

April 17, 1984

Digest

GAO has no legal objection to request by Chairman, House Committee on Education and Labor, for provision of transportation and services by Department of Defense under 31 U.S.C. § 1108(g) for study mission of Subcommittee on Select Education. Provision, and similar provisions previously set forth in individual appropriation acts, has long been held to mean that use of agency appropriations for traveling expenses of Congressional committee members and staff is authorized when expenses are incurred incident to examination of estimates of appropriations in the field.



COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON D.C. 20548

B-214611

April 17, 1984

The Honorable Carl D. Perkins
Chairman, Committee on Education and Labor
House of Representatives

Dear Mr. Chairman:

This is in response to your letter of March 6, 1984, as supplemented by additional facts supplied informally by committee staff on April 14, 1984. In your letter you requested our comments regarding the use of military air transportation and other services by the Committee on Education and Labor, in connection with a proposed study mission to Puerto Rico by the Subcommittee on Select Education from April 12-17, 1984. Among the purposes of the proposed study mission is a tour of several VISTA and Young Volunteers in ACTION project sites funded by programs within the Subcommittee's legislative jurisdiction, and meetings with local officials to gain a better understanding of the operations of these projects.

We note that in a copy of your letter to the Secretary of Defense requesting the furnishing of necessary transportation and services, you cite as authority section 1314 of the Supplemental Appropriations Act of 1954, 67 Stat. 438, 31 U.S.C. § 1108(g) (formerly 31 U.S.C. § 22a). That provision states:

"Amounts available under law are available for field examinations of appropriation estimates. The use of the amounts is subject only to regulations prescribed by the appropriate standing committees of Congress."

This provision, and similar provisions previously set forth in individual appropriation acts, has long been held to mean that the use of agency appropriations for the traveling expenses of congressional committee members and staff is authorized when the expenses are incurred incident to the examination of estimates of appropriations in the field. B-129650, January 2, 1957; 23 Comp. Dec. 493 (1917) (Members); 6 Comp. Gen. 836 (1927) (staff).

In our view, there are two sources of funds available to pay for the expenses of these field examinations: the funds available to congressional committees and subcommittees for

travel relating to studies and investigations;^{1/} and, as authorized by section 1108(g), supra, the appropriations of the particular agency whose programs and budget are being examined.

This interpretation of the requirements of section 1108(g) obviously is shared by the Department of Defense (DOD), as can be seen in DOD Directive No. 4515.12, which states in pertinent part:

"IV. POLICY

"* * * The DoD support for travel of members and employees of the Congress shall be based upon consideration of the following factors;

* * * * *

"D. Assuring that travel of members and employees of the Congress is sponsored by the DoD only where the purpose of the travel is of primary interest to, and bears a substantial relationship to programs or activities of, the DoD and not merely for the purpose of engendering goodwill or obtaining possible future benefits.

* * * * *

"V. PROCEDURES

"Support may be provided for travel of members and employees of the Congress, which involves use of military carriers in whole or in part, only under the following conditions:

"A. Nonsponsored nonreimbursable travel

"1. A request for travel of members and employees of Congress without reimbursement will be granted when the request -

* * * * *

"c. states that the purpose of the travel is of primary interest to the DoD and that

^{1/} See Rule XI, Clause 1(b), Rules of the House of Representatives; Rule 17, Rules of the Committee on Education and Labor, House of Representatives, 98th Cong., 1983-1984, 89.

the expenditure of funds by the DoD is authorized by Section 1314 of the Supplemental Appropriations Act of 1954 [31 U.S.C. § 1108(g)]. If such expenditure is not so authorized, the request must specify such other provision of law as authorizes the expenditure by the DoD."

We are aware that on a number of occasions in the past, section 1108(g) has been interpreted more broadly by some DOD components, and that notwithstanding the above-mentioned Directive, transportation and services have been provided without reimbursement by the Air Force even where there was no "substantial relationship" to DOD programs and activities.

We do not agree with that practice. Although Section 1108(g) does not specifically tie the use of an agency's appropriations to the service of the committees examining that agency's budget request, we are reluctant to assume a congressional intent to waive the requirements of 31 U.S.C. § 1301(a) (formerly 31 U.S.C. § 628) in the absence of any legislative history to that effect. Section 1301(a) provides:

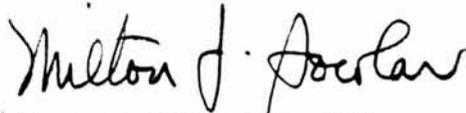
"(a) Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."

Section 1108(g) itself contains no waiver of the section 1301(a) requirement. Therefore, an agency may pay only those costs incurred as a result of congressional examinations of its own programs and budgets.

This does not prevent a congressional committee from requesting and accepting the provision of transportation and other services by DOD for carrying out committee field investigations. It only means that the cost of these services should be reimbursed to DOD by the appropriate agency or by the concerned committee, at the committee's option. Accordingly, we suggest that in the future advance arrangements be made with the agency whose programs are involved for reimbursement of the costs incurred, unless the Committee decides to use its own funds.

We hope this is helpful to you. As arranged with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from its date. At that time, we will make copies available to others upon request.

Sincerely yours,

for 
Comptroller General
of the United States