An ACIR Perspective on Intergovernmental Institutional Development

This article traces the creation and demise of the U.S. Advisory Commission on Intergovernmental Relations (ACIR) and assesses the prospects for restoring an ACIR-like capability to the federal system. Recent initiatives by the National Academy of Public Administration, the Big 7 state and local government official associations, and Congress are summarized, and the facilitating and inhibiting factors associated with intergovernmental institutional development are examined. At least three ingredients in the formula that gave birth to the ACIR in 1959 will need to be present more than 50 years later: (1) support from congressional champions, the president, and public interest groups; (2) visibility and urgency of intergovernmental fiscal and management issues and the need for a permanent intergovernmental presence to address them; and (3) "homework and spadework" to enlist potential conservative and liberal interest group and think tank backers.

The year 2009 marked the fiftieth anniversary of the creation of the U.S. Advisory Commission on Intergovernmental Relations (ACIR). It also marked the fiftieth anniversary of the unheralded launching of what in the 1970s would be recognized as the field of intergovernmental management (IGM). The demise of the commission in 1996 has been lamented by many scholars and practitioners concerned about the need to give ongoing attention to intergovernmental relations (IGR) and to bolster IGM. This article examines actions that have been taken to recreate an ACIR-type organization and assesses the prospects for intergovernmental institutional development through the lens of the rise and fall of the ACIR.

IGR Institutional Development, 1950s Style
As described elsewhere in this symposium, the work of three temporary bodies was influential in creating a permanent ACIR. In 1949, the first Hoover Commission recommended that "a continuing agency on Federal–State relations be created with primary responsibility for study, information, and guidance in the field of Federal–State relations," and that budget control systems be developed for federal grants (1949, 36). In 1953, at the request of President Dwight D. Eisenhower, Congress created the temporary Commission on Intergovernmental Relations to study federal–state–local relations. After releasing 15 research studies on intergovernmental programs ranging from airports to welfare, the commission's final report to the president noted that its work was "just the beginning rather than the end of a contemporary study of the subject of intergovernmental relations" (ACIR 1989, 6). The commission recommended establishing a "permanent center" in the federal executive branch to study and clarify "the proper role of the Federal Government in relation to the States and their political subdivisions" and to give "continuing attention to interlevel relations." This body was to be called the "Advisory Board on Intergovernmental Relations," with members to be appointed by the president after consultation with state and local government associations (Commission on Intergovernmental Relations 1955, 86–88). The commission's recommendation was endorsed by its successor, the Joint Federal–State Action Committee (1957–61), which was proposed by President Eisenhower in a 1957 address to the National Governors Conference to identify functions and revenue sources that could be reverted to the states.

This article examines actions that have been taken to re-create an ACIR-type organization and assesses the prospects for intergovernmental institutional development through the lens of the rise and fall of the ACIR.

A common theme of the reports of these organizations was cooperative federalism, featuring the joint efforts of the federal government and the states to meet citizen demands for public services. The administrative complexities associated with the growing number of grants-in-aid were a concern, as was the absence of restraints on federal "intrusions" into state activities. Identifying rational ways to sort out responsibilities...
among the intergovernmental partners was a way of keeping federal
domestic power and influence in check.

Regardless of the philosophical or practical merits of these three
efforts to guide, rationalize, and constrain the growth of the federal
domestic role and to promote more cooperative federalism and bet-
ter intergovernmental management, the temporary nature of each
body curtailed the impact of its research and recommendations.
After submitting their work to Congress and the president, the com-
missions disbanded, dissipating momentum for implementation.
For example, while governors were looked to for leadership in keep-
ing recommendations on the national policy agenda, the diversity
among the states in terms of political culture, resources, and needs
weakened collective interstate action and united advocacy efforts in
Washington, D.C.

Nevertheless, the work of these bodies, especially the Commission
on Intergovernmental Relations, kindled White House and congres-
sional interest in institutionalizing an intergovernmental entity. As
recommended by the commission, President Eisenhower appointed
special assistants to advise on and coordinate intergovernmental
relations activity. Meyer Kestnbaum, chair of the commission, was
named as one of the president’s intergovernmental advisors. The
Bureau of the Budget was called on to expand its intergovernmental
perspective on fiscal issues, and Congress was urged to maintain
active subcommittees on intergovernmental relations (Colman and
Goldberg 1990; Conlan 2006, 665).

