

COMPTROLLER GENERAL OF THE UNITED STATES

Washington 25

August 2, 1950

Honorable William L. Dawson, Chairman
Committee on Expenditures in the Executive Departments
House of Representatives

My dear Mr. Chairman:

Reference is made to your letter of July 26, 1950, acknowledged by telephone July 27, enclosing a copy of H. R. 9230, 81st Congress, entitled "A BILL To amend the Act entitled 'An Act to authorize certain administrative expenses in the Government service, and for other purposes', approved August 2, 1946 (60 Stat. 806), and for other purposes", and requesting an expression of my views and comments concerning the proposed legislation.

A civilian officer or employee transferred to an overseas station pursuant to section 1 of the act of August 2, 1946, Public Law 600, 60 Stat. 806, is not required to execute an agreement to continue in the service for a given length of time. However, a new appointee in order to be eligible to be sent overseas, and to be returned, at Government expense under section 7 of that same Act, must agree in writing to remain in the Government service for twelve months following his appointment, unless separated for reasons beyond his control. It is believed that said restriction in existing law as to new appointees was intended to insure that the employee would not abandon his job shortly upon entering on duty at the foreign post. Also, generally speaking, under existing law the return of new appointees or transferees upon separation from the service must be for purposes of the Government.

The instant bill would add a new proviso to subsection (a) of section 1 of the act of August 2, 1946, supra, extending to transferees the requirement that an agreement in writing be executed requiring that he remain in the service a specified period of time, it apparently being felt advisable to protect the interest of the Government in the case of transferees to the same extent as protection is accorded by existing law in the case of new appointees. Relative thereto, it is noted that section 2 of the bill would delete the existing proviso with respect to the twelve-month agreement and substitute two new provisos. The first proviso contains substantially the same language as is now contained in the proviso in section 7 of Public Law 600. The second proviso, to the effect that expenses of return travel and transportation upon termination of services shall be allowed whether the termination is for the purposes of the Government or for personal convenience, but only if the employee shall have served a minimum period of not less than one nor not more than three years, is new. The said new proviso would thus

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place the return expenses in a different category from the outgoing expenses. For example, it appears that if an employee is sent overseas under a two-year agreement and abandons the job at the end of six months, he could not be returned at Government expense and he would become indebted to the United States for the outgoing expenses. If he did not abandon the job until after serving eighteen months he could not be returned at Government expense, but he would not be indebted for the outgoing expenses. Also, the second proviso, would permit an employee who has served the length of time agreed upon to be returned for separation from the service even though the separation be for personal convenience.

On lines 19 and 20, page 3, of the bill, there is used the phrase "unless separated for reasons beyond his control" while on lines 7-9, page 4, of the bill, the phrase used is "unless separation is for reasons beyond the control of the individual and acceptable to the department or agency concerned." It would appear preferable that on line 20, page 3, after the word "control" there be inserted the language "and acceptable to the department or agency concerned." It is noted, also, that on pages 3 and 4, lines 25 and 1, respectively, there is used the phrase "termination of services." Presumably by that language there is meant "separation from the service." If so, it is suggested that, for clarity, the phrase "termination of services" be deleted and the words "separation from the service" be substituted in lieu thereof.

The bill would incorporate in the administrative expense act a new subsection (d), section 1, pertaining to evacuation of immediate families of civilian officers and employees for military, or other reasons, or to transfers or assignments of such employees to places where the immediate families for military or other reasons are not permitted to accompany them. It would authorize their immediate families and household effects to be transported at Government expense, under such regulations as the heads of their respective departments and agencies may prescribe, to other points to which their movement is not prohibited and later to be transported at Government expense from such places to the duty stations to which the officers or employees concerned are assigned and to which such restrictions on movements do not apply. Such provision would extend to other agencies of the Government the provisions now applicable to the Department of the Army under section 3(b) of the act of June 5, 1942, 56 Stat. 324 (proposed to be repealed by this bill), and which relates to evacuation from, or prohibition of movement to, duty stations because of military reasons. In the instant bill, the evacuation from, or prohibition of movement to, those duty stations could be also on the basis of "other reasons." It would seem advisable that the other reasons be spelled out. For instance, if it be intended to refer to restrictions because of unhealthful or adverse living conditions, or for the convenience of the Government as defined in section 7.2 of the Standard Government Civilian Allowance Regulations, it would seem to be preferable to so state. Also, there would be for consideration the incorporation of language in the bill making applicable to new appointee cases the proviso in section 3(b) of the bill.

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Your Committee is advised that this Office has not had an opportunity to make a thorough study of this bill but on examination thereof indicates that the objects sought to be achieved are those as outlined herein. Such purposes are not objectionable to this Office. Further, it is believed that since the bill would apply to substantially all Federal agencies, it merits close study by your Committee. A representative of this Office will assist your Committee in its study of the matter if it be so desired by you.

Sincerely yours,

/s/

LINDSAY C. WARREN

Comptroller General
of the United States

TRANSMITTAL SLIP	
<u>12 Aug. 50</u> DATE	
TO: <i>Mr. Pforzheimer</i>	
BUILDING <i>Adm.</i>	ROOM NO
REMARKS: <i>File</i>	
FROM	[Redacted]
BUILDING	TENSION

STATINTL

FORM NO. 36-8
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