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B-157312, Jul. 25, 1967

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TRAVEL EXPENSES - BOARDS, COMMISSIONS, ETC. - LIMITATION DECISION TO PUBLIC LAND LAW REVIEW COMMISSION ADVISING THAT IN ABSENCE OF LIMITATION IN STATUTE ON DISTANCE OF TRAVEL OF PRESIDENTIAL APPOINTEE MEMBERS IN PERFORMING OFFICIAL DUTIES UNDER PUB. L. 88-606, A PRESIDENTIAL APPOINTEE MEMBER MAY BE PAID TRAVEL EXPENSES FOR OFFICIAL TRAVEL FROM SPAIN TO U.S. TO ATTEND COMMISSION MEETINGS DURING TIME MEMBER IS ON FACULTY OF UNIVERSITY OF MADRID.

TO MR. MILTON A. PEARL, DIRECTOR, PUBLIC LAND LAW REVIEW COMMISSION:

YOUR LETTER OF JUNE 28, 1967, REQUESTS OUR DECISION CONCERNING THE PAYMENT OF CERTAIN TRAVEL EXPENSES OF DR. ROBERT EMMET CLARK, A PRESIDENTIAL APPOINTEE TO THE PUBLIC LAND LAW REVIEW COMMISSION, PRESENTLY ON THE FACULTY OF THE UNIVERSITY OF ARIZONA, TUCSON, ARIZONA, WHO HAS ACCEPTED AN APPOINTMENT TO THE UNIVERSITY OF MADRID, SPAIN, FOR A PERIOD OF ONE YEAR, SEPTEMBER 1967 TO JULY 1968.

DURING DR. CLARK'S ASSIGNMENT TO SPAIN, IT IS ANTICIPATED THAT HE WILL BE REQUIRED TO ATTEND ONE OR MORE COMMISSION MEETINGS EITHER IN WASHINGTON, D. C. OR ELSEWHERE WITHIN THE UNITED STATES. THEREFORE, YOU ASK WHETHER THERE IS ANY OBJECTION TO YOUR OFFICE REIMBURSING DR. CLARK FOR TRAVEL EXPENSES INCURRED FROM MADRID, SPAIN, TO THE UNITED STATES FOR OFFICIAL TRAVEL IN CONNECTION WITH THE COMMISSION'S ACTIVITIES.

SECTION 3/G) OF PUB. L. 88-606, 78 STAT. 983, PERTAINING TO MEMBERS OF THE PUBLIC LAND LAW REVIEW COMMISSION APPOINTED BY THE PRESIDENT, PROVIDES AS FOLLOWS:

"THE MEMBERS APPOINTED BY THE PRESIDENT SHALL EACH RECEIVE $50 PER DIEM WHEN ENGAGED IN THE ACTUAL PERFORMANCE OF DUTIES VESTED IN THE COMMISSION, PLUS REIMBURSEMENT FOR TRAVEL, SUBSISTENCE AND OTHER NECESSARY EXPENSES INCURRED BY THEM IN THE PERFORMANCE OF SUCH DUTIES.'

THE QUOTED SECTION LIMITS REIMBURSEMENT OF EXPENSES OF A MEMBER OF THE COMMISSION TO THOSE OF TRAVEL, SUBSISTENCE AND OTHER NECESSARY EXPENSES INCURRED BY A MEMBER INCIDENT TO THE PERFORMANCE OF DUTIES OF THE COMMISSION. IN THE ABSENCE OF A REQUIREMENT IN THE STATUTE LIMITING THE DISTANCE OF TRAVEL OF PRESIDENTIAL APPOINTEES IN PERFORMING THEIR OFFICIAL DUTIES AS MEMBERS OF THE COMMISSION IT REASONABLY MAY BE CONCLUDED THAT CONGRESS INTENDED THAT THEY BE REIMBURSED SUCH EXPENSES INCURRED BY THEM IN TRAVELING FROM AND RETURNING TO THE POINT WHERE THE OFFICIAL TRAVEL BEGINS REGARDLESS OF THE DISTANCE.