The Subcommittee on Intergovernmental Relations in the U.S.
House of Representatives, chaired by L. H. Fountain (D-NC),
responded by launching hearings, reports, and staff studies on the
state of the federal system over a four-year period, and issued a
report in 1958 recommending the creation of an Advisory Commiss-
ion on Intergovernmental Relations (Wright 1965). With Fountain
and Senator Edmund S. Muskie (D-ME) championing congress-
sional consideration, presidential advisors Kestnbaum and Robert
Merriam countering White House staff veto recommendations,
and the Big 7 associations of state and local officials offering their
endorsement,1 the stage was set to transform intergovernmental rela-
tions (and IGM) from what Senator Muskie later called the “hidden
dimension” of government into a higher-profile operational reality
(Muskie 1964).

The Rise and Fall of the ACIR—and IGM
In May 1959, legislation was introduced in both houses of Congress
to create an Advisory Commission on Intergovernmental Relations,
comprising 26 members representing all levels of government and
the private sector. The purpose of this structure was to provide a
forum for examining IGR problems and issues. The commission’s
membership was to be bipartisan, though weighted toward the party
in the White House, and the research was to be nonpartisan. The
architects of the bill assumed that the recommendations made by a
body with such a composition would be both administratively and
financially practical and politically feasible. Other keywords that
captured the spirit of the ACIR were “permanent” and “independ-
ent.” As Deil S. Wright observed, “Rarely in our political history
has an official body been so diversely structured. Seldom if ever has
an agency purposely represented a range of viewpoints drawn from
as many official quarters of our decentralized political system as
exists in the Advisory Commission on Intergovernmental Relations”
(1965, 195).

Wright attributed the ACIR’s creation three months later to three
key factors: (1) a small number of committed federal legislative
officials, (2) assistance and support from the national associations
of state and local government officials, and (3) “homework and spadework” done by proponents of the legislation through holding
hearings and collecting endorsements from conservatives and liber-
als (Wright 1965, 197–98). We will return to these factors later in
assessing the prospects for intergovernmental institutional develop-
ment, especially the restoration of an ACIR-type organizational
capacity.

The ACIR’s statutory responsibilities reflected concerns about coop-
erative federalism at the time. The rapid growth of federal grants-
in-aid and regulations expanded, complicated, and burdened the
intergovernmental partnership and enhanced the roles and influence
of public administrators. The ACIR’s creation responded to the need
for an organization to serve as a forum for discussing management
and coordination of federal grant programs and their conditions; to
advise federal policy makers on the effects of congressional propos-
als on the federal system; to identify and study emerging issues or
problems confronting the federal system; to recommend the most
desirable allocation of government functions, responsibilities, and
revenues; and to find ways to simplify and coordinate tax laws and
administrative practices in order to reduce intergovernmental com-
petition and friction.

Over its lifespan, the ACIR’s small professional staff (ranging from
15 to 30 members) produced 130 reports containing 350 policy
recommendations and another 195 information reports without
recommendations (McDowell 1997, 112). Many ACIR reports
dealt with intergovernmental management, although that term did
not come into vogue until the 1970s. As will be seen, major areas of
continuing IGM interest were state government capacity building,
regional coordination, the role of the federal government in domes-
tic affairs, the design of categorical and block grants, and regula-

tory strategies and tools. Perhaps equally important, the ACIR was
perceived as an “honest information broker,” collecting, interpret-
and disseminating data about significant features of fiscal and
administrative federalism, such as the numbers and types of federal
grants-in-aid, regulations, preemptions, and interlocal contracts.

