

Claims Settlement Authority Issuance to Defense Office of Hearings and Appeals

AGENCY: Department of Defense, Defense Office of Hearings and Appeals.

ACTION: Notice.

SUMMARY: The Legislative Branch Appropriations Act of 1996 transferred to the Director of the Office of Management and Budget (OMB) the Comptroller General's authority to settle claims. The OMB Director subsequently delegated the authorities listed below to the Department of Defense (DOD). The Secretary of Defense further delegated this authority to the Defense Office of Hearings and Appeals (DOHA). This notice announces DOHA's intent to issue regulations implementing this new authority in the near future and that, in the meantime, that DOHA will use the procedures and practices applicable to the claims before the effective date of the transfer of authority, June 30, 1996, which are published in title 4, Code of Federal Regulations, Chapter 1, Subchapter C.

EFFECTIVE DATE: September 25, 1996.

ADDRESSES: Comments may be mailed to the Defense Legal Services Agency, Defense Office of Hearings and Appeals, Chief, Claims Division, P.O. Box 3656, Arlington, VA 22303.

FOR FURTHER INFORMATION CONTACT: Michael Hipple, Chief, Claims Division, 703-696-8524.

SUPPLEMENTARY INFORMATION: Pursuant to the Legislative Branch Appropriations Act of 1996, most of the claims settlement functions of the U.S. General Accounting Office were transferred to the Director of OMB. See Sec. 211, Pub. L. 104-53, 109 Stat. 535. Subsequently, the Acting Director delegated these functions to various components within the Executive branch in a determination order dated June 28, 1996. This order delegated to the Department of Defense the authority to settle the following classes of claims against the United States:

a. Claims related to uniform services members' pay, allowances, travel, transportation, retired pay, and survivor benefits;

b. Claims by transportation carriers for amounts collected from them for loss and damage incurred to property incident to shipment at Government expense;

c. Claims for proceeds of sale of unclaimed property coming into the custody or control of the Army, Navy, Air Force or Coast Guard;

d. Final settlements of accounts of members of the Armed Forces, including the National Guard;

e. Reports on disposition of the effects of deceased members of the Army and Air Force for settlement under 10 U.S.C. 2771, 10 U.S.C. 4712 and 9712;

f. Claims for the proceeds of the sale of motor vehicles and items of household goods and personal property of members of the Uniformed Services reported dead, injured, ill or absent for a period of more than 29 days in a missing status;

g. Claims for the proceeds from the disposition of effects of deceased residents of the Armed Forces Retirement Home; and

h. Claims arising from DOD activities cognizable under 31 U.S.C. 3702, not otherwise delegated by the Director, OMB.

Effective September 4, 1996, the Secretary of Defense further delegated the authority to DOHA.

Before the effective date of the transfer, these claims were subject to the procedures prescribed by the Comptroller General at 4 C.F.R. Chapter 1, Subchapter C (1996). Until DOHA issues its own regulations implementing its new claims authority, DOHA's policy will be to apply these procedures and the U.S. General Accounting Office's practices to claims submitted to DOHA for settlement. As an exception, the authority to issue decisions in review of settlements will be exercised by a Claims Appeals Board on behalf of the Secretary of Defense.

For each of the types of claims described above, claimants should submit their claims to the agencies out of whose activity the claim arose and it is the agency's responsibility to forward the claim to DOHA with its comments. Claimants may submit their claims directly to DOHA. However, claimants are advised that submitting their claims directly to DOHA may delay consideration of their claims because DOHA will not settle a claim without first notifying the agency of the claim and requesting an administrative report from the agency. Claims should be sent to: Defense Legal Services Agency, Defense Office of Hearings and Appeals, Chief, Claims Division.

Dated: September 19, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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Department of the Army

Proposed Collection; Comment Request

AGENCY: Director of Information Systems for Command, Control, Communications, and Computers (DISC4), U.S. Army.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Department of the Army announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by November 25, 1996.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to U.S. Army Corps of Engineers, Waterborne Commerce Statistics Center, ATTN: CEWRC-NDC-C (Pierre S. Andrus), P.O. Box 61280, New Orleans, Louisiana 70161-1280.

Consideration will be given to all comments received within 60 days of the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call Department of the Army Reports clearance officer at (703) 614-0454.

Title: Vessel Operation Report, ENG FORMS 3925, 3925B, and 3925P, OMB Control Number 0710-0006.

Needs and Uses: The Corps of Engineers uses ENG Forms 3925, 3925B, and 3925P as the basic instruments to collect waterborne commerce statistics. These data constitute the sole source for domestic vessel movements of freight and passenger on U.S. navigable waterways and harbors.

Affected Public: Business or Other for-Profit.

Annual Burden Hours: 50,166.