the Navy command affected by the panel's work.

Catholic University, which has a grant from the Navy to provide support for NRAC studies, contacts designated members. The University ascertains that these members are available to serve and advises them of the terms of payment for their services--including per diem and travel expenses. Because of this contractual arrangement, the Navy regards NRAC panel members as employees of Catholic University.

RESPONSES TO QUESTIONS
CONCERNING COMMITTEE OPERATIONS

Is DOD following appropriate legal procedures and ethical standards in the operation of its scientific advisory committees?

We found that the services, in some cases, did not follow all appropriate procedures and, in other cases, did not document procedures followed. This is based on our findings related to appearances of conflicts of interest and representation of points of view discussed in the following sections.

Do members of the advisory committees appear to have conflicts of interest?

We found that some members of the scientific advisory committees and their panels had financial interests that could give the appearance of conflicts of interests. We did not, however, determine whether panel decisions did, in fact, affect any of the financial interests we identified. The appearances occurred because the services' financial disclosure review processes had not documented the identification or resolution of questionable financial interests. Also, the Naval Research Advisory Committee does not obtain financial disclosure statements from its panel members.

DOD Directive 5500.7 (Standards of Conduct, Jan. 15, 1977), contains DOD's conflict-of-interest criteria and financial disclosure procedures. The directive requires that prospective

special Government employees ^{3/}--such as those serving on scientific advisory committees--submit Confidential Statements of Affiliations and Financial Interests. Employees with actual or apparent conflicts of interest must (1) disqualify themselves when their duties address these interests, (2) divest themselves of the interests, or (3) accept reassignment to positions that do not create conflict. Service regulations, in turn, implement DOD Directive 5500.7.

The Air Force has a two-stage process for reviewing prospective science committee members' disclosure statements. In the first stage, the committee's executive secretary reviews the statements for completeness, while the Office of the Judge Advocate General reviews them to determine if members have financial interests in firms that have contracts with DOD or the Air Force. If a committee member has a financial interest in a DOD or Air Force contractor, the Office of the Judge Advocate General advises the executive secretary to be wary of assigning that member duties that could affect the member's interests. However, the Office of the Judge Advocate General does not identify specific financial interests nor does it notify the committee member of the potential conflict.

The second review, performed by the committee's executive secretary and panel chair, occurs when a member is assigned to a panel. The executive secretary and the panel chair determine whether the member being considered for a particular panel has financial interests in the panel's work. While the first review requires that the financial disclosure statements be signed by the reviewing officials to show that the review was completed, the second review requires no documentation to show that the review was performed. The Air Force executive secretary told us that he has not disqualified any panel members, but, since March 1980, two members have disqualified themselves because of personal financial interests.

The Army also has a two-stage review process. First, the committee's executive director and the Principal Deputy Assistant Secretary of the Army for Research, Development, and Acquisition (RDA) review the financial statements for completeness while the Department of the Army's Office of General Counsel

^{3/}A special Government employee, as defined in 18 U.S.C. 202, is a person recruited by the Government to perform temporary duty, with or without compensation, for not more than 130 days, either full- or part-time, during any period of 365 consecutive days.

reviews them to determine if a member has financial interests in DOD contractors. The Office of General Counsel makes certain that such interests are listed on each member's disqualification statement. In the disqualification statement, the member agrees to disqualify himself/herself from official board activities that might affect his/her non-Federal affiliations or financial interests listed on the financial disclosure statement.

Stage two occurs when a member is assigned to a panel, at which time the Principal Deputy Assistant Secretary of the Army, RDA, and the Army Science Board chairman informally discuss the member's background, availability, and financial interests. Only if these officials believe a possible conflict exists, will they review the panel member's disclosure statement a second time to determine if the member has financial interests that can be affected by the panel's decisions. The first review requires that the financial disclosure statements be signed to show the review was completed. But the second stage does not require documentation. The executive director told us that, since June 1982, one panel member had disqualified himself because of personal financial interests.