On September 30, 1996, the ACIR closed its doors following
Congress’s decision to terminate the federal appropriations that had
been the commission’s main source of support. The rise and fall of
the ACIR have been examined in this symposium and elsewhere
(Conlan 2006; Howell-Moroney and Handley 2009; McDowell
1997). In summary, the ACIR was a victim of financial and political
pressures. Amid concerns about the growth of the federal deficit
and bitter partisanship following the 1994 elections, Congress was
looking for expenditure-cut targets, even largely symbolic ones, and
the commission had become vulnerable. Beginning in the 1980s,
growing partisan discord in Washington, D.C. carried over into the
commission’s policy deliberations, undercutting its bipartisan image.
Attendance at quarterly meetings by members of Congress and the
federal executive branch representatives was spotty, despite support
from the Clinton administration, leading to criticism that the com-
mission was becoming a de facto state and local lobby group. These factors eroded support from the Big 7 organizations (which were responsible for nominating city, county, and state members). When special interests attacked recommendations that the commission was considering in the mid-1990s to provide states and localities relief from burdensome federal mandates, few defenders rose to the occasion.

The demise of the ACIR raised questions about whether anyone in Washington’s power circles really cared about an ongoing intergovernmental institutional presence or about intergovernmental management. To some observers, money in the form of grants rather than good management practices had been the main driver of intergovernmental relations going back to the cooperative federalism of the 1930s. During the 1980s, the narrow lobbying agenda of the White House intergovernmental relations staff, the elimination of the intergovernmental affairs units of the U.S. Office of Management and Budget (OMB) and some federal departments, and the broadening and blurring of the responsibilities of congressional subcommittees on intergovernmental affairs underscored the lack of interest in sustaining or strengthening the intergovernmental institutional capacity of the federal government, and removed from the scene some of the ACIR’s key organizational allies.

Why did this happen? One “real world” assessment concluded that “[p]olitical support for objective analysis, rational coordination, and coherent management of the nation’s intergovernmental system was never more than razor thin. . . . Federalism is not politically exciting, and as one U.S. Senator, friendly to IGR, noted: ‘There is no political capital in intergovernmental relations or serving on ACIR’” (Kincaid and Stever 1992, 35).

Another factor was the devolutionary “tilt” to the federal system in the 1990s. The extent of federal program devolution was limited to parts of the welfare reform block grant (Kincaid 1999). Nevertheless, during the 1980s, a period labeled “fend-for-yourself federalism” by ACIR executive director John Shannon, states and localities were called on to shoulder more IGM responsibilities, consistent with their capacity and commitment and to fully play their historical roles as “laboratories of democracy” and diffusers of innovative practices (Nathan 2006; Shannon 1987). The accompanying shift in IGM emphasis from “top down” to “bottom up” considerably expanded the number of stakeholders and the complexity of management processes and practices in program administration. “Governance,” “networks,” “collaboration,” “bargaining,” and “negotiations” across jurisdictions and sectors displaced intergovernmental management in professional literature and practice (Agranoff 1986; Agranoff and McGuire 2001; Marando and Florestano 1990; Wright and Stenberg 2007; Wright, Stenberg, and Cho, 2011).

A third consideration was that partisan politics and special interest pressures on policy making had weakened the market for impartial research and analysis of options and impacts. Federal, state, and local officials were elected to make public policy in the interests of their constituents and contributors, not to study it. An increasing number of well-funded liberal and conservative think tanks were engaged in the policy process, offering their perspectives on issues addressed by the ACIR.

The Impact Record

According to Wright, the design of the commission and the subject matter of its work mitigated against the ACIR being an influential player on the Washington scene. He assessed its role in executive–legislative relations as “ambiguous,” in part because its diverse composition and state–local dominance collided with the confidential nature of presidential policy making. In addition, the ACIR’s focus on specific nuts-and-bolts topics that were not politically volatile and not likely to command headlines contributed to the commission functioning “with a modicum of public attention” during its early years (Wright 1965, 198–200).

Nevertheless, over its 37-year lifespan, the ACIR “grew from a non-descript agency that avoided making headlines into a respected voice on intergovernmental issues” (Howell-Moroney and Handley 2009, 8). While it is difficult to pinpoint many specific laws that were enacted pursuant to the ACIR’s work, its research and policy recommendations were incorporated into federal legislation, including the Intergovernmental Cooperation Act of 1968, the Intergovernmental Personnel Act of 1970, the Uniform Relocation and Real Property Acquisition Act of 1970, the State and Local Fiscal Assistance Act of 1972 (General Revenue Sharing), and the Unfunded Mandates Reform Act of 1995. A landmark 1967 report on Fiscal Balance in the American Federal System recommended three IGM improvements that were later implemented: enactment of legislation to authorize states and localities to submit single applications for interrelated and jointly funded projects from multiple federal sources; appointment of a cabinet-level intergovernmental liaison; and the bolstering of the Bureau of the Budget’s capacity to oversee interagency coordination of grants-in-aid (ACIR 1967, 5–12, 17, 24–25).

