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**DECISION**



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

**FILE:** B-187150

**DATE:** October 14, 1976

**MATTER OF:** Luncheon provided District of Columbia officials attending intra-agency conference

**DIGEST:** Federal grant funds available under Title XX of the Social Security Act, 42 U.S.C. § 1397 (a)(Supp. V, 1975), for personnel training and costs of administration directly related to social service programs may not be used to pay expenses of intra-agency luncheon conference attended by District of Columbia officials, as luncheon was not training as described in 45 C.F.R. § 228.84 (1975) or meeting of professional organization as required by 45 C.F.R. § 228.85 (1975).

Mr. Charles E. Davis, an authorized certifying officer of the Government of the District of Columbia, has requested our advance decision concerning the propriety of his certifying for payment a voucher representative of expenses incurred by officials of the Department of Human Resources (DHR), Government of the District of Columbia, for a luncheon. The luncheon was provided to top DHR managers in conjunction with a conference held at the Skyline Inn in Washington, D.C. for 4 hours on April 9, 1976. The purpose of the conference was to inform top DHR managers of significant changes in functional alignments and personnel assignments in DHR. The total amount of the voucher is \$962.40.

Mr. Davis states that:

"The funding utilized for the payment is from a federal grant in support of certain social services activities that, according to the department [DHR], include an amount for such training."

In response to further inquiry by us, the Deputy Controller, DHR, informally advised us that funds to be used were authorized to pay for the luncheon under Title XX of the Social Security Act for administrative expenses incurred in connection with providing social services programs.

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On the record currently before us, and for the reasons discussed below, we conclude that this grant is not available for the subject expenditure.

Title XX of the Social Security Act, 42 U.S.C. § 1397 et seq. (Supp. V, 1975), provides for a grant of federal funds to States for the provision of certain social services. Pursuant to 42 U.S.C. § 1397a (a)(1), these funds are available for expenditures for administration and "personnel training and retraining directly related to the provision of these services (including both long- and short-term training at educational institutions. \* \* \*"

Regulations describing allowable expenditures to carry out Title XX have been promulgated by the Secretary of Health, Education, and Welfare. Training activities and costs for which payment is allowable are listed at 45 C.F.R. § 228.84 (1975). The only provision which might arguably cover the facts in the instant case states that training expenditures may include:

"Payment of travel, per diem and educational expenses of employees while they are attending training programs for less than eight consecutive work weeks."  
45 C.F.R. § 228.84(c).

In the instant case, the luncheon conference cannot reasonably be characterized as a training program. It lasted only 4 hours, was with top DHR managers, and, according to the justification accompanying the submission, was concerned with discussion of DHR's new managerial functions and the intra-departmental transfer of personnel and functional realignment. This type of activity does not, in our view, fall within the normal definition of training. Cf., for example, the definition of training in 5 U.S.C. § 4101(4)(1970). Additionally, the expenses of the luncheon conference are not travel expenses, per diem, or educational expenses (described as tuition, books and supplies in another provision of the subject regulation). Moreover, there is nothing in the regulation which appears to authorize the use of grant funds to purchase meals for employees undergoing intra-departmental training. Therefore, in the absence of a contrary interpretation in the grantor agency's regulations, the expenses of the luncheon conference may not be paid from grant funds provided for personnel training.

Allowable administrative costs (as distinguished from the allowable training costs), are described at 45 C.F.R. § 228.85 (1975), which provides, in pertinent part:

"FFP [Federal Financial Participation] is not available for the following as expenditures outside the State's allotment for social services. Such expenditures are matchable as administrative costs (not training expenses) under the State's allotment for services.

\* \* \* \* \*

(d) Attendance at meetings or conferences of professional organizations."  
(Emphasis added.)

This is the funding authority cited to us informally by DHR's Deputy Controller. However, the luncheon conference in the instant case was not a meeting or conference of a professional organization, but was, rather, an intra-departmental work session. Further, as with the regulation on training discussed above, there is nothing in this regulation which would authorize the use of grant funds to purchase meals for employees attending intra-departmental training or work sessions. Therefore, the expenses incurred in connection with the luncheon cannot be paid from grant funds provided for administrative expenses under Title XX.

Although it was not suggested to us in justification for the meal expenses incurred, we also examined the provisions of 5 U.S.C. § 4101-4118 which authorize payment of certain expenses for the training of government employees. However, we were forced to conclude that the intra-agency conference in question does not meet the statutory definition of training, as stated in 5 U.S.C. § 4101(4).

We have long held that to be properly charged with the cost of providing meals, appropriations must be made specifically available by statute for that purpose. We are not aware of any other legislation that provides the District of Columbia with this authority.

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In accordance with the foregoing, the voucher may not be certified for payment.

Deputy

*R. G. K. 1/10*  
Comptroller General  
of the United States