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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

OFFICE OF GENERAL COUNSEL

IN REPLY REFER TO: B-163764

FEB 25 1977

Mr. Gary L. Everett
Budget & Finance Officer
American Embassy
Belgrade, Yugoslavia

Dear Mr. Everett:

This is in response to your memorandum of January 17, 1977, requesting our views concerning the propriety of the use of funds from the State Department Salaries and Expenses appropriation and the United States Information Agency appropriation to furnish Christmas decorations for official residences and Government offices abroad. Specifically, you ask whether our decision prohibiting such expenditures from an appropriation for necessary expenses of the Bureau of Customs (52 Comp. Gen. 504 (1973)) would apply to expenditures from the appropriations you cite.

We have not had occasion to rule on the precise questions you have raised. This Office determines whether an expenditure may properly be charged to a particular appropriation on a case-by-case basis, taking into account all pertinent facts and circumstances, upon the request of an accountable officer whether a voucher may be certified for payment or at the request of the head of an agency. 31 U.S.C. §§ 74, 82d (1970). We consider the language of the appropriation to be charged and its history, the mission of the agency involved, and the nature of the particular expenditure in question. Your submission did not indicate that you are an accountable officer, did not include a voucher, payment of which is at issue, and did not fall within the statutory authorities which require that we render a formal decision. Moreover, it did not provide sufficient information concerning the circumstances and justification for purchase of Christmas decorations upon which to base a definitive determination. Nonetheless, for information, we provide the following general discussion of our rules relating to your inquiry.

The State Department's current Salaries and Expenses appropriation proposed to be charged with expenditures for Christmas decorations is available for "* * * necessary expenses of the Department of State* * *." Similarly, the 1977 appropriation to the United States Information Agency is for expenses necessary to carry out international information activities. Pub. L. No. 94-362, 90 Stat. 937, 960 (1976). Since the appropriation is not specifically available for Christmas trees and other

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Christmas ornaments, in order for such decorations to qualify as legitimate expenditures, it must be shown that purchase of these items would constitute a "necessary expense" under these appropriations. The term "necessary expenses" has been interpreted to mean current or running expenses of a "miscellaneous character arising out of and directly relating to the agency's work * * *." 38 Comp. Gen. 758 (1959).

As a general rule, we do not regard expenses incurred in connection with the celebration of Christmas essential to Government business so as to qualify as legitimate expenditures of appropriated funds. In 52 Comp. Gen. 504 (enclosed with your letter), we held that funds appropriated for necessary expenses of the Bureau of Customs could not be used to purchase Christmas decorations for Government offices. Similarly, in 37 Comp. Gen. 360 (1957)(copy enclosed), we held that the cost of Christmas cards sent by United States Information Agency (USIA) posts abroad to dignitaries in the countries where the posts were located was not a cost incident to the USIA's mission of dissemination of information about the United States so as to justify the use of appropriated funds. See also 7 Comp. Gen. 481 (1928).

Accordingly, unless it can be shown that, in the cases of the State Department and USIA, the purchase of Christmas trees and decorations for official residences and offices abroad is directly connected with the general purposes for which funds are appropriated to those agencies, we are aware of no basis for not applying the rule of 52 Comp. Gen. 504 to those purchases.

We hope that the above will be of assistance to you. Should the Department desire our formal decision on the issues raised, the questions may be submitted pursuant to the above-cited statutes.

Sincerely yours,

Rollee Lowenstein

Rollee Lowenstein
Assistant General Counsel

Enclosure

APPROPRIATIONS
  Availability
    Christmas trees, ornaments, and decorations
      Not a "necessary expense"

APPROPRIATIONS
  Availability
    Christmas cards