



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Commodity Futures Trading Commission's
Installation of Call Forwarding Service

File: B-254666

Date: November 18, 1993

DIGEST

The Commodity Futures Trading Commission may use appropriated funds to pay the costs of installing, maintaining, and removing call forwarding telephone service on the office telephone of a Commission employee temporarily working from her home.

DECISION

The Acting General Counsel, Commodity Futures Trading Commission (Commission) asks whether the Commission may use appropriated funds to pay the costs of installing, maintaining, and removing call forwarding telephone service on an employee's government office telephone. For the reasons stated below, we do not object to the proposed expenditure of appropriated funds.

BACKGROUND

The Commission has authorized _____, an attorney in the International Operations unit of its Division of Enforcement, to work part-time from her home for 6 months in order to care for her newly born child. In connection with that arrangement, the Commission proposes programming _____ office telephone to ring at her home. The Commission would pay the costs of installing, maintaining, and removing the call forwarding service with funds appropriated for its "necessary expenses." See Title VI of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for Fiscal Year 1994, Pub. L. No. 103-111, 107 Stat. 1046, 1077 (1993).

DISCUSSION

Generally, appropriations for "necessary expenses" of an agency may be used for purposes not specifically set forth in the appropriations act, if the expenses in question are for the direct support of the agency's mission. 68 Comp. Gen. 502, 505 (1989). According to the Commission, the call forwarding service would facilitate

communications with Commission staff and persons outside the Commission with whom she conducts official business over the telephone. Therefore, the call forwarding service clearly would enhance ability to carry out her responsibilities while working from her home. Accordingly, the Commission's determination that call forwarding service is "necessary" for agency operations appears reasonable.

We have long held that appropriated funds may not be used for expenditures otherwise justified as "necessary" that are prohibited by a provision of law or legal principle. See 4 Comp. Gen. 1063 (1925). In this regard, 31 U.S.C. § 1348(a)(1) (1988) provides that "appropriations are not available to install telephones in private residences or for tolls or other charges for telephone service from private residences."

On its face, section 1348(a)(1) does not bar the Commission's proposed use of appropriated funds. Section 1348(a)(1) applies to telephones located in actual private residences. See B-236232, Oct. 25, 1990 (approving the installation of a telephone line in a Naval Reserve member's civilian business office) and B-227763, Jan. 5, 1988 (holding that section 1348(a)(1) does not bar the installation of devices designed to facilitate long distance telephone calls in Senators' home state offices). Here, the Commission does not propose to install call forwarding service in residence, but rather in her government office. In addition, section 1348(a)(1) prohibits agencies from using appropriated funds to pay charges for telephone service from private residences. However, the Commission's proposal does not involve charges for calls or other services originating from residence, but rather for forwarding calls from government office to her residence.

Moreover, the Commission's proposed use of appropriated funds does not frustrate the purpose of section 1348(a)(1). Section 1348(a)(1) was enacted to prevent public officials from obtaining personal telephone service at government expense. 61 Comp. Gen. 214, 216 (1982). The Commission's proposal is not designed to improve personal telephone service or facilitate her receipt of private or personal messages. As stated earlier, the proposal is designed to enhance ability to carry out her responsibilities by ensuring that she receives telephone calls related to official business. Since the Commission's

determination that call forwarding service is "necessary" appears reasonable and the expenditure is not barred by 31 U.S.C. § 1348(a)(1), we do not object to the proposed use of appropriated funds.

for *William J. Arrol*
Comptroller General
of the United States