

OGC Has ReviewedDD/A 75-1633**DJA Registry****File** Bldg 6r10

25 March 1975

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT : Reimbursement of Meal and Coffee Expenses at Official Meetings Attended Solely by U. S. Government Employees

REFERENCE : Memo from DCI to multiple adses., dtd 11 Jan 74; Subj: Entertainment in the Executive Dining Room

1. A review of applicable legal and regulatory constraints makes it advisable to raise once again the question of the expenditure of government funds for the purpose of purchasing meals and coffee at meetings or luncheons attended solely by U. S. Government employees.

2. Prior to 11 January 1974, the policy governing the expenditure of government funds for the official entertainment of employees of the U. S. Government exclusively required approval by the Director or a single senior officer designated by him. Historically, policy statements governing official entertainment of U. S. Government employees have dealt primarily with the delegation of authority to approve such expenditures and until the 11 January policy statement, none addressed the issue of the fundamental legality of such expenditures in the first place. However, the 11 January policy statement (paragraph 2) contains an antithesis which creates problems for officers charged with certifying expenditures as being in accordance with the law.

3. The 11 January 1974 memorandum (reference) states that an exception to the policy forbidding the use of official funds for the purpose of "entertaining" government employees "may be made only in the most unusual and special circumstances" and that "such an exception shall require the advance approval of the Director." The problem with this policy--according to the General Counsel--is that the Director does not have the authority to approve such an expenditure unless the expenditure is "to support Agency activities of a confidential, extraordinary or emergency nature." "Confidential funds should not be used for the solution of administrative problems unless security or operational

ADMINISTRATIVE - INTERNAL USE ONLY

factors preclude the use of vouchered funds" [REDACTED] A procedural requirement of prior approval is not really germane and cannot establish legitimacy. Exceptions in the absence of an operative intelligence requirement cannot be authorized even by the DCI. STATINTL

4. Authority for such expenditures could be granted via the appropriation route and the Comptroller is including in the FY 1976 budget to the Congress, a statement which, if unchanged, will authorize expenditures of "funds for the Office of the Director support activities under his direct control and provide not more than \$16 thousand for official reception and representation expenses including the expenses of cooperating U. S. Government officials and private U. S. citizens at meetings concerned with the official functions of the Central Intelligence Agency." (Att. C) This language will not legitimize the expenditure of government funds for such routine things as the purchase of coffee for the Director's morning meetings or other meetings attended solely by Agency employees.

5. In view of the fact that the General Counsel is explicit in his opinion that such expenditures are illegal, I believe it is necessary to revise paragraph 2 of the 11 January 1974 memorandum deleting any reference to exceptions in cases involving meals or luncheons attended only by U. S. Government employees.

6. It is recommended that you issue the attached memorandum announcing a change in policy concerning exceptions and suggesting that officials who feel they can justify the use of government funds for meals and refreshments for official activities seek authorization through the budget process in future years.

[REDACTED]
Administrative Officer, DCI

STATINTL

Attachments:

- a. Reference
- b. Copy of [REDACTED]
- c. Copy of Statement to be included in FY 76 Congressional Budget
- d. Copies of GAO Decisions B-163764, B-159633, B-168774
- e. Memo for Deputy Directors & Independent Office Heads from DCI; Subject: Official Entertainment for DCI Signature

STATINTL

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23-7605

X-74-573

11 January 1974

MEMORANDUM FOR: See Distribution

SUBJECT : Official Entertainment in the Executive Dining Room

- REFERENCES :
- (a) Memo dtd 29 June 1963 to ExDir from DDCI, Subject: Delegation of Authority
 - (b) Memo dtd 10 April 1967 to Deputy Directors and Heads of Independent Offices from ExDir, Subject: Official Entertainment in the Executive Dining Room
 - (c) Memo dtd 29 July 1971 to Deputy Director for Plans from ExDir, Subject: Official Entertainment in the Agency Dining Room
 - (d) Memo dtd 17 March 1972 to Deputy Directors from ExDir, Subject: Official Entertainment in the Executive Dining Room
 - (e) Form 725 dtd 5 September 1973 to Director of Finance from DCI, Subject: Delegation of Authority and Headquarters Notice [REDACTED] dtd 24 July 1973

