

KRIS MURTY

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NOVEMBER 28, 1995.—Committed to the Committee of the Whole House and ordered to be printed

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Mr. HYDE, from the Committee on the Judiciary,  
submitted the following

REPORT

[To accompany H.R. 1315]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1315) for the relief of Kris Murty having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

H.R. 1315 would deem Kris Murty to be an employee whose transfer and relocation expenses were authorized for his transfer from one official station of the United States Department of the Army to another station for permanent duty in 1985 so that his reimbursement for relocation expenses in the amount of \$4,636.50 may be paid by the Government.

BACKGROUND

In January of 1985, Kris Murty was living in Houston, Texas and employed in the private sector when he accepted a job offer from the Department of the Army for a manpower shortage category position as an electrical engineer in Fort Bliss, Texas. He received orders authorizing reimbursement for miscellaneous expenses, unexpired lease expenses, and temporary quarters subsistence expense. Based upon these conditions, Mr. Murty accepted the position. Upon his relocation to Fort Bliss, Mr. Murty was awarded a travel advance in the amount of \$4,824.

Several months later, after Mr. Murty filed his travel voucher, he was notified that the Army had erred. It was determined that, as a manpower shortage appointee, Mr. Murty was only authorized mileage, travel per diem, and shipment of his household goods by Government Bill of Lading. This resulted in Mr. Murty being reim-

bursed only \$187.50 against his travel advance and the creation of a debt due to the Army in the amount of \$4,636.50. At that time, Mr. Murty was instructed that he must make restitution for the Army's mistake. Subsequently, his wages were garnished, and he paid the \$4,636.50 in full.

Mr. Murty acted in good faith with the Department of the Army based on the representations made to him. His acceptance of the position was based on the Army's assurances that it would cover his expenses.

#### AGENCY REPORT

In a March 25, 1993, letter to the Speaker of the House of Representatives, the Comptroller General of the United States recommended that the Congress enact legislation that would treat Mr. Murty as though he had been an employee of the Federal Government transferred in the interest of the Government without a break in service from one duty station to another permanent duty station. The letter stated that he acted in good faith reliance on the erroneous representations of agency officials and that the travel authorization issued to him contained erroneous information consistent with those representations. The Comptroller stated that, in these circumstances, collection action and nonpayment of the additional amounts would be against equity and good conscience and not in the best interests of the United States.

#### COMMITTEE ACTION

During the 103d Congress, the Subcommittee on Administrative Law and Governmental Relations considered H.R. 2793 and recommended it to the full Committee. This bill was identical to the now-pending H.R. 1315. The full Committee reported this bill to the House, which passed it on June 21, 1994 (H. Rpt. 103-605). The Senate did not act on H.R. 2793 before adjournment of the 103d Congress.

In the 104th Congress, on July 13, 1995, the Subcommittee on Immigration and Claims favorably recommended the bill H.R. 1315, to the Judiciary Committee.

On October 24, 1995, the Committee on the Judiciary favorably ordered reported by voice vote H.R. 1315.

On the basis of facts and equities presented in this matter, the Committee favorably recommends H.R. 1315 to the House and recommends that the House pass the bill.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

## COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives.

## NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(l)(3)(B) of House rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 1315, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, November 6, 1995.*

Hon. HENRY J. HYDE,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 1315, a bill for the relief of Kris Murty, as ordered reported by the House Committee on the Judiciary on October 24, 1995. The bill would require the federal government to make a payment of about \$5,000. We expect this outlay would occur in fiscal year 1996. Because the bill would result in new direct spending, pay-as-you-go procedures would apply.

Enactment of H.R. 1315 would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is John R. Righter.

