



*Released*

B-149737

JUN 19 1978

The Honorable Jack Brooks  
Chairman, Committee on Government  
Operations  
House of Representatives

Dear Mr. Chairman:

In response to your request of January 27, 1978, we have the following comments on H.R. 10417, 95th Congress, a bill to establish a Department of Education, and for other purposes.

SECTION 5 - POWERS AND DUTIES OF THE SECRETARY

Section 5(b)(1) would give the Secretary the authority to appoint and fix the compensation of officers and employees. We believe that such officers and employees should be clearly covered by the Civil Service laws concerning appointment, selection, and compensation. Accordingly, we recommend that the Committee replace this provision with the language of section 14(o)(6) of the bill which would give the Inspector General similar authority, but clearly subject to appropriate Civil Service laws.

SECTION 13 - NATIONAL ADVISORY COMMISSION ON  
EDUCATION

Section 13(f) provides for the reimbursement of travel of members of the National Commission by reference to section 5703 of title 5, United States Code. In view of an amendment of section 5703 by Public Law 94-22 (May 19, 1975) and to provide customary limitations on the amount of expenses that are reimbursable, we suggest that the language following the word "subsistence" on line 21 of page 18 be revised to read as follows:

"\* \* \* not to exceed the rates prescribed in sections 5702 and 5704 of title 5, United States Code, in the same manner as persons

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employed intermittently in the Government service are allowed expenses under section 5703 of title 5."

#### SECTION 14 - OFFICE OF INSPECTOR GENERAL

With regard to the Office of Inspector General, we favor the type of provisions contained in H.R. 12053 which passed the House on April 18, 1978, except for a preference for a more descriptive title. The title Inspector General tends to suggest to us a narrower function than is given the Inspector General under section 14. Not only does the Inspector General have the investigative function but he has the full scope of audit which includes audits to determine financial integrity and compliance with pertinent laws and regulations, audits to identify inefficiencies or wasteful practices and audits to assess effectiveness in achieving program goals. Because the scope of the work will be so broad, we suggest that the title "Office of Inspector and Auditor General" be used. We believe this change would retain the impact of the title "Inspector General" while still indicating that this official is also responsible for audit.

#### SECTION 16 - ADMINISTRATIVE PROVISIONS

We believe that the words "in advance" should be deleted from line 2 on page 34. Since the bill provides for the working capital fund to be established using capital obtained from appropriations and other assets and inventories transferred to it, there should be no need for subsequent reimbursements to the fund to be made in advance. Other working capital funds have been established without a requirement for advance reimbursements such as a working capital fund at the Department of Commerce established by 15 U.S.C. 1521.

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Finally, a reversal of lines 18 and 20 on page 29 appears necessary for a correct reading of section 15(a)(2).

Sincerely yours,

R.F. KELLER

Acting Comptroller General  
of the United States