STATINTL

1. For some time the basic policy of the Agency [REDACTED] has been that expenses incurred in the official entertainment of officers or employees of the U.S. Government exclusively required approval by the Director or by a single senior official designated by him. Per reference (a) this authority was delegated to the Executive Director. Reference (b) stipulates that official entertainment in the Executive Dining Room must be hosted personally by a Deputy Director or Head of an Independent Office, or by his deputy when directed. Reference (c) disapproved a request to delegate to Division and Staff Chiefs the authority of a Deputy Director to submit vouchers for official entertainment. Reference (d) permitted Deputy Directors to delegate to a

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ADMINISTRATIVE—INTERNAL USE ONLY

single senior officer their authority to submit such vouchers. Reference (e) established the Executive Secretariat, appointed the Executive Secretary, and delegated to the Executive Secretary the Director's authority to approve the payment of these expenses.

2. During the past few months Agency policy concerning the official entertainment of officers and employees of the U. S. Government has been under review. The Comptroller General's position is that official funds should not be used for the entertainment of Government officials unless specific authority for that purpose has been given by the Congress. Therefore, it has been concluded that the Agency shall no longer use official funds to pay for the expenses incurred in the entertainment of officers or employees of the U. S. Government in the Executive Dining Room. In addition to those persons included within the definition of "officers and employees" in Title 5 of the U. S. Code, this phrase includes staff employees, staff agents, detailed military and civilian personnel, contract employees, and career agents of this Agency. An exception to this policy may be made only in the most unusual and special circumstances. Such an exception shall require the advance approval of the Director.

3. The Director's Imprest Fund may be used to pay the full cost of a function, including the meals served Agency personnel, when the purpose is to entertain a foreign official or a non-U. S. Government personality. Deputy Directors may delegate their authority to submit vouchers for these functions to a single senior officer. Since the burden is a limited one, Heads of Independent Offices are expected to continue personally to retain this authority. The Executive Secretary has been designated as the single senior official who may authorize the payment or reimbursement of these expenses.

4. It shall no longer be necessary that official entertainment in the Executive Dining Room be hosted personally by either a Deputy Director or his Associate. Any other senior official designated by a Deputy Director or a Head of an Independent Office may act as host.

5. The General Counsel has been asked to amend the appropriate Headquarters Regulation to reflect the change of policy and delegations set forth above. The policy and delegations referenced in this memorandum are hereby rescinded.


W. E. Colby
Director

STATINTL

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Distribution:

DDCI

DDS&T

DDI

DDM&S

DDO

D/DCI/IC

D/DCI/NIO

General Counsel

Legislative Counsel

Inspector General

Comptroller

Director of Finance

USIB/S

Assistant to the Director

Executive Secretary

AO/DCI

Executive Dining Room Office

✓ER (Original)
MCA-73 File

SECRET

FINANCIAL ADMINISTRATION

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1. GENERAL

- a. **APPLICABILITY.** This regulation applies to the financial administration of both vouchered and confidential funds, except where a subparagraph specifically limits applicability to one type of funds.
- b. **AUTHORITY.** The Central Intelligence Agency Act of 1949, as amended, provides in part as follows:
- (1) "Section 8(a). 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. . . ."
 - (2) "Section 8(b). 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; and for objects of a confidential, extraordinary, or emergency nature, such expenditures to be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount therein certified."
- c. **POLICY.** It is Agency policy to limit the exercise of the special authorities provided in the CIA Act to those activities which in the national interest require security protection. In line with this general policy the following principles are set forth for guidance of Agency personnel involved in the obligation, approval, and expenditure of Agency funds:
- (1) Vouchered funds (those which can be accounted for and audited in conformance with the laws that apply to other Government agencies and with standard Government regulations and procedures) will be used if operations and operational security do not require the use of confidential funds.
 - (2) Confidential funds (those which are accounted for outside the Agency solely by certification of the Director) will be used to support Agency activities of a confidential, extraordinary, or emergency nature. Normal provisions of statutes for the obligation and expenditure of Government funds shall be followed by the Agency in its expenditure of confidential funds except when determined inappropriate in view of the security or the extraordinary or emergency nature of our activities. Expenditures shall be accounted for in a manner compatible with the maintenance of reasonable security for Agency operations and the protection of the sources of intelligence.
 - (3) Confidential funds will not be used for the solution of administrative problems unless operational or security factors peculiar to the Agency require the expenditures and preclude the use of vouchered funds.
 - (4) Confidential funds shall not be used to give employees of the Agency a preferential position of prestige or financial benefit in comparison to other Government employees, and special operational expenditures shall not be allowed which would result in a direct or indirect personal gain or benefit to an Agency employee unless they are for an undertaking which is essential to the conduct of an approved activity and are of such a nature that the expense would not have been incurred by the employee except in support of the official activity involved.
- d. **RESPONSIBILITIES**
- (1) **THE DIRECTOR.** The Director of Central Intelligence is responsible for the proper expenditure of Agency funds. To fulfill this responsibility the Director:

