



August 2020

# FEDERALISM

## Opportunities Exist to Improve Coordination and Consultation with State and Local Governments

## Why GAO Did This Study

Federal programs fulfilling national goals in education, health care, transportation infrastructure, and homeland security, among other issues, are implemented through a complex partnership between federal, state, and local governments. E.O. 13132, *Federalism*, outlines principles and criteria to guide the formulation and implementation of policies and the appropriate division of responsibilities between levels of government.

GAO was asked to review intergovernmental affairs activities at executive branch agencies. This report (1) identifies intergovernmental affairs offices' key responsibilities and activities at selected federal agencies and how these offices are organized, and (2) assesses state and local government officials' interaction with intergovernmental affairs offices, including their reported strengths and challenges. GAO examined relevant policies and executive orders and surveyed officials from the 24 CFO Act agencies. GAO also interviewed a nongeneralizable sample of individuals from 10 associations representing state and local government officials.

## What GAO Recommends

GAO is recommending that OMB ensure that federal agencies implement its guidance on agency adherence to E.O. 13132 requirements, particularly related to designating a federalism official. OMB neither agreed nor disagreed with the recommendation.

View [GAO-20-560](#). For more information, contact Michelle Sager at (202) 512-6806 or [sagerm@gao.gov](mailto:sagerm@gao.gov).

# FEDERALISM

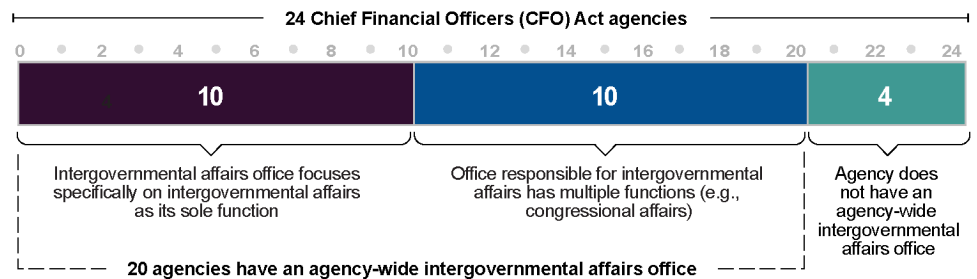
## Opportunities Exist to Improve Coordination and Consultation with State and Local Governments

### What GAO Found

Federal agencies' intergovernmental affairs activities advance agency objectives that require coordination with state and local governments. Most of the 24 Chief Financial Officers (CFO) Act agencies GAO surveyed reported undertaking similar information-sharing and coordination activities, such as serving as liaisons, conducting outreach, and hosting and attending events.

The agencies GAO surveyed also reported taking varied approaches to structuring their intergovernmental affairs operations to conduct these activities. Of the 20 agencies with agency-wide intergovernmental affairs offices, half focused on intergovernmental affairs as their sole function while the other half included multiple functions, such as congressional or legislative affairs.

### How Agencies Organized Their Intergovernmental Affairs Operations



Source: GAO analysis of survey responses from the 24 Chief Financial Officers (CFO) Act agencies. | GAO-20-560

Most agencies also reported that intergovernmental affairs activities and responsibilities were dispersed across their agencies. Regional and program offices perform intergovernmental affairs functions at some agencies, while others have an agency-wide office for them. Responsibilities for consulting with state and local governments under Executive Order (E.O.) 13132 also varied. The order requires that each federal agency designate an official to implement the order. Fourteen agencies reported having such an official; 10 did not report having one.

Representatives from state and local associations GAO interviewed reported interacting with federal agency intergovernmental affairs offices for outreach and information-sharing purposes. They also cited coordination and consultation challenges, such as difficulty identifying intergovernmental affairs contacts, limited federal agency knowledge of state and local government, and inconsistent consultation on proposed regulations.

The Office of Management and Budget (OMB) has primary responsibility for implementing E.O. 13132 and related implementation guidance, including a requirement for the designation of a federalism official. However, OMB could not identify any oversight steps it had taken to ensure federal agencies' designation of a federalism official consistent with its guidance for implementation of the executive order. Taking steps to ensure federal agencies' designation of a federalism official could help ensure that agencies have an accountable process in place for appropriately consulting with state and local governments.

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## Abbreviations

CFO Act	Chief Financial Officers Act of 1990
COVID-19	Coronavirus Disease 2019
DHS	Department of Homeland Security
DOD	Department of Defense
DOE	Department of Energy
DOJ	Department of Justice
DOL	Department of Labor
DOT	Department of Transportation
Education	Department of Education
E.O.	Executive Order
EPA	Environmental Protection Agency
GSA	General Services Administration
HHS	Department of Health and Human Services
HUD	Department of Housing and Urban Development
NSF	National Science Foundation
OMB	Office of Management and Budget
OIRA	Office of Information and Regulatory Affairs
OPM	Office of Personnel Management
SBA	Small Business Administration
SSA	Social Security Administration
State	Department of State
Treasury	Department of the Treasury
USAID	U.S. Agency for International Development
USDA	U.S. Department of Agriculture
VA	Department of Veterans Affairs

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August 7, 2020

The Honorable Rob Bishop  
Ranking Member  
Committee on Natural Resources  
House of Representatives

The Honorable Gerald E. Connolly  
Chairman  
Subcommittee on Government Operations  
Committee on Oversight and Reform  
House of Representatives

The federal government and state and local governments share responsibility for fulfilling important national goals and providing essential services to citizens. This shared responsibility illustrates the interconnected nature of health care systems and programs including Medicaid, education, infrastructure, unemployment insurance, and nutrition assistance, among many others.

Responding to challenges, such as the Coronavirus Disease 2019 (COVID-19), involves all levels of government—federal, state, local, tribal, and territories—and multiple programs and funding sources. In 2019, the federal government awarded approximately \$721 billion in grants to state and local governments for a wide range of activities. The four COVID-19 relief laws enacted at the time of our review provide an estimated \$335 billion in funds to agencies for assisting U.S. states, localities, territories, and tribes in their responses to the COVID-19 pandemic.<sup>1</sup>

To help ensure the appropriate division of responsibilities between the federal government and the states, the 1999 Executive Order (E.O.) 13132, *Federalism*, provides a set of principles and criteria that executive agencies and departments must follow when formulating and implementing policies that affect state and local governments, specifically

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<sup>1</sup>For additional information, see GAO, *COVID-19: Opportunities to Improve Federal Response and Recovery Efforts*, [GAO-20-625](#) (Washington, D.C.: June 25, 2020).

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those policies that have federalism implications.<sup>2</sup> In particular, E.O. 13132 states that each agency shall have an accountable process to ensure meaningful and timely input by state and local officials in the development of regulatory policies that have federalism implications. The executive order requires each agency to designate an official with principal responsibility for implementation but does not specify how agencies are to organize their intergovernmental offices or functions.

