

**Executive Documents**

## EXECUTIVE ORDER NO. 11867

Ex. Ord. No. 11867, eff. June 19, 1975, 40 F.R. 26253, which delegated to Administrator of General Services authority to issue regulations, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

EX. ORD. NO. 11893. TRANSFERRING CERTAIN FUNCTIONS FROM GENERAL SERVICES ADMINISTRATION TO OFFICE OF MANAGEMENT AND BUDGET

Ex. Ord. No. 11893, eff. Dec. 31, 1975, 41 F.R. 1040, provided:

By virtue of the authority vested in me as President by the Constitution and Statutes of the United States, particularly by section 301 of title 3 of the United States Code, the Federal Property and Administrative Services Act of 1949, as amended, the Budget and Accounting Act, 1921, as amended, the Budget and Accounting Procedures Act of 1950, as amended, Reorganization Plan No. 2 of 1970 [set out in the Appendix to Title 5, Government Organization and Employees]; and section 5317 of title 5 of the United States Code, it is hereby ordered as follows:

SECTION 1. There are hereby transferred to the Director of the Office of Management and Budget all policy functions that were transferred to the Administrator of General Services by Section 1 (1) of Executive Order No. 11717, dated May 9, 1973 [set out as a note under section 501 of Title 31, Money and Finance], and Executive Order No. 11867, dated June 19, 1975 [formerly set out above].

SEC. 2. The Director of the Office of Management and Budget shall continue to perform policy formulation and general oversight functions with regard to the other transfers made by Executive Order No. 11717 and Executive Order No. 11867. No function vested by statute in the Administrator shall be deemed to be affected by the provisions of this order.

SEC. 3. So much of the personnel, property and records attendant to the functions transferred by this order as the Director of the Office of Management and Budget shall determine, shall be transferred to the Office of Management and Budget, at such times as the Director shall specify.

SEC. 4. Executive Order No. 11717 of May 9, 1973, and Executive Order No. 11867 of June 19, 1975, are hereby superseded to the extent that they are inconsistent with this order. Any circulars, directives, or regulations issued pursuant to functions transferred by this order shall remain in effect until modified or rescinded by the Office of Management and Budget.

SEC. 5. Section 2 of Executive Order No. 11861 of May 21, 1975, as amended [formerly set out as a note under section 5317 of Title 5, Government Organization and Employees], placing certain positions in level V of the Executive Schedule, is further amended by deleting "(9) Associate Administrator for Federal Management Policy, General Services Administration."

SEC. 6. This order shall be effective as of December 31, 1975.

GERALD R. FORD.

**§ 7104. Processing project requests to be financed by at least 2 assistance programs**

In processing an application or request for assistance for a project to be financed by at least 2 assistance programs, the head of an executive agency shall take action that will ensure that—

- (1) required reviews and approvals are handled expeditiously;
- (2) complete account is taken of special considerations of timing that are made known by the applicant that would affect the feasibility of a jointly financed project;
- (3) an applicant is required to deal with a minimum number of representatives of the United States Government;

(4) an applicant is promptly informed of a decision or special problem that could affect the feasibility of providing joint assistance under the application; and

(5) an applicant is not required to get information or assurances from one executive agency for a requesting executive agency when the requesting agency may get the information or assurances directly.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1037.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
7104 .....	42:4253.	Dec. 5, 1974, Pub. L. 93-510, § 4, 88 Stat. 1605.

In the section, before clause (1), the words "for a project to be financed by at least 2 assistance programs" are substituted for "under two or more Federal programs in support of any project" for consistency in the revised chapter. The words "shall take action" are substituted for "Actions taken by Federal agency heads pursuant to this chapter that relate to", and the words "that will ensure" are substituted for "shall be designed to assure", to eliminate unnecessary words. The words "so far as reasonably possible" are omitted as surplus. In clause (4), the word "impediments" is omitted as surplus. The word "providing" is substituted for "Federal provision of", and the words "joint assistance under the application" are substituted for "on a joint basis", to eliminate unnecessary words. Clause (5) is substituted for 42:4253(5) because of the restatement.

**§ 7105. Prescribing uniform technical and administrative provisions**

(a) To make participation in a project easier than would be possible because of varying or conflicting technical or administrative regulations and procedures not required by law, the head of an executive agency may prescribe uniform provisions about inconsistent or conflicting requirements on—

(1) financial administration of the project (including accounting, reporting and auditing, and maintaining a separate bank account), to the extent consistent with section 7108 of this title;

(2) the timing of payments by the United States Government for the project when one schedule or a combined schedule is to be established for the project;

(3) providing assistance by grant rather than procurement contract or by procurement contract rather than by grant; and

(4) accountability for, or the disposition of, records, property, or structures acquired or constructed with assistance from the Government when common regulations are established for the project.

