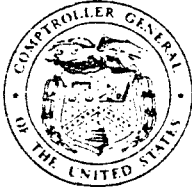


DECISION



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

FILE: B-183110

DATE: JUL 29 1976

MATTER OF:

Travel Expenses - Honor Awards

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DIGEST:

1. The Secretaries concerned may issue regulations authorizing the payment of travel and transportation expenses of civilian employees of the Department of Defense and military members who travel on temporary duty to receive non-Federally sponsored honor awards provided such awards are determined in each case to be reasonably related to the duties of the employee or member and the functions and activities of the agency to which the recipient is attached. Travel to receive awards in which such determination cannot clearly be made is not travel on public (official) business and no authority exists for such travel at Government expense.
2. If travel of Department of Defense civilian employees and military members to receive non-Federally sponsored honor awards includes attending meetings or conventions of organizations covered by 37 U. S. C. 412 (1970), 5 U. S. C. 5946 and 4110 (1970), proposed regulations which would authorize such travel at Government expense must be in accord with those statutes.
3. There is no authority for the Secretaries concerned to issue regulations authorizing the payment of travel and transportation expenses of dependents of civilian employees or military members to accompany such employees or members who are receiving honor awards, nor is there authority for the payment of travel and transportation expenses of such dependents to receive awards themselves.

PUBLISHED DECISION
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B-183110

This action is in response to a letter from the Assistant Secretary of the Army (Manpower and Reserve Affairs) requesting an advance decision concerning the propriety of amending the Joint Travel Regulations to authorize travel of military members and civilian employees of the Department of Defense in a temporary duty status at Government expense and to pay the travel expenses of their dependents or next of kin to certain awards ceremonies sponsored by non-Federal organizations. The request was assigned control No. 74-48 by the Per Diem, Travel and Transportation Allowance Committee, and forwarded to this Office by letter dated January 11, 1975.

The submission indicates that the Secretary of the Army considers such travel necessary in the furtherance of the Department of Defense awards program since the publicized acceptance of competitive non-Federal awards of national and international significance is an incentive to other military members and civilian employees of the Department of the Army. The submission states that while the Joint Travel Regulations (JTR), Volumes 1 and 2, do not contain specific authority for the travel of military members and civilian employees in temporary duty status (TDY) to a location for the acceptance of an award from a non-Federal organization, neither do they specifically prohibit such travel. The question is then raised as to whether the Secretary of the service concerned, or his designee, may authorize the travel of a civilian employee or a military member in a TDY status and their respective dependents or next of kin on an invitational basis at Government expense to a location of an awards presentation ceremony for the purpose of receiving an award of national and/or international significance when their attendance is considered to be in the best interest of the Government. Enclosed with the submission was a "partial listing" of 29 such awards.

There is no specific statutory authority of which we are aware for the travel at Government expense of civilian employees to receive awards from non-Federal organizations. While 5 U. S. C. 4503 (1970) authorizes the head of an agency to incur necessary expenses for the honorary recognition of employees under certain circumstances, such authority does not relate to awards by other than Federal agencies. See 40 Comp. Gen. 706 (1961) and compare 32 Comp. Gen. 134 (1952). Similarly, there is no specific statutory authority for the travel of members of the Armed Forces at Government expense to receive awards from non-Federal organizations.

B-183110

Therefore, if such authority exists, it must be found in the general statutory authority for the travel of employees and members at Government expense on temporary duty.

The authority for temporary duty travel of employees is found in subchapter I of chapter 57, title 5, United States Code (1970). It has long been held that in order for an employee to be entitled to travel expenses under those provisions (and their predecessor statutes), the employee must be traveling on "official business." See 43 Comp. Gen. 171, 173 (1963). In accordance with that principle 2 JTR, paragraph C3000, specifically provides that temporary duty assignments for civilian employees of the Department of Defense will be authorized or approved only when necessary in connection with "official activities of the Department of Defense or Government business" and when such assignments are on "essential official business."

Similarly, it is well settled that temporary duty travel of military members authorized at Government expense pursuant to 37 U. S. C. 404 (1970) and the implementing provisions of 1 JTR, paragraphs M3050 and M6454 must be on "public business." Public business as so used (which in this connection appears to be nearly synonymous with "official business") relates to the activities or functions of the service to which the traveler is attached, and the travel and temporary duty contemplated is that which reasonably may be considered as having been performed in the accomplishment of the purpose and requirements of such activities and functions. Expenses incurred during periods of travel under orders which do not involve public business are not payable by the Government. See 38 Comp. Gen. 873, 874 (1959); 40 Comp. Gen. 156 (1960); 49 Comp. Gen. 663 (1970), and cases cited therein.

