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B-77404 June 29, 1948

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President, Board of Commissioners of the District of Columbia.

My dear Mr. Young:

I have your letter of June 10, 1948, as follows:

"On November 5, 1947, the Superintendent of Schools issued an Order authorizing Larson J. Cantrell, Associate Superintendent of Schools, to proceed by Baltimore and Ohio Railroad to Los Angeles, California, for the purpose of attending the Regional Conference in Trades and Industries Education to be held in Los Angeles from December 15 through December 18, chargeable to the appropriation 9981028 Vocational Education, George- Borden Program, Public Schools of the District of Columbia, 1948.

"On November 7, 1947, the Superintendent of Schools addressed a memorandum to the Commissioners of the District of Columbia requesting approval for travel and maintenance expenses not to exceed $280 for Mr. Cantrell to travel to Los Angeles.

"Section 8 of the District of Columbia Appropriation Act, 1948, provides as follows:

"'Appropriations in this Act shall be available for the payment of dues and expenses of attendance at meetings of organizations concerned with the work of the District of Columbia Government, when authorized by the Commissioners: PROVIDED, That the total expenditures for this purpose shall not exceed $3,500."

"The letter of the Superintendent of Schools was forwarded to the Auditor through the Budget Officer for approval as to the availability of funds. On November 18, U.S. Government Requests for Transportation were issued to Mr. Cantrell for travel to Los Angeles and return in order that he might make necessary reservations for his travel. This travel orders where issued by the Auditor's Office carried the limitation symbol covering section 8 of the D.C. Appropriation Act 1948.

"On November 19, the Miscellaneous Encumbrances Record was forwarded to the Auditor's Office in favor of Larson J. Cantrell to cover the cost of his trip to Los Angeles, chargeable to the appropriation 9981028 Vocational Education, George-Borden Program, Public Schools, DC 1948, without the limitation. This Miscellaneous Encumbrance Record was not posted and was returned to the schools unobligated, since there were not sufficient funds in the allotment set up for

the public schools within the limitation stated in Section 8.

"On December 2, 1947, the Auditor addressed a memorandum to the Superintendent of Schools in which it was stated that the travel contemplated was subject to the limitation contained in section 8 and since there was not a sufficient balance in that limitation, funds for this purpose could not be obligated under the limitation, Mr. Cantrell used the transportation requests and traveled to Los Angeles, leaving Washington on December 12, 1947 and returning on December 22, 1947. Vouchers were submitted to the Auditor's Office for payment to Larson J. Cantrell for subsistence during the travel period. There were also submitted this bill of the Pullman Company and the Baltimore and Ohio Railroad Company covering pullman and railroad fare from Washington to Los Angeles and return. On April 2, 1948, the Auditor again wrote to the Superintendent of Schools in which he stated that:

"'Unless it can be shown that the regional Conference held in Los Angeles, California was sponsored or called by the U.S. Bureau of Education, the travel must be held to come within the terms of section 8 of the District Appropriation Act, 1948 and must be charged to the above cited limitation.'

"In reply to a telephonic conversation between Mr. Cantrell and the Assistant Director, State Plans Operations, U.S. Bureau of Education, the Assistant Director wrote to Mr. Cantrell, on April 8, 1948, as follows:

"'This office recognizes the attendance at the American Vocational Association meeting and other meetings held in conjunction therewith as justifying the use of Federal funds for defraying expenses of persons in attendance who are employed under States plans for vocational education. This would cover expenses of yourself and Mr. Westmoreland incurred in attending the meeting at Los Angeles the early part of last December.

"Since there is still some doubt in the mind of the Auditor as to whether the travel of Dr. Cantrell was subject to the limitations contained in section 8 or is to be considered official business, the Commissioners wish to be advised whether the travel of Mr. Cantrell is chargeable to the limitation or is to be considered official business chargeable to the appropriation without limitation."

The appropriation involved is found in the act of July 25, 1947, Public Law 237, 61 Stat. 428, in the following language:

"Vocational education, George-Borden program: For expenses necessary for the development of vocational education in the District of Columbia in accordance with the Act of June 8, 1936, as amended, including allowances for privately owned automobiles used for the performance of official duties within the District of Columbia (not to exceed $100 per annum for each automobile), $185,900."

The act of June 8, 1936, 49 Stat. 1488, referred to in the above-quoted appropriation act, was amended by the act of August 1, 1946, 60 Stat. 775, section 3a of which authorizes appropriations to be used for assisting the several States and Territories in the activities described in section 3(b), 60 Stat. 776, as follows:

"(b) The funds appropriated under authority of paragraphs (1) to (4), inclusive,

of subsection (a) of this section may be used for assisting the several States and Territories, for the purposes therein specified, in the maintenance of adequate programs of administration, supervision, and teacher-training; for salaries and necessary travel expenses of teachers, teacher-trainers, vocational counselors, supervisors and directors of vocational education and vocational guidance; for securing necessary educational information and data as a basis for the proper development of programs of vocational education and vocational guidance; for youths for training programs for apprentices; for purchase or rent of equipment and supplies for vocational instruction: Provided, That all expenditures for the purposes as stet forth in this section shall be made in accordance with the State plan for vocational education."

Section 4 of that act 60 Stat. 776, further provides:

"Sec. 4. The several States and Territories, in order to receive the benefits of this Act, shall be required to match by State and local funds or both 100 per centum of the appropriation made under authority of section 3."

While a number of allotments have been made to the District of Columbia under the appropriation made to the Office of Education, Federal Security Agency, by the act of July 8, 1947, Public Law 165, 61 Stat. 260, such allotments are not included in the appropriation named in your submission and, accordingly, it is presumed that your submission has no reference to such allotments.

It would appear that section 8 of the District of Columbia Appropriation Act, quoted in your submission, was enacted to overcome the prohibitions appearing in section 8 of the act of June 26, 1912, 37 Stat. 184, and the Joint Resolution of February 2, 1935, 49 Stat. 19, which provide, respectively:

"No money appropriated by this or any other Act shall be expended for membership fees or dues of any officer or employees of the United States or of the District of Columbia in any society or association or for expenses of attendance of any person at any meeting or convention of members of any society or association, unless such fees, dues, or expenses are authorized to be paid by specific appropriations for such purposes or are provided for in express terms in some general appropriation."

"That, unless specifically provided by law, no moneys from funds appropriated for any purpose shall be used for the purpose of lodging, feeding, conveying, or furnishing transportation to, any conventions or other form of assemblage or gathering to be held in the District of Columbia or elsewhere. This section shall not be construed to prohibit the payment of expenses of any officer or employee of the Government in the discharge of his official duties."

In decision of April 13, 1948, B-75014, 27 Comp. Gen. 627, it was stated:

"*** the fact that some of the matters to be discussed at the scheduled meeting of the Congress may be of interest to the Bureau of Reclamation or that the Bureau possibly may be the primary beneficiary of such discussions--rather than the individual employees attending the Congress - - does not warrant a holding that the prohibitory provisions of the 1912 statute are not applicable. *** In other words, the plain language of the 1912 statute prohibits the use of appropriated moneys for expenses of attendance of any person at any meeting or convention of members of any society or association -- unless specifically authorized by law -- regardless as to whether the Government or the principals

are the beneficiaries of attendance."

The fact that the conference referred to by you may relate to purposes for which the appropriation made to the District of Columbia for vocational education is otherwise available, would not, in line with the decision, supra, bring the expenses of attending said conference outside the limitation prescribed in section 8 of the District of Columbia appropriation upon the amounts which are authorized to be expended for purposes otherwise in contravention of the acts above cited.

Your submission is answered accordingly.

Respectfully,

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