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B-158831, Jun. 8, 1966

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B-158831, JUN. 8, 1966

TO CERTIFYING OFFICER, U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT:

REFERENCE IS MADE TO YOUR LETTER OF MARCH 24, 1966, REFERENCE JC-AP 11- 710-661, 11-710-656, 36-720-538 (D736B-2), ASKING WHETHER THE TWO REIMBURSEMENT VOUCHERS ENCLOSED THEREWITH, PROPERLY MAY BE CERTIFIED FOR PAYMENT.

THE VOUCHERS REPRESENT CLAIMS FOR REIMBURSEMENT BY IMPREST FUND CASHIERS FOR FUNDS EXPENDED BY THEM IN THE TOTAL SUM OF $86.48. THE FIRST VOUCHER IS FOR $61.48 AND IS SUPPORTED BY SUBVOUCHER NO. 131 FOR $50.90 AND BY SUBVOUCHER NO. 174 FOR $10.58. SUBVOUCHER NO. 131 COVERS AMOUNTS EXPENDED FOR 3 ITEMS SHOWN AS A WRISTWATCH FOR $24.95, A TRANSISTOR RADIO FOR $15.95 AND A CAMERA FOR $10. SUBVOUCHER NO. 174 COVERS AMOUNTS EXPENDED FOR TOILET ARTICLES AND CIGARETTES.

THE ITEMS COVERED BY SUBVOUCHER NO. 131 WERE GIVEN AS PRIZES TO THE WINNERS IN A CONTEST AT THE MOUNTAIN HOME JOB CORPS CONSERVATION CENTER, MOUNTAIN HOME, IDAHO. IT IS EXPLAINED THAT SHORTLY AFTER THE CENTER WAS OPENED, THE STAFF PUBLISHED A CORPSMAN NEWSPAPER AND A CONTEST WAS HELD TO SUGGEST A NAME FOR THE NEWSPAPER. THE PRIZES INVOLVED WERE AWARDED TO THE THREE CONTESTANTS WHO SUGGESTED THE THREE NAMES SELECTED BY THE JUDGES OF THE CONTEST. THIS CLAIM FOR REIMBURSEMENT IS ADMINISTRATIVELY RECOMMENDED FOR PAYMENT ON THE BASIS THAT SUCH PRIZES "* * * CONTRIBUTING TO MORALE AND RECREATION ARE CERTAINLY NECESSARY TO THE SUCCESS OF A CENTER.'

EXPENDITURES FOR THE OFFICE OF ECONOMIC OPPORTUNITY FOR THE PERIOD HERE INVOLVED WERE AUTHORIZED BY PUBLIC LAW 89-58, APPROVED JUNE 30, 1965, 79 STAT. 204, AS AMENDED. FUNDS PROVIDED THEREBY WERE AVAILABLE FOR THE SAME PURPOSES AS SET FORTH IN THE SUPPLEMENTAL APPROPRIATION ACT, 1965, APPROVED OCTOBER 7, 1964, 78 STAT. 1030, AND CONSEQUENTLY, WERE AVAILABLE TO CARRY OUT THE PROVISIONS OF THE ECONOMIC OPPORTUNITY ACT OF 1964, APPROVED AUGUST 20, 1964, 78 STAT. 508. THIS LAST-NAMED ACT PROVIDES IN SECTION 105 (A) THAT---

"ENROLLEES MAY BE PROVIDED * * * RECREATIONAL SERVICES * * * AND OTHER EXPENSES AS THE DIRECTOR MAY DEEM NECESSARY OR APPROPRIATE FOR THEIR NEEDS. * * *"

WHILE THE CONTEST AND THE AWARDING OF PRIZES MAY HAVE SERVED TO PROMOTE MORALE AND AS A MEANS OF PROVIDING "RECREATIONAL SERVICES," THERE IS NO SHOWING THAT A PROGRAM PROVIDING FOR SUCH AWARDS HAS BEEN APPROVED BY THE DIRECTOR OF THE OFFICE OF ECONOMIC OPPORTUNITY AS APPEARS TO BE REQUIRED BY THE ECONOMIC OPPORTUNITY ACT OF 1964. HOWEVER, WE REALIZE THAT THE PROVISION FOR RECREATIONAL SERVICES INVOLVES A LARGE AMOUNT OF ADMINISTRATIVE DISCRETION AND, SINCE THERE