How could the ACIR’s early research and recommendations be characterized? In his mid-1960s assessment, Wright concluded that the commission’s outlook and temper were “middle-of-the-road or moderate.” For example, the commission’s support for decentralized decisions by elected state and local officials and administrative generalists instead of functional specialists could be labeled “conservative,” while its support for government activism to meet public needs and for empowerment of state and local units could be considered “progressive” or “liberal” (Wright 1965, 201).

During the 1970s, as IGM’s distinctive “top-down” features became more widely recognized through the work of the Study Committee on Policy Management Assistance, which was sponsored by the OMB and the National Science Foundation, the ACIR issued several reports calling for the federal government to take a lead role in stimulating management improvements, largely by streamlining and simplifying the grant system (ACIR 1989). These included studies and recommendations on the preferred general design features of categorical and block grants; ways to improve the administration of individual federal programs such as the Safe Streets, Housing and Community Development, and Comprehensive Employment and Training block grants; guidance to the OMB on its management circulars A-85 (advance consultation of public interest groups on federal rule-making), A-95 (coordination of federally funded projects with regional plans), and A-102 (standard grant administration procedures); strategies to streamline federal aid by consolidating functionally related categorical grants and eliminating small programs; and calls to “sort out” federal and state responsibilities for

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public assistance (including Medicaid) and education (ACIR 1969, 13–18; 1989). To move these prescriptions forward, the ACIR’s policy implementation staff worked with congressional and OMB staff and the Intergovernmental Affairs Office in the Carter administration to craft legislation to improve grant-in-aid management practices and to guide federal departments and agencies through presidential memoranda on steps to bolster management efficiency and effectiveness in their dealings with states and localities.

There were valleys as well as peaks in the assessment of the ACIR’s impact on IGM, which contemporary IGR institutional architects need to recognize (Gove, Giertz, and Fossett 1984; Lovell 1984; Reeves 1984). One area is presidential support. For example, while President Richard M. Nixon requested that the commission monitor the implementation of General Revenue Sharing, President Ronald Reagan decided to rely on a separate advisory council to help guide his “swap-turnback” initiative. Perhaps this is not surprising given Wright’s observation about the ambiguous position of the commission vis-à-vis presidential policy making.

With respect to policy research, academic critics noted the absence of an underlying theory of federalism in the commission’s work, and heavy reliance on incremental rather than systemic solutions to intergovernmental problems. The growing stridency during the 1980s in the commission’s recommendations on federal mandates, preemption, and grant conditions was also a concern. The ACIR’s expressed alarm that the federal system was “out of control” and that the national government had “taken over policy leadership in virtually every functional field in which it offers aid . . . a condition of overload has arisen” was called a “sky is falling” approach (1981, 112). As the ACIR’s research agenda included hot topics such as federal preemption and unfunded mandates reform, its work challenged more vested interests and political sacred cows.

The price tag for policy relevance and proximity was a diminished reputation as a source of nonpartisan, impartial, and balanced information and analysis. Still other critics pointed out that as an intergovernmental body, the commission was too dependent on congressional appropriations, and that the absence of significant state, local, and Big 7 funding commitments over its lifespan sent a clear message regarding the ACIR’s value and relevance to their concerns.

While some states and state ACIRs made financial contributions in response to language in 1990s congressional appropriations bills requiring the commission to demonstrate state and local support, the amounts were considered token relative to federal funding.

The Institutional Development Quest

Since 1996, a number of the issues that gave rise to topics placed on the ACIR’s agenda have persisted and worsened. . . . Important research contributions have been made by the U.S. Government Accountability Office and the Congressional Budget Office, think tanks . . . and academic units. . . . Yet none of these organizations has an ongoing intergovernmental agenda, perspective, or outreach role.

