



COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON

A-66869

COMP. GEN.
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HLK

The Administrator,

Rural Electrification Administration.

Sir:

There has been considered the matter presented in your letter of October 22, 1935, as follows:

"Would you be good enough to render a decision in the matter of traveling expenses?"

"We desire to hold meetings in Washington or elsewhere for the purpose of bringing together individuals who are interested in certain phases of the development of rural electrification. We want to present to these groups by means of addresses different points of view on the subject. It will add considerably to the value of the meetings if some of the speakers come from without the Government.

QUESTION

"1. Are we empowered under the Emergency Relief Appropriation Act of 1935, and Executive Order 7037 to give such individuals travel orders from their respective homes to the meeting places even though they are not regular employees of the Government; or will it be necessary to appoint the speakers as members of our staff serving without compensation."

Joint Resolution No. 2 of February 2, 1935, 49 Stat. 19, provides as follows:

"That, unless specifically provided by law, no moneys from funds appropriated for any purpose shall be used for the purpose of lodging, feeding, conveying, or furnishing transportation to, any conventions or other form of assemblage or gathering to be held in the District of Columbia or elsewhere. This section shall not be construed to prohibit the payment of expenses of any officer or employee of the Government in the discharge of his official duties."

There is nothing in the Emergency Relief Appropriation Act of 1935, 49 Stat. 115, exempting from this restriction emergency funds allotted to the Rural Electrification Administration.

In decision of February 25, 1935, 14 Comp. Gen. 638, to the Federal Housing Administration, holding that the quoted Joint Resolution prohibited the use of Federal funds for expenses of gatherings for the purpose of conducting a campaign to induce property owners to take advantage of the provisions of the National Housing Act, it was stated that:

"There seems very little if any room for doubt as to the reasonable meaning and legal effect of such language. Simply stated, it is that no convention or other form of assemblage or gathering may be lodged, fed, conveyed, or furnished transportation at Government expense unless authority therefor is specifically granted by law."

See also 14 Comp. Gen. 851.

Q-61214
You are advised that the emergency funds allotted to the Rural Electrification Administration are not available for the traveling expenses of private citizens to the proposed meetings referred to in your letter, that is, of persons who are not bona fide officers or employees with "official duties" to perform.

Executive Order No. 7037, dated May 11, 1935, establishing the Rural Electrification Administration, provides in part as follows:

"In the performance of such duties and functions, expenditures are hereby authorized for * * * travel expenses, including the expense of attendance at meetings when specifically authorized by the Administrator; * * * and I hereby authorize the Administrator to accept and utilize such voluntary and uncompensated services * * *"

This wording follows the terms of sections 3 of the Emergency Relief Appropriation Act of 1935, 49 Stat. 117, 118.

In view of this provision, if the Rural Electrification Administration should definitely engage the services of selected individuals to address the meetings with the understanding that they would be paid no compensation but would be reimbursed the cost of transportation and paid a per diem in lieu of subsistence in accordance with the Standardized Government Travel Regulations, the funds allocated to your Administration for administrative expenses would be available therefor.

This case is to be distinguished from the case of the Federal Housing Administration considered in the decision of February 25, 1935, supra, in which it was held that speakers could not be employed for the purpose of conducting a campaign. The terms of the National Housing Act, under which the Federal Housing Administration was created precluded such means of disseminating information regarding its purpose and scope, whereas there is no inhibition in the Emergency Relief Appropriation Act of April 8, 1935, or in Executive Order No. 7034, supra, establishing the Rural Electrification Administration, against the employment of persons to address meetings held in furtherance of the authorized activities of the Rural Electrification Administration.

The questions presented are answered accordingly.

Respectfully,

(Signed) J. R. McCarl

Comptroller General
of the United States.

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