The Navy's Office of Naval Research Counsel and the executive director of the Naval Research Advisory Committee review the financial disclosure statements of committee members. If the Counsel determines that the member has an interest in Navy contractors, Counsel notifies the executive director. The director sends a letter to the member requesting that the director be advised if, in performing committee duties, the member must deal with any matter related to his/her identified financial interests. Upon being advised of such a situation, the executive director will decide if the member should be disqualified from participating in the matter.

Prospective Naval Research Advisory Committee panel members who are not committee members do not have to submit financial disclosure statements because they are not appointed as special Government employees. Panel members are obtained through a Navy grant with Catholic University. And, as stated earlier, the Navy maintains that these panel members are employees of Catholic University, or, alternatively, subcontractors of Catholic University. Although the panel members are not appointed as special Government employees, they perform the same functions as the Army and Air Force advisory committee panel members who are appointed as special Government employees. Furthermore, Catholic University's role in obtaining the services of the panel members is entirely ministerial and should not prevent the Navy from appointing panel members as special Government employees.

Navy officials told us that since Naval Research Advisory Committee panel members do not submit disclosure statements, the review of conflicts or appearances of conflicts for these members covers only the members' current employment affiliations. Navy officials reported that no panel member ever requested a decision on whether an interest created a conflict or the appearance of one. But, one Naval Advisory Committee member did withdraw from a panel in November 1982 because he believed he had a conflict of interest.

We reviewed financial disclosure statements for 117 panel members of 18 panels in the three services and found that 32 were employed by or had financial interests (stocks or consulting fees) in organizations with contracts in areas that could be affected by panel recommendations. In addition, by reviewing employment affiliations, we identified two Naval Research Advisory Committee panel members who receive salaries from such organizations. The following table shows the types of financial holdings we identified.

Scientific Advisory Committee Panel Members
With Financial Interests In Areas That Could Be
Affected by Panel Recommendations (note a)

<u>Type of financial interest</u>	<u>Number of committee panel members</u>			
	<u>Army</u>	<u>Navy</u>	<u>Air Force</u>	<u>Total</u>
Salary	2	b/ 2	5	9
Stock	1	1	1	3
Salary and stock	6	-	8	14
Salary and consulting fee	-	-	1	1
Consulting fee	<u>3</u>	<u>-</u>	<u>4</u>	<u>7</u>
Total	<u>12</u>	<u>3</u>	<u>19</u>	<u>c/ 34</u>

a/DOD contractors with interests in areas the panel dealt with were identified through discussions with science board secretaries, panel chairs and members, or service representatives.

b/Based on employment affiliation.

c/The 34 panel members served on 11 of the 18 panels we reviewed.

Although 161 members participated on the 18 panels, we were able to review only 117 financial disclosure statements because:

- Thirty-five Navy panel members did not submit statements.
- Four statements that had been submitted by Naval Research Advisory Committee members were no longer on file.
- Statements of five Air Force panel members who were Government employees were not obtained by the SAB.

Are all relevant points of view
represented on the scientific
advisory committees and their panels?

Because of the diversity of the topics reviewed by scientific advisory committees, we could not determine whether all relevant points of view are represented on panels. We did look at the steps the services took to comply with the Federal Advisory Committee Act requirements. These requirements include the following: (1) panel membership should be fairly balanced in terms of representative points of view and functions to be performed, (2) panel advice and recommendations should not be inappropriately influenced by the appointing authority, and (3) the committees and panels should have procedures for announcing and preparing minutes for meetings.

Balance is not specifically defined in the act or regulations implementing the act. However, the lack of documentation of the steps taken by the Army and Air Force in the selection of panel members, the direct involvement of DOD personnel in panel decisionmaking, and the lack of compliance with procedures for meeting announcements and minutes could lead to questions about the objectivity of Army and Air Force panels. Although the Navy does not consider its panels subject to the Federal Advisory Committee Act, its operating procedures could also lead to questions concerning the objectivity of its panels.