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Important research contributions have been made by the U.S. Government Accountability Office and the Congressional Budget Office; think tanks such as the Brookings Institution, American Enterprise Institute, Urban Institute, Heritage Foundation, Pew Center on the States, and Center for Budget Priorities; and academic units such as the Nelson A. Rockefeller Institute of Government. Yet none of these organizations has an ongoing intergovernmental agenda, perspective, or outreach role. The Big 7 collectively have made investments to bolster legal advocacy before the U.S. Supreme Court by the State and Local Legal Center, and individually to conduct targeted research. For example, the International City/County Management Association’s Center for State and Local Excellence does nonpartisan research on demographics, health care, and pension issues. But these organizations have not united in support of an intergovernmental institution to address current and emerging fiscal and administrative issues by raising visibility, explaining the significance in language that practitioners and researchers comprehend, and providing options for policy makers to consider. There is no institutional memory or organizational capacity to monitor intergovernmental problem areas, collect and interpret data, identify trends, convene intergovernmental partners to discuss issues, and find ways to reduce friction points and restore balance.

If such institutional development occurred, it could be argued that the world of intergovernmental relations would be better informed and better managed. Conversely, it also could be argued that the time for an ACIR-type body has come and gone. Coercive federalism has prevailed over cooperative federalism (Kincaid 1990). And IGM has moved to the political sidelines since its heyday in the 1970s, displaced by the performance management movement (Conlan 2006, 666; Wright, Stenberg, and Cho, 2011).

The remainder of this article will examine three national initiatives taken in recent years to test the waters regarding the need and willingness to pay for restoring an ACIR-like capacity to the federal system. These were efforts by the National Academy of Public Administration, some of the public interest groups, and a few members of Congress. The article will summarize these actions, identify factors facilitating and inhibiting institutional development in IGR, and assess capacity-building prospects.

National Academy of Public Administration

In November 2004, the National Academy of Public Administration (NAPA)—a congressionally chartered, nonpartisan, nonprofit body led by more than 600 fellows with a mission to help public organizations improve their effectiveness—launched a Center for Intergovernmental Relations. The board of directors approved a $500,000 budget from its endowment to conduct “a continuing program of research, studies, educational and other activities aimed at improving the trust, understanding and cooperation among the different levels of government.” The center’s director, Jim
The ensuing debate over ownership cost the academy valuable Big 7 NAPA policy instead of advocacy positions of the forum principals. Some thought it hardly mattered; some thought it had been very valuable; some thought it had hardly mattered; some thought ACIR was too contentious) and noted it was “unhelpful to have its board by the Intergovernmental Positioning Committee noted it had found differing views of the ACIR’s record (“some thought it had been very valuable; some thought it hardly mattered; some thought ACIR was too contentious”) and noted it was “unhelpful to have its proposal associated with the ACIR, or for that matter, with the past in any form. The Center needs to be seen as highly relevant to the future, and its name should capture this forward-looking ideal.”

Joining the Big 7, in 2006, the center launched two Forums for Intergovernmental Cooperation, focusing on revenue systems and on transportation finance. Small groups of “principals”—policy experts and federal, state, and local representatives—were convened to discuss critical financial trends and emerging issues, to identify appropriate roles for the various governments, and to indicate the relationships to other national policy goals (NAPA 2006b, 2008). Six of the Big 7 public interest groups made modest contributions (totaling $50,000) to help finance the forums. Other center initiatives included an education program on the intergovernmental system for members of Congress and their staffs, a website and intergovernmental information repository, and a research agenda developed in consultation with NAPA fellows and its Standing Panel on the Federal System. Also in 2006, the Standing Panel issued a report with policy recommendations on preemption prepared for the National Governors Association (NAPA 2006a).

While the center was not publicized as a successor to the ACIR, its representational, convening, information-sharing, and education and policy research capacities were similar to the commission’s statutory responsibilities. In fact, a May 21, 2004, report to the NAPA board by the Intergovernmental Positioning Committee noted it had found differing views of the ACIR’s record (“some thought it had been very valuable; some thought it hardly mattered; some thought ACIR was too contentious”) and noted it was “unhelpful to have its proposal associated with the ACIR, or for that matter, with the past in any form. The Center needs to be seen as highly relevant to the future, and its name should capture this forward-looking ideal.”

