

February 18, 1982

B-196398

Released

The Honorable Peter W. Rodino  
Chairman, Committee on the Judiciary  
House of Representatives

Dear Mr. Chairman:

This is in response to your request for comments on H.R. 4774, 97th Congress, 1st Session, a bill which, if enacted, would revise, codify, and enact without substantive change certain general and permanent laws related to money and finance, as Title 31, United States Code, "Money and Finance." We welcome the efforts of the revisers to standardize and update the language of many ancient and arcane statutes and to eliminate laws which have become obsolete with the passage of time or superseded by later enactments. Inevitably, however, in a revision of so vast a scope, errors of omission or commission creep in and inadvertently change the substantive law.

For many months, my staff has worked with the revisers on an informal basis, explaining our concerns and proposing changes or modifications. Many of these have been accepted and we are very gratified. There is still a residuum of problems which we have addressed in the enclosed comments on specific provisions of the bill, accompanied by some recommended language changes.

A few of the recommended changes are extremely important to us, because without them, a great many Comptroller General legal decisions which rely on provisions of existing law now proposed to be omitted will be undermined. For an example in this category, see our discussion of proposed section 1702, and its effect on the "bona fide needs" rule.

There are some other sections in which the coverage of existing law is inexplicably narrowed. For example, the District of Columbia is excluded by the terms of the proposed code from the application of certain provisions of law which currently apply to it. On the other hand, the proposed code still lists the Federal Housing Administration as a wholly owned Government corporation even though it has not been a separate organizational entity since 1965.

These types of changes are grouped together in Part I of our comments (without regard to the order of presentation in the bill). We urge you to give serious consideration to the adoption of all the recommendations in this category.

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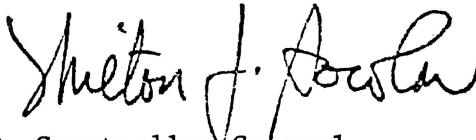
In Part 2, we have listed a number of instances in which the proposed code makes mandatory certain authorities and actions which are presently permissive - and vice versa. See, for example, our comments on sections 1754 and 1756.

Finally, we have listed in Part 3 a number of recommendations for language changes. These suggestions are not made because the wording in the proposed code is legally incorrect or because it would necessarily result in a substantive change in the law. Our problem in some instances is that the new wording conflicts with the standard terminology and definitions published in the "Glossary of Terms Used in the Budgetary Process" which the Comptroller General is directed to publish by section 202 of the Legislative Reorganization Act of 1970, as amended. (See, e.g., our comments on section 1501.)

In other instances, we fear that a literal reading of the new code provisions will not convey the full scope of the authority with which it deals unless the reader is familiar with the source provision. This is of particular concern in the sections dealing with the GAO's access to records authority.

As I know you and your committee are well aware, Title 31 of the United States Code is the major source of all the authorities and duties of the General Accounting Office. The revision of the title is, therefore, of major interest and concern to this Office. We appreciate the opportunity to make our views known to you and to the committee and hope you will act favorably on our recommendations, particularly those set forth in Part I of the enclosure.

Sincerely yours,

*for*   
Comptroller General  
of the United States

Enclosure

*(see file)*