The Federal Advisory Committee Act (5 U.S.C. App.) states that legislation creating advisory committees should require balanced representation for points of view and for functions to be performed. Advisory committees created by executive action also must follow this requirement. The General Services

Administration (GSA) regulations, ^{4/} which provide guidance for implementing the act, require that, when an agency proposes to establish an advisory committee not specifically authorized by legislation or the President, it should describe its plans for balanced membership in a letter to the GSA Administrator. The regulations state that, for the purpose of obtaining balance, agencies should consider having their membership represent a cross section of interested persons and groups with demonstrated professional or personal qualifications or experience to contribute to the functions and tasks to be performed.

DOD Directive 5105.18, which implements the act, does not address the issue of balanced representation. The implementation regulations of the Army and Air Force require that efforts be made to include individuals representing different points of view and different types of employment.

Procedures the Army and Air Force use to
achieve balance on science board panels

The Army Science Board chairman told us that panel chairs maintain balance through their selection of panel members. However, in our discussions with six panel chairs, we found that: one chair participated in the selection of panel members; one had limited participation; and four did not participate at all. The panel chairs told us that members were usually selected by one or more of the following individuals: the Army Science Board chairman, the executive director, or the Principal Deputy Assistant Secretary of the Army, RDA. Five of the six chairs said that the selection process was not documented; the sixth one did not know whether the process was documented.

The Air Force Science Board chairman told us that to achieve balance, the committee must avoid placing a single industrial concern in a favorable position and must make sure one viewpoint is not overly represented. The chairman also stated that, to achieve balance, the Air Force Science Board panels should consist of experts from a number of industries with technical views that cover all sides of an issue. Panel chairs are responsible for selecting panel members. In our

^{4/}Executive Order 12024, December 1, 1977, transferred responsibility for Federal Advisory Committee Management from the Director of the Office of Management and Budget (OMB) to the Administrator of GSA. GSA issued interim rules on Advisory Committee management on April 28, 1983, to replace OMB Circular A-63, which had been providing guidance for implementing the act.

discussions with six panel chairs, we found that the Air Force Science Board executive secretary played a significant role in the selection processes of three panels; and in one of the remaining three panels, other board members suggested participants. According to the executive secretary, none of the selection processes for the six panels were documented.

Military personnel sometimes participate in the panel decisionmaking processes. For example, the Army Science Board provided military support personnel who participated in writing reports and/or formulating decisions in two of the six panels we reviewed. In one of the two panels, military personnel served as panel members and participated in all aspects of the panel's activities. In the other panel, the Army Science Board executive director, who at that time was a member of the uniformed services, helped to prepare a draft report. In an Air Force Scientific Advisory Board panel, the general officer participant (a Brigadier General) was a working panel member and was encouraged to participate in all panel dialogue.

Military views and perspectives are essential to panel information gathering and deliberations. However, since panels are established to provide independent advice, the use of military personnel in panel decisionmaking could lead to questions about how "independent" such advice is. One approach to balance the needs for panel awareness of the military perspective and panel independence would be to have military personnel serve only as advisors or briefers instead of participants in panel decisionmaking.

Advisory committees do not always
follow certain administrative procedures

The Federal Advisory Committee Act requires that advisory committees publish notices of meetings in the Federal Register, and prepare detailed minutes of meetings. We found that notices were not published for all panel meetings, nor were detailed minutes always prepared. The purpose of these requirements is to help ensure relevant points of view are considered.

According to the operating guidelines in DOD Directive 5105.18, each notice should contain the following information: the name of the advisory committee; the time, place, and purpose of the meeting; where possible, a summary of the agenda; and whether the public will be permitted to attend (or participate in) the meeting. The Army Science Board published notices for 23 of 32 meetings, and the Air Force published notices for 19 of 23 meetings. Of the 42 meetings for which notices were published, 39 were closed to the public because the agendas included classified matters.

Also, according to the directive, all panel meetings must record detailed minutes, including persons present, matters discussed, and conclusions reached. Detailed minutes were available for 7 of 32 Army Science Board meetings. According to Army officials, minutes were prepared for six other meetings but the minutes were not available for public review because of the sensitivity of the information they contained. For nine meetings (for which minutes were not prepared), two Army Science Board reports summarized the topics discussed, the facilities visited, and the conclusions reached. Minutes were not prepared for the remaining 10 meetings.

