



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

December 17, 1996

THE DIRECTOR

DETERMINATION WITH RESPECT TO TRANSFER OF FUNCTIONS PURSUANT TO
PUBLIC LAW 104-316

Under Section 101 of Public Law 104-316, the General Accounting Office Act of 1996 (110 Stat. 3826), the functions of the Comptroller General identified in Sections 103(d), 105(b), 116 and 202(n) of that Act are transferred to the Director of the Office of Management and Budget. Section 202(n) is effective immediately. Sections 103(d), 105(b), and 116 are effective sixty days after enactment. Pursuant to Sec. 101(a)(3) of that Act, the Director may delegate any such function, in whole or in part, to any other agency or agencies, and may transfer to such agency or agencies any personnel, budget authority, records, and property received by the Director pursuant to the transfer that relate to the delegated functions.

I have determined that it is in the public interest for the functions identified in Sections 103(d), 105(b), 116 and 202(n) to be delegated in whole to other agencies, in the manner specified in Attachment A. Accordingly, effective December 18, 1996 for the functions in Sections 103(d), 105(b), and 116, and effective immediately for the functions in Section 202(n), such functions are delegated, in whole, to the respective agencies as specified in Attachment A.

I have also determined that the personnel, budget authority, records, and property (including contracts), as described below, relate to the delegated functions. Accordingly, effective on or before January 5, 1997 (at the convenience of the General Accounting Office and the Department of Defense and the Office of Personnel Management), such personnel, budget authority, records (except as specified in Paragraph C with respect to the transfer of records concerning 31 U.S.C. 3702 claims), and property (including contracts) will transfer to the Department of Defense and the Office of Personnel Management. During the period between December 18, 1996 and the transfer date, transferring personnel will remain at the General Accounting Office as General Accounting Office employees and, under General Accounting Office management, will work on matters that are being delegated to the Department of Defense. In addition, as agreed to previously by the General Accounting Office and the Office of Personnel Management, budget authority to cover one vacancy to work on advance decision cases is transferred to the Office of Personnel Management.

A. **Personnel and positions:**

The onboard personnel and vacant positions associated with the transferred functions are delegated to the Department of Defense and the Office of Personnel Management as shown below. A description of the general subject matter associated with the functions and the statutory authorities to be exercised are in Attachment A.

Department of Defense

	<u>Name</u>	<u>Title</u>	<u>Series/Grade</u>	<u>Salary</u>
1.	[Names redacted]	Attorney-Advisor	GS 905/Band II	83,204
2.		Supv. Adjudicator	GS 950/13	60,092
3.		Adjudicator	GS 950/12	53,599
4.		Adjudicator	GS 950/12	50,535
5.		Adjudicator	GS 950/12	50,535
6.		Attorney-Advisor	GS 905/15	80,997
7.		Attorney-Advisor	GS 905	-0-

Office of Personnel Management

	<u>Name</u>	<u>Title</u>	<u>Series/Grade</u>	<u>Salary</u>
1.	[Redacted]	Attorney-Advisor	GS 905/14	64,555

B. Budget Authority:

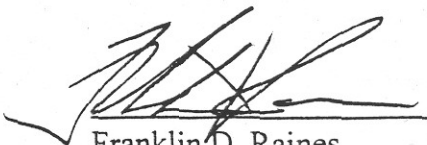
Budget authority for the transferred functions is provided under the General Accounting Office appropriation for the remainder of fiscal year 1997. This order transfers appropriations beginning December 18, 1996, according to Attachment B.

C. Records:

The General Accounting Office agrees to make records available on an as-needed basis. OMB does not have custody of any other active or inactive records, except for records concerning a few 31 U.S.C. 3702 claims, which are being transferred by the Order to the Executive Branch agency out of whose activity the claim arose.

D. Property (including Contracts):

The General Accounting Office will transfer all property (including contracts) to the Department of Defense.


Franklin D. Raines
Director

December 17, 1996
Date

Delegated Functions and Statutory Authorities

- Waiving of erroneous payments function described at section 103(d) is delegated to the Executive Branch agency that made the erroneous payment. 5 U.S.C. 5584. Within the Department of Defense, “agency” means the Department of Defense.
- Waiving recovery of erroneous overpayments function described at section 105(b) is delegated to the Department of Defense. 10 U.S.C. 2774.
- Waiving recovery of erroneous overpayments function described at section 116 is delegated to the Department of Defense. 32 U.S.C. 716.
- The claims settlement authority contained in section 202(n) and not otherwise transferred by that section to the Secretary of Defense, the Director, Office of Personnel Management, or the Administrator of General Services, is delegated to the Executive Branch agency out of whose activity the claim arose. 31 U.S.C. 3702.
- The authority to render advance decisions described at Section 204 is transferred as follows:
 - By virtue of Section 204 itself, the authority to render an advance decision concerning a function in Section 211(a) of the Legislative Branch Appropriations Act, 1996, that was previously delegated (in the OMB Determination Order of June 28, 1996), has been transferred to the agency to which such function was delegated. 31 U.S.C. 3529.
 - The authority to render advance decisions concerning the claims settlement authority under 31 U.S.C. 3702 that is being delegated by this order (see previous item, regarding Section 202(n)), is delegated to the Executive Branch agency out of whose activity the claim arose. 31 U.S.C. 3529.

COMPTROLLER GENERAL TRANSFER FUNCTIONS P.L. 104-316

Personnel Budget Allocations FY 1997 (\$)

	<u>Department of Defense</u>		<u>Office of Personnel Management</u>	
	Salaries	Benefits	Salaries	Benefits
	83,204	18,713	64,555	17,800
	60,092	5,216		
	53,599	6,309		
	50,535	5,670		
	50,535	7,944		
	80,997	22,793		
Total Annual	378,962	66,645	64,555	17,800
Last 3 quarters	284,222	49,984	48,416	13,350

Non-personnel Budget Allocations FY 1997(\$)

(Includes personnel processing, training, supplies, small purchases, furniture, maintenance, telephone and rent)

	<u>Department of Defense</u>	<u>Office of Personnel Management</u>
Total Annual	7,164	1,194
Last 3 Quarters	5,373	896

Remainder of FY 1997 Totals (\$)

	<u>Department of Defense</u>	<u>Office of Personnel Management</u>
Salaries	284,222	48,416
Benefits	49,984	13,350
Non-personnel	5,373	896
<u>TOTAL</u>		
<u>TRANSFER</u>	339,579	62,662