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B-138969 April 16, 1959

Number: B-138969

Date: 1959-04-16

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Mr. Manley W. Allen Authorized Certifying Officer National Park Service Department of the Interior

Dear Mr. Allen:

By letter dated March 10, 1959, reference F16-ABF, you requested our decision as to the propriety of paying transmitted bill. That bill dated March 1, 1959, in the amount of $54 from the Mike Palm Restaurant covers 18 Luncheons for members and guests of the Lincoln Sesquicentrennial Commission furnished on January 24, 1959, in connection with a duly called meeting of the Commission held in the Library of Congress.

You enclose a copy of memorandum from the Chairman of the Executive Committee of the Commission authorizing payment for the luncheon and a memorandum from the Executive Director of the Commission which reports that commission members, guests, and members of the staff participated in the luncheon; that a regular meeting of the Commission was held and each of the invited guests made a report at the meeting; and that among the guest were two representatives of MBC-TV who presented the film production "Meet Mr. Lincoln."

The Lincoln Sesquicentennial Commission was created by Public Law 85-262, approved September 2, 1957, 71 Stat. 587. It is composed of six members of the Senate to be appointed by the President of the Senate; six members of the House of Representatives to be appointed by the Speaker of the House of Representatives; twelve members to be appointed by the President of the United States; and one member from the Department of the Interior who shall be the Director of National Park Service or his representative. Additionally, the President of the United States, President of the Senate, and Speaker of the House of Representatives are ex officio members. The members receive no salaries for their services on the Commission.

Sections 2 and 4(b) of Public 85-262, respectively, provide in pertinent part as follows:

"Sec. 2. It shall be the duty of the Commission to prepare an overall program to include specific plans fo r commorating the one hundred fiftieth anniversary of the birth of Abraham Lincoln. In preparing its plans and programs, the Commission shall give due consideration to any similar and related plans advanced by State, civic, patriotic, hereditary, and historical bodies, and may designate special committees with representation from the above-mentioned bodies to plan and conduct specific ceremonies * * *.

* * * * * *

"Sec. 4. (b) The Commission, to such extent as it finds to be necessary, may, without regard to the laws and procedures applicable to jFederal agencies, procure supplies, services, and property and make contracts, * * * and may exercise those powers that are necessary to enable it to carry out efficiently and in the public interest the purposes of this resolution." (Emphasis added.)

The acts appropriating funds for the Commission have not stated in detail the purposes for which such funds may be expended. The second Supplemental Appropriation Act, 1958, 72 Stat. 55, appropriated $37,500 "For expenses necessary for the period December 1, 1957 to June 30, 1958, to carry out the provisions of the Act of September 2, 1957 (71 Stat. 587)," and the Supplemental Appropriation Act, 1959 (72 Stat. 876), appropriated $350,000 "For expenses necessary to carry out the provisions of the Act of September 2, 1957 (71 Stat. 587)."

The furnishing of meals generally has been considered entertainment and it is a general rule of long standing that funds appropriated for Government departments and agencies may not be used for entertaining individuals except when authorized by statute and authorized or approved by proper administrative officials. See 26 Comp. Gen. 281; 5 id. 455. However, the Commission is authorized by section 4(b) of Public Law 85-262 to procure supplies, services, and property and make contracts without regard to the laws and procedures applicable to Federal agencies, and it is authorized to exercise those powers that are necessary to enable it to carry out efficiently and in the public interest the purposes of the act. Also, the Commission has authorized payment for the luncheons in question. Consequently, on the basis of the special statutory authority granted the Commission and its administrative authorization thereof, the expenditure for such meals may be considered a proper change against Commission appropriations. B-129102, October 2, 1956.

The bill, which is returned herewith, may be paid as presented if otherwise proper.

Sincerely yours,

Joseph Campbell Comptroller General of the United States