E.O. 13132 has remained in effect since its issuance and Congress has undertaken recent initiatives to strengthen and improve the relationship between federal, state, local, and tribal governments.<sup>3</sup> For example, the Speaker's Task Force on Intergovernmental Affairs was established by the Speaker of the House in 2017 to, among other things, provide a forum for states, cities, and counties to address public policy issues and examine the effects of federal rules and regulations on state and local governments.<sup>4</sup>

Further, in 2019, bills were introduced in the House and Senate to establish a Commission on Intergovernmental Relations to, among other things, facilitate cooperation, coordination, and accountability among all levels of government and provide continuing attention to federalism and

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<sup>2</sup>E.O. 13132, *Federalism*, 64 Fed. Reg. 43255 (Aug. 10, 1999). Under E.O. 13132, policies that have federalism implications include regulations, legislative proposals or comments, and other policy statements or actions that have substantial direct effects on the states, the relationship between the federal government and the states, or the distribution of power and responsibilities among the various levels of government. § 1(a). The executive order applies to all federal agencies except for independent regulatory agencies such as the Nuclear Regulatory Commission, among others. See 44 U.S.C. § 3502(5) for the definition of independent regulatory agency. The executive order encourages independent regulatory agencies to comply voluntarily with its provisions. § 9.

<sup>3</sup>This report focuses on implementation of E.O. 13132, which applies to state governments, including units of local governments and other political subdivisions established by the states. Indian tribes are not political subdivisions established by the states. Therefore, E.O. 13132 does not apply to tribal governments and Indian tribes are not included within the scope of this report. E.O. 13175, *Consultation and Coordination with Indian Tribal Governments*, issued on November 6, 2000, directs federal agencies to establish regular and meaningful consultation and collaboration with tribal officials in development of federal policies that have tribal implications. 65 Fed. Reg. 67249 (Nov. 9, 2000).

<sup>4</sup>Announced in May 2017, the leadership of the House established the task force to focus on balancing the interests between federal and local governments and held a number of hearings to examine federalism and intergovernmental affairs.

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intergovernmental issues.<sup>5</sup> In addition, we and others have questioned the extent to which federal agencies tasked with managing intergovernmental affairs are sufficiently visible and accessible to state and local governments.<sup>6</sup>

You asked us to review intergovernmental affairs activities at executive branch agencies. This report (1) identifies intergovernmental affairs offices' key responsibilities and activities at selected federal agencies and how these offices are organized, and (2) assesses how state and local government officials interact with federal agencies' intergovernmental affairs offices, including the reported strengths and challenges of those interactions.

To identify intergovernmental affairs offices' key responsibilities and activities at selected federal agencies and how these offices are organized, we reviewed E.O. 13132 and related Office of Management and Budget (OMB) guidance on implementation of the executive order. We also surveyed the 24 executive branch agencies covered by the Chief Financial Officers Act of 1990 (CFO Act) as amended.<sup>7</sup> We selected these agencies because they accounted for more than 99 percent of total

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<sup>5</sup>*Restore the Partnership Act*, (H.R. 3883 introduced July 23, 2019, and S. 2967, introduced December 3, 2019). The House Committee on Oversight and Reform reported H.R. 3883, as amended, favorably to the House on December 19, 2019. The Senate Committee on Homeland Security and Governmental Affairs reported S. 2967, as amended, favorably to the Senate on July 22, 2020.

<sup>6</sup>See for example, *The Future of Federalism in America*, Hearing Before the House Subcommittee on Government Operations, Committee on Oversight and Reform, 116th Cong. (2019); National Academy of Public Administration, *Letter to Speaker's Task Force on Intergovernmental Affairs* (Jan. 29, 2018); and GAO, *Highlights of a GAO Symposium: Addressing Key Challenges in an Intergovernmental Setting*, [GAO-03-365SP](#) (Washington, D.C.: Mar. 31, 2003), and *Federalism: Implementation of Executive Order 12612 in the Rulemaking Process*, [T-GGD-99-93](#) (Washington, D.C.: May 5, 1999).

<sup>7</sup>Pub. L. No. 101-576, 104 Stat. 2838 (Nov. 15, 1990). These agencies are listed in subsection (b) of section 901 of title 31 of the United States Code. The 24 CFO Act agencies, generally the largest federal agencies, are the Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, the Interior, Justice, Labor, State, Transportation, the Treasury, and Veterans Affairs, as well as the Agency for International Development, Environmental Protection Agency, General Services Administration, National Aeronautics and Space Administration, National Science Foundation, Nuclear Regulatory Commission, Office of Personnel Management, Small Business Administration, and Social Security Administration. However, as noted earlier in this report, the Nuclear Regulatory Commission—an independent regulatory agency—is not required to comply with E.O. 13132 but is encouraged to do so voluntarily.

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federal grants obligated in fiscal year 2019. In our survey, we included questions related to requirements under E.O. 13132 and how agencies organize their intergovernmental affairs operations. We received responses from all 24 CFO Act agencies for a 100 percent response rate. To supplement the survey responses, we also analyzed documentation provided by and information obtained during interviews with the 24 agencies on their intergovernmental offices' organization and activities.

To assess how state and local government officials interact with federal agencies and the reported challenges and strengths of those interactions, we conducted a series of interviews with a nongeneralizable sample of individuals from 10 associations representing state and local government officials.<sup>8</sup> We selected associations from the "Big Seven" national membership associations of state and local officials as part of our interviews.<sup>9</sup> We also based our selection on our review of relevant literature, referrals from federal agency officials, and our prior work related to intergovernmental issues.

We also interviewed officials at the White House Office of Intergovernmental Affairs for both objectives. We reached out to OMB to discuss its role in intergovernmental affairs and agencies' adherence to E.O. 13132. OMB staff responded that they could not identify a point of contact for intergovernmental affairs. Appendix I provides additional details on our objectives, scope, and methodology.

We conducted this performance audit from April 2019 to August 2020 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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<sup>8</sup>Throughout this report, our references to state and local officials include elected officials of state and local governments or the national organizations for these officials.

<sup>9</sup>The "Big Seven" refers to the following seven national associations whose members represent state and local elected and appointed officials: the Council of State Governments, the International City/County Management Association, the National Association of Counties, the National Conference of State Legislatures, the National Governors Association, the National League of Cities, and the U.S. Conference of Mayors.



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## Background

Federal programs spanning a broad range of policy areas including education, health care, transportation infrastructure (e.g., roads and bridges), and homeland security are implemented through a complex partnership between federal, state, and local governments. Our prior work has shown that many of the meaningful results that the federal government seeks to achieve require the coordinated efforts of more than one federal agency and often more than one sector and level of government.<sup>10</sup> For example, the nation's response to COVID-19 involves numerous federal agencies and departments, governors, state legislatures, and mayors, among many others.

Because federal policy decisions often affect and require action from state and local governments, E.O. 13132 states that each agency shall have an accountable process to ensure meaningful and timely input by state and local officials in the development of regulatory policies that have federalism implications. As stated in its preamble, the order seeks to ensure that the principles of federalism established by the Framers of the Constitution guide the executive departments and agencies in the formulation and implementation of policies. According to E.O. 13132, federal agencies are required to consult with state and local officials early while developing certain proposed regulations with federalism implications.<sup>11</sup> Some agencies have dedicated offices and/or staff to

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<sup>10</sup>GAO, *Managing For Results: Key Considerations for Implementing Interagency Collaborative Mechanisms*, [GAO-12-1022](#) (Washington, D.C.: Sept. 27, 2012).

