



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

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B-177579

August 21, 1973

Miss Carol S. Bowers
Authorized Certifying Officer
Bureau of Land Management
United States Department of the Interior
Denver Federal Center, Building 50
Denver, Colorado 80225

Dear Miss Bowers:

In view of the correspondence from the Co-Counsel of the Federal-State Land Use Planning Commission for Alaska dated April 30 and June 12, 1973, copies of which are enclosed, we have reviewed the decision of this Office to you, B-177579, dated April 6, 1973, regarding the entitlement of the Honorable George Sullivan, Mayor of Anchorage, to compensation for services rendered by him as a member of the Federal-State Land Use Planning Commission for Alaska.

The question of Mayor Sullivan's entitlement to compensation turns upon the interpretation of subsection 17(a)(4)(B) of the Alaska Native Claims Settlement Act, Public Law 92-203, 85 Stat. 688, enacted December 18, 1971, which provides in part as follows:

"Any member of the Planning Commission who is designated or appointed from the Government of the United States or from the Government of the State shall serve without compensation in addition to that received in his regular employment. * * *"
(Emphasis added.)

In our prior decision, we took the position that the underlined phrase in the above quote "includes persons connected with the State's political subdivisions" and thus that Mayor Sullivan, as an employee of the City of Anchorage, a political entity within the State of Alaska, was not entitled to receive compensation for his service as a member of the Planning Commission.

In his letter of April 30 the Co-Counsel of the Planning Commission takes the position that any ambiguity in the phrase "from the Government of the State" should be resolved by an interpretation which is consistent with the interpretation given the preceding phrase, "from the Government

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of the United States." He argues that since the phrase "from the Government of the United States" is obviously limited in its application to Federal employees the phrase "from the Government of the State"—identical in form to the preceding phrase—should be interpreted as being limited to employees of the State Government. This interpretation of the language is not unreasonable.

In addition the Co-Counsel argues that the interpretation of the phrase in question by the Secretary of the Interior, who has primary responsibility for administering the act, should be given great weight in determining its meaning. As an indication of the Secretary's interpretation he furnished us a copy of the letter appointing Mayor Sullivan which states that payments would be made at the rate of \$100 per day for each day he was engaged in the performance of duties as a member of the Planning Commission. An established rule of statutory construction is that in determining the meaning of statutory language great deference is to be given to the interpretation thereof by those individuals responsible for the administration of the statute in question. Udall v. Tallman, 380 U.S. 1, 16 (1964). See also B-177948, March 27, 1973, copy enclosed.

Accordingly, upon reconsideration we are persuaded that the better view is that the limitations in section 17(a)(4)(B) apply only to individuals who are in fact employees of the Federal Government or the Government of the State of Alaska.

Therefore, our holding in the decision to you of April 6, 1973, B-177591, is overruled and vouchers for the compensation due Mayor Sullivan for services he rendered as a member of the Planning Commission as authorized by section 17(a)(4)(A) of the Alaska Native Claims Settlement Act may be certified for payment.

Sincerely yours,

Paul G. Doubling

For the Comptroller General
of the United States