



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

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NOV 29 1977

The Honorable Carl D. Perkins
Chairman, Committee on Education
and Labor
House of Representatives

Dear Mr. Chairman:

We refer to your letter of October 14, 1977, with enclosures, in which you request a ruling by the General Accounting Office as to the entitlement of the Honorable Frank Thompson, Jr., Chairman, Committee on House Administration, House of Representatives, and a member of your Committee, to reimbursement of per diem and transportation expenses incurred by him while performing official Government business during a study mission in England.

The pertinent facts involved, as stated in your letter, are that on May 18, 1977, you authorized Mr. Thompson to travel to Geneva, Switzerland, to serve as Congressional Adviser on the United States Delegation to the Sixty-third Conference of the International Labor Organization (ILO) from June 1 to June 22, 1977. In conjunction therewith, you wrote to the Secretary of State requesting that counterpart funds and the usual assistance of the Department of State be provided to Mr. Thompson while he was on official business in Switzerland.

Subsequently, Mr. Thompson requested that his trip be extended to England, and included as a part of the trip overseas, in order that he could perform some follow-up studies of labor relations, labor relations law, and labor-management affairs in England where his subcommittee had previously undertaken studies. You indicated to Mr. Thompson and to Mr. Donald M. Baker, the Chief Clerk and Associate Counsel of your Committee, that you would approve the extension of the overseas trip to include England. Mr. Baker then informed the Congressional Travel Office, Department of State, that you had verbally approved the trip to England, and he had further discussions with the Department of State concerning Mr. Thompson's precise travel plans.

In order to assist Mr. Thompson with his request for authorization to travel, Mr. Baker dictated a draft letter which was to be typed and

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then signed by Mr. Thompson. The draft letter included the purposes of the travel to England, the dates of arrivals and departures, and places the Congressman expected to visit. The letter was typed by Mr. Baker's secretary and delivered by Mr. Baker to Mr. Thompson's office. Apparently, through inadvertence, the letter was never retyped and consequently never received by you or by Congressman Albert H. Quie, who, in accordance with Committee rules and as the ranking minority party member, should have received a copy of the written request. Since you, as Chairman, did not receive the written request for Mr. Thompson to travel to England, no written travel authorization was furnished to the Department of State.

By letter dated September 30, 1977, the Department of State advised Mr. Thompson that his travel had been authorized by Chairman Perkins in a letter to the Department dated May 18, 1977, and that the Department's records showed that the funding authority for his trip to Switzerland and England had been forwarded on May 20, 1977. The letter further stated that, although the Chairman's letter only authorized Mr. Thompson's travel to Geneva as an official congressional delegate to the ILO, the Department had obtained approval for the London portion of the trip from the Education and Labor Committee by telephone prior to dispatching the May 20 telegram. However, the Department's letter of September 30 added that written confirmation of the verbal approval was never received from the Chairman.

You state that you have brought the matter to the attention of the full Committee on Education and Labor. The Committee agreed that Mr. Thompson should not be penalized because of an inadvertent omission and has approved your taking the necessary steps to authorize the travel in question retrospectively.

At the outset, since counterpart rather than appropriated funds were used, the first question to be addressed is whether Rule 17 applies to travel financed with counterpart funds. In our view it does. We have carefully reviewed Rule 17, Authorization for Travel, of the Rules of the Committee on Education and Labor, 95th Congress, February 1, 1977. While the provisions of Rule 17 would appear to literally be applicable only to payment of travel expenses from the Committee's primary expense resolution and such additional expense resolutions as may have been approved, the rule when viewed in a broader sense, seems designed to generally govern the travel of committee members and staff irrespective of whether the funds utilized originate from an expense resolution or from counterpart funds.

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This is particularly true since the Rules of the House of Representatives, Rule XI, Clause 2, clearly state that no appropriated funds shall be expended for defraying expenses of such travel where local currencies are available for this purpose.

The second question, which is the primary concern expressed in your letter, is whether you can now take the necessary steps to authorize the travel to England by Mr. Thompson. Subparagraph (c)(1) of Rule 17 provides that in the case of travel outside the United States of members and staff of your Committee for Committee purposes, "prior authorization must be obtained from the Chairman." However, subparagraph (c)(1) further requires that "[b]efore such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization." Subparagraph (4)(e) provides that prior to the Chairman's authorization for any travel, the ranking minority party member shall be given a copy of the written request. We have been advised by staff officials of your Committee that the ranking minority party member was verbally informed of the oral request and authorization.

In similar circumstances involving civilian employees and military members, where advance written authorization is normally required, we have applied the rule that where the employee or member has been orally authorized by competent authority to perform official travel, and the employee or member does in fact perform official travel, written authorization for such travel may be subsequently issued by the agency and the employee or member reimbursed for the travel expenses incurred. 52 Comp. Gen. 236 (1972); 43 id. 50 (1963); and Matter of H. M. Christopherson, B-183563, July 14, 1976, copies enclosed. Our reasoning has been that the requirement for written requests and authorizations is for the protection of the participating employees and members as well as for the Government.

In the case of Mr. Thompson, there was prior competent oral authorization for official travel to be performed, and a written request for Mr. Thompson's signature was initiated but inadvertently not completed. All interested parties, including the ranking minority party member, were on notice, prior to performance of the travel, of the essential elements of the travel as specified in Rule 17 and of the Chairman's oral authorization. Under these circumstances, the Congressman should not be penalized because of the administrative errors which resulted in the failure to submit a written request prior to the performance of the travel. Accordingly, since the full

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Committee has approved your taking the necessary steps to make written authorization confirming your prior oral authorization of the travel in question, we see no basis for objection to such action on your part.

Sincerely yours,

R.F.KELLER

[Deputy] Comptroller General
 of the United States

Enclosures