Revised: 13 April 1964 (186)

SECRET

GROUP 1
Excluded from automatic
downgrading and
declassification

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SECRET

TRAVEL



25X1A

- (6) The Capitol Rate: \$3.00 (Round Trip)
Applies to the area northwest of the Anacostia River and within or on the following boundaries:
R Street NW.
7th Street NW. and SW.
Florida Avenue NW. and NE.
11th Street NE. and SE.

- (b) One-half of the round trip rate will be allowed for a one-way trip.
- (5) The following round trip distances will be used to compute transportation claims for POV travel between the Agency buildings and the locations listed:

ROUND TRIP DISTANCES BETWEEN:

THESE LOCATIONS and AGENCY BUILDINGS IN:
Langley, Bolling, Washington, D.C.



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- (6) When an employee who is officially ordered to work outside his regular working hours at his post of duty must use public transportation for travel between office and home during hours of darkness or infrequently scheduled public transportation, he may be reimbursed for the usual taxicab fares, including tips, paid for such travel, subject to authorization or approval by an approving officer.
- (7) For travel by employees who have been granted a Transportation Allowance, [redacted] applies.
- (8) Reimbursement of expenses for local transportation may be received from the imprest (petty cash) fund in the employee's component or may be claimed on Form 2646, Claim for Reimbursement for Petty Cash Expenditures.

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c. EXCEPTIONS

- (1) DETAILED MILITARY PERSONNEL. (See [redacted])
- (2) CONTRACT PERSONNEL. Travel expenses for personnel serving the Agency under contract will be allowed in accordance with the provisions of their [redacted]

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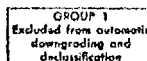


- (4) NONOFFICIAL COVER. Travel expenses for staff personnel under non-official cover will be allowed in accordance with this regulation unless specific deviation is authorized in the Supplement to the Official Personnel Action.
- (5) EMERGENCY, UNUSUAL, OR ADDITIONAL PAYMENT. The Deputy Director for Support may authorize or approve any emergency, unusual, or additional payment and waive time limitations when necessary or expedient, if allowable under existing authority (including [redacted]) whether or not specifically provided for by this regulation.

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Revised: 2 September 1969 (470)

SECRET



4.1

Top Secret

Program-Wide

A wide variety of activities are undertaken that direct and support all aspects of the Agency's operations. Agency components carry out the normal administrative and logistic functions common to all Government agencies; most also have responsibilities connected with the unique missions of CIA.

The *executive direction and control* category encompasses the expenditures of the top management of the Agency—the offices of the Director, Comptroller, General Counsel, Legislative Counsel, and Inspector General, as well as the Intelligence Community Staff and portions of the Office of the Deputy Director/Science and Technology that are not chargeable to specific operational categories. Funds for the Office of the Director support activities under his direct control and provide not more than \$16 thousand for official reception and representation expenses, including the expenses of cooperating US Government officials and private US citizens at meetings concerned with the extraordinary functions of the Central Intelligence Agency. The other Agency mechanisms assure compliance with legal restrictions, and otherwise serve as self-policing mechanisms. The Intelligence Community Staff supports the Director in his role as head of the Intelligence Community, devising systems for improving allocation of resources among the various programs and agencies, reviewing and evaluating finished production throughout the Community, and initiating studies of new and potentially rewarding techniques of collection, processing, and analysis.

Program-wide expenditures on research, development, and engineering involve basic studies in the behavioral area supporting operational interests, and research and development on technologies relating to improved physical and communications security.

