

DOCUMENT RESUME

03065 - [A1932972]

[Reimbursement of Election Committee for Cost of Special Agents Aboard Aircraft]. B-130961.141. July 5, 1977. 4 pp.

Decision re: United States Secret Service; by Robert F. Keller, Deputy Comptroller General.

Issue Area: Transportation Systems and Policies (2400).

Contact: Office of the General Counsel: Transportation Law.

Budget Function: Commerce and Transportation: Air Transportation (405).

Organization Concerned: Church for President Committee; Department of the Treasury.

Authority: (P.L. 90-301; 82 Stat. 170; 18 U.S.C. 3056). 5 U.S.C. 301. 31 U.S.C. 1001. 55 Comp. Gen. 579. 55 Comp. Gen. 581.

Duncan Calcote, Authorized Certifying Officer of the Secret Service, requested a decision concerning the amount to be reimbursed an election committee for space occupied by special agents aboard chartered aircraft paid for by the committee. The method used by the Secret Service to determine reimbursement is discretionary with the Secretary of the Treasury, and, in the presence of discrepancies, the method utilizing published tariff fares furnished by the General Services Administration was found acceptable. (HTW)

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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

03062

FILE: B-130961.14

DATE: JUL 5 1977

MATTER OF: United States Secret Service

**DIGEST:**  
The method to be used by the Secret Service to reimburse election committees for cost of space occupied by Special Agents aboard aircraft chartered and paid for by the committee is discretionary with the Secretary of the Treasury. 5 U.S.C. 301 (1976); 55 Comp. Gen. 579, 581 (1975). However, method utilizing published tariff fares furnished by OSA appears acceptable under circumstances where discrepancies exist between method used by election committee and by Secret Service.

This decision is in response to a request from Dexter Calcote, an authorized certifying officer of the United States Secret Service. The request concerns the propriety of paying a voucher for \$1,603.72 to reimburse the Church for President Committee (Church Committee) for space occupied by Special Agents of the United States Secret Service aboard aircraft chartered and paid for by the Church Committee. The aircraft were chartered by the Church Committee to transport Senator Church and his entourage during his 1976 campaign for the Presidency of the United States and the particular voucher concerns a charter from Denver, Colorado, to Scottsbluff, Nebraska, in April 1976.

Pub. L. No. 90-331, 82 Stat. 170, 18 U.S.C. 3056 (Note) (1970), provides in pertinent part that the Secret Service is authorized to furnish protection to major presidential or vice-presidential candidates. Because of this requirement, Special Agents accompany the various candidates on their tours across the country aboard chartered aircraft. The Secret Service reimburses the various presidential committees for space occupied by its Special Agents aboard the chartered flights at the Department of Defense (DOD) is reimbursed for political travel of the President or his staff aboard DOD aircraft.

The amount to be reimbursed the Church Committee is disputed because the Church Committee and the Secret Service used different methods to determine that amount. The Church Committee has claimed \$1,603.72 more on its method than the amount the Secret Service already has paid it.

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The Secret Service determines the amount to be reimbursed the Church Committee by computing an individual fare based on the total cost of the chartered flight divided by the total number of seats occupied. This fare is compared with the lowest first class fare as published in (a) Official Airline Guide, North American Edition, apparently constructed over the route of the chartered flight between the same origin and destination. The lower of the two fares is multiplied by the number of Special Agents aboard the flight and the Committee is reimbursed the resulting amount. Since the latter method was utilized here by the Secret Service, as well as by the Church Committee, we assume that that method produced the lowest fare.

The Secret Service and the Church Committee are in basic agreement as to the method of reimbursement except where there is no scheduled flight listed in the Official Airline Guide between particular segments of the flight. The basic difference seems to be that in those situations the Secret Service computes a first class fare using a mileage formula furnished by the Civil Aeronautics Board (CAB). The Church Committee uses the mileage formula to compute a first class fare to the closest point from or to which a first class fare from origin or to destination is listed in the Official Airline Guide and combines the formula fare with the fare listed in the Guide.

