

Legal Opinion: GMP-0009

Index: 6.600, 6.472
Subject: HUD Representative at CMHC Workshop

October 28, 1991

MEMORANDUM FOR: John M. Geraghty, Senior International Affairs
Program Specialist

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

SUBJECT: Canada Mortgage and Housing Corporation Workshop

The Office of Ethics forwarded your inquiry to my office for resolution. You asked whether the Department may send a representative to a workshop presented by the Canada Mortgage and Housing Corporation (CMHC), which was scheduled for October 24, 1991. It is our understanding that, because of the short lead time, you have determined not to send a Department representative to this workshop. Nevertheless, you would like guidance to resolve similar questions that may arise in the future.

The CMHC is the Canadian agency responsible for providing public mortgage and loan insurance. According to information provided, the CMHC is currently developing policies to address the potential risks of insuring properties that have environmental hazards. In the course of developing this policy, CMHC and Department personnel have discussed the issue. The CMHC has requested the attendance of a HUD representative at an internal workshop to address Department policies and processes for assessing environmental risk during the insurance initiation process. The CMHC has offered to reimburse HUD for the costs of making a representative available to the workshop.

The Department and the CMHC have a history of cooperative efforts. On June 17, 1981, representatives of HUD and the CMHC signed a memorandum of understanding (MOU) that recognized joint interests and created a Joint Steering Committee to identify areas where cooperation could be mutually beneficial to the parties. A provision in the MOU automatically extends its terms until terminated by either of the parties. Neither HUD nor CMHC has, to our knowledge, terminated the agreement. Consequently, the agreement is still in force.

As a result of the MOU, HUD participation in the workshop would be authorized. Under the Department's Standards of Conduct regulation, employees are required to use Department resources only for official purposes. Generally, managers and supervisors have discretion to determine which activities further the Department's mission and could be considered "official." In this case, however, since the focus of the workshop falls within the

scope of the MOU, Department participation would be considered official.

Regarding the offer of reimbursement, the Department may accept reimbursement for travel expenses from foreign governments. To qualify for acceptance, the payment must be in connection with an employee's travel to, and attendance at, a "meeting or similar event" under an official travel authorization. The interim rules define "meetings or similar events" to include seminars, conferences, speaking engagements and similar events that take place away from the employee's official station. Offers of reimbursement, however, may not be solicited by HUD employees. The Secretary and Deputy Secretary are the appropriate acceptance authorities.

I trust that this information is helpful. Please contact me if you have further questions regarding this matter.