Although minutes were available for each Air Force Science Board panel meeting, we do not believe they meet the act's criteria. The minutes are general and do not include detailed descriptions of matters discussed and conclusions reached.

Navy panels not considered subject
to Federal Advisory Committee Act

The Navy did not have written procedures to address the issues of balanced representation or openness of committee and panel operations because it does not consider Naval Research Advisory Committee panels subject to the Federal Advisory Committee Act.

According to the chairman of the Naval Research Advisory Committee, Navy panels achieve balance through his personal knowledge of the professional reputations and affiliations of the people asked to serve. If the chairman does not know available experts, he asks people within the scientific and technical community for suggestions.

Naval Research Advisory Committee panels often include DOD/Navy employees from the Navy command affected by the panels' work. These employees participated in the panels' decisionmaking process. Ten of the 46 members on the 6 panels we reviewed were DOD/Navy employees. The Naval Research Advisory Committee chairman pointed out that DOD personnel have the needed technical and operational understanding of the subjects being reviewed. Because the panels were established to provide independent advice, involving DOD personnel in panel decisionmaking processes raises questions as to whether the advice is independent.

The Naval Research Advisory Committee did not publish notices or prepare minutes for any panel meetings because Navy officials do not consider their panels subject to the Federal Advisory Committee Act.

Do the same individuals participate in multiple scientific advisory groups within DOD?

Individuals generally do not serve on multiple panels. As shown below, we analyzed the membership of 133 panels established during calendar years 1978 through 1982, and found that, of the 1,049 individuals who served on these panels, 885 served on 1 panel of 1 advisory committee, 118 served on more than 1 panel of 1 advisory committee, and 46 served on more than 1 panel of more than 1 advisory committee.

Analysis of Scientific Advisory Panel Membership

	Calendar year					Total
	1978	1979	1980	1981	1982	
Total number of panels established	15	33	27	32	26	133
Total number of members	129	202	237	226	255	1,049
Members serving on one advisory committee						
one panel	104	169	204	177	231	885
two panels	15	16	21	35	13	100
three panels	1	2	4	7	4	18
Members serving on two advisory committees						
two panels	6	9	6	3	7	31
three panels	3	3	1	3	-	10
four panels	-	1	1	1	-	3
five panels	-	1	-	-	-	1
Members serving on three advisory committees						
four panels	-	1	-	-	-	1

We also analyzed the panels' 5-year membership to determine if the same organizations continually provide individuals to serve on panels. A total of 1,223 assignments were filled by 1,049 individuals--representing 209 employers. The two largest categories of panel members were either self-employed consultants (140) or DOD employees (115). The DOD employees were affiliated with three of the four scientific advisory committees. Army Science Board regulations prohibit DOD employees from serving as panel members.

As illustrated in the following chart, 26 employers provided individuals to fill 5 or more positions in at least 1 of the 5 years. Twelve of these employers provided individuals to fill 20 or more positions over the 5-year period.

Affiliations with Five or More Advisory Committee
Members in at Least 1 of the 5 Years

	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>Total</u>
Aerospace Corporation	3	6	6	10	2	27
BDM Corporation	2	1	5	2	3	13
Bell Laboratories, Inc.	1	3	4	6	3	17
Boeing Company	5	4	6	2	6	23
General Dynamics Corporation	-	2	6	2	5	15
General Electric Company	1	1	3	3	5	13
Grumman Aerospace Corporation	1	1	7	1	1	11
Harold Rosenbaum Associates Inc.	-	-	1	-	6	7
Honeywell Inc.	2	2	6	5	5	20
Hughes Aircraft Company	2	3	4	8	8	25
Lawrence Livermore National Laboratory (Univ. of Calif.)	3	5	10	7	1	26
Lincoln Laboratories Inc. (MIT)	2	4	10	8	3	27
Lockheed Corporation	2	1	1	2	7	13
Massachusetts Institute of Technology	5	12	4	8	5	34
Mitre Corporation	3	5	3	3	6	20
National Aeronautics and Space Administration	4	9	6	5	7	31
Northrup Corporation	2	-	3	2	7	14
R&D Associates	11	8	6	12	8	45
Rand Corporation	1	7	3	4	1	16
Raytheon Company	3	1	1	3	5	13
Riverside Research Institute	2	4	5	1	1	13
Science Applications, Inc.	-	-	3	5	4	12
SRI International	2	2	3	6	1	14
TRW, Inc.	5	2	3	4	3	17
University of California	4	7	4	7	5	27
U.S. Department of Defense	9	26	32	16	32	115

What are the full costs of the
scientific advisory committees?