The traditional *support services* functions fall within the Administration area. Most have facets that are somewhat unusual, although their core activities are relatively standard. The following descriptions are only illustrative; they do not purport to be comprehensive statements of the many and varied activities carried out by these offices. The Office of Finance, for example, handles financial accounting and payroll duties; it also arranges for covert procurement of various currencies through unofficial, non-attributable channels. The Office of Logistics procures, stores, distributes and maintains standard items such as paper and furniture through normal US channels; it also procures unusual items, such as foreign weapons,

The Office of Medical Services conducts routine physical examinations of applicants for employment and of employees; it also provides behavioral science support for Agency components and for several Government entities as the Cabinet Committee to Combat Terrorism of Training conducts courses in clerical skills, languages, and techniques; it also offers training in the special skills and techniques of clandestine operations, using the facilities of a training base 100 miles from Washington. Agency personnel requirements are stringent enough to require personnel recruiting independent of the Commission; the Office of Personnel provides recruitment procedures for employment, maintains personnel records, and provides a wide range of other personnel services such as retirement counseling. The Office of Security conducts security investigations of potential Agency and of contractor personnel working on sensitive contracts; it maintains physical security of Agency installations. Budgets of the Office of Logistics and the Office of Medical Services include a total of \$1.5 million paid to the McLean Fire Department in exchange for fire protection and ambulance services provided to the Headquarters complex. The Office of the Deputy Director for Administration provides overall coordination for these diverse efforts; it also maintains a training and conference center near Washington. Finally, the funding for payment of Standard Charges (SLUC) to the General Services Administration is in the program-wide category.

Major Emphasis in 1976

Executive direction and control mechanisms will be strengthened in 1976, to enable the Agency to fulfill the requirements of the Freedom of Information Act and to permit rapid response to a growing number of queries about the Agency from Congress. Other program-wide activities will respond to program change through improved information processing, and finished products will be produced simultaneously with reduced manpower and constantly rising costs. Major emphasis will be on new and more efficient methods. Computer-aided paper-work management, word processing centers, and expanded use of contract services will get special attention as will other activities which hold promise for reducing operating costs for support services generally.

47 Comp. Gen. 657

Comp. Gen. I. DECISIONS OF THE COMPTROLLER GENERAL

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While the appointment of a retired officer of the Regular Army to be State Adjutant General of the State of Wyoming seems to be within the provisions of section 28 of Title 19, Wyoming Statutes, and as indicated above, upon Federal recognition as a National Guard officer, statutory authority exists for appointing an Adjutant General as an Army Reserve officer, we have not found statutory authority for transferring a Reserve officer who is a retired officer of the Regular Army to the Retired Reserve. In the absence of some such statutory authorizations which would not only authorize such a transfer but also fix the rights of an officer so transferred so as to make the one retired status compatible with the other, we must conclude that there is no authority for the transfer, in a situation like that of the two officers in question, to the Retired Reserve upon completion of their service as State Adjutant General or Assistant Adjutant General. Question 1 is answered in the negative and for that reason no answer is required to question 2.

✓ [B-163764]

Appropriations — Availability — Refreshments — Governmental Interest Objective

The cost of serving coffee or other refreshments at meetings is not the "necessary expense" contemplated by that term as used in appropriation acts, and unless specifically made available, appropriations may not be charged with a cost that is considered in the nature of entertainment. Although this rule also applies to the purchase of the equipment used in preparing refreshments, the small amount expended by an agency to purchase coffeemakers, cups, and holders for use in serving coffee at meetings designed to improve management relationships will not be questioned in view of the administrative belief the interests of the Government will be promoted through the use of the equipment.

To Anne M. Crugnale, Internal Revenue Service, May 17, 1968:

Reference is made to your letter of March 6, 1968 (A:F:F:V:), concerning the propriety of using appropriated funds to purchase coffeemakers, cups, and holders.

Enclosed with your letter were copies of receipted subvouchers processed through one of your office's imprest funds on Standard Form 1129 for the purchase of two coffeemakers, cups, and holders in the amount of \$43.39. You state that your office is not on a 100 percent audit and that the purchase of those items was not brought to your attention until after you had certified the Standard Form 1129, Reimbursement Voucher, which included the subvouchers referred to above.

