

**DECISION****THE COMPTROLLER GENERAL  
OF THE UNITED STATES**

WASHINGTON, D. C. 20548

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FILE: B-193769

DATE: January 24, 1979

MATTER OF: Lava Rocks Distributed by National Park Service  
at Capulin Mountain National Monument

DIGEST: The purchase and distribution of sample lava rocks to visitors of Capulin Mountain National Monument has been determined by National Park Service to be effective in preserving the Monument by discouraging visitors from removing lava rock elsewhere in the Monument. Expenditure for sample rocks under those circumstances may be considered to be a necessary and proper use of the Department of the Interior's appropriated funds.

The Associate Regional Director, Administration, Department of the Interior, National Park Service, Southwest Region, who is an authorized certifying officer, has requested our opinion, pursuant to 31 U.S.C. 82d (1976), on the propriety of a purchase of 3 1/2 tons of volcanic rocks. These rocks were obtained from a nearby quarry and distributed to park visitors outside the Visitor Center at the Monument. Visitors were invited to take the rocks as souvenirs but, in return, were asked not to disturb any rocks or plants in the Monument.

The appropriation (Public Law 95-74, July 26, 1977, 91 Stat. 289) proposed to be charged with payment for the items in question is available "For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service. . ." In order to qualify the purchase as a proper expenditure from the cited appropriation, it must be demonstrated that the purchase and distribution of these items is a reasonably necessary expense of the Park Service.

According to the Associate Regional Director, other certifying officers have taken the view that the expenditure for the rocks was unauthorized on the ground that the rocks constituted personal gifts to Monument visitors. Support for this contention is found in several decisions rendered by this Office. In 54 Comp. Gen. 976 (1975), we determined that key chains given by the Forest Service to educators were personal gifts. In 57 Comp. Gen. 385 (1978), novelty trash cans given out by the Environmental Protection Agency were also designated as gifts. We believe that these decisions are distinguishable. In both of these decisions, the respective appropriations were not available for these expenditures because there was no direct

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connection between the gifts and the purposes for which the appropriations were made, and these items could not be considered to be essential to the carrying out of these purposes.

The Associate Regional Director maintains that the instant case differs from the "gift" cases in that the distribution of the lava rocks is necessary to carry out the purposes of the appropriation. He states in his submission:

"Having the specimens available at the Visitor Center deters the visitor from removing lava rock from along park roads and trails. Since funding and staffing levels do not permit constant road and trail patrols to prevent removal of park resources, the giving away of lava rock, costing an estimated amount of \$150 per year, provides a resource conservation benefit at a very low cost."


Because of the function performed by the distribution of the rocks, the Associate Regional Director and Monument officials desire to continue distributing them. They urge that the distribution of the lava rocks has a direct connection with, and is essential to, the carrying out of the purpose of the applicable appropriation act which permits the expenditure of funds to maintain the Monument. This activity, Monument officials say, "fully support[s]" 16 U.S.C. § 1 (1976), the legislation which established the National Park Service. This statute provides in part:

"The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations\* \* \* by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

In view of these determinations, we agree that the purchase of the lava rocks is an authorized expenditure. One of the purposes for which the appropriation is available is to conserve natural objects in the Monument, and Park Service officials have made a reasonable finding that this purpose can be accomplished by providing samples of rocks to visitors to deter them from taking rocks from the Monument. Thus, the distribution of rocks by the National Park Service constitutes a means "to protect the park's fragile and exhaustible resources." See, in this connection, 50 Comp. Gen. 534 (1971), in which we

held that it was proper for the United States Forest Service to use an appropriation entitled "Forest Protection and Utilization", to pay for litter bags to be distributed to visitors of the Superior National Forest in Duluth, Minnesota. We stated that "the litter bags would appear to be reasonably necessary or incident" to the appropriation act in question, which made funds available for management of lands under Forest Service administration.

We conclude that the distribution of sample rocks is reasonably necessary or incident to the purpose of the appropriation for management, operation, and maintenance of the Monument. Accordingly, funds from that appropriation may be expended for purchase of the rocks.

  
Deputy Comptroller General  
of the United States