The services did not identify all costs of the scientific advisory committees. Costs reported for fiscal years 1980 through 1982 include expenditures for compensation, travel, and per diem allowances for advisory board members, and personnel serving as support staff for the boards; and expenses for supplies and equipment. These costs are shown in the following table.

Scientific Advisory Committee
Expenditures (1980-1982) (note a)

<u>Fiscal year</u>	<u>Army</u>	<u>Air Force</u>	<u>Navy</u>	<u>Yearly total</u>
1980	\$ 373,000	\$ 532,942	\$258,424	\$1,164,366
1981	326,000	582,013	148,599	1,056,612
1982	<u>482,000</u>	<u>622,538</u>	<u>203,235</u>	<u>1,307,773</u>
3-year total	<u>\$1,181,000</u>	<u>\$1,737,493</u>	<u>\$610,258</u>	<u>\$3,528,751</u>

a/Appendix II is a detailed breakdown of these costs.

None of the services identified such advisory board costs as compensation and travel expenses for DOD personnel who attend panel meetings as members, briefers, or advisors because these expenses are usually absorbed by the employing military office or command.

In addition, we were told that, of the 141 civilian members who participated in our 18 selected panels, 31 declined both compensation and travel reimbursements. We discussed these costs with 28 of those 31 panel members to determine whether their non-Government employers pay for travel expenses incurred for science committee activities. Two (from the same private sector organization) said they were subject to a written policy prohibiting employees from accepting outside compensation. Eighteen said that their employers did not have a policy, and eight did not know whether their organizations had such policies. During these discussions with the 28 panel members, we learned that

- two members received compensation and travel reimbursements as part of DOD contracts related to the topics under discussion,
- one member received travel reimbursements as part of a DOD contract related to the topic under discussion, and
- one member traveled on military aircraft and was quartered at a military base.

Air Force officials advised us that aircraft are available for transporting science committee members to meetings and that these transportation costs are not included as part of the committee's annual costs. The following table shows details on the transportation of Air Force Science Board members.

Air Transportation Used by Air Force
Science Board Members (note a)

<u>Year</u>	<u>Number of flights</u>	<u>Number of members transported</u>
b/ 1980	43	210
1981	141	375
1982	242	392

a/These flights do not transport science committee members exclusively.

b/April through December.

Officials from the Army and Navy advisory committees said that they do not use military planes to transport members to committee meetings.

NAVAL RESEARCH ADVISORY COMMITTEE (NRAC)EXPENDITURES (actual)

	<u>FY 1980</u>	<u>FY 1981</u>	<u>FY 1982</u>
Military pay (note a)	\$ 0	\$ 0	\$ 0
Civilian pay (panel/ working group)			
Consultant/expert	90,409	43,952	43,182
Secretarial support	33,870	42,940	46,520
Travel (panel/working group)			
Consultant/expert	83,824	46,618	45,002
Secretarial support	4,557	0	5,489
NRAC meetings			
Members' salaries	2,450	350	19,032
Members' travel	13,490	4,532	26,046
Summer study (note b)			
Office equipment rentals	8,029	0	7,462
Secretarial support	0	0	362
Miscellaneous contract services (note c)	16,569	8,567	10,140
Supplies (note d)	0	0	0
Equipment	<u>5,226</u>	<u>1,640</u>	<u>0</u>
Total	<u>\$258,424</u>	<u>\$148,599</u>	<u>\$203,235</u>

a/Military personnel from the Office of the Secretariat do not perform NRAC duties on a full-time basis; therefore, no records of military salaries associated only with NRAC activities are kept.

b/An extensive 2-week meeting usually attended by many committee and panel members to discuss selected topics.

c/General and administrative expenses incurred by Catholic University, which reimburses panel members for travel and other expenses.

d/Costs absorbed by the Office of Naval Research.

