

7 Mrs. Copeland

~~JLR:ME:sfo~~

19-2-0
copy memo also

4 JUL 28 1953

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4 Bernard M. Shanley, Esquire
4 Special Counsel to the President
4 The White House
4 Washington 25, D. C.

Dear Mr. Shanley:

This is in reply to your letter of July 17, 1953, to the Attorney General in which you ask whether travel expenses of officials and employees in connection with official trips of the President may be administratively allocated to an item designated "Other Travel" in the current appropriation for the White House Office. K

I am enclosing herewith for your information a memorandum prepared in this office in which the conclusion is reached with the informal concurrence of the General Accounting Office that travel expenses of officials and employees of the White House Office in connection with official trips of the President may be administratively charged to the item "Other Travel".

7 Sincerely yours,

4 J. Lee Rankin
1 Assistant Attorney General
1 Office of Legal Counsel

Enclosure

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4 MEMORANDUM

19-2-0 4 RE: Allocation of Travel Expenses of White House
Personnel in Connection with Official Trips
of the President.

4 A question has been raised as to whether travel expenses of officials and employees of the White House Office in connection with official trips of the President may be administratively allocated to an item designated "Other Travel" in the current appropriation for the White House Office.

4 3 U.S.C. 103 provides as follows:

10 "There may be expended for or on account of the traveling expenses of the President of the United States such sum as Congress may from time to time appropriate, not exceeding \$40,000 per annum, such sum when appropriated to be expended in the discretion of the President and accounted for on his certificate solely." K

4 Section 101 of the Independent Offices Appropriation Act, 1953, 66 Stat. 393, provides as follows:

10 "The White House Office

10 "Salaries and expenses: For expenses necessary for The White House Office, including not to exceed \$100,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at such per diem rates for individuals as the President may specify, and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service; and travel and official entertainment expenses of the President, to be accounted for solely on his certificate; \$1,907,643."

4 Section 103 of that Act, 66 Stat. 411, provides:

10 "Where appropriations in this title are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefor in the budget estimates submitted for the appropriations."

We are advised by the Bureau of the Budget that the overall appropriation for the White House Office includes, in accordance with budget estimates submitted for appropriations, items of \$40,000 for the President's travel and an item of \$20,000 for "Other Travel".

It appears from the submission that in the past all White House personnel travel expenses in connection with official trips of the President have been charged to the \$40,000 appropriation while other official travel of such personnel has been charged to the \$20,000 appropriation for "Other Travel". The narrow issue presented is whether all official staff travel having to do with an official trip of the President must be charged to the \$40,000 appropriation or whether some of such travel may be administratively charged to the account "Other Travel" when the purpose of the travel of an official or employee is, as the submission states, "for the convenience of the Office and not primarily at the personal direction of the President".

In 3 U.S.C. 103, supra, the Congress expressly gave the President unfettered discretion as to what Presidential traveling expenses should be charged to the fund appropriated for that purpose, subject only to the \$40,000 limitation on the amount of such expenditures. The unqualified nature of the discretion vested in the President with respect to the fund is emphasized by the provision that expenditures from it are to be "accounted for on his (the President's) certificate solely". In view of this broad grant it would, of course, be proper to charge the travel expenses of others in connection with official presidential trips to this account, as has been done in the past, but there would seem to be no compelling necessity to do so. On the contrary, it would seem equally within the President's discretion to limit the charges to the \$40,000 account to his own personal traveling expenses on his official trips, if he chose to do so. On the other hand, there is no statutory limitation on the kind of official travel of White House personnel, which may be and is customarily charged to the item "Other Travel". Travel of White House personnel in connection with official trips of the President is unquestionably official travel. As such, it would seem plainly allowable in the reasonable exercise of administrative discretion to the item "Other Travel", and I would so conclude.

Since final and binding decision on questions involving the application of appropriated funds is committed by law to the Comptroller General (33 Op. A.G. 265, 267-8), we have discussed this question informally with the General Counsel's Office of the General Accounting Office, which has expressed agreement with the view stated in this memorandum.