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DECISION OF THE COMPTROLLER GENERAL OF THE UNITED STATES

B-127069

(UNPUBLISHED)

April 12, 1956

Cash awards to Agency personnel as incentive for acquiring and maintaining a skill necessary to carry out the peculiar functions of an intelligence organization may be paid under the authority of Section 10b of the CIA Act of 1949.

COMPTROLLER GENERAL CAMPBELL TO THE DIRECTOR OF CENTRAL INTELLIGENCE

Reference is made to your letter of February 18, 1956, concerning the payment of cash awards to Agency personnel as an incentive for acquiring and maintaining competence in a foreign language.

You state that, in order effectively to accomplish its functions, your Agency requires an increasingly greater number of personnel who are proficient in one or more foreign languages and that future requirements may suddenly generate a demand far in excess of the Agency's capabilities. You further state that such qualified individuals cannot be recruited from sources outside the Agency because the source either is not adequate or there is insufficient time to make the source available and still observe proper security restrictions. To overcome the problem and meet the future needs of your Agency you propose to establish a language resources program. In order to provide the necessary incentive among Agency personnel under this program it is proposed to make certain payments to them for acquiring competence in a language and additional periodic payments for maintaining such competence at fixed levels of proficiency. Under the program the relative difficulties of various languages will be evaluated and standards of competence in their use will be established.

On the foregoing you request our opinion as to whether such payments may properly be paid (1) under the authority of the Government Employees' Incentive Awards Act, approved September 1, 1954, 68 Stat. 1112, 5 U.S.C. Sup. II, 2121; or (2) the Central Intelligence Agency Act of 1949, 63 Stat. 208, 50 U.S.C. 403a.

Section 304(a) of the Government Employees' Incentive Awards Act, quoted in your letter, provides:

"The head of each department is authorized to pay cash awards to, and to incur necessary expenses for the honorary recognition of, civilian officers and employees of the Government who by their suggestions, inventions, superior accomplishments, or other personal efforts contribute to the efficiency, economy, or other improvement

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of Government operations or who perform special acts or services in the public interest in connection with or related to their official employment."

From the facts presented in your letter it does not appear that the basis of your proposal to pay cash awards to personnel who learn and maintain a degree of proficiency in a foreign language--presumably on their own time and at their own expense--bears any relationship to the criteria set forth in the quoted statute as implemented by regulations issued by the Civil Service Commission. Such criteria condition the granting of monetary rewards to personnel for suggestions, inventions, or personal efforts which contribute to improvements or economies in Government operations. It seems to us that payment of cash awards to your personnel under the proposed language resources program is, in practical effect, nothing more than the holding out of a cash bonus or premium to an employee as an inducement to improve himself in order to help the Agency. Accordingly, we do not feel warranted in regarding the Government Employee's Incentive Awards Act as authorizing the payment of cash awards to personnel of your Agency for participating in the proposed language resources program.

With reference to the propriety of paying the subject cash awards under the authority of the Central Intelligence Agency Act of 1949, your letter quotes section 10(a) thereof, in pertinent part, as follows:

"Notwithstanding any other provisions of law, sums made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out its functions, including \* \* \*."

In addition there are observed the provisions of section 10(b) that--

"The sums made available to the Agency may be expended without regard to the provisions of law and regulations relating to the expenditure of Government funds: \* \* \*."

In view of the broad discretion vested by these statutory provisions in your Agency to determine its expenditures without regard to the provisions of any other law or regulation governing the expenditure of public funds, and since you express the belief that the proposed language resources program is necessary to carry out the Agency's functions, we agree with your view that the provisions of the Central Intelligence Agency Act of 1949 constitute sufficient authority to make cash payments to Agency personnel participating in the proposed program.

Your questions are answered accordingly.

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