Subject: COMPTROLLER GENERAL DECISIONS

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23-40-00 PURPOSE

This chapter tells HEW officials how they may request decisions from the Comptroller General or obtain copies of previous decisions.

23-40-10 BACKGROUND

Upon request, the Comptroller General renders decisions to officials of executive agencies on questions of authority, either program or administrative, granted to them by the Congress and the circumstances under which they may spend public funds.

23-40-20 REQUESTING OFFICIALS

Only certain officials within the Department may request decisions from the Comptroller General. These officials and the subjects on which they may request decisions are:

A. The Secretary, Under Secretary, General Counsel, and Inspector General may request decisions on any subject.

B. The Assistant Secretary for Management and Budget may request decisions on any subject except those related to personnel and personnel compensation matters.

C. The Assistant Secretary for Personnel Administration may request decisions on personnel and personnel compensation matters.

D. The Deputy Assistant Secretary for Grants and Procurement may request decisions on questions related to the award of grants and contracts; the protest of contract awards; matters related to cost principles, indirect costs, and the resolution of audit findings; and general grants administration issues.

E. Certifying and disbursing officers may request decisions on specific vouchers before them for action. They also may request reviews of settlements of their accounts.

No other official in the Department should submit requests directly to the Comptroller General.

23-40-30 REQUESTING PROCEDURE

A. Requests involving award of contracts and protests of contract awards. See Section 3-2.407-8, HEW Procurement Regulations.

B. Requests from certifying and disbursing officers. See Chapter 7-10, Voucher Examination Manual.

C. Requests from the General Counsel (GC) or the Inspector General (IG). The GC or the IG may forward requests directly to the Comptroller General. However, if a request involves major policy issues, the GC or the IG should consult with the Secretary or the Under Secretary to determine who should send the request.

D. All other requests.

1. Whenever any other official in the Department wishes to obtain a decision from the Comptroller General, he/she should:

   a. Consult with the relevant program division of the Office of the General Counsel on substantive program matters, or with the Business and Administrative Law Division, OGC, on administrative matters or matters of general law.

   b. Review previous Comptroller General decisions on the same subject or related subjects. (See Section 23-40-40 of this Chapter.)

   c. If the issue is still unclear after completing a and b, prepare a letter of request (addressed to the Comptroller General), for the signature of the Assistant Secretary for Management and Budget (ASMB) or the Assistant Secretary for Personnel Administration (ASPER) if the request involves personnel or personnel compensation matters. Include a briefing memorandum to the Assistant Secretary explaining the need for the decision, and submit the request through POC or office head to the ASMB or ASPER.

2. The ASMB or ASPER will send the request to the Office of the General Counsel and other pertinent OS staff offices for review and analysis before: (a) sending it to the Comptroller General; or, (b) returning it to the requesting POC or office if the question that it raises is satisfactorily resolved within the Department.

   NOTE: Any senior official of the Department should consult with the ASMB or ASPER if that official believes the request involves major policy issues and should receive Secretarial review prior to submission to the Comptroller General.

3. Upon receipt of the Comptroller General's decision, the ASMB or the ASPER will forward copies of the decision to the requesting POC or office and to other concerned offices.

23-40-40 OBTAINING PREVIOUS DECISIONS

The Comptroller General routinely publishes those decisions that GAO considers to be of the greatest interest from the standpoint of general application and precedent. GAO publishes these decisions individually and in quarterly pamphlets and annual bound volumes, both entitled Decisions of the Comptroller General of the United States. GAO also publishes a quarterly listing of its unpublished decisions under these five subject areas: civilian personnel law, military personnel law, procurement, general government matters, and transportation.

Within the Department, the Department law library, OGC program divisions, regional attorney offices, and most POC or agency finance offices normally maintain copies of published decisions and the quarterly listing of unpublished decisions. HEW officials may consult these offices for previous decisions.

Any HEW official who wishes to maintain his/her own copies may request GAO to put his/her name on the mailing list to receive copies of published decisions and/or the quarterly listing by sending a request to:

Special Publications Section
Office of Publishing Service, GAO
Room 4427
441 G Street, N.W. (or Mail Stop 308)
Washington, D.C. 22548

When ordering the quarterly digest of unpublished decisions, specify the subject areas needed.

HEW officials may obtain more information about individual unpublished decisions by calling GAO's Special Publications Section (202-275-5117).

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