<sup>11</sup>The executive order defines "state and local officials" to include officials of state and local governments or their representative national organizations. § 1(d). The consultation obligation applies to the extent practicable and permitted by law. E.O. 13132 specifies that federal agencies are required to consult with state and local officials early while developing any proposed regulation that would (1) preempt state law, or (2) impose substantial direct costs on state or local governments that are not required by statute or funded by the federal government. As part of this process, agencies are to provide a "federalism summary impact statement" to the Director of OMB. This statement is to describe the extent of the agency's prior consultation with state and local officials, a summary of their concerns, the agency's position supporting the need to issue the regulation, and the extent to which the concerns of state and local officials have been met. This statement is to be included in a separately identified portion of the preamble to the regulations.

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facilitate communication and coordination with tribes. However, agency relationships with tribes are not governed under E.O. 13132.<sup>12</sup>

E.O. 13132 further specifies that each federal agency designate an official with principal responsibility for implementation of the order.<sup>13</sup> To assist agencies in complying with E.O. 13132, OMB issued guidance in October 1999.<sup>14</sup> OMB guidance specifies that agency federalism officials are responsible for, among other things, ensuring the agency has an accountable process for meaningful and timely intergovernmental consultation and providing certifications of compliance to OMB.<sup>15</sup> OMB's guidance states that its Office of Information and Regulatory Affairs has primary responsibility for implementing E.O. 13132.<sup>16</sup>

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<sup>12</sup>Agencies are to establish "an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications" pursuant to E.O. 13175. See Exec. Order No. 13175, *Consultation and Coordination with Indian Tribal Governments*, § 5(a), 65 Fed. Reg. 67249 (Nov. 9, 2000). See GAO, *Tribal Consultation: Additional Federal Actions Needed for Infrastructure Projects*, [GAO-19-22](#) (Washington, D.C.: Mar. 20, 2019).

<sup>13</sup>The executive order also addresses legislative proposals, which may have federalism implications and encourages agencies to provide flexibility in granting state and local governments with waivers of requirements in federal programs where permissible. §§ 5 and 7.

<sup>14</sup>Office of Management and Budget, *Memorandum for Heads of Executive Departments and Agencies, and Independent Regulatory Agencies*, M-00-02 (Oct. 28, 1999).

<sup>15</sup>OMB guidance provides that federalism officials may designate staff to assist in the performance of these duties.

<sup>16</sup>OIRA is a statutory part of OMB within the Executive Office of the President. 31 U.S.C. § 505 and 44 U.S.C. § 3503. OIRA is the United States government's central authority for the review of Executive Branch regulations, approval of government information collections, establishment of government statistical practices, and coordination of federal privacy policy.

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Most Selected  
Agencies'  
Intergovernmental  
Affairs Offices  
Reported Undertaking  
Similar Activities and  
Varied in Their  
Organizational  
Approaches and  
Consultation  
Responsibilities

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Most Agencies'  
Intergovernmental Affairs  
Offices Reported They  
Undertook Similar  
Activities

Intergovernmental affairs activities help federal agencies advance their objectives, coordinate with state and local governments, and communicate the priorities of state and local officials to agency leaders. Twenty of the 24 agencies we surveyed reported they have an agency-wide intergovernmental affairs office to help manage interactions with state and local governments. The remaining four agencies did not establish such an office. Most of the 20 agency-wide intergovernmental affairs offices reported undertaking similar types of activities aimed at sharing information and facilitating coordination:

- **Facilitate communication.** Twenty offices in our survey reported that they serve as liaisons to facilitate communication between the agency and state and local governments. For example, Department of Energy (DOE) officials said their office directs state, local, and other external officials to appropriate offices within the agency. Similarly, Department of Justice (DOJ) officials said their office acts as a facilitator between the agency and external groups, including governors, state attorneys general, and local law enforcement groups.
- **Communicate leadership priorities.** Nineteen offices reported that they communicate the agency leadership's priorities to state and local governments. For example, Department of Education officials said their intergovernmental affairs office staff share administration priorities on the agency's website or via telephone and email and engage with legislators and state and local school boards, among others.

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- **Conduct outreach on agency efforts.** Nineteen offices responded to the survey to say that they conduct outreach to state and local governments on agency programs or policies. For example, Department of Health and Human Services (HHS) officials said their office leads coordination efforts with external groups on the Secretary's priorities. An official at the U.S. Agency for International Development (USAID) told us that the office's outreach efforts to universities and state and local government elected officials help create awareness of USAID's work.
  - **Provide information on regulations.** Sixteen offices reported that they inform state and local governments about regulations that may affect them. For example, U.S. Department of Agriculture (USDA) officials told us that their office communicates and coordinates the rollout of upcoming policy items such as regulations and *Federal Register* notices with appropriate state, local, and county officials.
  - **Assist with grants.** Sixteen offices reported that they assist with grants in some capacity. For example, officials from the Departments of Housing and Urban Development (HUD) and the Interior told us that their offices inform local officials about their respective agencies' grant announcements.
  - **Host and attend events.** Ten offices reported that they host events or work with state and local governments by facilitating federal agency participation as speakers at conferences and other events. For example, Department of Homeland Security (DHS) officials told us they send speakers to conferences, attend various seminars held with governors, and attend rural community meetings. Officials from the Department of Veterans Affairs (VA) reported that agency-wide intergovernmental affairs office staff attend conferences hosted by national organizations to present agency-related updates on various topics.

Agency officials also reported that they carry out a range of mission-specific activities as part of their agency-wide intergovernmental affairs offices' interactions with state and local governments. For example:

- Department of Transportation (DOT) officials told us the agency-wide intergovernmental affairs office provides assistance to states and localities to help them understand new technologies or environmental review responsibilities, and consider new transportation initiatives.
- Officials at the Department of State (State) reported the agency-wide intergovernmental affairs office provides security briefings on foreign

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affairs matters to state and local government officials and assists them with official overseas travel.

- DOE officials told us that the agency-wide intergovernmental affairs office reaches out to governors' offices during natural disasters, such as hurricanes, to discuss federal assistance.
- Officials at the Department of the Treasury (Treasury) reported that their agency subcomponents conduct a range of intergovernmental activities. For example, they reported that Treasury's Bureau of the Fiscal Service implements programs involving state and local governments, such as the Treasury Offset Program, to collect delinquent debts owed to federal agencies and states.

