



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON D.C. 20548

B-222766

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FOR 30 DAYS

April 25, 1986

The Honorable Don Sundquist  
U.S. House of Representatives  
5905 Shelby Oaks Drive  
Suite 112  
Memphis, Tennessee 38134

Dear Mr. Sundquist:

This responds to your letter of March 25, 1986, on behalf of your constituent Mr.

Mr. transferred from the United States Postal Service to the Social Security Administration in March of this year, but was denied reimbursement for his relocation expenses on the basis that the Postal Service did not meet the definition of "agency" for purposes of the statutory provisions, 5 U.S.C. §§ 5724 - 5724a, authorizing reimbursement of such expenses for transfers between federal agencies. For the reasons stated below, we must conclude that the denial of reimbursement in Mr. Rosenberg's case was correct.

In the 1978 Comptroller General decision enclosed with your letter, 58 Comp. Gen. 132, we held that the applicable definitions specifically excluded the Postal Service from coverage under the statutory authorities for relocation expense reimbursement. Both the General Services Administration (GSA) and our Office supported a change in the law to make Postal Service employees eligible for reimbursement of relocation expenses if they transferred to an agency covered by 5 U.S.C. §§ 5724 - 5724a. As you point out, the Federal Civilian Employee and Contractor Expenses Act of 1985, Public Law No. 99-234, 99 Stat. 1756, approved January 2, 1986, accomplished this result by enacting the necessary statutory authorization. Thus, section 106 of Public Law No. 99-234, 99 Stat. 1758, amended title 5 of the United States Code by adding the following new section 5734:

"Notwithstanding the provisions of any other law, officers and employees of the United States Postal Service promoted or transferred under section 1006 of title 39, United States Code,

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from the Postal Service to an agency (as defined in section 5721 of this title), for permanent duty may be authorized travel, transportation, and relocation expenses and allowances under the same conditions and to the same extent authorized by this subchapter for other transferred employees within the meaning of this chapter."

However, section 301(a) of Public Law No. 99-234, 99 Stat. 1760, provides that the amendment made by section 106 shall take effect on the effective date of implementing regulations issued by GSA or 180 days after the date of enactment of the Act, whichever occurs first. Since GSA has not yet issued implementing regulations and 180 days have not passed since enactment of Public Law No. 99-234 on January 2, 1986, the change in the law for Postal Service employees has not become effective. Therefore, Mr. [redacted] transfer is governed by the statutory provisions addressed in our 1978 decision, and he is not eligible for relocation expense reimbursement.

We regret that our response cannot be favorable, but application of the statutory provisions to Mr. [redacted] situation is clear and specific. At the same time, we note that a number of private relief measures have been enacted to relieve from liability Postal Service employees who transferred to other agencies and were mistakenly paid relocation expenses. In view of this, you might wish to consider private relief legislation to authorize payment of the appropriate relocation expenses to Mr. [redacted].

Sincerely yours,

*Milton J. Jordan*  
for Comptroller General  
of the United States