AIR FORCE SCIENTIFIC ADVISORY BOARD EXPENDITURES (actual)

	<u>FY 1980</u>	<u>FY 1981</u>	<u>FY 1982</u>
Military pay			
Secretariat	\$141,907	\$170,743	\$193,715
Civilian pay			
Consultant/experts	89,581	89,676	80,340
Secretariat	84,160	84,060	97,870
Travel			
Consultant/experts	192,345	201,788	215,713
Secretariat	16,042	19,168	20,000
Permanent change of duty station			
Secretariat	0	7,028	0
Rentals			
Secretariat	0	0	2,500
Miscellaneous contract services (note a)			
Consultant/experts	7,848	8,437	12,000
Secretariat	0	0	0
Supplies	517	1,036	400
Equipment	<u>542</u>	<u>77</u>	<u>0</u>
Totals	<u>\$532,942</u>	<u>\$582,013</u>	<u>\$622,538</u>

a/Costs associated with Air Force Board summer studies (i.e., telephones, copy machines, typewriters, and compensation to members).

ARMY SCIENCE BOARD EXPENDITURES

	<u>FY 1980</u>	<u>FY 1981</u>	<u>FY 1982</u>
Military pay (note a)	\$ 37,000	\$ 42,000	\$ 0
Civilian pay			
Consultant/expert	104,000	101,000	165,000
Secretariat (note a)	21,000	19,000	87,000
Travel			
Consultant/expert	196,000	157,000	210,000
Secretariat	0	0	3,000
Office equipment rentals			
Consultant/expert	0	1,000	0
Miscellaneous contract services			
Consultant/expert	5,000	3,000	11,000
Secretariat (note b)	2,000	0	4,000
Supplies	1,000	2,000	2,000
Equipment	<u>7,000</u>	<u>1,000</u>	<u>0</u>
Totals	<u>\$373,000</u>	<u>\$326,000</u>	<u>\$482,000</u>

a/Estimated.

b/Includes an estimate for phones.

SUMMARY OF DOD'S INSPECTOR GENERAL'S REPORT
TITLED "POLICIES, PROCEDURES, AND PRACTICES
FOR OPERATION OF THE DEFENSE SCIENCE BOARD"

DOD's Inspector General's report of July 7, 1983, "Policies, Procedures, and Practices for Operation of the Defense Science Board" concluded that the objectivity of the DSB's recommendations was open to question. The Inspector General's conclusion was based on several findings.

The report stated that required financial disclosure statements were not always obtained, completed, and properly processed. Thus, conflict-of-interest reviews performed by DOD officials could not have been adequately conducted. The report also stated that it appeared task force membership appointments were based on personal knowledge of the selectors rather than on a group of technical experts drawn from a universe of knowledgeable individuals.

Moreover, the Inspector General reviewed 33 DSB task forces and found that DSB did not always prepare detailed minutes, announce meetings in advance or appoint task force members in a timely manner as required by DOD policies and Federal regulations on advisory committee operating procedures. According to the Inspector General these conditions occurred because DSB task force operations did not follow prescribed procedures and the DSB secretariat was not checking to assure its requirements were met.

