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DOCUMENT RESUME

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[Leave and Travel for the Administrator of GSA]. LCD-77-316;
B-95136. January 24, 1977. 2 pp.

Report to Rep. John D. Dingell, Chairman, House Committee on
Interstate and Foreign Commerce: Energy and Power Subcommittee;
by Robert P. Keller, Deputy Comptroller General.
Comments on Statements by Joseph Harrison, Director of
Congressional Affairs, GSA Regarding Travel by Jack Eckerd.

Issue Area: Facilities and Material Management (700).

Contact: Logistics and Communications Div.

Budget Function: General Government: Executive Direction and
Management (802).

Organization Concerned: General Services Administration.

Congressional Relevance: House Committee on Interstate and
Foreign Commerce: Energy and Power Subcommittee.

Authority: Federal Property and Administrative Services Act of
1949, as amended (40 U.S.C. 751(b)). Annual and Sick Leave
Act of 1951, as amended (5 U.S.C. 6301). 5 U.S.C. 5332. 5
U.S.C. 5701.

A request was made for an audit of the leave and travel
statements of Jack Eckerd, Administrator of General Services.
Findings/Conclusions: The Administrator of General Services is a
Presidential appointee and is exempt from the provisions of the
Annual and Sick Leave Act of 1951. Generally speaking, a
Presidential appointee whose rate of pay exceeds the highest
rate payable does not take annual or sick leave within the
ordinary meaning of the terms. No statutory provision
specifically covers official travel by an agency head such as
Mr. Eckerd. These officials are entitled to travel allowances,
when traveling on official business, on the same basis and
subject to the same limitations as other officers and employees
of the Government. Mr. Eckerd was on vacation from December 17,
1976, until January 2, 1977, in Clearwater, Florida. The
Government did not pay for any part of the trip, as the
Administrator was on vacation and not on official business.
(RRS)

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JAN 24 1977

The Honorable John D. Dingell
Chairman, Subcommittee on Energy
and Power, Committee on Interstate
and Foreign Commerce
House of Representatives

Dear Mr. Chairman:

In your letter of December 30, 1976, you requested us to comment on statements made by Mr. Joseph Harrison, Director of Congressional Affairs, General Services Administration, to the Subcommittee at the hearing on December 17, 1976. The statements relate to leave and travel by Mr. Jack Eckerd, Administrator of General Services. You also requested that we audit Mr. Eckerd's travel to Florida, which he made at the time of the hearing.

Section 101 (b) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 751(b)), states that the Administrator of General Services "shall be appointed by the President by and with the advice and consent of the Senate, and perform his functions subject to the direction and control of the President." The Administrator of General Services, being a Presidential appointee, is exempt from the provisions of the Annual and Sick Leave Act of 1951, as amended (5 U.S.C. 6301).

Generally speaking, a Presidential appointee whose rate of pay exceeds the highest rate payable under 5 U.S.C. 5332, such as the Administrator of General Services, does not take annual and sick leave within the ordinary meaning of the terms. He is considered to be on duty at all times, including periods of vacation, but at the same time has freedom to absent himself from duty as he sees fit.

With regard to official travel, we have found no statutory provision specifically covering an agency head such as Mr. Eckerd. Generally, these officials are entitled to travel

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allowances, when traveling on official business, on the same basis and subject to the same limitations as other officers and employees of the Government (5 U.S.C. 5701).

We understand that General Services has made corrections in the transcript of the hearing on December 17, 1976. The reference to "official travel" in the portion of the transcript quoted in your December 30 letter has been deleted. We agree with the substance of the corrected responses by Mr. Harrison relating to annual and sick leave.

We were informed by an assistant to the Administrator that Mr. Eckerd was on vacation from December 17, 1976, until January 2, 1977. He departed Washington, D.C. on National flight 445 at 11:00 a.m. on December 17, 1976, arriving in Tampa, Florida at 12:56 p.m. His final destination was Clearwater, Florida. He returned by privately owned automobile arriving January 2, 1977.

According to a General Services Administration reservation record, GSA Form 6134, air reservations for this trip were made August 3, 1976. At that time flight 445 was scheduled to leave Washington, D.C. at 1:30 p.m. The airline later changed the scheduled departure to 11:00 a.m. We were told that the Government did not pay for any part of the trip and the Administrator was on vacation and not on official business in Florida.

Sincerely yours,



DEPUTY Comptroller General
of the United States