

DECISION



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

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FILE: B-152331

DATE: NOV 19 1975

MATTER OF: Veterans Administration - Use of General Post
Funds for volunteer dinner

DIGEST: Administrator of Veterans' Administration (VA)
has authority under 38 U.S.C. § 5103 and 5223
to order expenditures from General Post Fund
for purpose of providing luncheon or dinner in
connection with annual recognition ceremony for
VA volunteer workers.

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This is in response to a letter from the Administrator of the Veterans Administration requesting our views on the proposed authorization of " * * * the expenditure of funds from the General Post Fund to provide a luncheon or dinner in conjunction with the annual recognition ceremony for volunteers." In support of the proposal the Administrator states:

"The need for volunteers in conjunction with our medical program, with its many new and changing treatment techniques, has increased tremendously in the past few years. In Fiscal Year 1974, a monthly average of over 106,000 volunteers gave a total of approximately 10 million hours of service in VA hospitals and clinics and in community care programs. The monetary value of these services is not inconsequential, a fact apparent on its face. As was stated by a previous Administrator in the 1963 submission, a luncheon or dinner at the annual recognition ceremony would provide further stimulation and inducement for the performance of volunteer service. Not only do I share that view, but I anticipate such functions would tend to increase volunteer interest and participation, and would contribute to a stronger VA-community relationship and understanding, particularly with young high-school age citizens, which is so valuable and necessary today."

As stated in 43 Comp. Gen. 305 (1963), it is a general rule of long standing that funds appropriated for Government departments and

agencies may not be used for entertaining individuals by giving luncheons, etc., except when specifically authorized by statute and authorized or approved by proper administrative officers. However, the General Post Fund is declared by 31 U.S.C. 725s (45)(1970) to be a trust fund, and the section provides that such trust funds "shall be disbursed in compliance with the terms of the trust."

There are two sections of the United States Code which deal with the issue of authority to order disbursements from the General Post Fund. 38 U.S.C. § 5103 (1970) states:

"Disbursements from the General Post Fund shall be made on orders by and within the discretion of the Administrator (of the Veterans' Administration) and in the manner prescribed in section 5223 of this title; except that (1) if the testator or donor has directed or shall direct that his devise, bequest, or gift be devoted to a particular use authorized by this chapter, the same, less expenses incurred, or the net proceeds thereof, shall be used or disbursed as directed, except that a precatory direction shall be fulfilled only insofar as may be proper or practicable; and (2) if the testator or donor shall have indicated his desire that his devise, bequest, or gift shall be for the benefit of persons in hospitals or homes, or other institutions operated by the United States but under the jurisdiction of an official other than the Administrator, the same, less expenses incurred, or the net proceeds thereof which may come into possession of the Administrator, shall be disbursed by transfer to the governing authorities of such institution, or otherwise in such manner as the Administrator may determine, for the benefit of the persons in the institution indicated by the testator or donor, for proper purposes, as nearly as practicable in conformity with such desire of the testator or donor."
(Emphasis added.)

38 U.S.C. § 5223 (1970) provides:

"Disbursements from the Fund shall be made by the Division of Disbursements, Treasury Department, upon the order and within the discretion of the Administrator for the benefit of members and patients while being supplied care or treatment by the Veterans' Administration in any facility or hospital. The authority contained in the preceding sentence is not limited to facilities or hospitals under direct administrative control of the Veterans' Administration."

Thus, except with respect to certain monies in the Fund, the Administrator's authority to order disbursements from the General Post Fund is rather broad. See B-125715, November 10, 1955. It is, in fact, only limited by the requirement that such disbursements be "* * * for the benefit of members and patients while being supplied care or treatment by the Veterans' Administration in any facility or hospital." Therefore, any expenditures of funds from the General Post Fund that the Administrator determines should be made, and in regard to which it may reasonably be stated that they are "* * * for the benefit of members and patients while being supplied care or treatment by the Veterans' Administration in any facility or hospital * * *", are legal expenditures, and we would not be required to object to them. We believe that the proposed expenditures reasonably could be construed as being for the benefit of members and patients as contended by the Administrator. Hence, the expenditures proposed would not constitute an abuse of the discretion vested in the Administrator by the cited statutory authority and, therefore, we do not object to their authorization by the Administrator.

Deputy]

R. F. MILLER

Comptroller General
of the United States