

DECISION



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

FILE: B-218672

DATE: *October 17, 1985*

MATTER OF: Provision of Meals on Government Aircraft

DIGEST: Absent specific statutory authority, a Federal agency may not provide meals at Government expense to its officers, employees, or others. This general prohibition extends to in-flight meals served on Government aircraft, although it does not apply to Government personnel in travel status, for whom there is specific statutory authority to provide meals. Hence, the National Oceanic and Atmospheric Administration may not provide cost-free meals to those aboard its aircraft on extended flights engaged in weather research, except for Government personnel in travel status.

A certifying officer of the National Oceanic and Atmospheric Administration (NOAA) requests a decision concerning whether NOAA may provide meals at Government expense to persons on Government aircraft during extended flights while engaged in severe weather research.^{1/} We conclude that NOAA may not provide cost-free meals to persons aboard these flights except for Government personnel in travel status.

Background

The National Oceanic and Atmospheric Administration maintains and operates a fleet of aircraft for the purpose of severe weather research and forecasting. During severe weather situations, such as hurricane warnings, NOAA aircraft participate in extended flights, sometimes 8 hours or longer. Persons on these flights include civilian NOAA employees, NOAA Commissioned Corps personnel, and other individuals who are not employed by the Government, such

^{1/} This decision is issued in response to a request from Auke Hart, Certifying Officer of the Department of Commerce, for a decision concerning the providing of free meals, beverages or other refreshments on NOAA's weather research aircraft.

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as media and research people. The National Oceanic and Atmospheric Administration has requested a decision concerning the propriety of serving free meals to those aboard these aircraft.

Analysis and Conclusion

We have consistently held that, absent specific statutory authority, an agency may not provide free meals, beverages, or other refreshments to Government personnel because this is not a necessary expense of the agency.^{2/} Similarly, we have disallowed the provision of free food and drink, absent specific statutory authority, to individuals who are not Government personnel. 57 Comp. Gen. 806 (1978).

The appropriation statute applicable to NOAA provides for "necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation and hire of aircraft." Public Law 98-411, approved August 30, 1984, 98 Stat. 1547. This appropriation does not provide for the serving of free in-flight meals to NOAA personnel or others. Furthermore, we can find no authority to classify the serving of free meals as a necessary expense of the agency.

Specific statutory authority does exist, however, for the Government to pay for the meals of Government personnel in travel status.^{3/} Thus, we have permitted a contracting officer to procure lodgings and meals for civilian personnel on temporary duty (in travel status) and furnish them to the personnel at no charge, provided that the total cost does not exceed the maximum per diem allowance. 60 Comp. Gen. 181 (1981). We applied the same rule to the

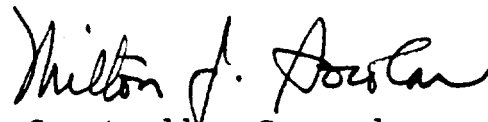
^{2/} See 47 Comp. Gen. 657 (1968), and B-188078, May 5, 1978.

^{3/} Civilian personnel, traveling on official business away from their designated post of duty, are entitled to a per diem allowance for travel. 5 U.S.C. § 5702. Similarly, members of the uniformed services are entitled to travel allowances for travel performed under orders. 37 U.S.C. § 404.

uniformed services, in a case involving the NOAA Corps. Lieutenant Commander William J. Harrigan, 62 Comp. Gen. 308 (1981). Thus, we conclude that NOAA may provide meals to Government personnel aboard its aircraft who are in travel status.^{4/} The agency may not provide cost-free meals to Government personnel not in travel status or to other individuals, however.

The certifying officer inquired as to the effect of providing cost-free meals on the claims for travel expenses of NOAA personnel. Where meals are furnished without charge by a Federal Government agency (at a temporary duty station), an appropriate deduction shall be made from the authorized per diem rate.^{5/}

The issues presented are addressed accordingly.



Acting Comptroller General
of the United States

^{4/} The determination of which employees are in travel status and entitled to travel allowances, and hence eligible for free in-flight meals, is a matter of agency discretion within applicable regulations. Thus, no per diem shall be allowed for travel periods of less than 10 hours, unless the travel period is 6 hours or more and begins before 6 a.m. or ends after 8 p.m. Federal Travel Regulations, paragraph 1-7.6d(1), incorp. by ref., 41 C.F.R. § 101-7.003. The uniformed services have a similar 10-hour rule. Joint Travel Regulations, Vol. 1 (1 JTR), paragraph M4201-17. Agencies have discretion not to pay per diem allowances at all for travel of less than 24 hours. Baker and Sandusky, B-185195, May 28, 1976. Thus, for example, on NOAA flights of 10 hours or less which depart from and return to Miami, NOAA personnel whose permanent duty station is Miami would not be eligible for per diem--or free meals--but personnel stationed elsewhere may be.

^{5/} FTR, para. 1-7.6f; 1 JTR para. M4205-4.