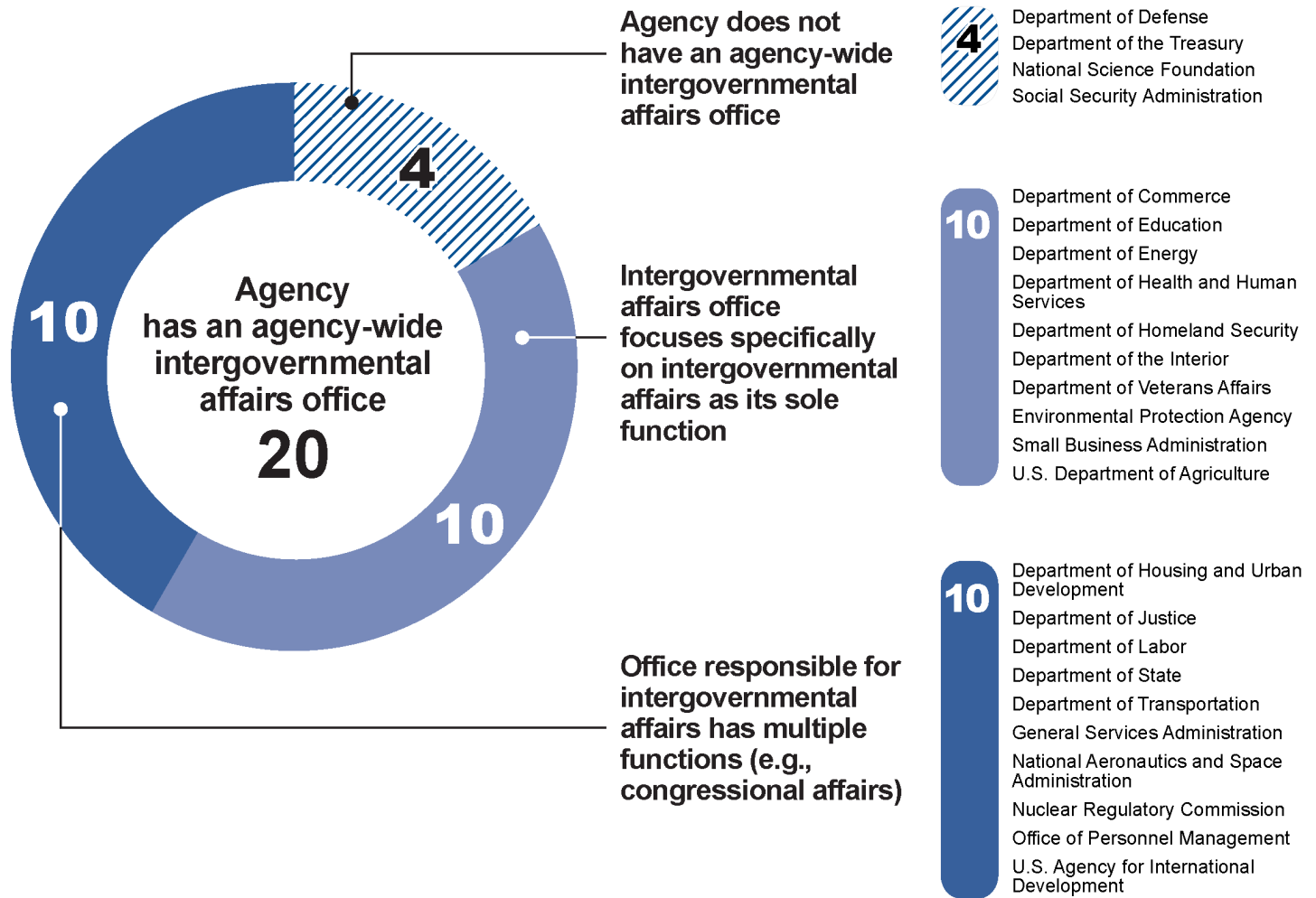
Furthermore, officials from 21 of the 24 agencies reported that they interact with the White House Office of Intergovernmental Affairs. Officials from eight of these agencies provided examples of those interactions. Specifically, most of these officials pointed to agency intergovernmental affairs offices' participation in weekly meetings sponsored by the White House. According to officials, these meetings aim to provide a forum for information sharing on a range of intergovernmental issues affecting federal, state, and local governments. For example, an official from USDA's agency-wide intergovernmental affairs office told us that Forest Service officials shared information on the roll-out of a draft environmental impact statement on fires for selected states at one of the weekly coordination meetings.

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### Organizational Approaches to Intergovernmental Affairs Varied and Activities Were Dispersed across Selected Federal Agencies

The 24 agencies we surveyed reported they took varied approaches to organizing and structuring their intergovernmental affairs operations. As mentioned earlier, 20 of these agencies established an agency-wide intergovernmental affairs office to manage interactions with external partners, including state and local government officials, associations, higher education institutions, and the private sector (see figure 1). Federal agency officials reported that intergovernmental affairs responsibilities were also often dispersed across agency offices and subcomponents. Four agencies reported that they did not establish an agency-wide intergovernmental affairs office, and three of these four agencies dispersed intergovernmental affairs responsibilities across their agencies. The fourth agency reported that it does not work with state and local governments.

**Figure 1: How the 24 Chief Financial Officers (CFO) Act Agencies Reported They Organize Their Intergovernmental Affairs Operations**



Source: GAO analysis of survey responses from the 24 Chief Financial Officers (CFO) Act agencies. | GAO-20-560

The 20 agencies with agency-wide intergovernmental affairs offices reported organizing their functions in several ways.

**Sole function.** Ten agencies reported establishing agency-wide offices to focus specifically on intergovernmental affairs functions. Eight of those agency-wide offices performed intergovernmental affairs functions from a sub-office that was part of a larger office with multiple functions. For example, the Environmental Protection Agency’s (EPA) agency-wide

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office is a dedicated intergovernmental affairs sub-office housed within the agency's Office of Congressional and Intergovernmental Relations.

**Multiple functions.** The other 10 agencies reported establishing agency-wide offices that managed intergovernmental affairs functions in addition to at least one other agency function. For example, DOT's agency-wide office has responsibilities that include advising agency leadership on congressional relations and developing relationships with state and local governments.

**Regional presence.** Some agencies reported that their agency-wide intergovernmental affairs offices also have a regional presence. For example, HHS's agency-wide office has a regional director in each of HHS's 10 regions.<sup>17</sup> According to HHS, regional directors ensure the department maintains close contact with state and local governments and addresses the needs of communities and individuals served through HHS programs and policies. For example, HHS officials told us the opioid crisis is a top priority of the Secretary that involves collaboration between the department and state and local officials and that having an intergovernmental presence across multiple locations helps facilitate those communications.

The reported number of personnel that supported the agency-wide intergovernmental affairs offices varied considerably, ranging from one to 32 staff as of December 2019. Some of this variation may result from the agency-wide offices' structures as those with multiple functions tended to report a greater number of staff. Staffing variations may also depend on the extent of an agency's reliance on state and local governments to deliver program benefits. For example, EPA officials said the agency relies on state and local governments to implement programs that fulfill requirements of the federal Clean Water Act, as well as several other federal environmental statutes. EPA had one of the highest numbers of reported staff—with 14 agency-wide intergovernmental affairs office employees. In contrast, USAID, which focuses primarily on international issues with foreign governments and civil society organizations, reported an intergovernmental affairs staff of one employee.

Officials at three of the four agencies without an agency-wide intergovernmental affairs office—the Department of Defense (DOD),

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<sup>17</sup>The Department of Health and Human Services' 10 regional offices are located in: (1) Boston, (2) New York City, (3) Philadelphia, (4) Atlanta, (5) Chicago, (6) Dallas, (7) Kansas City, (8) Denver, (9) San Francisco, and (10) Seattle.