IS NO STATUTORY PROHIBITION REGARDING THE PROVISION FOR SUCH AWARDS, WE WILL NOT OBJECT TO THE PURCHASE OF THE PRIZES HEREIN QUESTIONED. WE FEEL, HOWEVER, THAT A PROGRAM IN WHICH VALUABLE PRIZES ARE AWARDED TO INDIVIDUAL JOB CORPS ENROLLEES WARRANTS SPECIFIC EXAMINATION BY THE DIRECTOR, OFFICE OF ECONOMIC OPPORTUNITY, SO THAT IF ITS CONTINUANCE IS DEEMED NECESSARY, APPROPRIATE GUIDELINES CAN BE PRESCRIBED FOR ITS ADMINISTRATION. ACCORDINGLY, A COPY OF THIS DECISION IS BEING FURNISHED TO THE DIRECTOR, OFFICE OF ECONOMIC OPPORTUNITY, FOR SUCH ACTION AS HE DEEMS DESIRABLE.

WITH REGARD TO THE CLAIM FOR REIMBURSEMENT FOR AMOUNTS EXPENDED FOR CIGARETTES AND CERTAIN TOILET ARTICLES, IT IS NOTED THAT CERTAIN ITEMS OF CLOTHING AND TOILET ARTICLES HAVE BEEN SPECIFICALLY PRESCRIBED IN THE APPLICABLE TABLE OF ALLOWANCE AS SPECIAL PURCHASE ITEMS FOR INITIAL ISSUANCE TO ENROLLEES. THE ITEMS HERE IN QUESTION DO NOT APPEAR IN THAT TABLE AND THUS MUST BE CONSIDERED TO BE ITEMS PERSONAL TO INDIVIDUAL ENROLLEES TO BE PROVIDED AT PERSONAL EXPENSE IF DESIRED BY THEM. ACCORDINGLY, NO BASIS IS PERCEIVED WHEREBY APPROPRIATED FUNDS MAY BE USED TO PROVIDE ENROLLEES WITH THE QUESTIONED PERSONAL ITEMS AND THE VOUCHER INSOFAR AS IT COVERS THE COST OF SUCH ITEMS MAY NOT, THEREFORE, PROPERLY BE CERTIFIED FOR PAYMENT.

THE REMAINING VOUCHER FOR CONSIDERATION REPRESENTS A RECLAIM OF $25 EXPENDED FOR THE PURCHASE OF FLOWERS. THE FLOWERS WERE USED AS CENTERPIECES IN CONNECTION WITH THE DEDICATION DAY CEREMONIES AT THE OPENING OF THE JOB CORPS CONSERVATION CENTER AT GRANTS PASS, OREGON.

THE HOLDING OF DEDICATION CEREMONIES AND THE LAYING OF CORNERSTONES CONNECTED WITH THE CONSTRUCTION OF PUBLIC BUILDINGS AND PUBLIC WORKS HAVE BEEN TRADITIONAL PRACTICES, AND ANY EXPENSES NECESSARILY INCIDENT THERETO HAVE GENERALLY BEEN CHARGED TO THE APPROPRIATION FOR CONSTRUCTION OF THE BUILDING OR WORKS. SINCE APPROPRIATIONS AVAILABLE TO THE OFFICE OF ECONOMIC OPPORTUNITY ARE AVAILABLE FOR THE ACQUISITION AND CONSTRUCTION OF BUILDINGS AND OTHER FACILITIES, IF THE COST OF THE FLOWERS IS ADMINISTRATIVELY DETERMINED TO BE A NECESSARY COST INCIDENTAL TO THE DEDICATION OF THE CENTER, THE VOUCHER, IF OTHERWISE PROPER, MAY BE CERTIFIED FOR PAYMENT.