The two Forums for Intergovernmental Cooperation were judged as successful by participants, but some university leaders were concerned that the recommendations that the forums adopted, particularly on transportation finance, might be misconstrued as NAPA policy instead of advocacy positions of the forum principals. The ensuing debate over ownership cost the academy valuable Big 7 support and resources.

Academy leaders were unable to convince members of Congress who had an interest in federalism and intergovernmental relations or representatives of national foundations that this capacity should be sustained once the NAPA funding ran out, even though the initial annual budget for the center was projected to be only $2 million, with a staff of six. The center was closed in 2007.

The NLC took the earliest action. Expressing concern about the “weakening and unraveling” of local–state–federal partnerships, the NLC’s board of directors passed a resolution on July 2, 2004, “calling for governments at all levels to work together on behalf of the American people.” Specifically, it called “for the strengthening and revitalizing of the intergovernmental partnership through the creation of a permanent venue for constructive discussion among local, state, and federal leaders about meeting the needs of the American people.” Further, this permanent venue would provide “quality and timely information, data, and analysis about the health of the intergovernmental system to better inform this discussion.” The resolution was not directed to Congress or the president, although the league’s executive director, on behalf of the Big 7, encouraged White House IGR staff to consider and take action on this partnership agenda. While some Big 7 members supported the NLC’s approach, as well as of NAPA’s forums, other issues commanded higher priority on their lobbying agendas and internal budgets.

In November 2009, the ICMA published a white paper on Restoring the Intergovernmental Partnership: What Needs to Change, which was prepared for its Governmental Affairs and Policy Committee by Michael Howell-Moroney and Donna Handley at the University of Alabama at Birmingham. The report recommended the establishment of a new organization called the “Intergovernmental Policy Council” or “Council on Local and State Policy and Priorities” to study pressing policy issues such as the implementation of the American Recovery and Reinvestment Act of 2009, health care reforms, the revamping of the No Child Left Behind Act of 2001, natural disaster and emergency management preparations, and regional governance approaches to mitigate urban sprawl. The organization would have two tiers: a core council of 20–25 federal, state, and local officials appointed for staggered terms and, in lieu of in-house professional staff, a number of ad hoc policy study groups composed of key stakeholders in areas under consideration by the council. The federal government would be expected to provide startup funding for three years, and state and local governments would be expected to make contributions. This “flexible organizational structure” was intended to counter some of the problems that had led to the ACIR’s demise, including partisanship, member turnover and disinterest, and irrelevance on critical or controversial issues (Howell-Moroney and Handley 2009, 10).

Like NAPA, the committee concluded that “reinstating the ACIR in its original design would not be appropriate” (Howell-Moroney and Handley 2009, 11). Among the immediate implementation steps was a Big 7 campaign to “build awareness of the significant problems that exist in the intergovernmental environment” (Howell-Moroney and Handley 2009, 13). Neither the awareness campaign or other committee recommendations received much attention.

Congress. The most recent initiative was taken by Virginia congressman Gerald Connolly and five cosponsors. All six members are Democrats—two have served since 2009, and five were reelected in the November 2010 midterm elections. The Restore the Partnership Act of 2009 (H.R. 3332) was introduced on July 24, 2009, with support from NACo. The bill provides for the establishment of a permanent, bipartisan National Commission on Intergovernmental Relations “to facilitate the fullest cooperation and coordination between all levels of government” and “to give continuing attention
With respect to federal funding, no specific authorization figure is provided, but the commission would be authorized to receive grants, contracts, and contributions from state and local governments and nonprofit organizations. The bill was referred to the Subcommittee on Government Management, Organization, and Procurement, but no senior House cosponsors have signed on to H.R. 3332, no companion bill has been introduced in the Senate, no hearings have been scheduled, and there has been no indication of formal support from President Barack Obama’s administration.

