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B-167835, Nov 18, 1969

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PRECIS UNAVAILABLE

Mrs. Green:

Reference is made to your request of August 28, 1969, for our comments concerning payment by the National Aeronautics and Space Administration (NASA) for part of the cost of the banquet in Los Angeles honoring the Apollo 11 astronauts. In our letter dated September 17, 1969, we said that we would keep you advised of further development in the matter.

It has now come to our attention that, as a result of a written request from the the White House on September 19, 1969, made out to the account of Post Apollo 11 activities. The payment, which covers part of the cost of the banquet, was made from NASA's Research and Program Management appropriation. We understand that the White House asked the State Department to handle the administrative details because envoys from 92 foreign countries were invited to the ceremonies in Los Angeles. State Department officials declined to furnish us with information as to the amount or source of State Department funds that were also used to pay for the banquet costs.

NASA has informed us of its belief that it is authorized by the provisions of the Government Employee's Incentive Awards Act, approved September 1, 1954, 68 Stat. 1112, as amended, now codified in 5 U.S.C. 4501, et seq. to pay for the costs of the banquet. See particularly 5 U.S.C. 4502(d), 4503 and 4504 as follows:

"s 4502. General provisions.

"(d) A cash award to, and express for the honorary recognition of, an employee may be paid from the fund or appropriation available to the activity primarily benefiting or the various activities benefiting. The head of the agency concerned determines the amount to be paid by each activity for an agency award under section 4503 of this title. The President determines the amount to be paid by each activity for a Presidential award under section 4504 of this title.

"s 4503. Agency awards.

"The head of an agency may pay a cash award to, and incur necessary expense for the honorary recognition of, an employee who--

"(1) by his suggestion, invention, superior accomplishment, or other personal

effort contributes to the efficiency, economy, or other improvement of Government operations; or

"(2) performs a special act of service in the public interest in connection with or related to his official employment.

"s 4504. Presidential awards.

"The President may pay a cash award to, and incur necessary expense for the honorary recognition of, an employee for the honorary recognition of, an employee who--

"(1) by his suggestion, invention, superior accomplishment, or other personal effort contributes to the efficiency, economy, or other improvement of Government operations; or

"(2) performs an exceptionally meritorious special act or service in the public interest in connection with or related to his official employment."

As the banquet was held in honor of the three Apollo 11 astronauts and President Nixon presented the Medal of Freedom to the astronauts and of their accomplishment, NASA has concluded that it was legally authorized to pay its share of the cost as determined by the President.

Although the act authorizes department heads and the President to incur necessary expenses for honorary recognition, the act does not establish a dollar limitation was considered. Further, both the act and the legislative history indicate that it was the intent of the Congress to give the heads of departments and the President broad authority in carrying out the incentive awards program. Accordingly, we do not question NASA's conclusion in this situation.

There is a basic difference between the instant case and the situation cited by Mr. Boroughs in his letter of August 14, 1969. The NASA banquet was held to honor and present awards to Government employees, whereas the 2-day conference arranged by Mr. Boroughs for the Office of Education was held for the purpose of having 50 college president discuss a new Government program.

I hope that the above information is responsive to your needs.