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B-87691, August 2, 1949

Number: B-87691

Date: 1949-08-02

B-87691, August 2, 1949

Honorable John Russell Young, President Board of Commissioners of the District of Columbia

My dear Mr. Young:

Reference is made to your letter of July 5, 1949, in which you request a decision as to whether traveling expenses of the chief accountant of the public Utilities Commission, District of Columbia, in attending meetings of the Committee on Accounts and Statistics of the National Association of Railroad and Utilities Commissioners, may be charged to the appropriation for the Public Utilities Commission without reference to the limitation contained in section 8 of the District of Columbia Appropriation Act, 1949, 62 Stat. 558. That section provides that appropriations in such 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 District Commissioners, but that the expenditure for such purpose shall not exceed $8,500. A similar provision is contained in the District of Columbia Appropriation Act, 1950, Public Law 145, 81st congress, 63 Stat. 323 excepting that the limitation is increased to $13,700 for the fiscal year 1950.

It is understood that the National Association of Railroad and Utilities Commissioners is composed of practically all State regulatory bodies having jurisdiction over utility rates, services, et cetera, and Federal regulatory bodies with similar jurisdiction over the interstate aspects of utility services, and that the Committee on Accounts and Statistics is a working committee of said association. The functions of the committee apparently include the drafting of uniform system of accounts, the devising of annual reports for regulatory bodies et cetera, and it is understood that it meets about four times per year at various locations to consider such matters and to prepare recommendations for the annual meeting of the full association. The Public Utilities Commission of the District of Columbia is charged with the duty of prescribing and keeping up to date accounting system, regulations, and annual report forms for utility services. Your letter states that by the approval of its chief accountant's acceptance of appointment to the committee on accounts and Statistics, National Association of Railroad and Utilities Commissioners, the Public Utilities Commission of the District of Columbia has indicated its decision that its duties in this respect best and most economically can be accomplished by participating in the work of the accounting committee, thereby having available to it the consensus of a representative segment of regulatory accounting opinion.

The provisions in your appropriation acts such as that in section 8 of your 1949 appropriation act obviously are to overcome the prohibitions contained in 37 Stat. 184, 5 U.S.C. 83, and 49 Stat. 19, 31 U.S.C. 551. See 22 Comp. Gen. 315. The first of these prohibitions is against the expenditure, without specific authorization, of appropriated money for membership fees or dues of any officer of employee of the United States or 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; the second is against the use, unless specifically provided by law, of moneys from funds appropriated for any purpose for the purpose of lodging, feeding, conveying, or furnishing transportation to any convention or other form of assemblage or gathering to be held in the District of Columbia or elsewhere, provided that the prohibition shall not be construed to prevent the payment of expenses of any officer or employee of the Government in the discharge of his official duties.

Since it has been determined that the attendance of the chief accountant at meetings of the Committee on Accounts and Statistics is in the discharge of official duties, the prohibition of 49 Stat. 19, 31 U.S.C. 551, would not be for application. The meetings must however, be considered to be meetings of the members of a society or association within the meaning of 37 Stat. 184, 5 U.S.C. 83, and meetings of an organization concerned with the work of the District of Columbia government for which the total amount available in fiscal year 1949 was $8,500.

Accordingly, it must be held that, while the traveling expenses of the chief accountant in attending meetings of the committee on Accounts and Statistics may be paid from appropriations for the Public Utilities Commission, the amount so expended must be included in the limitation provided for dues and expenses of attendance at meetings.

Sincerely yours,

(Signed) E. L. Fisher Acting Comptroller General of the United States