Also of significance, the legislation has not been endorsed by the National Governors Association, National Conference of State Legislatures, Council of State Governments, or U.S. Conference of Mayors. Representatives of these organizations reported that the bill is going nowhere in the current Congress, and so at this juncture, there is no rationale for expending political capital on it. If the bill gains traction, these organizations likely would not oppose H.R. 3332. Among other possible factors contributing to their reluctance are higher congressional priorities such as amendments to strengthen unfunded mandates legislation and transportation infrastructure funding; concerns about the commission’s representation and deliberative process, especially if non–Big 7 members are authorized, such as representatives of towns and townships, school boards, and special districts; and possible conflicts with the commission over policy positions and research grants.

Support for the bill from the NACo, NLC, and ICMA also should be considered in the context of a trend since the 1980s of local government organizations not being included at the White House table with governors and state legislative leaders in considering domestic policy issues and IGM implications. Having an ACIR-type organization could provide them with a new platform in federalism debates, which state organizations might resist. A final explanation for the lack of congressional and presidential interest is the severe constraints on new federal domestic spending, even at the $5 million annual level, and the philosophy that an IGR capacity should be rebuilt at the state instead of the national level.

### Prospects

While there have been some promising developments in the past few years in the quest for a permanent organization with the capacity to convene the federal system partners, conduct research, and make recommendations for improving relationships, no significant progress has been made, and momentum has been lost. Looking ahead, what are the prospects for intergovernmental institutional development?

There are some important facilitating factors, including the following:

- The introduction of H.R. 3332 as a point of departure for congressional consideration
- Political support from three of the Big 7 local public interest groups

- Growing consensus across the political and philosophical spectrum about the unsustainability of the federal government’s fiscal position, given its staggering debt and budget deficit obligations, creating a need for impartial analysis of the implications and impacts of various remedial policy options
- The persisting inability of the federal government to reach a consensus on strategies to constrain Medicaid and other entitlement programs and to rationalize the grant-in-aid system
- The “policy window” created by the Obama administration’s general commitment to transparency and accountability, and the specific need to monitor state and local implementation of the American Recovery and Reinvestment Act, health care, financial, and insurance reform legislation, and other national policy initiatives
- Promising IGM program and regulatory developments proposed by the Obama administration, such as the “Race to the Top” education initiative; the interagency “sustainable development” and “community livability” partnerships involving the U.S. Departments of Housing and Urban Development and Transportation and the Environmental Protection Agency;
the 1993 Government Performance and Results Act that focus on cross-agency federal long-term priorities and performance goals; and the May 20, 2009, presidential memorandum restricting department and agency heads from declaring intentions to preempt state law when issuing regulations.

- The escalating state and local compliance costs associated with unfunded or partially funded federal mandates in education, homeland security, welfare, and other intergovernmental programs.
- The effects of the national recession on state and local management, creating a need for jurisdictions to rebuild lost capacity and experience by finding new ideas and opportunities for cross-boundary collaboration, cooperation, and consolidation in service delivery to meet citizen needs.
- The increasing recognition that the “new normal” of budget constraint and cutback management will persist for state and local governments for several years, generating interest in innovation and best practice sharing.
- The relatively modest annual federal appropriations and state and local cost sharing (estimated at $5 million using ACIR’s budget as a guide) associated with starting and maintaining an intergovernmental organization.

The foregoing factors could rekindle the market for research on intergovernmental trends and issues, draw attention to IGM aspects of program implementation, and promote IGR institutional development, but other powerful drivers could undercut them, such as the following:

