



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Hugh Saussy Jr., et al.  
**File:** B-249351, B-249355, B-249356, and B-249357  
**Date:** May 11, 1993

### DIGEST

Absent specific statutory authority, federal employees may not be paid per diem or actual subsistence or furnished meals at headquarters. However, 5 U.S.C. § 4110 provides such authority where the meal is included at no extra charge in a registration or attendance fee, and the meal is merely incidental to an informational program presented by a private association. Therefore, Department of Energy (DOE) may pay the registration fees charged two employees to attend an informational meeting of a private association if it confirms that the program was related to the functions for which DOE funds are appropriated. This provision, however, has little or no bearing upon purely internal business meetings or conferences sponsored by government agencies. Thus, DOE may not pay for meals provided to two employees who attended meetings of interagency coordinating groups (Federal Executive Boards) at their official duty station.

### DECISION

An authorized certifying officer of the Department of Energy, Chicago Field Office, asks whether Messrs. Hugh Saussy, Jr., Roger C. Bavoux, Duane D. Day, and Sigrid H. Higdon, employees, are entitled to reimbursement for the cost of meals obtained while attending meetings in the vicinity of their official duty stations. As explained below, because of the different types of meetings involved, we conclude that the Department may not pay for two of the employees, but it may pay for the other two.

### BACKGROUND

On October 28, 1991, Mr. Hugh Saussy, Jr., attended a luncheon meeting of the Boston Federal Executive Board for which he paid a \$20 registration fee, and on October 23, 1991, Mr. Sigrid H. Higdon attended the Denver Federal Executive Board luncheon meeting for which he paid \$12,

presumably to cover the cost of the lunch. Mr. Saussy stated that his luncheon meeting began at 11 a.m. and ended at 2:30 p.m. We do not have any further information regarding Mr. Higdon's luncheon meeting. We note that the Federal Executive Boards are interagency coordinating groups to improve federal management practices and provide a central focus for federal participation in civic affairs in major metropolitan centers. They are composed of heads of federal field offices in the metropolitan area, and they are subject to the oversight of the Office of Personnel Management.<sup>1</sup>

On October 4, 1991, Messrs. Roger C. Bavoux and Duane D. Day attended a joint breakfast meeting of the New England Co-Generation Association and Energy Engineers for which each employee paid \$35, which Mr. Bavoux indicates was charged whether or not breakfast was eaten. We were not provided with any information regarding the nature of the New England Co-Generation Association or the Energy Engineers. We assume that they are trade and professional associations, non-governmental in nature. Mr. Bavoux states that the breakfast took place between 9 a.m. and 9:30 a.m. which was followed by a speaker who spoke from 10 a.m. to 11 a.m.

All three of the above meetings took place within the attending employees' official duty stations.

#### ANALYSIS

As a general rule, without specific statutory authority, employees may not be paid subsistence expense, or furnished free meals by the government at their permanent duty station. 41 C.F.R. § 301-7.5(a). Career Service Awards Program, 70 Comp. Gen. 16 (1990); J. D. MacWilliams, 65 Comp. Gen. 508 (1986).

However, an exception to this prohibition is provided under the authority of a statute now codified at 5 U.S.C. § 4110 (1988), which states:

"Appropriations available to an agency for travel expenses are available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of the functions or activities."

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<sup>1</sup>See U.S. Government Manual 1992-93, Appendix A, p. 821. See also, 67 Comp. Gen. 689 (1986).

We have held that this statute has little or no bearing on a purely internal conference or meeting sponsored by the government. See 46 Comp. Gen. 135, 136-137 (1966). Thus, we have disallowed claims for expenses under circumstances similar to those of Mr. Saussy's and Mr. Higdon's attendance of Federal Executive Board meetings in which meals are served during an inter- or intra-agency non-training-related meeting of federal employees at their duty station. See 68 Comp. Gen. 604 (1989), denying claims for meal expenses by employees attending a Customs Service sponsored meeting of an interagency task force; and 68 Comp. Gen. 606 (1989), denying payment for meals provided to employees at an Army internal business meeting. See also in particular, Randall R. Pope and James L. Ryan, 64 Comp. Gen. 406 (1985), wherein employees were denied reimbursement for luncheon meal expenses incurred while attending Federal Executive Association meetings at their duty station. On the same basis the claims of Mr. Saussy and Mr. Higdon may not be paid.

We have held, however, that section 4110 does provide authority for an agency to pay the expenses of an employee's attendance at a meeting of a non-government society or association, provided the meeting is "concerned with the functions or activities" for which the funds are appropriated or which will contribute to improved "conduct, supervision, or management of the functions or activities."<sup>2</sup> We have allowed reimbursement to an employee of a registration fee to attend such a meeting at the employee's duty station when the meeting includes a meal provided at no additional charge and it represents an incidental part of the meeting. See 38 Comp. Gen. 134 (1958).<sup>3</sup>

In Mr. Bavoux's and Mr. Day's case, the meeting they attended appears to have met these requirements since

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<sup>2</sup>Thus, 5 U.S.C. § 4110 provides a limited exception to the prohibition in 5 U.S.C. § 5946 against paying an individual's expenses for attending a meeting or convention of a society or association whether or not the meeting is at headquarters.

<sup>3</sup>We also have allowed reimbursement under 5 U.S.C. § 4110 where the meal was charged for separately, but the meal was incidental to the meeting and benefits of the meeting would have been lost through nonattendance at the meal. Goldberg, et al., B-198741, May 1, 1980; and 68 Comp. Gen. 606, 608 (1989). This was not the case with Messrs. Bavoux and Day since their meal was an inseparable part of the registration fee. Also, this exception does not apply to Messrs. Higdon and Saussy since section 4110 has no bearing on the type of conferences they attended.

apparently it was sponsored by non-federal government organizations, the \$35 flat fee charged to attend the meeting and hear the speaker included the breakfast at no extra charge, and the breakfast appears to have been an incidental part of the business of the meeting. If the agency affirms these facts and confirms that the substance of the meeting was concerned with the functions or activities for which the agency's funds are appropriated or contributes to improved conduct, supervision, or management of those functions or activities, Mr. Bavoux and Mr. Day may be reimbursed the \$35 registration fees they paid, provided their attendance was properly authorized or approved by the agency.

The vouchers submitted are being returned for processing in accordance with the guidance provided above.

*for* *Seymour Egan*  
James F. Hinchman  
General Counsel