Therefore, in order for the travel of civilian employees or military members to receive non-Federally sponsored awards to be authorized at Government expense, a determination would have to be made based on the facts of each case, that the travel was performed on public (official) business. In making such a determination careful consideration must be given to the closeness of the relation of the particular award to the official duties of the recipient in connection with the activities or functions of the service to which the recipient is attached.

Awards primarily for such general accomplishment as good citizenship or overall achievement in a field not closely related to

B-183110

the recipient's official duties would appear to be personal to the recipient, not related to the functions or activities of the service, and thus travel to receive such awards would not be on public (official) business. For example, we have held that public business was not involved in such activities as (1) the travel of a Navy officer to appear before a committee of selection as a candidate for a Rhodes scholarship (9 Comp. Gen. 490 (1930)); (2) the travel of an Army Medical Corps officer to take an examination given by the American Board of Pathology (33 Comp. Gen. 196 (1953)); and (3) the cost of a civilian employee's attendance at a civilian defense observer class dinner at Edgewood Arsenal (B-23978, February 27, 1942). Also, generally compare 55 Comp. Gen. 346 (1975) and 51 Comp. Gen. 701 (1972).

The information provided in the partial list of awards included with the submission is not sufficient for us to determine whether travel to receive such awards could be authorized at Government expense, particularly since we do not know who the recipients are, their official duties, and the agencies to which they are attached. Also, no information is provided as to where and under what circumstances each award would be presented and, we presume, such circumstances may vary between awards. However, it should be noted that if the receipt of an award involves travel to attend a meeting or convention of the organization presenting the award, the provisions of 37 U. S. C. 412 (1970), 5 U. S. C. 5946 and 4110 (1970) must also be considered.

Concerning travel of military members to attend certain meetings, 37 U. S. C. 412 specifically provides:

"Appropriations of the Department of Defense that are available for travel may not, without the approval of the Secretary concerned or his designee, be used for expenses incident to attendance of a member of an armed force under that department at a meeting of a technical, scientific, professional, or similar organization."

Therefore, should travel by a military member to receive an award entail attendance at a meeting of such an organization, it must receive the approval of the Secretary concerned or his designee. Compare 50 Comp. Gen. 527, 530 (1971).

Concerning the attendance of civilian employees at certain meetings, 5 U. S. C. 5946 provides in pertinent part:

B-183110

"Except as authorized by a specific appropriation, by express terms in a general appropriation, or by sections 4109 and 4110 of this title, appropriated funds may not be used for payment of--

"(1) membership fees or dues of an employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia in a society or association; or

"(2) expenses of attendance of an individual at meetings or conventions of members of a society or association."

However, 5 U. S. C. 4110 (1970), which is an exception to the general prohibition in 5 U. S. C. 5946, supra (38 Comp. Gen. 800 (1959)), provides as follows:

"Appropriations available to an agency for travel expenses are available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of the functions or activities."

Therefore, should the contemplated travel of civilian employees to receive awards involve their attendance at meetings or conventions as described in 5 U. S. C. 5946, supra, such travel must also meet the standards imposed by 5 U. S. C. 4110, supra, to be travel at Government expense.

We would not object to a change in regulations to authorize military members or civilian employees to travel in a TDY status at Government expense to receive awards closely related to their official duties and the functions and activities of the service to which they are attached, provided such regulations clearly state that a specific determination must be made in each case, after careful consideration of the above, that such travel is on public (official) business and provided such regulations are in accord with 5 U. S. C. 4110 and 37 U. S. C. 412. It is our view that such travel should be strictly limited to only those cases where the facts clearly so demonstrate.

B-183110

We note that the Kitty Hawk Memorial Award, included in the partial list of awards, provides travel expenses for the winner and his wife to attend the award ceremony. In this regard we have held that in the absence of statutory authority to accept gifts, the reimbursement by a private organization for travel and other expenses to an officer or employee traveling at Government expense would be an unauthorized augmentation of the agency's appropriation. See 46 Comp. Gen. 689 (1967), 36 Comp. Gen. 268 (1956) and 18 U. S. C. 209 (1970). Any change in regulations should also take into consideration those decisions and that statute.

Concerning the question of whether regulations may be changed to authorize the travel at Government expense to non-Federal awards ceremonies of the dependents or next of kin of employees or members, we are aware of no statutory authority for such travel. Accordingly, such travel at Government expense is unauthorized and we would object to a change in regulations authorizing reimbursement of such expenses. Compare 54 Comp. Gen. 1054 (1975), in which we held that in the absence of specific statutory authority, regulations could not be issued to authorize travel at Government expense of civilian employees' family members to accompany employees when they travel to receive a Federal Government award.

The questions are answered accordingly.

R.F.KELLER

Deputy | Comptroller General
of the United States