(b) To make easier the processing of applications for assistance, the head of an executive agency may provide for review of proposals for a project by one panel, board, or committee where reviews by separate panels, boards, or committees are not specifically required by law.

(c) Notwithstanding a requirement that one public agency or a specific public agency be established or designated to carry out or supervise that part of the assistance from the Government under an assistance program for a jointly fi-

nanced project, the head of the executive agency carrying out the program may waive the requirement when—

(1) administration by another public agency is consistent with State or local law and the objectives of the assistance program; and

(2)(A) the waiver is requested by the head of a unit of general government certifying jurisdiction over the public agencies concerned; or

(B) the State or local public agencies concerned agree to the waiver.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1037.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
7105(a) .....	42:4255(a).	Dec. 5, 1974, Pub. L. 93-510, § 6, 88 Stat. 1606.
7105(b) .....	42:4255(b).	
7105(c) .....	42:4255(c).	

In subsection (a), before clause (1), the words “To make participation in a project easier than would be possible” are substituted for “In order to provide for projects” for clarity. The words “because of” are substituted for “that would otherwise be subject to” to eliminate unnecessary words. The word “prescribe” is substituted for “adopt”, and the word “about” is substituted for “with respect to”, for consistency in the revised title. In clause (2), the words “payments by the United States Government” are substituted for “Federal payments” for consistency in the revised title. In clause (3), the words “providing assistance by” are substituted for “that assistance be extended in the form of” to eliminate unnecessary words. The word “procurement” is added for consistency with chapter 63 of the revised title. In clause (4), the words “assistance from the Government” are substituted for “Federal assistance” for consistency.

In subsection (b), the words “To make easier” are substituted for “In order to permit”, and the words “applications for assistance” are substituted for “applications in accordance with the purposes of this chapter”, for clarity. The words “where . . . are not” are substituted for “except when such review is” because of the restatement.

Subsection (c) is substituted for 42:4255(c) for consistency in subtitle V of the revised title.

**§ 7106. Delegation of supervision of assistance**

With the approval of the President, the head of an executive agency may delegate or otherwise arrange to have another executive agency carry out or supervise a project or class of projects jointly financed under this chapter. A delegation—

(1) shall be made under conditions ensuring that duties and powers delegated are exercised consistent with law; and

(2) may not relieve the head of an executive agency of responsibility for the proper and efficient management of a project for which the agency provides assistance.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 1038.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
7106 .....	42:4256.	Dec. 5, 1974, Pub. L. 93-510, § 7, 88 Stat. 1606.

In the section, before clause (1), the words “to have another executive agency carry out or supervise” are substituted for “to other Federal agencies powers and

functions relating to the supervision or administration” to eliminate unnecessary words. In clause (1), the words “under conditions ensuring” are substituted for “only on such conditions as may be appropriate to assure”, the word “consistent” is substituted for “in full conformity”, and the word “law” is substituted for “applicable statutory provisions and policies”, to eliminate unnecessary words. In clause (2), the words “for which the agency provides assistance” are substituted for “funded by their agencies”, for clarity because the source provisions do not provide for funding. The words “of Federal assistance”, “for other agencies to perform”, “such activities with respect to”, and “under this section” are omitted as unnecessary.

**§ 7107. Joint management funds**

(a) In supporting a project, a joint management fund may be established to administer more effectively amounts received from more than one assistance program or appropriation. A proportional share of the amount required to pay a grantee shall be transferred periodically to the fund from each program or appropriation. When a project is completed, the grantee shall return to the fund an amount not expended.

(b) An account in a joint management fund is subject to an agreement made by the heads of the executive agencies providing assistance for the project about the responsibilities of each agency. An agreement shall—

(1) ensure the availability of necessary information to the executive agencies and Congress;

(2) provide that the agency administering a fund is responsible and accountable by program and appropriation for the amounts provided for the purposes of each account in the fund; and

(3) include procedures for returning, subject to fiscal year limitations, an excess amount to participating executive agencies under the applicable appropriation. An excess amount of an expired appropriation lapses from the fund.

(c) For each project financed through an account in a joint management fund, a recipient of an amount from the fund shall keep records prescribed by the head of the executive agency responsible for administering the fund. The records shall include—

(1) the amount and disposition by the recipient of assistance received under each program and appropriation;

(2) the total cost of the project for which assistance was given or used;

(3) that part of the cost of the project provided from other sources; and

(4) other records that will make it easier to carry out an audit.

(d) Records of a recipient related to an amount received from a joint management fund shall be made available to the head of the executive agency responsible for administering the fund and the Comptroller General for inspection and audit.

(e) For a project subject to a joint management fund, one non-Government share may be established conforming to—

(1) the proportional shares applicable to the assistance programs involved; and

(2) the proportional shares of an amount transferred to the project account from each of the programs.