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B-13888 December 10, 1940

Number: B-13888

Date: 1940-12-10

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President, Board of Commissioners, District of Columbia.

Sir:

I have your letter of December 7, 1940, as follows:

"In your decision to the Commissioners, B-11445, dated July 29, 1940, it was held that the District of Columbia was authorized to participate in the program for vocational education of defense workers, under the provisions of the Second Deficiency Appropriation Act, 1940, approved June 27, 1940. Since July, 1940, the Office of Education has advanced to the District of Columbia a sum in excess of $260,000.00 for the purpose of developing and carrying out a training program to develop skilled workers essential to industry in the interest of national defense. Under date of December 7, 1940, the Office of Education approved a supplemental budget of $600.00 for traveling expenses, for travel outside of the District.

"In your decision to the President, Board of Commissioners of the Distruct of Columbia, A-75452, September 4, 1937, involving the use of money for official travfel under the provisions of Section 601 of the Social Security Act approved August 4, 1935 (49 Stat. 634) providing for the training of personnel for State and local health work, your office held that there was for application the Act of June 26, 1912 (37 Stat. 184) See 16 C. G. 252.

"As the language of the $15,000,000.00 appropriation for educating defense workers contained in the Act of June 27, 1940, does not specifically authorize travel, nor does the $26,000,000.00 appropriation for enginerring courses contained in the Act of October 9, 1940, First Supplemental Civil Functions Appropriation Act, 1941, provide for the expenditure of these funds for travel, the Commissioners would appreciate advice from you as to whether or not the funds advanced to the District through the Office of Education under these acts are available for traveling expenses.

"The Superintendent of Schools received authorization from Dr. J. C. Wright, Assistant Commissioner for Vocational Education, authorizing the expenditure of funds appropriated for defense purposes for the attendance of a representative from the District of Columbia at a meeting to be held in San Francisco, Califnornia, beginning December 14, 1940. This meeting will deal with problems in connection with the National Defense Training Program and representatives from each state in the union have been authorized t attend.

"As the various States are authorized to participate in this fund and the District of Columbia has been construed for the purpose of participarting in these funds as a States, and that the States are authorized to attend this conference for the purpose of obtaining valuable information in connection with the administration of national defense training programs, it appears to the Commissioners that the appropriation in question would be available for the expenses of said travel. Your early advice in this matter would be appreciated as the convention is to be held in San Francisco, beginning December 14, 1940."

It is understood from the first paragraph of your letter that the amount of $800 for traveling expenses has been included in the plan approved for the District of Columbia by the Federal Office of Education under authority of, and chargeable to, the following item of the appropriation appearing in the Second Deficiency Act, approved June 27, 1940, Chap. 437, 54 Stat. 628, Public No. 668:

OFFICE OF EDUCATION

"Vocational education of defense workers, Office of Education: For payment to States, subdivisions thereof, or other public authorities, through certification from time to time made by the United States Commissioner of Education to the Secretary of the Treasury of the name of such agency and the amount to be paid, such payment to be made prior to audit and settlement by the General Accounting Office, for the cost of courses of less than college grade, provided by such agencies in vocational schools pursuant to plans submitted by such agencies and apprived by the United States Commissioner of Education, which plans shall include courses supplementary to employment in occupations essential to the national defense and pre-employment refresher courses for workers preparing for such occupations selected from the public employment office registers; and (not exceeding 2 per centum of this appropriation) for administration expenses in carrying out the purposes thereof, including printing and binding and personal services in the District of Columbia and elsewhere, $15,000,000. The duties of such Commissioner, in carrying out the purposes of this appropriation, shall be performed under the supervision and direction of the Federal Security Administrator, and such Administrator is hereby authorized to transfer not more than $10,000 of the sum herein appropriated, to the Office of the Administrator for use in carrying out the purposes hereof."

While, as you state, this appropriation is not expressly made available for travel expenses, the terms of the appropriation are broad enough to include traveling expenses necessarily incurred incident to carrying out the purposes of the act, vis: "Vocational education of defense workers." The program is to be carried out by the several "States, subdivisions thereof, or other public authorities", including the District of Columbia (B-11445, dated July 25, 1940), to which allotments are made, subject to Federal supervision and coordination by the Federal Office of Education, and it is understood that the States, subdivisions thereof, and other public authorities sending representatives to San Francisco to attend the conference in question will use funds allotted to them under said appropriation for the purpose. The meeting to be held in San Francisco is understood to be for the purpose of carrying out the purpose of the statute, and the expenditures for the necessary transportation nad traveling expenses of the District of Columbia representative to attend this meeting--as are like expenditures of representatives of States and other public authorities--would be expenditures connected with the work authorised by the statute, as distinguished from the attendance at a meeting or convention of a society or association as was the case in the decisions to which you refer,

A-75452, September 4, 1937, and 16 Comp. Gen. 252. Consequently, such attendance would not contrevene the provisions of section 8 of the act of June 26, 1912, 37 Stat. 184, or the Joint Resolution approved February 2, 1935, 49 Stat. 19.

Accordingly, in specific answer to the question you submit, I have to advise that there appears no logal objection to the use of funds allotted to the District of Columbia under the appropriation here in question for the payment of the expenses properly incurred incident to the attendance of a representative of the District of Columbia at the National Defense Training Program conference to be held at San Francisco, or other similar travel.

Respectfully,

(Signed) Lindsay C. Warren Comptroller General of the United States