



2

LEONIDAS RALPH MECHAM
Director

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

PHILIP L. MCKINNEY
Chief Accounting Officer

CLARENCE A. LEE, JR.
Associate Director

WASHINGTON, D.C. 20544

Accounting and Financial
Systems Division

April 14, 2000

Mr. Ralph L. DeLoach
Clerk
United States District Court
259 Robert J. Dole United States
Courthouse
500 State Avenue
Kansas City, KS 66101-2430

Dear Ralph,

You raised a question to John Breslin on March 15 as to whether you could use appropriated funds for you and/or your staff to attend court specific educational/training sessions sponsored by the Federal Court Clerks' Association. For the following reasons, I believe such funds may be used to attend such programs.

31 U.S.C. §1345 generally prohibits use of appropriated funds for attendance at meetings, and Chapter V of the Guide to Judiciary Policies and Procedures specifically prohibits attendance at meetings of the "Court Clerk's [sic] Association." Notwithstanding this prohibition, the Comptroller General has held that an agency may spend appropriated funds for training where the training program is (1) necessary to carry out the purpose for which the appropriation is made; (2) for a period of brief duration; and (3) special in nature. See 36 Comptroller General 621 (1957).

Under these authorities, you cannot use appropriated funds for you or any of your employees to attend the business meetings of the Federal Court Clerks' Association. (The agenda for the conference includes two business meetings.) I also understand that a number of training and plenary sessions, including those sponsored by the Federal Judicial Center and involving direct participation by the Director of the Administrative Office and some of his senior staff members, will be held. You may use appropriated funds to attend these training programs.

It is appropriate to pay for transportation costs as well as subsistence costs related to the time spent at the training from your local budget. This would allow you to fund travel on Sunday, and subsistence through Tuesday night with the expectation that attendees would travel home on Wednesday and receive \$38 subsistence for that day of travel. The Vendor Fair probably does not qualify as training; however, as a practical matter, it should be possible to participate and still travel home on Wednesday. Since there are no training activities Wednesday afternoon and there is a business meeting Thursday morning, I do not believe you could justify use of appropriated funds for an overnight stay on Wednesday. My recommendation is that anyone who wishes to stay for the meeting Thursday morning should do so at his own expense, limiting the government reimbursement as described above. This is consistent with the practice I have seen authorized by executive agencies in my prior government experience.

Please give me a call if you have any additional questions.

Sincerely,

for Patricia A. Springer
Philip L. McKinney