Sincerely,

JUNE E. O'NEILL, *Director.*

## AGENCY VIEWS

The report of the General Accounting Office concerning the claim of Kris Murty is as follows:

COMPTROLLER GENERAL  
OF THE UNITED STATES,  
*Washington, DC, March 25, 1993.*

Hon. THOMAS S. FOLEY,  
*Speaker of the House of Representatives.*

DEAR MR. SPEAKER: Pursuant to 31 U.S.C. §3702(d) (1988) we have the honor to transmit our report and recommendation to the Congress concerning the claim of Mr. Kris Murty. We recommend that he be reimbursed relocation expenses as though he had been an employee of the federal government transferred in the interest of the government from one duty station to another for permanent duty.

In essence, this claim involves a person living in Houston, Texas, and employed in the private sector, who accepted a job offer from the Department of the Army for a manpower shortage category position at Ft. Bliss, Texas. He was provided erroneous information by agency officials regarding his relocation expense entitlements which was reiterated in his travel authorization. Based on those representations, he accepted the position in good faith and incurred significant travel expenses, which, but for the fact he was a new employee, would have been reimbursed. For the reasons stated in our enclosed report, we believe the claim deserves the favorable consideration of the Congress.

An identical report is being transmitted to the President of the Senate.

Sincerely yours,

MILTON J. SOCOLAR  
(For the Comptroller General of the United States).

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COMPTROLLER GENERAL  
OF THE UNITED STATES,  
*Washington, DC, March 25, 1993.*

*To the Congress of the United States:*

Pursuant to 31 U.S.C. § 3702(d) (1988), we submit the following report on the claim of Mr. Kris Murty, a resident of Houston, Texas, who was appointed from the private sector to a manpower shortage position as an Electrical Engineer, GS-11, with the Department of the Army for duty at Fort Bliss, Texas, beginning in February 1985.

Mr. Murty was informed by agency personnel that the agency would pay relocation expenses, including temporary quarters subsistence expenses, unexpired lease expenses, and miscellaneous expense allowances. That information was reiterated in the travel authorization issued to him and he received a travel advance in the amount of \$4,824. According to correspondence in the file, Mr. Murty accepted the position with the expectation that he would receive full reimbursement for those expenses.

Following issuance of the travel authorization and performance of travel, Mr. Murty filed a travel voucher. The Army discovered the error and determined that as a manpower shortage appointee he was only authorized mileage, travel per diem, and shipment of his household goods by Government Bill of Lading. This resulted in Mr. Murty being reimbursed only \$187.50 against his travel advance and the creation of a debt due the United States in the amount of \$4,636.50, representing the excess travel advance given him. We understand that he has repaid that amount.

In September 1988, a request for waiver of that indebtedness was received in our Claims Group. By settlement Z-2892098, Sept. 23, 1988, the request for waiver was disallowed because, although the waiver statute, 5 U.S.C. § 5584, had been amended by Pub. L. No. 99-224, Dec. 28, 1985, 99 Stat. 1741, to include erroneous travel and transportation payments, its enactment postdated the payments to Mr. Murty and does not apply to them.

As a manpower shortage category appointee, Mr. Murty's relocation expense entitlement is limited to 5 U.S.C. § 5723 (1988) to

travel and transportation expenses and movement of household goods. Section 5723 does not allow reimbursement for temporary quarters subsistence expenses, lease breaking costs, or a miscellaneous expense allowance.

Based on the foregoing facts, we believe that this claim deserves the consideration of Congress as a meritorious claim. Mr. Murty acted in good faith reliance on the erroneous representations of agency officials and the travel authorization issued to him which contained erroneous information consistent with those representations. See John H. Teele, 65 Comp. Gen. 679 (1986).

Provided the Congress concurs with our recommendation on this matter, we believe that enactment of a statute in substantially the following language will accomplish the relief recommended:

*"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that Kris Murty, an employee of the Department of the Army, is deemed to have been transferred from one official station to another for permanent duty in the interest of the government without a break in service incident to his relocation travel from Houston, Texas, to Fort Bliss, Texas, in February 1985, for the purpose of permitting reimbursement for expenses incurred as authorized by 5 U.S.C. §5724 and §5724a."*

MILTON J. SOCOLAR  
(For the Comptroller General of the United States).

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