In explaining the need for these items you state that:

We have been advised that this equipment is being used as a new management tool by the District Director to conduct periodic meetings with various groups and for various purposes; i.e., he will schedule meetings with non-supervisory employees at which time an informal atmosphere will prevail and discussion had on topics submitted at random by those in attendance. By following such practice

he will be better able to feel the pulse of the district office and thereby concentrate his management efforts where such discussions may indicate. Similar meetings will be held with liaison committees of tax practitioners, employee organizations, employee association, etc.

You then ask our decision as to the propriety of certifying future claims of this nature for payment.

The appropriation charged with the purchase is not identified in your letter. However, we have examined the language of the several appropriations available to the Internal Revenue Service and find none which reasonably could be construed as permitting the purchase of such personal items as coffeemakers and cups for use in the manner described in your letter.

Normally, if an employee desires a cup of coffee during office hours the employee would be expected to provide it at his own expense. He may bring it from home, purchase it in the office cafeteria or snack bar, from vending machines, or make such other provisions as may be suitable to him and to his agency. In other words, in the usual employee-Government relationship the Government is under no obligation to furnish coffee to its employees nor is it under any obligation to serve coffee to private individuals having business to conduct with the Government. We see no legal distinction, insofar as the use of Government funds is concerned, between the purchase of coffee and the purchase of equipment needed to brew coffee.

The serving of coffee or other refreshments at meetings such as described in your letter may be desirable but cannot be said to be a "necessary expense" as that term is used in the appropriations available to the Internal Revenue Service. We have held that furnishing of meals or refreshments is in the nature of entertainment and unless the appropriations involved are specifically available therefor they properly may not be charged with the cost thereof. See 43 Comp. Gen. 305. As indicated above, the same rule must be applied to the purchase of equipment to be used in preparing refreshments.

However, in view of the small amount involved and the fact that the District Director believed that the interests of the Government would be promoted through the use of the equipment, we do not feel required to further question the instant transaction.

[B-163890]

~~Bids—Evaluation—Aggregate v. Separable Items, Prices, Etc.—
Single v. Multiple Awards~~

~~Under an invitation for numerous items which provided "that the contract will be awarded for each item unless provision is made in the contract for award on an all-or-none basis, consideration of combination bids that offer a lower overall cost to the Government than award on an item-by-item basis is not precluded, 41 U.S.C. 253(b) and section 1-2.407 of the Federal Procurement~~



FILE: B-159633

DATE: May 20, 1974

MATTER OF: Rental of building in District of Columbia
and payment of training course expenses

- DIGEST:
1. Prohibition in 40 U.S.C. 34 against execution of contract for rental of any building in District of Columbia for governmental purposes unless an appropriation therefor has been made bars payment of \$500 conference room rental charge in absence of delegation of leasing authority by GSA Administrator to official of GSA who approved formation of rental agreement.
 2. Government payment for coffee break items provided Government employees participating in a management seminar is not permitted in light of general rule that in absence of authorizing legislation refreshments furnished to Government employees may not be paid for with appropriated funds.

Mr. Gary E. Schroeder, an authorized certifying officer of the General Services Administration (GSA), has requested our decision concerning the propriety of his certifying for payment an invoice from the Thomas Circle Inn (Ramada Inn) located in Washington, D.C. for either the total invoice amount of \$703.66 or the lesser sum of \$283.66 representing a deduction of the \$500 charged for room rental.

The services of the Inn were obtained for the purpose of holding a commercially offered training course entitled "Problem Solving and Decision Making—GMS-II"—a management seminar—during the week of October 15, 1973, through October 19, 1973. An official of the Administrative Services Division of the Automated Data and Telecommunications Service, GSA, made the necessary arrangements with the Inn including approval of the \$100 per day room rental charge. The Automated Data and Telecommunications Service which is described in Mr. Schroeder's submission as "the benefiting organization in this case" is one of the five operating services of GSA with the responsibility of administering automatic data processing programs and communications services for the Government.

The certifying officer's doubt regarding the \$500 room rental charge arises because of the prohibition contained in the act of March 3, 1977, 19 Stat. 370, 40 U.S.C. 34, which reads as follows:

"No contract shall be made for the rent of any building, or part of any building, to be used for the purposes of the Government in the District of Columbia, until an appropriation therefor shall have been made in terms by Congress, and this clause shall be regarded as notice to all contractors or lessors of any such building or part of any building."

