



B-182398

OCT 14 1975

090363
RESTRICTED — Not to be released outside the General Accounting Office except on the basis of specific approval by the Office of Congressional Relations.

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

MWD-76-43
10-14-75

u The Honorable Harrison A. Williams, Jr.
United States Senate

Dear Senator Williams:

This is in reply to your February 17, 1975, request for information that would enable you to answer a constituent's questions concerning the use of appropriated funds to finance lobbying activities by the Citizens Advisory Council on the Status of Women on behalf of the Equal Rights Amendment. p.2821

Our inquiries at the Council, the Department of Labor, and the Office of Management and Budget have shown that the Council has undertaken activities on behalf of the Equal Rights Amendment and has used appropriated funds to finance them. Our findings are summarized below.

ESTABLISHMENT OF THE COUNCIL

The Council was established by Executive Order 11126 of November 1, 1963, to advise the Interdepartmental Committee on the Status of Women, a cabinet level group created by the same order. Executive Order 11221 of May 6, 1965, amended Executive Order 11126 by making minor technical changes in the composition and procedures of the Committee and the Council. The Committee has not met since 1969, and, since that time, the Council has communicated its recommendations directly to the President.

The impetus for creating the Committee and the Council came from the October 1963 report of the President's Commission on the Status of Women concerning the steps needed to help women achieve full participation in American life. The basic objective of the Committee and the Council is to assure effective and continuing leadership in advancing the status of women by fostering cooperation among all levels of government, educational institutions, voluntary organizations, employers, unions, and citizens.

MWD-76-43

906579

Section 202 of Executive Order 11126 specifies the Council's functions, as follows:

- Serving as primary means for suggesting and stimulating action with private institutions, organizations, and individuals working for improved conditions of special concern to women.
- Reviewing and evaluating the progress of organizations in furthering the full participation of women in American life.
- Advising and assisting the Committee in the evaluation of progress made and recommending to the Committee necessary action to accelerate such progress.
- Considering the effect of new developments on methods of advancing the status of women and recommending action to the Committee.

The Council is subject to the Federal Advisory Committee Act of 1972 (5 U.S.C. app. I), which requires the executive branch to review the status of each Presidential advisory group every 2 years and to determine whether it is still needed. The act provides that when the need for an advisory group is found to continue, then it may be renewed for not longer than 2 years by Presidential action. On January 4, 1975, the President issued Executive Order 11827 which extended for 2 years a number of Federal advisory groups, including the Council.

COUNCIL STAFFING AND FUNDING

The Council is authorized to have 20 members, who serve without compensation. One position has been vacant since March 1974 and another since April 1975. The Executive orders do not prescribe any special requirements for Council membership. The present Council includes citizens and members of State governments, citizen groups, educational institutions, private firms, and religious organizations. The Council has two full-time staff positions--an executive secretary and a program assistant--responsible for its day-to-day operations.

The Federal Advisory Committee Act of 1972 requires that membership in a nonstatutory advisory group such as the Council shall, to the extent applicable, "be fairly balanced in terms of the points of view represented and the functions to be performed." While most members of the Council endorse

the amendment, the act does not require a balance on each issue that comes before the Council. Thus the Council's present composition is not inconsistent with this requirement.

The Executive orders concerning the Council stipulate that the Secretary of Labor will furnish staff; office space; office facilities and supplies; and other necessary assistance, facilities, and services including travel expenses and per diem in lieu of subsistence for Council members. Accordingly the Council's expenses are paid with funds appropriated for the Women's Bureau, Department of Labor.

During fiscal years 1973-75 the Council's annual expenses averaged about \$80,000, and the salaries of its full-time staff members constituted well over half of its expenditures. Other expenditures have included members' travel expenses to attend Council meetings, printing costs, freight charges on materials, and staff travel, as shown below.

<u>Category</u>	<u>Fiscal year expenses</u>		
	<u>1973</u>	<u>1974</u>	<u>1975</u>
Personnel compensation (including benefits)	\$47,634.46	\$51,452.87	\$54,959.82
Staff travel (transportation and subsistence)	1,310.52	3,817.06	2,776.04
Member travel (transportation and subsistence)	11,527.49	9,230.28	7,320.43
Freight charges (shipping materials)	1,368.21	1,131.05	1,568.34
Printing charges	15,439.54	16,270.27	10,376.40
Miscellaneous services	<u>69.65</u>	<u>114.96</u>	<u>1,081.26</u>
Total	<u>\$77,349.87</u>	<u>\$82,016.49</u>	<u>\$78,082.29</u>

All the Council members' travel expenses were incurred for Council meetings. Nearly all the staff travel expenses represent trips by the executive secretary to discuss the Equal Rights Amendment with private groups. The executive secretary also made five trips, both to testify on behalf of the amendment before State legislatures and to meet privately with State legislators. However, the expenses for four of those trips were paid by local private groups favoring ratification.

ACTIVITIES ON BEHALF OF THE AMENDMENT

The Council's activities on behalf of the amendment date from its February 7, 1970, meeting when it adopted a resolution endorsing the amendment and recommending that the President immediately request its passage by the Congress. The recommendation was transmitted to the President on February 13, 1970. Since the primary function of the Council, both in its charter and under the Federal Advisory Committee Act of 1972, is to furnish advice and recommendations to executive branch officials, its action of endorsing the amendment was consistent with its authorized functions.

Since endorsement of the Equal Rights Amendment, a considerable amount of the Council's staff activities and expenditures has been directed toward explaining the effects of the amendment in public forums and before interested groups. The staff has prepared publications and made presentations on behalf of the amendment's adoption. Nearly all publications, however, carried the disclaimer that the views expressed in them were not to be attributed to any Federal agency. Publishing these materials is also consistent with the Council's functions.

The presentations have included at least five appearances before State legislatures considering ratification of the amendment, as well as at least one informal meeting with State legislators. Statutory prohibitions on the use of appropriated funds for lobbying (principally 18 U.S.C. 1913; 2 U.S.C. 261-70; and section 409 of Public Law 93-517, the current appropriations act governing the Women's Bureau and the Council) refer only to attempts to influence Members of Congress on passage of legislation.

These statutes do not specifically prohibit using appropriated funds for lobbying intended to influence State legislatures or their members.

However, as noted previously, the Council is an advisory group subject to the Federal Advisory Committee Act of 1972. Section 9(b) of this law limits the activities of such groups to advisory functions only, "unless otherwise specifically provided by statute or Presidential directive * * *." While Executive Order 11126 does authorize the Council, as also noted previously, to "serve as a primary means for suggesting and stimulating action with private institutions, organizations, and individuals * * *," State legislatures do not fall within these or any other categories of private entities.

B-182398

Accordingly, we believe that the activities of the Council's staff involving State legislatures were technically unauthorized, not because they violated any antilobbying statutes but because they went beyond the limiting provisions of the Federal Advisory Committee Act of 1972.

As your office requested, we did not obtain formal comments from the Department of Labor. However, we informally discussed this report with Labor officials, who had no comment. We are also sending a copy of this report to the Secretary of Labor, as your office agreed.

We are enclosing your constituent's letter, as requested.

Sincerely yours,



Acting Comptroller General
of the United States

Enclosure