

FOR THE RELIEF OF NORMAN R. GIRAULT

—
JUNE 26, 1996.—Committed to the Committee of the Whole House and ordered to
be printed
—

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

REPORT

[To accompany H.R. 2001]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2001), for the relief of Norman R. Girault, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

H.R. 2001, for the relief of Norman R. Girault, would waive the statute of limitations with respect to Mr. Girault's claim for \$10,709 for 21 paychecks he received while on active duty with the Navy, but which were never negotiated.

BACKGROUND

Mr. Girault served as a Naval officer until his retirement in 1969. His wife managed his financial matters while he was on active duty. Gradually, however, Mrs. Girault became psychologically impaired and began secretly hoarding money. When Mr. Girault became aware of this, he attempted to determine the status of their finance. However, Mrs. Girault refused to tell Mr. Girault about the location of any funds. Mr. Girault finally took legal action to force her to provide the information, at which time they came to a settlement of their marital finances and separated. Although separated, Mr. Girault continued to support Mrs. Girault. Upon her death, while going through his mother's possessions, Mr. Girault's son discovered 21 of his father's paychecks that Mrs. Girault had hidden away, dating from August 1964 to January 1968.

Section 3328 of Title 31, United States Code, requires that Treasury checks be negotiated within 12 months after the date of issuance. Because Mr. Girault did not present the paychecks within the

statutory period, the Department of the Navy does not have legal authority to make payment on these checks or to issue replacement checks to him.

The Department of the Navy indicated that it is apparent that the checks were not negotiated in a timely manner through no fault of Mr. Girault's, and that as soon as he became aware of the existence of the checks, he notified the appropriate office about re-issuance of those checks. Due to the unique circumstances of this case, the Department of the Navy does not oppose this legislation.

COMMITTEE ACTION

On May 23, 1996, the Subcommittee on Immigration and Claims favorably recommended the bill H.R. 2001, to the Judiciary Committee.

On June 11, 1996, the Committee on the Judiciary ordered reported favorably by voice vote H.R. 2001, a quorum being present.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(1)(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(1)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(1)(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(1)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 2001, 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, June 14, 1996.

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. 2001, a bill for the relief of Norton R. Girault, as ordered reported by the House Committee on the Judiciary on June 11, 1996. The bill would waive the statute of limitations for submitting claims against the United States government. This waiver

would result in the payment of \$10,709 by the Department of the Navy. Assuming the bill is enacted in the next two months, we expect this outlay would occur in fiscal year 1996. Because the bill would increase direct spending, pay-as-you-go procedures would apply.

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.*

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that H.R. 2001 will have no significant inflationary impact on prices and costs in the national economy.

AGENCY VIEWS

The comments of the Department of the Navy are as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, April 3, 1996.

Hon. LAMAR SMITH,
Chairman, Subcommittee on Immigration and Claims, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request for comments from the Department of the Navy on H.R. 2001, 104th Congress, a bill "For the Relief of Norton R. Girault."

The purpose of H.R. 2001 is to waive the time limitations of 31 United States Code, section 3702(b), with respect to a claim by Norton R. Girault for \$10,709 for 21 paychecks he received while on active duty in the United States Navy but were not negotiated in a timely manner.

The information provided shows that Mr. Girault served on active duty as a Naval Officer and, at the time of his retirement in 1969, had attained the rank of Captain. During his naval career, Mr. Girault entrusted his financial affairs to his wife and experienced difficulties following that decision. After his wife's death on February 2, 1992, the 21 unnegotiated paychecks were discovered among her papers. These 21 paychecks were issued from 1964 through 1968, while Captain Girault was still serving on active duty in the Navy. Section 3328 of Title 31, United States Code, requires negotiation of Treasury checks within 12 months after the date of issuance. Since Mr. Girault's paychecks were not presented within the statutory period, they are barred under 31 United States Code section 3702(b). The Department of the Navy does not have legal authority to issue replacement checks to Mr. Girault. The effect of H.R. 2001 would waive the statutory bar to payment of these paychecks.

The Department of Defense generally opposes private relief legislation that waives the statute of limitations in a preferential manner. It is noted, however, that Mr. Girault's 21 paychecks were issued for his services while he was still on active duty as a Naval Officer. The checks were not negotiated timely, apparently through

no fault of Mr. Girault's. The information provided shows that Mr. Girault took reasonable steps to resolve his wife's handling of their finances when he became aware of the problems. Two days after his wife's death and the discovery of the checks, Mr. Girault notified the Navy Personnel Support Activity and requested reissuance of the checks. It was not until almost 11 months later that he was informed by the Defense Finance and Accounting Service that the law prohibited reissuance of the checks and he would have to seek a private relief bill. Two week later, Mr. Girault requested such action from his Congressman. Under these unique circumstances, the Department of the Navy does not oppose H.R. 2001.

The Office of Management and Budget advises, that from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee

Sincerely,

R.J. NATTER,
Rear Admiral, U.S. Navy,
Chief of Legislative Affairs.

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