



The Comptroller General  
of the United States

Washington, D.C. 20548

*Cap ten*

## Decision

**Matter of:** Use of Representational Funds by Foreign  
Service Officers for Civic Club Meals

**File:** B-232165

**Date:** June 14, 1989

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### DIGEST

Representational funds may be used to reimburse Foreign Service Officers assigned overseas for civic club meal expenses incurred in connection with their official duties, provided the Chief of Mission approves such expenditures in accordance with applicable State Department Regulations.

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### DECISION

The certifying officer of the American Embassy in Dar es Salaam, Tanzania, has requested under the provisions of 31 U.S.C. § 2529 an advance decision from this Office concerning the legality of payment of two vouchers for representational expenses submitted by an embassy employee. The vouchers may be certified and paid provided the representational expenses are approved by the Dar es Salaam Chief of Mission pursuant to the Foreign Affairs Manual (FAM) and the Standardized Regulations of the Department of State.

The Embassy Economics Officer, Mr. Frank G. Light, has the responsibility of analyzing and reporting on economic trends and assisting American businessmen in Tanzania. To accomplish this responsibility, he must meet and communicate regularly with host country government officials and leaders of the local business community. These government officials and business leaders attend periodic meetings of the local Rotary Club. The Economics Officer also attends Rotary Club meetings for which he incurs meal expenses to cultivate effective business relationships and to keep himself informed on current local business conditions. Because he incurs these expenses in connection with his official duties, he believes they should qualify as valid representation allowance expenditures. He therefore has submitted two vouchers dated July 5, and July 8, 1988, to the certifying officer for reimbursement of Rotary Club meals. It is these two vouchers that have been referred to this Office for an opinion.

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The July 5 voucher claims lunch for Mr. Light on June 22, in the amount of 480 T. Shs. (Tanzanian Shillings) and dinner for Mr. Light, Ms. Sally Light, and Ms. Gayleatha Brown on July 1, in the amount of 2500 T. Shs. for a total of 2980 T. Shs. The July 8 voucher claims meals for Mr. Light on April 13, April 27, and June 1, 1988, in amounts respectively of 450 T. Shs., 350 T. Shs., and 470 T. Shs., and a meal on June 6, 1988, for Mr. Light and Ms. Sally Light in the amount of 980 T. Shs. for a total of 2,250 T. Shs.

Representational funds are appropriated to the Department of State as authorized by 22 U.S.C. § 4084 for use by officers and employees of the Foreign Service including family members for the purpose of furthering United States foreign policy objectives. See, e.g., Department of State Appropriation Act, 1989, Pub. L. No. 100-459, 102 Stat. 2204. The Department of State has promulgated regulations governing the use of such funds which are contained in volume 3 of the FAM, chapter 340, and in chapter 300 of the Standardized Regulations of the Department of State.

The Secretary of State has delegated the authority to approve expenditures of representational funds to the chiefs of missions. 3 FAM 341.2. Representational funds made available to a mission may be used at the discretion of the chief of mission for any expenditure that furthers United States foreign policy objectives and is not specifically prohibited by law or regulation. 3 FAM 342.1. Section 320 of the Standardized Regulations provides that expenditures incurred in foreign areas by employees and family members acting with or on their behalf for entertainment undertaken to promote personal relationships necessary to the performance of their official duties may be approved for reimbursement from representational funds. Section 320 also permits reimbursement for other representational expenses which the chiefs of missions find to be "of a type to promote the interests of the United States." By the same token, section 330(f) of the Standardized Regulations prohibits the use of representational funds for expenses of recreation and entertainment solely for employees of the executive branch of the United States Government and their families.

Based upon the limited information contained in the record, it appears that Mr. Light's duties as the Embassy Economics Officer require him to establish and maintain effective relationships with members of the local business community. We have no basis to question that attending Rotary Club meetings facilitate the establishment and maintenance of such relationships. The difficulty here is that we are

uncertain as to the basis of his claim. If he seeks reimbursement based on an entertainment justification, it is not clear to us from the information supplied that Mr. Light's meal expenses were incurred for "entertainment" as that term is used in the Standardized Regulations. Standing alone, attendance at Rotary Club meetings, even those concededly in furtherance of his official duties, does not qualify the meal expenses as "entertainment." However, if the expenses are submitted under the catch-all provision for other representational expenses incurred to promote the interests of the United States,<sup>1/</sup> we think the Chief of Mission may determine that the claimant has provided sufficient information to permit a determination whether the Rotary Club meals promote the United States interests.

The authority to determine which expenses should be paid of those that meet the criteria set forth in the regulations has been delegated to the Chief of Mission at Dar es Salaam. He has the discretion to approve the expenditure of representational funds for Mr. Light's meals, provided he finds that the expenditures were for entertainment incurred to promote personal relationships necessary to the performance of Mr. Light's duties or were of a type to promote the interests of the United States. Alternatively, he also has the discretion to disapprove the expenditure of representational funds for any reason, so long as he does not exercise this discretion in an arbitrary and capricious manner. 54 Comp. Gen. 310 (1974).

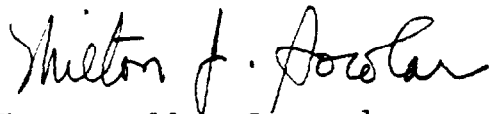
The vouchers also cover meals provided Ms. Sally Light and Ms. Gayleatha Brown. We assume Ms. Light is an adult family member of Mr. Light's household and if the meal expenses otherwise qualify for reimbursement, the Chief of Mission also has discretion to approve reimbursement of her meals pursuant to section 320 of the Standardized Regulations. We have not been provided with any information on Ms. Gayleatha Brown's status. However, Mr. Light can provide this information to the Chief of Mission who will be able to make a finding of whether the expenditure on Ms. Brown's behalf satisfies the requirements for reimbursement under section 320 of the Standardized Regulations.

The Dar es Salaam certifying officer may certify the two vouchers for payment submitted by Mr. Light, provided they

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<sup>1/</sup> To the extent that Mr. Light's attendance at these meetings was in furtherance of his official duties, the meal expenses need not be viewed as solely for his own benefit and therefore prohibited under section 330 of the Standardized Regulations.

are approved by the Dar es Salaam Chief of Mission or his designee.

A handwritten signature in cursive script, reading "Milton J. Foster".

Acting Comptroller General  
of the United States