Mr. Schroeder's letter indicates his concern that "[since] the appropriation language for the Automated Data and Telecommunications Service, the benefiting organization in this case, does not specifically provide for the rental of space * * *," the language of 40 U.S.C. 34 prohibits payment of the room rental charge with Government funds.

Our Office has held that the prohibition expressed in 40 U.S.C. 34 against the execution of a contract for the rental of any building in the District of Columbia for governmental purposes until an appropriation has been made is comprehensive and applies to all uses whether temporary or permanent. See 35 Comp. Gen. 314 (1955) and 49 Comp. Gen. 305 (1969) as well as cases cited in those decisions. However, the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authorizes GSA to enter into leasing agreements for the benefit and accommodation of Federal agencies. Specifically section 210(h)(1) of that Act (40 U.S.C. 490(h)(1)) provides as follows:

"The Administrator [of GSA] is authorized to enter into lease agreements with any person, copartnership, corporation, or other public or private entity, which do not bind the Government for periods in excess of twenty years for each such lease agreement, on such terms as he deems to be in the interest of the United States and necessary for the accommodation of Federal agencies in buildings and improvements which are in existence or to be erected by the lessor for such purposes and to assign and reassign space therein to Federal agencies."

We consider the language of this section together with its legislative history as authorizing the Administrator of GSA to lease buildings and parts of buildings in the District of Columbia (see page 1, House Report No. 1814, and pages 1, 2, and 3 of the Senate Report No. 1146, 85th Congress). Consequently, it is our view that if the Administrator of GSA had authorized the formation of this rental agreement, the statutory requirement of 40 U.S.C. 34, that no contract to rent space in the District of Columbia for governmental purposes be formed unless authorized by a specific appropriation would have been satisfied.

Although 40 U.S.C. 486(d) authorizes the Administrator of GSA to delegate the authority vested in him under the Federal Property and Administrative Services Act of 1949 " * * * to any official in the General Services Administration * * *," there is nothing in the record to indicate that such authority had been delegated to the official who entered into the questioned lease arrangement. Therefore, on the basis of the present record we must conclude that the prohibition contained in 40 U.S.C. 34 bars payment of the \$500 room rental charge. In accordance with the foregoing the first question presented in the certifying officer's submission as to whether the invoice can properly be certified for payment in total amount of \$788.66 is answered in the negative.

The remaining amount of \$268.60 that is included in this invoice as an expense of conducting this seminar apparently represents the combined cost of the daily coffee-refreshment breaks that were provided to seminar participants and the rental fees charged for the use of various instructional aids such as tape recorders and easels. Although we do not question payment for the latter items, it has generally been held that in the absence of authorizing legislation the cost of refreshments furnished to Government employees may not be paid with appropriated funds. See 47 Comp. Gen. 657 (1968); and B-168774, September 2, 1970, as well as cases cited in those decisions. Under the circumstances as reported in the certifying officer's letter we are not aware of any basis on which to authorize payment for the coffee-break items provided to seminar participants. Consequently, we must conclude on the basis of the present record that it would be improper for the Government to pay the \$168 coffee-break expenses.

In accordance with the foregoing, the invoice may be properly certified for payment in the amount of \$120.66 representing a deduction of \$668 from the total invoice amount of \$788.66.

(Signed) R. F. KELLER

ACTING Comptroller General
of the United States



E-163774

September 2, 1970

Mr. Fletcher R. Brande
Director, Finance Division
Office of Education
Department of Health,
Education, and Welfare

Dear Mr. Brande:

By letter of July 23, 1970, you requested our decision as to whether Federal funds in the amount of \$277 may be disbursed for the payment of meals furnished to headquarters employees of the Office of Education by the Marriott Motor Hotel in Arlington, Virginia, during the period March 15, through March 17, 1970, when the employees, together with consultants of the Office of Education, attended a research training conference at the motor hotel, apparently held by the Office of Education. The consultants were provided overnight lodging at the motor hotel as well as their meals while participating in a three-day conference at that location. The Office of Education employees worked with the consultants and participated in long-range program planning. We assume the employees were not in a travel status.