- Preoccupation with policy advocacy and partisan positioning among elected officials at all governmental levels and in think tanks and interest groups, leading to polarization on issues and weakening of interest in more bipartisan or nonpartisan perspectives.
- The reluctance of the three Big 7 state associations and one local association to endorse H.R. 3332.
- Difficulties recruiting even a few influential champions for federalism and intergovernmental relations in the Congress and recognizing political rewards for doing so.
- The absence of IGR units in the White House and OMB that are focused on management and policy instead of political liaison.
- The unwillingness of Congress and national foundations to commit sufficient funds to launch and sustain an organizational capacity to address the problems in intergovernmental relationships and management.
- “Opportunistic federalism” pressures to move money and mandates from Washington, D.C., to state and local governments in order to achieve national goals, without much consideration of policy implementation, administrative implications, or long-term impacts (Conlan 2006, 667).
- Wavering and weakening of political and technical willpower to translate proposals for constraining the federal government’s domestic role, sorting out responsibilities, eliminating programs, and devolving authority to states and localities into congressional legislation and executive orders.
- The intergovernmental spotlight remaining focused on national policy and funding rather than on intergovernmental management, despite contemporary interest in performance measurement and transparency.
- The expectations of citizens, as well as local and state officials (even those opposed to “big government”), that the federal government will continue to rescue states and localities by providing economic stimulus funds and grants-in-aid to support their services, and their assumption that more fundamental systemic changes are not needed or feasible.
- Decline of state ACIR-type organizations and a lack of strong political support for a national intergovernmental body from executive directors and members of existing state ACIRs.
- The blurring of IGM resulting from emerging academic and practitioner interests in network governance arrangements that span boundaries and sectors.
- The “graying” of intergovernmental relations experts who understand the value added to the study and operations of the federal system by a body like ACIR.

Given the foregoing factors, the prospects for a national focal point for improved IGR might seem unlikely. In view of the severity of the issues to be addressed and the relatively low investment required to develop the research, analytical, and convening capabilities that are the core responsibilities of an ACIR-type body, this conclusion may seem surprising. But political realities, including the pressure to service constituents and special interest groups in order to stay in office and to focus on practical problems involving people and places, coupled with the absence of champions of intergovernmental relations in the Congress, White House, and public interest groups, could continue to trump scholarly or systemic needs.

Even with favorable political winds, the “devil is in the details” of operationalizing an intergovernmental organization, and achieving consensus could be daunting. Regardless of the name chosen for this body, proponents will need to take into account the criticisms and concerns that led to the demise of the ACIR. A point of departure could be the list of demands that six of the Big 7 executive directors made of (which generally were fulfilled by) President Clinton as a condition for their continued support: (1) appointment of a chair with intergovernmental stature, knowledge, and experience; (2) appointment of cabinet officers who are willing and able to actively participate in regular meetings; (3) willingness of the president to meet occasionally with the members; (4) a research agenda focused on core fiscal and other intergovernmental issues; (5) practical application potential for policy recommendations; and (6) clear and consistent communications with the Big 7 and inclusion of their chairs on meeting agendas (McDowell 1997, 123). To this list could be added appointment of a qualified professional staff with demonstrated capacity to conduct impartial and nonpartisan research, ability to furnish technical assistance to practitioners, and willingness to reach out to stakeholders (such as those involved with the ICMA’s suggested ad hoc policy councils) to identify trends, issues, and options associated with policy research.

The selection of appropriate research topics is also critical. The threefold challenge here is to identify IGR and IGM topics on which firm partisan positions have not been taken; that are still open to examination, debate, and compromise; and that are of long-term importance but are not on the partisan political agenda. Alternatively, if serious reservations remain about the ability to carry out nonpartisan research in the contemporary political environment or about the capacity of an intergovernmental generalist body to...
process the research and make recommendations that will be taken seriously by experts in Congress and federal agencies, perhaps the focus should be on intergovernmental management. While some IGR program monitoring has been conducted by the Government Accountability Office since the 1970s, its perspective is federal. An intergovernmental body could identify potential state and local IGM issues and obstacles during the legislative policy development, monitor and report on policy implementation, and evaluate achievement of expected outcomes and national goals.

Conclusion

If the past is prologue, the key ingredients in the formula that produced the ACIR in 1959 could be relevant more than 50 years later. The challenges for institutional development proponents will be (1) to identify a few congressional champions (perhaps former governors, local elected officials, or ACIR members), (2) to create a sense of urgency and convince relevant congressional committees to hold hearings probing the state of American federalism and the need for a permanent intergovernmental presence, and (3) to do the “homework and spadework” with the Obama administration and Big 7 and reach out to enlist support from potential conservative and liberal backers. Fifteen years after the ACIR’s demise, much work remains to be done in each of these essential areas.

Notes

1. The Big 7 are the Council of State Governments, National Conference of State Legislatures, National Governors Association, International City/County Management Association, National Association of Counties, National League of Cities, and U.S. Conference of Mayors.

References


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