The Secretary of the Treasury is, by law, the head of the Department, 31 U.S.C. 1001 (1970), and is empowered by law to " \* \* \* prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business \* \* \*," 3 U.S.C. 301 (1970). See also 35 Comp. Gen. 579, 581 (1975). Thus, in the absence of any other laws or regulations (and we found none) we believe that the reimbursement method to be used is discretionary with the Secretary of the Treasury and this Office would not object to the method used as long as it is used consistently and does not exceed the first class air fare, which we understand had been the criteria used by the Secret Service in the past. However, with respect to the voucher under consideration, we have some comments and have determined an acceptable method for use in reimbursing the Church Committee.

The Official Airline Guide does not always contain the published fares in tariffs filed with the CAB and is used primarily for determining the available service between origin and destination points. A better method would be to use available fares from tariffs on file with the CAB. With this point in mind, the General Services Administration (GSA), Transportation Audits Division furnished these published fares which, with three exceptions, apply to segments of the charter flight from Denver to Scottsbluff:

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April 17 Denver to Grand Junction	\$49.37	CAB 259 page 3/714
SI tax	1.92	
	<u>51.29</u>	x 14 Pax = \$718
April 18 Grand Junction to Boise	\$83.33	CAB 268 page 253
SI tax	4.67	
	<u>88.00</u>	x 13 Pax = \$1144
April 19 Boise to Butte	\$77.78	CAB 268 page 251
SI tax	6.22	
	<u>84.00</u>	x 13 Pax = \$1092
Butte to Norman	\$28.70	CAB 259 page 2/498
SI tax	2.30	
	<u>31.00</u>	x 7 Pax = \$217
April 20 Norman to Corvallis		
Norman to Portland	\$87.04	CAB 259 page 2/498
SI tax	6.96	
Portland to Corvallis	38.37	CAB - Commuter
SI tax	1.62	
	<u>134.00</u>	x 4 Pax = \$536

No air service Corvallis to Newport

April 21 No air service Newport to Eugene

Eugene to Scottsbluff (Apply Comm. 1)	\$171.30	CAB 258 page 690
SI tax	11.70	CAB 258, Rule 85 (A)
	<u>183.00</u>	x 20 Pax = \$3660
		Total \$7329

GSA was unable to furnish a published tariff fare for the segment between Portland and Corvallis (it substituted a commuter fare from the Official Airline Guide); also, because no scheduled flights were available between Corvallis and Newport and between Newport and Eugene, GSA was unable to furnish published fares for these segments.

The Church Committee determined that it was the first class fares totaling \$891.63 for the Corvallis-Newport-Eugene segments of the charter. Adding these fares to the fares of \$7,329 determined by GSA results in a total of \$8,220.66 due the Church Committee.

We adopted the Church Committee's method of determining first class fares where there are no scheduled flights listed in the

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Official Airline Guide because the mileage formula is used to construct first class fares from or to points from which first class fares published in tariffs are available. This seems reasonable. We also point out that economy is one of the obvious advantages of using the published tariff fares. For example, OEA determined that the published fare between Boise and Boise was \$1,092, whereas the Secret Service and the Church Committee, utilizing the Official Airline Guide, came up with fares of \$943.00, and \$1,332, respectively.

OEA has provided this information to other Government agencies upon request and we assume that it will do so in the future. Therefore, its expertise could be utilized by the Secret Service when necessary.

Because of the discrepancies between the method used by the Secret Service and that used by the Church Committee and based on the information provided by OEA, we find that the total amount due the Church Committee is \$8,220.60. Therefore, the voucher may be certified for payment of \$943, which is the difference between the \$7,277.60 already paid to the Church Committee and \$8,220.60.

We suggest that the Secret Service promulgate regulations along the lines discussed in this decision governing the reimbursement to election committees for cost of space occupied aboard chartered aircraft. If requested, we will assist in drafting appropriate regulations.

R. F. KELLER

Deputy Comptroller General  
of the United States