You state that an effort was made to keep the conference as brief as possible by holding sessions on a continuing basis from Sunday until Tuesday and from early morning until late evening. It was felt that it would be constructive to have the Office of Education employees take their meals with the consultants so that the business of the conference could be concluded as soon as possible, and further, having the employees eat separately from the consultants would have been somewhat awkward.

We have not found any authorizing legislation or appropriation act which would allow meals to be furnished at Government expense to Office of Education employees under the facts as reported in your submission. You point out that in our decision of October 4, 1968, 43 Comp. Gen. 165 (1968), we held that meals could be furnished at Government expense under somewhat similar circumstances. That case, however, involved meals furnished to employees during training sessions, the necessary expense of which could be authorized pursuant to 5 U.S.C. 4109. In that case the meals were a necessary incident to providing the training and it appeared that the training was conducted during meal sessions. Evidently the conference in the present case consisted of working sessions without employee training as defined in 5 U.S.C. 4101.

B-163774

We must hold, therefore, that the rule against payment for Government employee meals or refreshments even under unusual or inconvenient working conditions or for desirable social purposes is applicable to the present case. See 47 Comp. Gen. 657 (1968); 42 Id. 149 (1962); B-163774, April 7, 1970; B-163774, January 23, 1970; and B-137999, December 16, 1958. Consequently, payments to the hotel may not be made from appropriations available to the Office of Education for meals furnished to its headquarters employees attending the conference.

Since the terms of the agreements or other facts concerning the employment of the consultants taking part in the conference are not set out in your letter, we express no opinion regarding the propriety of the payment made for lodging and meals furnished to them.

Sincerely yours,

R.F.KELLER

Acting Comptroller General
of the United States

MEMORANDUM FOR: See Distribution

SUBJECT : Official Entertainment

REFERENCE : Memo from DCI to multiple addses.,
dtd 11 Jan 74; Subject: Entertainment
in the Executive Dining Room

1. Paragraph 2 of the reference memorandum is hereby amended to remove the proviso providing for any exceptions to the prohibition of using government funds for the purchase of meals or coffee at meetings or functions attended solely by officers and employees of the U.S. Government. Authority has been requested through the FY 76 budget process for a limited liberalization of this policy and, if sustained in our appropriation, guidelines will be issued at that time.

2. Any addressee who feels that a special situation exists with respect to any activity of his directorate or office (e.g., interagency training seminars), should discuss with the Comptroller the feasibility of seeking authorization for those expenditures through the budget/appropriation process in the future.

W. E. Colby
Director

Distribution:

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Comptroller
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ADMINISTRATIVE -- INTERNAL USE ONLY

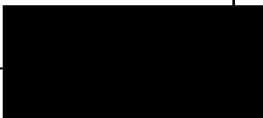
EXECUTIVE SECRETARIAT

Routing Slip

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	10	GC			
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Remarks:

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STATINTL

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EXECUTIVE SECRETARIAT
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17	Asst/DCI			
18	AO/DCI		X	
19				
20				
21				
22				

SUSPENSE _____ Date _____

Remarks:

**Attached is a memo destined for the DCI.
Please provide concurrence and/or comment
to AO/DCI by 12 April.**

4 April 1975
Date

TINTL

3637 (1-75)

SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM UNCLASSIFIED CONFIDENTIAL SECRET

OFFICIAL ROUTING SLIP

TO	NAME AND ADDRESS	DATE	INITIALS
1	[REDACTED] BLAKE	4/7/75	B
2	[REDACTED]	4/14/75	
3	Registering ✓		
4	Our position is that		
5	we have no position		
6	Soaduse [REDACTED]	4/15/75	DDA
ACTION		PREPARE REPLY	
APPROVAL		DISPATCH	RECOMMENDATION
COMMENT		FILE	RETURN
CONCURRENCE		INFORMATION	SIGNATURE

STATINTL

STATINTL

Remarks:

Note: 12 April (AO/OCT) deadline.

To [REDACTED] has OGC table release yet to see if the [REDACTED] including the [REDACTED]

STATINTL

FOLD HERE TO RETURN TO SENDER

FROM: NAME, ADDRESS AND PHONE NO.

DATE

UNCLASSIFIED CONFIDENTIAL SECRET