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COMPTROLLER GENERAL OF THE UNITED STATES
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MAR 8 1977

The Honorable Sam M. Gibbons
Chairman, Subcommittee on Oversight
Committee on Ways and Means
House of Representatives



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Dear Mr. Chairman:

This is in response to former Chairman Charles A. Vanik's letter dated February 2, 1976, in which he gave us a list of 20 Social Security Administration employees detailed or assigned to non-Social Security offices and asked us to determine the type of work they perform, and if they are not engaged in Social Security activities whether their salary is reimbursed to the trust fund, and, if not, the legal basis for such details.

Of the 20 employees, 15 were working in either finance or personnel in the Department of Health, Education, and Welfare's regional offices in Atlanta and San Francisco. None of the five employees detailed outside of the Social Security Administration were performing Social Security related work nor were their salaries reimbursed to the trust fund. Notwithstanding the nature of work being performed, Social Security Administration employees may generally be detailed within the Department or to other executive agencies on a nonreimbursable basis.

Under 5 U.S.C. 3341, the head of an executive department may detail employees among its bureaus and offices, except employees who are required by law to be exclusively engaged on some specific work.

There is no general statutory or administrative authority for nonreimbursable interdepartmental details of personnel. However, GAO has traditionally allowed such details, provided that (1) employees detailed are not required by law to be engaged exclusively on the work for which their salaries are appropriated and (2) their services can be spared.

We reviewed pertinent provisions of the Social Security Act as amended (42 U.S.C. 301, et seq.), and the fiscal year

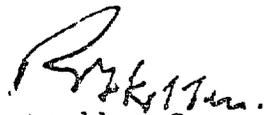
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1976 appropriation from which the salaries of employees of the Social Security Administration were paid (Public Law 94-206) and found no restrictions in these statutes concerning the work that is to be performed by these employees. Accordingly, there appears to be no legal basis precluding the Social Security Administration from allowing nonreimbursable intradepartmental or interdepartmental details.

We trust the above information will be of assistance to you.

Sincerely yours,


ACTING Comptroller General
of the United States