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Social Security Administration (SSA), and Treasury—told us that intergovernmental affairs responsibilities and activities are dispersed across their respective subcomponents. For example, a senior DOD official told us that centralizing intergovernmental affairs functions through an agency-wide office is not practical because military installations, which are located across the country, are best suited to address the routine issues that arise with state and local officials. At the same time, this official said that not having a centralized intergovernmental affairs component in the agency makes coordination between DOD and state and local governments challenging, particularly in obtaining responses to specific inquiries. At the fourth agency, the National Science Foundation (NSF), officials told us that because the agency’s mission is to provide research grants to institutions of higher education (e.g., universities and colleges), research organizations, and some small businesses, NSF does not engage in work that would require input from state and local governments.<sup>18</sup>

Similarly, most agencies with an agency-wide intergovernmental affairs office also reported that intergovernmental affairs activities and responsibilities were dispersed across subcomponents and program offices. For example, agencies reported that:

- At DHS, intergovernmental affairs liaisons are located across the department’s subcomponents and program offices. According to DHS officials, the agency-wide intergovernmental affairs office hosts conference calls and shares reports with these liaisons to coordinate and stay informed about intergovernmental affairs activities across the department.
- At DOJ, each of the agency’s law enforcement components has an intergovernmental affairs office that coordinates with the agency-wide intergovernmental affairs office. According to DOJ officials, the agency’s broader law enforcement role lends itself to a decentralized intergovernmental affairs function.
- At HUD, each of the agency’s program offices has contact with state and local officials related to the operation of their programs, while the agency-wide intergovernmental affairs office has primary responsibility for intergovernmental affairs functions.

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<sup>18</sup>According to officials, the National Science Foundation’s Office of Legislative and Public Affairs communicates information about the agency’s activities, programs, research results, and policies to external parties but does not work with state and local partners.



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- At HHS, agency subcomponent offices carry out intergovernmental affairs activities. According to HHS officials, these subcomponents do not receive guidance from the agency-wide intergovernmental affairs office on managing those activities. They also told us that HHS subcomponents do not always notify the agency-wide office about the intergovernmental affairs activities they perform.
  - An official from the Small Business Administration (SBA) told us they are the only point of contact for managing intergovernmental affairs at the agency-wide intergovernmental affairs office, but that some staff in the agency's district offices conduct a significant amount of state and local outreach for SBA programs. They also said the amount and type of outreach is at the discretion of district office staff.
  - At EPA, regional and program offices perform intergovernmental affairs functions. EPA officials told us that the agency-wide intergovernmental affairs office encounters challenges in ensuring consistency across offices in how they work with state and local governments.

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### Responsibilities for Consultation with State and Local Governments under Executive Order 13132 Varied across Agencies

When federal agencies consult with state and local officials, they provide an opportunity for these officials to offer input on policies and regulations with intergovernmental implications. E.O. 13132 outlines agency responsibilities for consultation with state and local governments regarding intergovernmental issues that have federalism implications. E.O. 13132 requires each agency to have “an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.” Table 1 shows the responses we received from the surveyed agencies regarding responsibilities related to consultation under E.O. 13132.

Of the 24 CFO Act agencies, seven reported that their agency-wide intergovernmental affairs offices were responsible for consultation with state and local governments under E.O. 13132. All of these offices reported that other offices in the agency were also responsible for consultation under the executive order.

Further, four agencies—General Services Administration (GSA), NSF, the Office of Personnel Management (OPM), and State—reported that E.O. 13132 is not applicable to their respective agencies' work so no offices within their agencies are responsible for consultation with state and local governments under the executive order. For example, GSA officials reported that the agency primarily supports other federal agencies and

does not execute policies that affect state and local governments within the scope of the executive order.

**Table 1: Summary of the 24 Chief Financial Officers (CFO) Act Agencies' Responses on Responsibilities and Written Policies for Executive Order 13132, *Federalism***

Agency	Is there an agency-wide intergovernmental affairs office responsible for consultation under Executive Order 13132?	Are other offices within the agency responsible for consultation under Executive Order 13132?	Is there a designated agency official responsible for implementation of Executive Order 13132?	Does the agency have written policies or procedures governing responsibilities for consultation under Executive Order 13132?
Department of Commerce	●	●	●	●
Department of Defense	○	●	○	○
Department of Education	●	●	●	●
Department of Energy	○	●	●	○
Department of Health and Human Services	DK	DK	DK	DK
Department of Homeland Security	○	●	●	○
Department of Housing and Urban Development	○	●	●	DK
Department of Justice	○	●	○	○
Department of Labor	○	●	○	○
Department of State	N/A	N/A	N/A	N/A
Department of the Interior	●	●	●	DK
Department of the Treasury	○	●	●	●
Department of Transportation	●	●	●	●
Department of Veterans Affairs	○	●	●	○
Environmental Protection Agency	●	●	●	●
General Services Administration	N/A	N/A	N/A	N/A
National Aeronautics and Space Administration	○	●	●	○
National Science Foundation	N/A	N/A	N/A	N/A
Nuclear Regulatory Commission	○	○	●	●
Office of Personnel Management	N/A	N/A	N/A	N/A
Small Business Administration	○	DK	○	○
Social Security Administration	○	●	○	○

Agency	Is there an agency-wide intergovernmental affairs office responsible for consultation under Executive Order 13132?	Are other offices within the agency responsible for consultation under Executive Order 13132?	Is there a designated agency official responsible for implementation of Executive Order 13132?	Does the agency have written policies or procedures governing responsibilities for consultation under Executive Order 13132?
U.S. Agency for International Development	●	●	●	●
U.S. Department of Agriculture	●	●	●	●

Legend: ● indicates 'yes' response; ○ indicates 'no' response; DK indicates 'don't know' response; N/A (not applicable) indicates that the agency reported that the executive order is not applicable to their agency's mission.

Source: GAO analysis of survey responses from officials from the 24 CFO Act agencies. | GAO-20-560

Seventeen agencies reported that other offices within their respective agencies were responsible for consultation with state and local governments under the executive order. As previously mentioned, at some of these agencies, both the agency-wide intergovernmental affairs office and other offices were responsible for consultation. For example, at EPA, the agency-wide intergovernmental affairs office shares consultation responsibilities with the agency's program offices. In other agencies, offices other than the agency-wide intergovernmental affairs office, such as HUD's Grants Management and Oversight Division, were responsible for consultation with state and local governments.

Under E.O. 13132, agencies must designate an official with principal responsibility for implementation of the order. According to OMB guidance, among other things, agencies' designated federalism officials are required to ensure that their respective agencies have an accountable process for meaningful and timely intergovernmental consultation in the development of regulatory policies that have federalism implications.

Fourteen agencies identified a designated federalism official within their respective agencies. Another five agencies—DOD, DOJ, Department of Labor (DOL), SBA, and SSA—reported that there was no designated agency official responsible for implementation of E.O. 13132. In addition, one agency—HHS—reported it did not know if the agency had a designated official with responsibilities under E.O. 13132. As noted earlier, four agencies—GSA, NSF, OPM, and State—reported that the executive order is not applicable to their respective agencies' work.

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We also asked agencies whether they had written policies and procedures governing responsibilities for consultation under E.O. 13132. Eight agencies reported that they have such policies and provided documentation regarding them. Another nine agencies reported that they had no written policies and procedures. In addition, three agencies reported they did not know whether their respective agencies had written policies and procedures regarding consultation.

