

Comment from Ad Hoc Committee Member Bill Funk  
March 28, 2023

I did not see anything in the report or recommendation regarding disclosure of agency delegations, acting appointments, or the status of the person taking final agency action. I have run into a number of situations in which the authority of the person taking final agency action is unclear. In some cases it is due to the lack of a disclosed agency delegation to the person involved, or the acting appointment of the person, or in some cases how the person taking final agency action is an "officer" at all, other than being a member of the Senior Executive Service. Given the increased litigation over the authority of the acting agency person, I believe it would be beneficial for the government to begin to take seriously the delegation of functions and the identifying of whether a person is deemed an officer.