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DECISION



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

FILE: B-208729

DATE: May 24, 1983

MATTER OF: Army--Incidental Costs of Commemorative Luncheon for Dr. Martin Luther King, Jr.

DIGEST:

Army may use appropriated funds to pay obligation arising when paying guests attending a luncheon were insufficient to yield the minimum revenue guaranteed the caterer. The subsequent obligation for the deficit was related to a program designed to further EEO objectives. See 60 Comp. Gen. 203 (1981).

The Assistant Comptroller for Finance and Accounting, Department of the Army, has requested an advance decision on whether a voucher for \$355.44 from the Redstone Arsenal Officers Club may be certified for payment from appropriated funds. The voucher supports a claim arising from a contract which an employee of the United States Army Missile Command, Redstone Arsenal, signed with the Officers Club. The Officers Club promised in the contract to cater a luncheon sponsored by the Missile Command in commemoration of Dr. Martin Luther King, Jr. The contractual arrangement may be ratified in order to permit payment.

On January 15, 1982, the Missile Command sponsored a 4th annual commemoration for Dr. King. The commemoration included a luncheon and a luncheon speaker who was paid an honorarium. Both Government employees and members of the local community were invited to attend the luncheon. The project officer, an employee of the Missile Command, signed a contract with the Officers Club under which at least 540 guests were expected to attend and the club was guaranteed a minimum of \$3,240 in revenue. Those attending were to be charged \$6 each.

Due to inclement weather, a large number of the expected guests failed to attend. Although some of the food which had been prepared for the luncheon was diverted by the Officers Club to other guests, thus resulting in a credit against the amount due under the contract, there nevertheless remained a balance of \$355.44 owed to the club. Concerned Citizens of Alabama, a private group, voluntarily assumed this liability, paying \$355.44 to the Officers

Club. The Comptroller, United States Missile Command, Redstone Arsenal, has indicated to us that if the Officers Club may now be paid by the United States, then the money already paid by Concerned Citizens could be returned to that group.

The Comptroller suggests that the Missile Command has authority to expend funds from the Operation and Maintenance appropriation for the Army in order to finance community relations programs furthering the objectives of the Equal Employment Opportunity (EEO) program. He cites our decision certifying payment by the Internal Revenue Service (IRS) from appropriated funds for a performance by an African dance troupe, 60 Comp. Gen. 303 (1981), and argues that this decision authorizes expenditures for items such as artistic performances, ethnic food, appropriate travel, and meals of guest speakers. He then interprets such authority to include administrative expenses for services planned but not utilized. The Comptroller concludes that, "Since no food was consumed by 'non attendees,' this loss should be considered an administrative expense associated with conducting the community activity and should be paid from appropriated funds."

We have consistently held that entertainment expenses, including meals, are not properly chargeable to appropriated funds, unless specifically authorized by statute. 43 Comp. Gen. 305, 306 (1963); B-206173, February 23, 1982. We have made exceptions in special circumstances where this type of expense was not primarily for entertainment purposes. For example, we concluded that the IRS may pay an African dance troupe to perform when the performance served as part of a formal ethnic awareness program intended to advance the training objectives of the EEO program by increasing employee awareness of, and appreciation for, the cultural heritage in question. 60 Comp. Gen. 303, supra. Similarly, we acquiesced in the use by the Army of appropriated funds to pay for the provision of small samples of various ethnic dishes in another formal ethnic awareness program advancing the educational objectives of the EEO program. B-199387, March 23, 1982. We made it clear, however, that there was no authority to furnish full meals.

The Army, in arranging for the commemoration luncheon, complied with these principles by requiring guests at the luncheon to pay for their own meals. The contract with the Officer's Club was obviously a prerequisite to the holding of the luncheon in order to assure accommodation of the

expected number of guests. As such, it was not related to providing food or entertainment to invited guests. Rather, it was an expense of the program determined by the agency to advance EEO objectives, just as was the expense represented by the honorarium paid the guest speaker.

Since, as Army's Comptroller points out, the payment of expenses for programs furthering EEO goals was sanctioned in 60 Comp. Gen. 303, supra, we conclude that the amount in question is one which may be paid with appropriated funds. Accordingly, the contractual arrangement entered by the project officer may be ratified in order to permit reimbursement of the Concerned Citizens of Alabama.

for 
Comptroller General
of the United States