Of the nine agencies with no written policies governing responsibilities for consultation under E.O. 13132, eight agencies (DHS, DOD, DOE, DOJ, DOL, the National Aeronautics and Space Administration, SSA, and VA) reported that other offices only were responsible for consultation. The ninth agency—SBA—reported that it does not typically promulgate policies that have federalism implications.

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## Selected State and Local Associations Reported Outreach and Information-Sharing Activities as Well as Coordination and Consultation Challenges

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### Officials from Selected State and Local Associations Reported Interactions with Federal Agency Intergovernmental Affairs Offices for Outreach and Information-Sharing Purposes

Officials from nine agencies' intergovernmental affairs offices reported that they interact with state and local officials through a number of efforts to share information on their agencies' priorities. For example, federal officials told us they reach out to state and local officials through regular newsletters, emails, or briefings. According to representatives of one association, these outreach efforts often provide information and updates regarding agencies' plans and proposals.

For example, the Department of Education (Education) distributes an online bi-weekly newsletter, which posts information on a range of intergovernmental issues that may affect state and local governments. One newsletter issue included an announcement about a new guidance portal pursuant to a particular executive order, while another issue focused on grant opportunities available to state governments. Further,

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representatives from several associations said that EPA's intergovernmental affairs office meets quarterly with state and local officials on rotating topics.<sup>19</sup>

Some association representatives also reported reaching out to agency intergovernmental affairs offices to obtain information on various topics. For example, representatives from several associations we interviewed told us that they contact federal intergovernmental affairs offices with questions about particular policies or programs, or to request briefings on topics or obtain speakers for association events. For example, at one association's request, DHS regularly sends a representative to the association's member meetings to discuss issues with intergovernmental implications, such as an agency cybersecurity initiative.

Most association representatives told us they also engage with agency program offices to discuss issues, such as new or existing regulations or program implementation. Some of these association representatives told us they sometimes interact directly with program or other agency offices or components because that is where the relevant subject matter experts are located in the agencies. For example, representatives of one association said that, for issues related to wildfire management, they prefer to speak with subject matter experts in the agency's program offices, such as those within USDA's Forest Service.

Several association representatives also discussed examples of the White House Office of Intergovernmental Affairs facilitating connections with federal agency officials in a number of ways. For example, they told us the office conducts weekly calls that focus on administration priorities requiring coordination with state and local governments. Representatives of two associations said that they are sometimes invited to participate in these meetings. In addition, the White House Office of Intergovernmental Affairs sponsored various events and meetings at the White House with federal, state, and local officials on a range of issues that affect states and localities.

The White House Office of Intergovernmental Affairs reaches out to state and local officials to discuss agendas and attendees for these events and meetings. Association officials noted that sometimes they did not receive notice of these events and meetings in time to take action or invite

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<sup>19</sup>We use the terms "several," "some," and "most" to describe the number of associations whose representatives responded on a particular issue. We defined "several" or "some" as three to five associations and "most" as six or more associations.

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members to attend in person. In addition, the White House Office of Intergovernmental Affairs developed a list of agency intergovernmental affairs contacts at federal agencies, which it shared with state and local officials.

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### Selected State and Local Associations Reported that Dispersed Functions Challenged Coordination and Consultation with Federal Agencies

Association representatives identified a number of challenges related to coordination and consultation with federal agency officials responsible for intergovernmental affairs as a result of the dispersed and varied nature of intergovernmental affairs functions.

#### Coordination Challenges

**Difficulty in identifying an appropriate intergovernmental affairs contact.** Representatives from several associations told us that they sometimes have difficulty obtaining the information they and their members need because of challenges in identifying or ultimately reaching the appropriate agency official who has responsibility for intergovernmental affairs. For example, representatives of two associations pointed to instances of confusion regarding when they should contact the intergovernmental affairs office or another office within an agency to obtain assistance with substantive policy issues, such as water resource and land management or disaster recovery work. In addition, representatives from another association characterized interactions with intergovernmental affairs offices as “ad hoc,” given the various offices that manage different issues. A representative from one association suggested that federal agencies could improve their guidance about appropriate contact points within their agencies.

Officials from five of the 24 CFO Act agencies told us that the responsibilities for intergovernmental issues are dispersed across multiple offices within their agencies, which can affect coordination with state and local officials. For example, an official from one agency’s intergovernmental affairs office told us that keeping track of the interactions with state and local government officials that occur across the agency is challenging. This official said that these challenges affect state and local officials’ ability to obtain prompt and accurate responses to their inquiries and needs for information. Officials at one agency’s intergovernmental affairs office told us that they were attempting to increase communications across the agency to better understand and maintain an awareness of various offices’ interactions with state and local governments and the associations representing them.

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Representatives from several associations told us that they appreciate the list of intergovernmental affairs contacts developed and shared by the White House Office of Intergovernmental Affairs, which has aided state and local officials in identifying an appropriate contact at federal agencies. However, representatives from one association told us that they do not believe the list is regularly updated and representatives of another association said they never received the list.

According to a White House Office of Intergovernmental Affairs official, the contact list is updated at least quarterly and shared directly with state, local, and tribal leaders. Moreover, according to this official, with administrations inevitably turning over at some point, and the accompanying changes in staff and priorities, maintaining the relationships with state and local governments that the office has cultivated as well as the progress it has achieved on intergovernmental issues can be challenging.

**Limited knowledge of federal, state, and local government operations.** Representatives from several associations reported that some federal agency intergovernmental affairs office staff have a limited understanding of and familiarity with state and local governments and how they operate. For example, representatives of two different associations—one that represents state-level officials and one that represents local-level officials—told us that some of the officials they represent have responsibility for elections. Representatives of one of these associations said that the role of local governments is often misunderstood, including the division of election responsibilities and how federal policies affect those responsibilities. For example, responsibility for the administration of state and federal elections, including regulating registration procedures, resides at the state government level. Further, within each state, local governments generally have responsibility for managing, planning, and conducting elections—including registering voters. As a result, the administration of election activities differs across states and local jurisdictions.<sup>20</sup>

Representatives from some associations also told us that changes in federal agencies' intergovernmental affairs office staff—as a result of frequent staff turnover and political appointee transitions—also contribute to the staff's limited understanding of state and local government

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<sup>20</sup>For additional information, see GAO, *Election Security: DHS Plans Are Urgently Needed to Address Identified Challenges Before the 2020 Elections*, [GAO-20-267](#) (Washington, D.C.: Feb. 6, 2020).

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operations, including variances among states. For example, one association representative told us that these issues result in state and local officials regularly needing to re-establish relationships with federal agencies. Representatives from another association said that, to help address these challenges, they have conducted training on local government operations for federal intergovernmental affairs officials. In addition, some of the staff in intergovernmental affairs offices may have limited capacity to focus on intergovernmental affairs issues, given the number of intergovernmental affairs offices that have multiple functions, as discussed earlier in this report.

Officials in two federal intergovernmental affairs offices also reported that state and local government officials do not always have sufficient knowledge of the federal agency's role in intergovernmental affairs and the resources available to state and local governments. For example, one intergovernmental affairs official said that many state and local officials are not aware of the support and resources federal agencies can provide, and some of the smaller governments do not always use the agencies as a resource.

