



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

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OFFICE OF GENERAL COUNSEL

JAN 8 1979

In reply
refer to: B-193168

Ms. Joyce Barbee
Assistant Director, Accounting Operations
Bureau of Government Financial Operations
Department of the Treasury
Washington, D.C. 20226

ACC 00596

Dear Ms. Barbee:

Thank you for your letter of November 22, 1978, enclosing a copy of a proposed Executive Order establishing the "President's Commission on the Coal Industry." You asked whether I concur in your view that section 608 of Pub. L. 95-429, approved October 10, 1978, prohibits the use of appropriated funds to finance such a commission without prior and specific congressional approval. It appears, from a telephone conversation you had with my assistant general counsel that you were under the impression that she had informally advised several agencies concerned with the funding of the Commission that section 608 was no problem because they could rely on the so-called "Economy Act," 31 U.S.C. § 686 to provide sufficient authority to fund some of the Commission's expenses.

I agree that section 608 is not a bar to funding this particular Commission, but not because of the availability of the Economy Act or any other Federal funding authority. It is not a bar because it is simply not applicable to the Coal Commission, as it is presently constituted under the proposed Executive Order. Section 608 is a perennial appropriation restriction on the funding of "interdepartmental" groups without specific congressional sanction, which otherwise would be authorized under 31 U.S.C. § 691. The kinds of groups covered by 31 U.S.C. § 691 are "interagency groups. . . composed in whole or part of representatives. . ." of Government departments and establishments. See 49 Comp. Gen. 305 (1969) for a discussion of the legislative intent of this provision and the ensuing appropriation restrictions. You will note that under section 1-102 of the Executive Order, the membership of the Commission is entirely composed of five "citizens in private life." While the Secretaries of two agencies, as well as some congressional representatives, are invited to attend and participate in meetings of the Commission if they wish to do so, it is the Commission alone that is charged with the duties and responsibilities set forth in the other sections of the Order.

[Propriety of Establishing "President's Commission on the Coal Industry" using Appropriated Funds]

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B-193168

If you have any further questions about the funding of the Coal Commission, please don't hesitate to write again.

Sincerely yours,

Milton J. Socolar
General Counsel