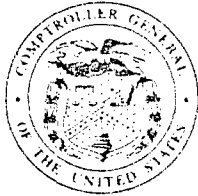


110069 BSM

DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

10,957

FILE: ~~\_\_\_\_\_~~ B-194321 *Addressee* DATE: August 7, 1979

MATTER OF: ~~\_\_\_\_\_~~ Reimbursement of the Government of American Samoa for ~~monies it paid for office supplies and telephone services for the United States Government~~ Comptroller ~~for American Samoa~~

DIGEST:

1. A Department of the Interior (DOI) certifying officer, may certify a voucher signed by the United States Government Comptroller for American Samoa to reimburse the Government of American Samoa for payment for office supplies and telephone services purchased for the United States Government Comptroller's Office, in view of the Government Comptroller's acknowledgement that the supplies and services were received.

*However*  
2. Federal Administrative funds may not be advanced to the Government of American Samoa in anticipation of future purchases of supplies and services to be made by American Samoa on behalf of the United States Government Comptroller, in the absence of specific legislative authority. The Economy Act, 31 U.S.C. § 686 (1976) which authorizes advance payments, applies only to transactions between Federal Government departments or establishments.

A certifying officer of the Department of the Interior (DOI) has requested an opinion on the propriety of certifying for payment a voucher for reimbursement of the Government of American Samoa (American Samoa) for \$4,312.12. The payments were made by American Samoa for supplies and services procured by it, for the use of the United States Government Comptroller for American Samoa. The certifying officer is concerned because "initial examination of claims and subsequent disbursement were performed by local government employees from local revenues." He questions whether he may rely on the adequacy of the examination of claims performed by the local government.

Assuming we find that the voucher may be certified for payment, the certifying officer also asks whether Federal administrative funds may be advanced to American Samoa in anticipation of future purchases, under an arrangement similar to advances between Federal agencies under the Economy Act, 31 U.S.C. § 686 (1976).

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[REQUEST for REIMBURSEMENT  
FOR SUPPLIES]

According to DOI, the Government Comptroller asked American Samoa to procure and purchase office supplies, and services such as furniture, automobile rentals, and telephone service for his office. American Samoa then procured these items from private sources or, as was the case with the telephone services, provided them itself and paid for them with its own monies. After the supplies and services were provided, a voucher was prepared, presumably by the Government Comptroller's office, identifying generally the purchases made and the supplies and services received.

The portion of the voucher which constitutes a certification by an authorized administrative or certifying officer that "the above articles were received and accepted or the services performed as stated and should be charged to the appropriation(s) and/or fund(s) as indicated below..." was signed by the Government Comptroller, Mr. S. D. Jones, Jr. Mr. Jones is apparently not an authorized certifying officer.

The vouchers and associated invoices were then sent to DOI in Washington, D.C., for certification by an authorized certifying officer. Upon certification, if we agree that it is proper, American Samoa will be reimbursed from monies appropriated to DOI's Office of Territorial Affairs, for, among other things, administrative expenses of the United States Government Comptroller for American Samoa. Pub. L. No. 95-465, 92 Stat. 1288-89 (1978). It is the certifying officer in the Office of the Secretary of the Interior to whom the voucher was presented who has submitted this matter for advance decision.

With respect to the first question, we conclude, in this instance, that the DOI certifying officer may properly certify the questioned voucher if it is otherwise proper.

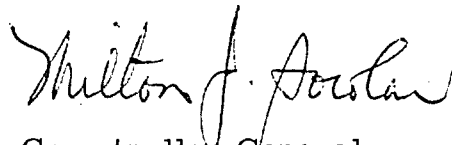
Organic legislation has never been enacted by Congress for American Samoa, as it has been for other United States territories. Since 1929 responsibility for the administration of the islands has resided with the President or the President's appointee. 48 U.S.C. § 1661(c) (1976). In 1951 that responsibility was conferred upon the Secretary of the Interior who is empowered to "take such action as [ might] be necessary and appropriate... for the administration of civil government in American Samoa." Exec. Order No. 10264, 16 Fed. Reg. 6419 (1951), 48 U.S.C. § 1662 note (1976). Pursuant to Secretary [ of the Interior] Order No. 3009 (42 Fed. Reg. 48398-99, Sept. 23, 1977), the position of United States Government Comptroller for American Samoa was established in the Office of the Secretary of the Interior. The Government Comptroller is a Federal employee, whose office is funded, as noted above, with appropriations to DOI.

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The fact that the goods or services were initially procured and paid for by American Samoa is not an impediment to certification. American Samoa is here in the posture of a contractor providing services and supplies to the United States. The DOI certifying officer is not to rely on the administrative actions of American Samoa, but he may certify the voucher if, as is the case here, a responsible United States official--the Government Comptroller--has verified the receipt of the goods or services.

Had the Government Comptroller (or his representative) not acknowledged receipt of the supplies and services, certification would not be consistent with the responsibilities of certifying officers described in 31 U.S.C. §§ 82c and 82f. However, the Government Comptroller's statements attesting that the goods were received and the services performed may be relied upon as a basis for certification of the voucher.

Although we have no objection to the method used to procure the supplies and services under the circumstances described, we know of no authority for DOI to advance Federal administrative funds to American Samoa under an arrangement similar to advances between Federal agencies under the Economy Act, for future purchases of office supplies and services for the Government Comptroller's Office. Since advance payments are prohibited unless authorized by statute, (31 U.S.C. § 529 (1976)), the arrangement proposed by the certifying officer is not authorized. American Samoa is not covered by the Economy Act, that Act being limited to "[ a]ny executive department or independent establishment of the Government, or any bureau or office thereof..." 31 U.S.C. § 686 (1976).



For The Comptroller General  
of the United States