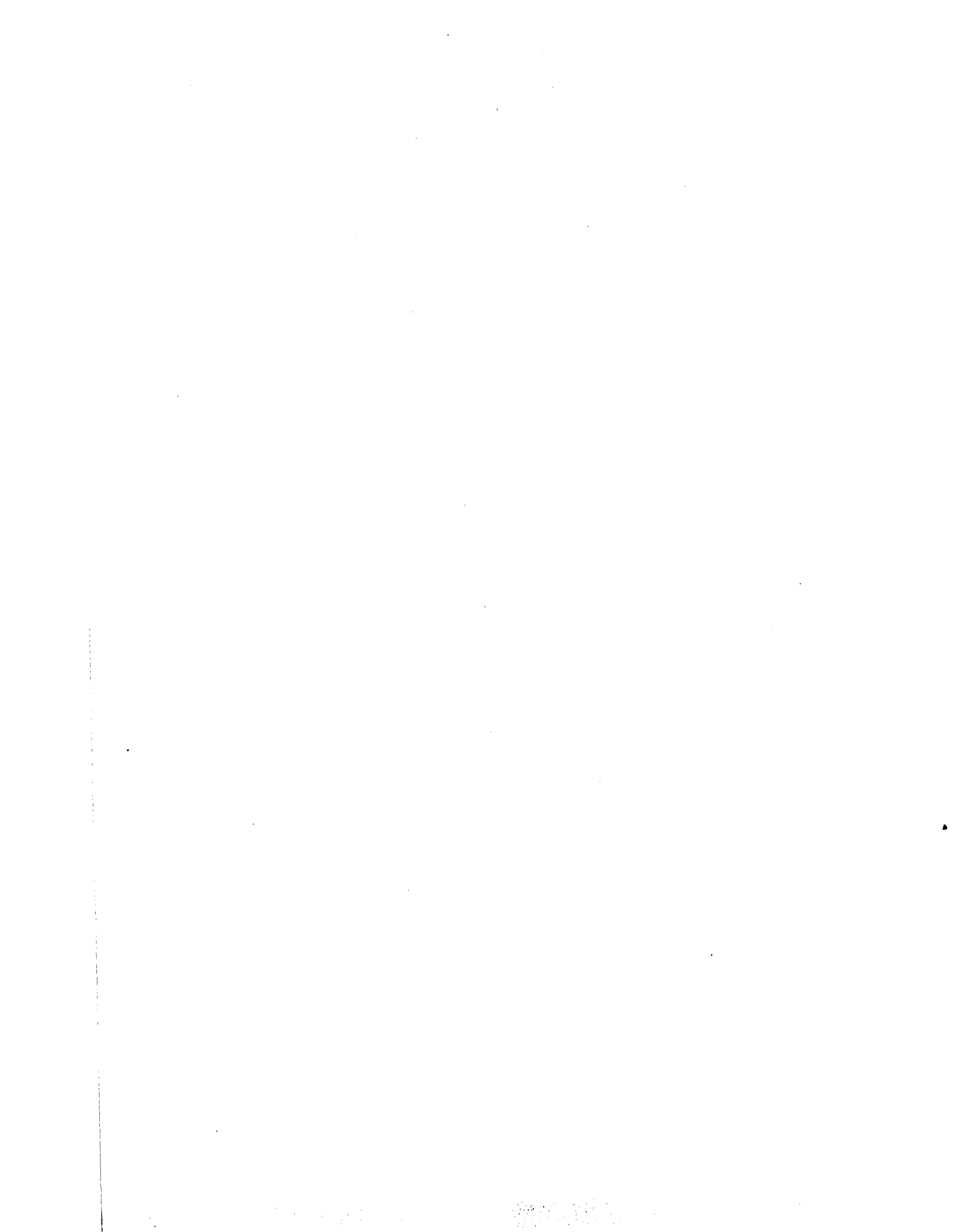
The Inspector General's major recommendations were that the Under Secretary of Defense for Research and Engineering require the executive officer of the Defense Science Board ensure

- that financial disclosure statements are properly prepared and filed prior to the commencement of an advisory task force, and that the conflict-of-interest review conducted therein, not only follow appropriate guidance, but also present a substantive examination, whereby even the appearance of a conflict of interest would be averted;
- each advisory committee meeting is properly announced in the Federal Register; and
- all records, reports, transcripts, minutes, or other documents utilized or generated by each task force are maintained at an appropriate central location.

The Inspector General also recommended that the Assistant Secretary of Defense (Comptroller) should perform periodic checks of Defense Science Board operations to ensure compliance with the Public Law and the OMB circular as required by DOD Directive 5105.18.

Although management's comments were included in the report, final positions on the recommendations are to be provided within 60 days of the date of the report.

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