

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-215347

DATE: January 22, 1985

MATTER OF: Economic Development Representatives

DIGEST:

The provision in the Department of Commerce and Related Agencies Appropriations Act, 1985, requiring the funding and maintenance of forty-nine Economic Development Representative positions would not preclude the transfer of a vacant Economic Development Representative position from Arizona to Nevada provided that no State would be denied effective representation by the transfer.

The matter before us concerns whether a vacant Economic Development Representative position located in one state may be transferred to another state. The Economic Development Administration, Department of Commerce may transfer a position from one state to another provided that no state is denied effective representation.

The Department of Commerce has advised us that two Economic Development Representative positions in the Economic Development Administration are currently vacant including one such position in Arizona. It has been proposed that the vacant position in Arizona be transferred to and filled in Nevada. The Department presented this matter to us during fiscal year 1984 and accordingly asked us whether the proposed transfer of the Economic Development Representative position would be proper in view of the requirements for the funding and maintenance of Economic Development Representative positions for fiscal year 1984. The Department of Commerce and Related Agencies Appropriations Act, 1984, Title I of Public Law 98-166, November 28, 1983, 97 Stat. 1071, 1072, provided that Economic Development Representatives were to be maintained in the various states within the approved organizational structure in place on June 1, 1981.

We note that similar provisions were applicable to the funding and maintenance of Economic Development Representative positions during fiscal years 1982 and 1983.

For the current fiscal year the Department of Commerce and Related Agencies Appropriations Act, 1985, Title I,

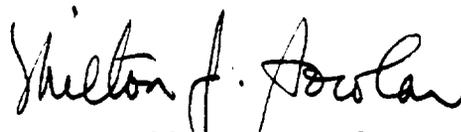
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Public Law 98-411, August 30, 1984, 98 Stat. 1545, 1546 contains the following provision on the funding and maintenance of Economic Development Representative positions.

" . . . Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-nine permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1985."

The legislative history of that provision shows that the prior provisions were intended to be modified to allow the Economic Development Administration to reallocate unfilled positions within its organizational structure to maximize efficiency and national coverage, provided that no state was to be denied effective representation. H. Rept. No. 952, 98th Cong. 2d Sess. 11 (1984). Also, see S. Rept. No. 514, 98th Cong. 2d Sess. 8 (1984).

The language and the legislative history of the current provision support the view that Economic Development Representative positions may be transferred from one state to another provided that the transfer does not deny any state the benefit of effective representation. Thus, the Economic Development Administration may now transfer the vacant Economic Development Representative position from Arizona to Nevada provided that no state would be denied effective representation by an Economic Development Representative as a result of such transfer.

for 
Comptroller General
of the United States