

Legal Opinion: GMP-0028

Index: 6.471, 6.472

Subject: Acceptance of Travel Expenses from University

December 3, 1991

MEMORANDUM FOR: Susan E. Woodward, Deputy Assistant Secretary,
Office of Economic Affairs, TE

FROM: Carole W. Wilson, Associate General Counsel for Equal
Opportunity and Administrative Law, GM

SUBJECT: Acceptance of Offer of Payment of Travel from the
University of California, Berkeley

This responds to your inquiry regarding Departmental acceptance of reimbursement of travel related expenses from non-Federal sources. Specifically, you asked whether the Department may accept reimbursement of travel expenses from the University of California. Acceptance would allow you to travel to Berkeley, California to address the 14th Annual Real Estate and Economics Symposium scheduled for December 11-12, 1991. You indicate that the symposium would be attended by bankers, thrift executives, developers, academics, and State and local housing authorities. Assuming that the Secretary or Deputy Secretary approves the travel, the Department may accept this offer of reimbursement under 31 U.S.C. Section 1353 and its interim rule. Prior to accepting this offer, however, the approval authority must determine that your attendance at this symposium is in the Department's best interest and outweighs any appearance of impropriety.

Section 1353 authorizes the Department to accept payments of travel and related expenses from non-Federal sources. To qualify for acceptance under the interim rules, however, the payment must be in connection with an employee's travel to, or attendance at, a "meeting or similar event" under an official travel authorization. A "meeting or similar event includes conferences, speaking engagements, seminars, training courses or similar events that take place away from the employee's official station. The term does not include events required to carry out the Department's statutory or regulatory functions such as investigations, inspections, audits, or site visits. In addition, prior to accepting payments from prohibited sources, the Department must determine that its interest in accepting payment outweighs concerns that the payment "may reasonably appear to influence improperly the employee in the performance of his or her official duties."

As requested, attached is copy of 31 U.S.C. Section 1353. Please contact me or Aaron Santa Anna if you have further questions regarding this matter.

Attachment