



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

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MAY 25 1977

The Honorable Howard W. Cannon
Chairman, Committee on Rules
and Administration
United States Senate

Dear Mr. Chairman:

Your letter of February 28, 1977, requested our advice and comments on S. 738, 95th Congress, 1st Session, a bill "To provide a uniform system of reimbursement for and reporting of expenses incurred by Senators and employees of the Senate while traveling outside the United States, and for other purposes." We are pleased to have the opportunity to make the following comments on the bill.

Among other things, S. 738 would establish a limit of \$75 per day on the amount a Senator or Senate employee may receive for per diem allowances or subsistence expenses in connection with foreign travel.

In the Executive branch of the Government, however, allowable travel expenses are those which are "actual and necessary" (5 U.S.C. 5706). Both military and civilian travelers receive per diem for foreign travel at rates established to reflect actual living costs at the location and time visited. The maximum rates vary from \$12 per day to \$172 per day. The rates for civilian travelers are established by the Department of State (see Section 925, Standardized Regulations, Government Civilians, Foreign Areas and PD Supplement 151, December 1976, issued by the Department of State) and for uniformed services travelers by the Department of Defense (see JTR M4253 and Appendix A to JTR, Volume 1, Joint Travel Regulations for Members of the Uniformed Services).

Although civilian travelers generally receive the maximum rates set forth in the Standardized Regulations, members of the uniformed services receive a per diem allowance on a "lodgings plus" basis not to exceed the set amounts (see JTR M4253, supra). Since this method of per diem determination more closely results in reimbursement for actual and necessary expenses we suggest the Committee may wish to consider a similar system for members and employees of the Senate.

With respect to a major objective of S. 738--elimination of dual payments--we note that section 2 of Rule XLVII of S. Res. 110, passed

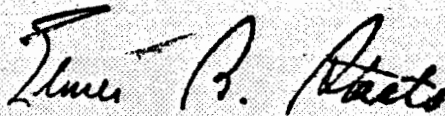
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by the Senate on April 1, 1977, already prohibits acceptance of payments or funds from the United States Government for expenses for which the traveller has already received reimbursement. Unlike S. 738, S. Res. 110 specifically includes foreign currencies made available under section 502(b) of the Mutual Security Act of 1954, as amended (22 U.S.C. § 1754(b)) as a prohibited source of duplicate payments. Although foreign currencies are widely used for congressional travel purposes, the language of section 502(b) of the Mutual Security Act does not limit the use of such currencies to travel expenses. It is therefore not clear that foreign currencies are necessarily included within the term "any source(s)", as used in S. 738. On the other hand, S. 738 contains a civil penalty provision for violation of the dual payments prohibition, which is not included in S. Res. 110. We therefore suggest that the language of section 3 of S. 738 be retained, but with the addition of a specific reference to section 502(b) of the Mutual Security Act as a reimbursement resource, as provided in S. Res. 110.

The Senate also may wish to consider applying the requirements of this bill to foreign travel by other personnel on Senate business, such as consultants.

We trust these comments will be of assistance to you in considering S. 738.

Sincerely yours,



Comptroller General
of the United States