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Comptroller General
of the United States

United States Government Accountability Office
Washington, DC 20548

Decision

Matter of: Department of the Army, Military Surface Deployment and Distribution Command—Use of Appropriations for Bottled Water

File: B-318588

Date: September 29, 2009

DIGEST

Army appropriations are available to pay for bottled water for Military Surface Deployment and Distribution Command personnel working at temporary work sites where potable water is not available. As a general proposition, bottled water is a personal expense for which appropriations are not available. However, where potable water is not available, we will not object to the use of appropriated funds to purchase bottled water if the command determines that given the circumstances, bottled water is the best way to provide its employees access to potable water. The command should make this determination consistent with pertinent Army regulations and policy.

DECISION

A certifying officer of the Department of the Army has requested our decision under 31 U.S.C. § 3529 on whether Army appropriations are available to pay for bottled water for Military Surface Deployment and Distribution Command (command) personnel when they are working at temporary sites in Philadelphia and Savannah. Department of the Army, Military Surface Deployment and Distribution Command, 841st Transportation Battalion, Memorandum for United States Government Accountability Office, Office of General Counsel, *Request for Advance Decision-Use of Appropriations for Bottled Water*, Aug. 7, 2009 (Request Memorandum).¹ As we

¹ Our practice when rendering decisions is to obtain the views of the relevant agency to establish a factual record and the agency's legal position on the subject matter of the request. GAO, *Procedures and Practices for Legal Decisions and Opinions*, GAO-06-1064SP (Washington, D.C.: Sept. 2006), available at www.gao.gov/legal/resources.html. In this case, we obtained the material needed to

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explain below, we conclude that the command may purchase bottled water for use at the sites.

BACKGROUND

The command, based in North Charleston, South Carolina, conducts surface deployment command and control, and distribution operations through terminals and facilities in Charleston, South Carolina; Savannah, Georgia; and the northeast coast of the United States. E-mail from Certifying Officer, Department of the Army, Military Surface Deployment and Distribution Command, 841st Transportation Battalion to Senior Attorney, GAO, *Subject: Re: Request for Advance Decision*, Aug. 27, 2009 (Requester E-mail). The command will be carrying out missions at ports in two cities where it does not have permanent work sites, Philadelphia and Savannah. The missions will move equipment from the United States to areas of operations overseas for units stationed near the two ports. *Id.* The command will be sending approximately 12 people on the missions in total. It estimates that the total cost of bottled water for both missions would be about \$200.00 or less. *Id.*

Potable water is not available at either work site. Request Memorandum. The Philadelphia mission is conducted at a commercial port that does not have a fixed water line. The work is conducted out of a trailer that the command leases. *Id.* The trailer has no water hookup. There is a building on site, but it is owned by a contractor, and is not available for government use. At the Savannah site, the command needs to have a trailer delivered and set up each time it performs a mission there. The command cannot connect to a water line. The nearest building with a sink for government use is approximately 2 miles from the trailer. *Id.*

Because no potable water is available at the two work sites, the command is considering purchasing bottled drinking water for its personnel. The command's certifying officer requests this decision because he is uncertain whether Army's appropriations are available to pay for bottled water under the circumstances presented in this case.

DISCUSSION

Bottled water is ordinarily considered a personal expense of the government employee. B-310502, Feb. 4, 2008; B-303920, Mar. 21, 2006. As a general rule, without specific statutory authority, appropriations are not available for personal expenses. B-302548, Aug. 20, 2004. However, an agency may use appropriated funds to provide a work site with potable drinking water, as well as clean air, sufficient light, and certain facilities such as restrooms. B-310502, Feb. 4, 2008; B-302993, Jun. 25, 2004; B-301152, May 28, 2003. In this regard, we have not objected to agencies using

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have a complete record from the request memorandum and a subsequent e-mail from the requester.

appropriated funds to purchase bottled water upon a showing of necessity, either because the available water posed a health risk if consumed, or because water was not available. B-310502, Feb. 4, 2008; B-247871, Apr. 10, 1992; B-236330, Aug. 14, 1989. For example, in B-236330, Aug. 14, 1989, we held that the Army could reimburse a colonel for the amount of his purchase of bottled water for troops in a remote area of Saudi Arabia because the water sent through regular channels was contaminated. Similarly, in B-247871, Apr. 10, 1992, we decided that the Office of Inspector General for the Agency for International Development (OIG) could use appropriated funds to purchase bottled water because the water available in the building occupied by the OIG contained unhealthy levels of lead. More recently, we did not object to the Army Corps of Engineers using appropriated funds to provide bottled water to its employees working in remote work sites without access to potable water. B-310502, Feb. 4, 2008.

As in the case of the work sites in the Army Corps of Engineers decision, potable water is not available at the Philadelphia and Savannah work sites. In these circumstances, we do not object to the use of appropriated funds to purchase bottled water. The command, of course, should make this determination consistent with pertinent Army regulations and agency policy.

A handwritten signature in black ink, appearing to read 'D. Gordon', with a long horizontal flourish extending to the right.

Daniel I. Gordon
Acting General Counsel