These officials also said that, to help address some of these issues, agency intergovernmental affairs offices, together with the White House Office of Intergovernmental Affairs, sometimes provided outreach directly to state and local officials. Officials at seven federal agency intergovernmental affairs offices said that, in some instances, they can coordinate and foster connections with subject matter experts in their agencies. For example, officials at one agency reported delivering security briefings to state and local officials traveling internationally and reviewing agreements between state and local governments and international counterparts.

**Inconsistent outreach.** Representatives from several associations reported that some agency intergovernmental affairs offices' outreach efforts, such as providing informational briefings or events, were inconsistent in frequency. Specifically, according to representatives of some associations, while some agency intergovernmental affairs offices engaged in more frequent outreach with state and local officials, such as Education, other agency intergovernmental affairs offices reached out on an ad hoc basis and other offices did not engage in any outreach.

For example, representatives from one association reported developing a strong partnership with DOJ in coordinating justice-related grants. However, representatives from another association told us that DOJ's



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intergovernmental affairs office had not reached out to the association and its members for a couple of years. These representatives also noted that their own efforts to contact DOJ's intergovernmental affairs office were only successful after two years of repeated attempts. Representatives of another association told us that they believed that regular outreach from intergovernmental affairs offices could help address the challenges related to identifying an agency contact.

Officials at three federal agency intergovernmental affairs offices reported that providing outreach consistently can be challenging due to the large number of state and local governments. Further, officials at one agency's intergovernmental affairs office said they do not regularly contact state and local officials on rulemaking because they assume state and local officials are aware of developments on these issues from other sources. For example, officials at one intergovernmental affairs office reported that contacting state and local officials on an issue directly is not always feasible and acknowledged this can be a coordination challenge because not all state and local officials are up to date on agency decisions.

**Communication.** Representatives from some associations also reported that federal agency intergovernmental affairs offices' communications focus largely on sharing the agency's priorities through outreach efforts, but not necessarily providing opportunities for state and local officials to communicate feedback or engage in a dialogue with the agency. For example, representatives of one association said that some federal agency intergovernmental affairs offices' primary communication with state and local officials is through email that contains attached documents with program information or briefing announcements, covering topics such as an agency's budget. Representatives from another association told us that intergovernmental affairs offices are too often interested only in pushing priorities and not providing opportunities for input from or an exchange with state and local officials.

Further, some representatives told us that agency intergovernmental affairs offices do not consistently communicate with state and local officials on intergovernmental issues that affect them. These association representatives told us that state and local officials would like more frequent opportunities to provide input on issues, such as regulations or program operations. Representatives of some associations said that in instances when agencies communicate with and solicit input from state and local officials, it is not always clear how the agency uses that input. Representatives of some associations also said that, in some cases, the agency-wide intergovernmental affairs offices add another layer of

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Challenges Related to  
Consultation under Executive  
Order 13132

bureaucracy for state and local officials to work through to provide input directly to decision makers at the agency, who may work in program offices.

Representatives from all but one association reported inconsistent consultation efforts between federal agencies and state and local governments on proposed regulations. As noted earlier, E.O. 13132 requires federal agencies to consult with state and local officials under specified circumstances when formulating and implementing policies that have federalism implications.<sup>21</sup> Representatives from some associations told us that each agency's approach to consultation differs, which can be challenging for state and local government officials to navigate.

As our survey found, officials from five federal agencies reported that there was not a designated agency official responsible for ensuring their own agency's compliance with E.O. 13132. In addition, officials from one of the federal agencies reported they did not know if the agency had designated this official.

The lack of an identified appropriate contact at federal agencies, as some association representatives pointed out, may contribute to inconsistent consultation efforts with state and local officials during the rulemaking process. Specifically, rulemaking may involve multiple offices within a federal agency and state and local officials may not know which office to contact to provide input. At EPA, for example, guidance on E.O. 13132 applies to all managers and staff—including those in regional offices—who are planning or developing actions such as drafting regulations.<sup>22</sup>

EPA's process for ensuring compliance with E.O. 13132 among its managers and staff includes steps that may involve multiple components within the agency, such as EPA's Office of Congressional and Intergovernmental Relations; EPA's program offices; Office of General Counsel; Office of Policy—where EPA's federalism official is located—and EPA's Office of Regional Counsel. EPA guidance encourages managers and staff developing the regulations to work with the Office of

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<sup>21</sup>In addition to those circumstances already mentioned, E.O. 13132 requires consultation if (1) there is uncertainty whether federal action which limits the policymaking discretion of states is authorized and appropriate, (2) an agency foresees the possibility of a conflict between state law and federally-protected interests in regulating, and (3) national standards are required by federal statute.

<sup>22</sup>EPA's guidance, titled "EPA's Action Development Process: Guidance on Executive Order 13132: Federalism," was issued in November 2008.

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Congressional and Intergovernmental Relations, but the Office of Congressional and Intergovernmental Relations does not require this coordination.

However, because not all agencies reported having a designated federalism official, state and local input may or may not be solicited. As a result, opportunities may be missed to build in state and local consultation at the outset of the development of regulatory and legislative policies with federalism implications.

As noted earlier, OMB guidance states that its Office of Information and Regulatory Affairs (OIRA) has primary responsibility for implementing E.O. 13132 and related implementation guidance, including a requirement for the designation of a federalism official.<sup>23</sup> However, OMB could not identify any oversight steps it had taken to ensure federal agencies' designation of a federalism official consistent with its guidance for implementation of the executive order. OMB staff told us that the agency does not have a centralized office that works with state and local governments or with intergovernmental affairs liaisons at federal agencies. OMB staff also told us that OIRA regards state and local governments as key stakeholders in the rulemaking process. In instances when there are what OMB staff characterized as "significant state or local government issues," OIRA works with federal agencies and the White House Office of Intergovernmental Affairs, which serves as the intergovernmental affairs office for the entire Executive Office of the President.

OMB's approach, however, does not provide a means for maintaining continuity during transitions. In addition, without a point of contact within OMB for intergovernmental issues, OMB is not fulfilling an oversight role to ensure agencies' designation of their federalism officials. Taking steps to ensure agencies' designation of their federalism officials would be consistent with OMB's responsibility for implementing the executive order. Such efforts are particularly important in light of the role that the federalism official serves in ensuring agencies have an accountable process for meaningful and timely intergovernmental consultation in the

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<sup>23</sup>OIRA is a statutory part of OMB within the Executive Office of the President. 31 U.S.C. § 505 and 44 U.S.C. § 3503. OIRA is the United States government's central authority for the review of Executive Branch regulations, approval of government information collections, establishment of government statistical practices, and coordination of federal privacy policy.

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development of regulatory and legislative policies that have federalism implications.

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## Conclusions

Federal, state, and local governments share responsibility in fulfilling important national goals and providing essential services to citizens. Effective and efficient administration of federal programs implemented by state and local governments—such as Medicaid and unemployment insurance—requires intergovernmental coordination and clear communication among and between these governments.

