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

B-13945B

December 10, 1973  
~~#0288~~

The Honorable Herman Nickerson, Jr.  
Administrator  
National Credit Union Administration

Dear Mr. Nickerson:

This refers to your letter dated August 29, 1973, referenced OA/LA:vc, requesting our decision concerning the propriety of paying expenses incurred by a person prior to his confirmation as a Federal employee.

The Federal Credit Union Act, 12 U.S.C. 1752a, provides that the President will appoint, subject to Senate confirmation, persons to serve as members of the National Credit Union Board to advise the Administrator of the National Credit Union Administration on matters pertaining to its program. When the President makes an appointment, the appointee is required to appear before the Senate Banking Committee. Accordingly, expenses in traveling to Washington are incurred by the appointee before he is a Federal employee. Your question is whether the National Credit Union Administration may administratively determine that such expenses incurred prior to confirmation are proper and payable after confirmation by the Senate.

In our decision B-150010, November 16, 1962, regarding the propriety of paying similar travel expenses claimed by a judicial appointee, we concluded that:

"Regarding a case in which a nominee travels to Washington solely to testify before a committee of the Senate in behalf of his confirmation by the Senate and who, while in Washington, performs no official business of the judiciary, we are of the opinion that so far as the use of judicial branch appropriations is concerned such travel is personal to the nominee and that the expense thereof should be borne by him."

Accordingly, since we cannot distinguish the above situation from the facts in this case as you presented them, we must advise you that the National Credit Union Administration may not pay a nominee's travel expenses incurred while going before a confirmation

[Propriety of Payment for Travel Expenses]

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committee. However, it also appears from the above-cited decision that if official business, such as conferences with officials of your office, is also conducted by the nominee at the time he is in Washington, D.C., for his confirmation hearings, and such business is determined to be of "substantial benefit" to the National Credit Union Administration, then there would be no objection to otherwise proper payments if there is administrative approval of the travel.

Sincerely yours,

R. F. Keller

Deputy <sup>7</sup> Comptroller General  
of the United States

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