

DECISION



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CCM
Williams

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

FILE: B-203336

DATE: September 23, 1982

MATTER OF: Former President Transition Travel Expenses
on Inauguration Day

DIGEST: GAO does not object to the General Services Administration (GSA) proposal to recognize ceremonial nature of inauguration day departure flights of outgoing President and his guests as traditional and necessary part of Presidential transition. Accordingly, GSA may use funds available under the Presidential Transition Act of 1963, as amended, 3 U.S.C. § 102 note (1976), to pay expenses of former President's guests without determining for each one the type of role each played in the transition. Of course, GSA must assure inauguration day travel with the former President is not subject to abuse.

The General Counsel for the General Services Administration (GSA) has requested our approval of a proposal upon which GSA may pay certain presidential transition expenses. Specifically, she proposes that the proportionate fares of any invited guests who accompany a former President during the traditional departure flight from Washington, D.C. immediately after completion of his term of office and conclusion of the inauguration ceremonies, will be paid without further inquiry. For the reasons discussed below, we approve the proposal.

GSA administers the funds made available under the Presidential Transition Act of 1963, Pub. L. No. 88-277, approved March 7, 1964, 78 Stat. 153, as amended, 3 U.S.C. § 102 note (1976). Section 4 of the Transition Act provides:

"Sec. 4 [Services and facilities authorized to be provided to former Presidents and former Vice Presidents]. The Administrator [of General Services] is authorized to provide, upon request, to each former President and each former Vice President, for a period not to exceed six months from the date of the expiration of his term of office as President or Vice President, for use in connection with winding up the affairs of his office, necessary services and facilities of the same general character as authorized by this Act to be provided to Presidents-elect and Vice-Presidents elect. * * *"

Section 3(a)(4) of the Transition Act authorizes the Administrator to provide on request "necessary services and facilities" which may include:

"Payment of travel expenses and substitute allowances, including rental of Government or hired motor vehicles, found necessary by the President-elect or Vice-President-elect, as authorized for persons employed intermittently or for persons serving without compensation by section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. § 73b-2) [section 5703 of title 5], as may be appropriate* * *."

According to the submission, GSA has not objected to paying the travel expenses incurred by former Presidents or their staff members where the purpose of the travel was clearly transition business. Similarly, GSA has not objected to paying travel expenses incurred by members of the general public where those persons were invited by the former President and they performed some transition function at his request. However, GSA maintains that the proportionate fares of those invited guests, who travel on the inauguration day departure flight, present a payment problem because often the guests' "only role is ceremonial in nature." GSA further maintains,

"Despite this purely ceremonial relationship, it seems entirely reasonable that the former President would expect that the full cost of his travelling party would be borne out of transition funds. In many respects, it can be argued that there is hardly any activity which is more clearly transitional in nature than the departing of the former President and his entourage from the Capital."

In order to avoid trying to determine whether a particular individual is on the inauguration day flight on the basis of a substantive transition role or merely a ceremonial role which might disqualify an individual's travel from being determined necessary to the transition, GSA proposes recognition of the ceremonial aspects of this particular travel. GSA states, "The sole criteria for the payment of their travel expenses out of the transition account would be that they were invited to travel by the former President * * *." GSA further states that this standard would only be applied to the departing travel on inauguration day and could not be used for other travel during the six month transition period.

We have no objection to GSA's proposal that the ceremonial aspects of the travel of a former President in connection with his departing Washington, D.C. on inauguration day be recognized as a necessary part of the transition. We agree with GSA that this travel is "clearly transitional in nature." Accordingly, the funds appropriated to GSA to carry out the purposes of the Transition Act may be used to pay the travel expenses of the former President's guests on his inauguration day flight. Of course, as GSA notes, this standard will not apply to Secret Service or media personnel whose organizations are responsible for their employees' travel. Also, GSA will monitor the inauguration day travel to assure it "is implemented on a reasonable basis."

for *Harry K. Linn*
Comptroller General
of the United States