E.O. 13132 established a set of fundamental principles and criteria that executive departments and agencies should follow when formulating and implementing policies that have federalism implications. To assist agencies in complying with E.O. 13132, OMB's guidance specifies that agency federalism officials are responsible for, among other things, ensuring the agency has an accountable process for meaningful and timely intergovernmental consultation.

However, as our survey showed, not all agencies reported having a designated federalism official in their agency or knew which office or individual was responsible for ensuring the agency's compliance with E.O. 13132. In addition, representatives from all but one association reported inconsistent consultation efforts between federal agencies and state and local governments on proposed regulations.

Absent a designated official, the current approach to the intergovernmental affairs function results in an approach to developing federal regulations and policies that may not appropriately reflect input from state and local governments, lacks efficient and consistent coordination, and potentially misses opportunities for consultation. Without the ability to identify the appropriate official or offices to address intergovernmental issues, state and local governments struggle to obtain information and assistance from federal agencies in an accurate and timely manner on issues affecting them.

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## Recommendation for Executive Action

The Director of OMB should take steps to ensure that federal agencies implement its guidance on agency adherence to E.O. 13132 requirements, particularly related to designating a federalism official. (Recommendation 1)

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## Agency Comments

We provided a draft of this report to OMB, the White House Office of Intergovernmental Affairs, and the 24 CFO Act agencies for their review and comment. OMB neither agreed nor disagreed with our recommendation and provided technical comments on the report, which we incorporated. The White House Office of Intergovernmental Affairs, DOE, DOT, OPM, SBA, SSA, and USAID also provided technical comments on the report, which we incorporated as appropriate. HHS did not comment on the report. The remaining 17 CFO Act agencies, which include the Department of Commerce, DHS, DOD, Department of the Interior, DOJ, DOL, Education, EPA, GSA, HUD, the National Aeronautics and Space Administration, NSF, the Nuclear Regulatory Commission, State, Treasury, USDA, and VA responded that they did not have comments on the report.

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As agreed with your offices, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies to interested committees, the Director of OMB, the Director of the White House Office of Intergovernmental Affairs, the secretaries and heads of the departments and agencies addressed in this report, and other interested parties. In addition, the report will be available at no charge on GAO's website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-6806 or [sagerm@gao.gov](mailto:sagerm@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report are listed in appendix II.



Michelle Sager  
Director, Strategic Issues

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# Appendix I: Objectives, Scope, and Methodology

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This report examines intergovernmental affairs capacity at federal executive branch agencies. Specifically, the objectives of our review were to (1) identify intergovernmental affairs offices' key responsibilities and activities at selected federal agencies and how these offices are organized, and (2) assess how state and local government officials interact with federal agencies' intergovernmental affairs offices, including the reported challenges and strengths of those interactions.

To identify intergovernmental affairs offices' key responsibilities and activities at selected federal agencies and how these offices are organized, we (1) reviewed Executive Order (E.O.) 13132 and related Office of Management and Budget (OMB) guidance on implementation of the order, and (2) surveyed the 24 executive branch agencies covered by the Chief Financial Officers Act of 1990 (CFO Act) as amended.<sup>1</sup> These agencies accounted for more than 99 percent of total federal grants obligated in fiscal year 2019. Specifically, we administered the survey to officials in these federal agency offices tasked with intergovernmental affairs responsibilities.

We asked a range of questions related to the offices' organization, including staffing, mission, roles, and responsibilities. We pretested our survey with two federal agency intergovernmental affairs offices and modified the survey instrument based on the comments we received. We received responses from all 24 CFO Act agencies for a 100 percent response rate. We performed follow-up interviews by email and telephone to clarify the officials' responses.

Our survey results reflect the information provided by and the opinions of the agency officials who participated in our survey. We did not independently verify the responses to our questions. To supplement the survey responses, we also analyzed documentation provided by the 24 agencies on their intergovernmental offices' organization and activities.

To assess how state and local government officials interact with federal agencies' intergovernmental affairs offices and the reported challenges and strengths of those interactions, we conducted a series of interviews by telephone or in person with a nongeneralizable sample of individuals

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<sup>1</sup>Pub. L. No. 101-576, 104 Stat. 2838 (Nov. 15, 1990). These agencies are listed in subsection (b) of section 901 of title 31 of the United States Code. However, as noted earlier in this report, the Nuclear Regulatory Commission—an independent regulatory agency—is not required to comply with E.O. 13132 but is encouraged to do so voluntarily.

from 10 associations representing state and local government officials. Additionally, through the survey mentioned above, we asked the 24 agencies about their perspectives on the challenges and strengths of those interactions. We selected associations from the “Big Seven” national membership associations of state and local officials as part of our interviews.<sup>2</sup> We also based our selection on our review of relevant literature, referrals from federal agency officials, and our prior work related to intergovernmental issues.

We also took a snowball sampling approach to identify additional individuals from associations representing state and local government officials. This involved asking the federal agency officials we interviewed for recommendations of associations we should contact to gain additional insight into the interactions between state and local government officials with federal agencies. We spoke with representatives from the following 10 organizations as part of our interviews:

1. American Legislative Exchange Council
2. Council of State Governments
3. International City/County Management Association
4. National Association of Counties
5. National Association of State Auditors, Comptrollers, and Treasurers
6. National Conference of State Legislatures
7. National Governors Association
8. National League of Cities
9. National Lieutenant Governors Association
10. Western Governors’ Association

The results from the interviews are not generalizable and represent the views of the individuals from the 10 associations we interviewed. However, we took steps to obtain opinions from associations with a range of experience in representing state and local governments. For each

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<sup>2</sup>The “Big Seven” refers to the following seven national associations whose members represent state and local elected and appointed officials: the Council of State Governments, the International City/County Management Association, the National Association of Counties, the National Conference of State Legislatures, the National Governors Association, the National League of Cities, and the U.S. Conference of Mayors.

question in the interview, we organized and analyzed the responses to develop common themes among the responses, based on the issues that emerged most frequently.

We use the terms “several,” “some,” and “most” to describe the number of associations whose representatives responded on a particular issue. We defined “several” or “some” as three to five associations and “most” as six or more associations. To provide context on these themes and supplement our understanding of this information, we reviewed related research and literature from those we interviewed as well as other organizations.

We also interviewed officials at and obtained documentation from the White House Office of Intergovernmental Affairs for both objectives. We reached out to OMB to discuss its role in intergovernmental affairs and agencies’ adherence to E.O. 13132. However, OMB staff could not identify a point of contact for intergovernmental affairs.

We conducted this performance audit from April 2019 to August 2020 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.



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# Appendix II: GAO Contact and Staff Acknowledgments

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## GAO Contact

Michelle Sager, (202) 512-6806, [sagerm@gao.gov](mailto:sagerm@gao.gov)

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## Staff Acknowledgments

In addition to the contact named above, Brenda Rabinowitz (Assistant Director), Jyoti Gupta (Analyst-in-Charge), Colleen Corcoran, Karin Fangman, Robert Gebhart, Tangere Hoagland, Amalia Konstas, Jean McSween, Anna Maria Ortiz, Emmy Rhine Paule, Robert Robinson, Ralanda Sasser, and Cynthia Saunders made significant contributions to this report.

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