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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

IN REPLY
REFER TO: B-133229

OFFICE OF GENERAL COUNSEL

JAN 19 1978

Mr. E. Richard Rhodes
Director
Office of Administration
The Renegotiation Board

Dear Mr. Rhodes:

This is in response to your letters of November 30, 1977, to Messrs. Nagel and Kuhta of the Procurement and Systems Acquisition Division concerning whether there are any limitations on the Renegotiation Board contracting with a person "to give professional advice and guidance to the Chairman's office when required and to comply with requests for statements, or to issue press releases or other information when appropriate." A memorandum from the Chairman of the Renegotiation Board, concerning the need to obtain the services of such an experienced person, states in part:

"Since the new Board and President Carter have endorsed the provisions of the Renegotiation Reform Bills presently before the Senate and House of Representatives, dissemination of educational material is essential and is in the interest of equitably recovering excessive profits of defense and other related contractors. Of equal importance, such a qualified person would substantially relieve the Chairman's office of this activity which has become inordinately time-consuming due to lack of experience and background in this area."

Since you have informed us that advice on this matter has also been requested from the Civil Service Commission, this letter will not address the propriety of obtaining the desired services on a contract basis rather than through regular employment.

In the absence of an exact description of the services to be performed and a more explicit statement of the Board's purpose in obtaining an individual to perform such services,

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we cannot give you a specific answer to the question you pose. We believe that Renegotiation Board officials, prior to proceeding further, should consider the following statutes that restrict the use of appropriated funds:

- (1) Section 701 of the Department of State Appropriations Act, 1978, Pub. L. No. 95-86;
- (2) Subsection 607(a) of the Treasury Department Appropriations Act, 1978, Pub. L. No. 95-81;
- (3) 18 U.S.C. 1913 (1970); and
- (4) 5 U.S.C. 3107 (1970).

We hope the above information will be of assistance to the Board in making its decision.

Sincerely yours,

Paul G. Dembling

Paul G. Dembling
General Counsel

bc: Mr. Gutmann, PSAD
Mr. Pierson, OGC
Mr. Evers, OGC
Mr. Nagel, PSAD
Mr. Kuhta, PSAD
Mr. Hunt, OGC
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