

DECISION



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

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FILE: B-129650

DATE: March 27, 1979

MATTER OF: Availability of United States currency to
defray congressional foreign travel expenses

DIGEST: Amendment to Section 502(b) of Mutual Security Act of 1954 provides that "the Secretary of the Treasury shall purchase such local currencies as may be necessary [to finance congressional travel]". Travelers on occasion spend their own dollars for expenses of authorized official travel. Despite statutory language, this Office will not object to reimbursement from appropriation established by section 502(b), or to dollar expenditures directly connected with such travel.

The Department of State has requested that we determine what kinds of transactions are authorized by section 22 of the International Security Assistance Act of 1978, Pub. L. No. 95-384, 92 Stat. 742.

Section 22 amended section 502(b) of the Mutual Security Act of 1954, as amended, 22 U.S.C. § 1754(b) (1976), which authorized the use of foreign currency for the expenses of members and staff of the Congress while on official business abroad. In our decision Practices making foreign currencies available for congressional travel (B-129650, May 11, 1977), we held that section 502(b), as it was then written, did not authorize the Department of the Treasury to purchase foreign currency with dollars to finance congressional travel in instances where no foreign currency of a particular country was owned by the United States. The Congress, apparently in response to this decision, enacted section 22 of the International Security Assistance Act of 1978 which amends section 502(b) to provide:

"Whenever local currencies owned by the United States are not otherwise available for purposes of this subsection, the Secretary of the Treasury shall purchase such local currencies as may be necessary for such purposes, using any funds in the Treasury not otherwise appropriated."

The State Department explains that two permanent indefinite appropriation accounts have been established by the Department of the Treasury to finance the purchase of foreign currency needed for congressional travel expenses. The Department of State, through its

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embassies, has agreed to administer these accounts as agent for the Congress. Since September 26, 1978, the date of the enactment of the amendment, the Department has been asked to make certain types of disbursements which it believes may not be authorized by the amendment. For example, the Department has been asked to reimburse a congressional traveler in U.S. currency for expenses of official travel, including necessary upgrading of air transportation, paid by the traveler with his own dollars. Another concern has been whether the Department has authority to make pre-departure expenditures in dollars, either to reimburse the travelers or directly, from the permanent indefinite appropriation account, for trip expenses which must be paid in advance. Finally, the Department questions its authority (in situations when a United States disbursing officer, who can make currency exchanges for official purposes (31 U.S.C. § 492a) is not immediately available to the traveler in a foreign country), to convert to dollars unspent per diem and advances paid to the traveler in local currency, such dollars to be used by the traveler to purchase local currency for expenses in a different country.

These examples illustrate situations where dollars would be spent to defray costs of official foreign travel but not to purchase foreign currency directly. Section 502(b) is express authority to spend dollars for acquisition of foreign currency to satisfy local currency needs but does not specifically allow, as in the above examples, expenditure of dollars for any other purpose. Nonetheless, for the reasons set forth below, we conclude that in the proper circumstances, U.S. currency may be used to defray congressional foreign travel expenses without direct purchase of foreign currency.

As noted in B-129650, cited above, expenditures of Treasury funds are prohibited in the absence of specific statutory authority. Thus, as we have found no other statutory authority, the transactions in question are proper only if authorized by section 502(b). The language in section 502(b), quoted above, would, standing alone, only allow direct purchase of foreign currency for purposes of section 502(b). Those purposes are, according to section 502(b)(1)(A), to make local currencies available to congressional travelers "for their local currency expenses."

This would mean that reimbursement to a congressional traveler for an expenditure of his own funds on official travel could only be achieved by purchase of the appropriate foreign currency by the Treasury (if none were available), which the traveler would then presumably convert to U.S. currency. This construction of section 502(b) would also appear to prohibit dollar disbursements from the permanent indefinite appropriations for necessary pre-departure expenses, since no purchase of

foreign currency would normally be necessary. In addition, certain pre-departure expenses such as airfare from the United States to another country would not be authorized since they are not "local currency expenses."

Where the words of the statute, if literally construed, would bring about an end completely at variance with the purpose of the statute, it is proper to examine legislative history. United States v. Public Utilities Commission, 345 U.S. 295 (1952). See also 53 Comp. Gen. 560 (1974). The legislative history indicates in this case that to apply the language of section 502 literally would defeat its purpose or, at least, require that the purpose be achieved indirectly -- by purchase of foreign currencies that would then be converted to dollars by the traveler. The Committee of Conference, in commenting on the amendment to section 502, recognized:

"* * * that congressional study missions and other official travel abroad is an essential and fundamental responsibility in a world of increasing interdependency. This amendment will provide the funds to defray official congressional expenses on a rational, manageable, and economic basis." H.R. Rep. No. 95-1546, 41 (1978) (Emphasis added.)

Allowing Treasury to make disbursements of U.S. currency for authorized congressional travel expenses when the expenditures are directly in support of official foreign travel would give effect to the intention of Congress to "defray official expenses on a rational, manageable and economic basis." A fundamental rule of statutory construction is to ascertain and if possible, give effect to intention or purpose of the legislature. See U.S. v. Cooper Corp., 312 U.S. 600 (1940).

Section 502(b) requires that travel performed thereunder be authorized by Committee chairmen or by certain officers of the House and Senate. In addition, all congressional expenditures in connection with travel outside the United States must be reported by the traveler within 30 days. On a quarterly basis, consolidated itemized reports of such expenditures are to be prepared and published in the Congressional Record. These requirements of authorization and disclosure make no distinction between expenditures in dollars and those in foreign currencies. Both are for official travel.

It is clear that the purpose of allowing purchase of foreign currencies, over and above local currencies already owned by the United States, was not to circumvent reporting or authorization requirements, but rather was solely for administrative convenience. Whether foreign currency is purchased or dollars are directly expended, the total

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cost to the United States is the same (aside from exchange gains or losses), the same authorization is required and the same reports must be made public. In terms of control over these kinds of expenditures, therefore, there is little if any practical difference whether the funds are expended to purchase foreign currencies or directly to finance the travel.

Accordingly, the appropriation established by section 502(b)(1)(c) is available to reimburse travelers in dollars for authorized official travel paid for in dollars, and in general for other expenses associated with such travel, as discussed above, notwithstanding the fact that no purchases of local currency may be necessary.


Deputy Comptroller General
of the United States