

DECISION

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

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FILE: B-208697

DATE: September 28, 1983

MATTER OF: GSA--Working Capital Fund

DIGEST:

1. GSA Working Capital Fund is not available for purposes not specified by statute. 40 U.S.C. § 293 (1976) established Working Capital Fund for central blueprinting, photostating, and duplicating services. Fund is therefore not available for payment of central library, travel ticketing office, or other unauthorized activities.
2. Subparagraph (a) of Antideficiency Act, 31 U.S.C. § 1341 (formerly 31 U.S.C. § 665(a)), is not violated by Working Capital Fund expenditures for unauthorized purposes so long as benefiting appropriations are available to reimburse Fund. Comp. Gen. decisions cited.

This decision is in response to a request from the Inspector General for the General Services Administration (GSA). The Inspector General asks whether GSA may properly expend monies from the Working Capital Fund established by 40 U.S.C. § 293 (1976), for purposes not specifically authorized, where GSA has informed Congress in its budget justification of its intentions. Also, the Inspector General asks whether these expenditures violate the Antideficiency Act, 31 U.S.C. § 1341 (formerly 31 U.S.C. § 665(a)). For the reasons indicated below, we conclude that the Working Capital Fund is not available to pay for the costs associated with items not specifically authorized. However, we conclude that so long as unauthorized expenditures from the Working Capital Fund were fully reimbursed from available appropriations which benefited from the centralized services provided, the Antideficiency Act has not been violated.

Upon receipt of the Inspector General's inquiry, we requested the views of GSA. In his letter to us on this matter, GSA's Assistant Administrator, Office of Plans, Programs, and Financial Management, conceded that use of the Working Capital Fund as a funding mechanism for GSA's mail room, library, and travel services "was not clearly specified" in 40 U.S.C. § 293. GSA points out, as recognized in the Inspector General's first question, that GSA's intended use of the Fund for these purposes was set out in its budget submissions for fiscal years 1980 and 1981. It also states that a single, direct appropriation for these functions (the method used to finance

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them prior to fiscal year 1980) was established in fiscal year 1982, apparently in response to the Inspector General's report on this issue. Finally, GSA states that full reimbursement of the Working Capital Fund by benefiting appropriations within GSA was made for the questioned services.

On the question of whether unauthorized but fully reimbursed expenditures from the Working Capital Fund violated the Antideficiency Act, supra, GSA takes the position that no violation occurred. GSA's letter states as follows on this point:

"While the Working Capital Fund was not the proper funding or housing mechanism through which to pay for the questioned items because of the limited purposes for which this fund is available, funds were available for these items within GSA's operating expenses accounts in 1980 and 1981, and consequently no Antideficiency Act violations have occurred. While the individual budgets of the users' accounts for these years did not specifically identify funds to be available for the services of the centralized mail room, library, and travel office, Congress was informed in the budget process that these services, which previously were funded by one appropriation account, would now be funded from each of the users' accounts on a centralized basis through the Working Capital Fund for 1980 and 1981. In addition, the use of those funds for purposes clearly necessary and proper to the carrying out of the users' missions, notwithstanding that the budgets of the users' accounts for those years did not specifically identify funds to be available for services of the centralized mail room, library, and travel office, is fully supportable under the reprogramming concept discussed in detail in 55 Comp. Gen. 307."

We agree with GSA's position on both issues. Section 293 of Title 40, United States Code (1976), established a Working Capital Fund at GSA. The enabling legislation authorized expenditures from the fund for the following purposes:

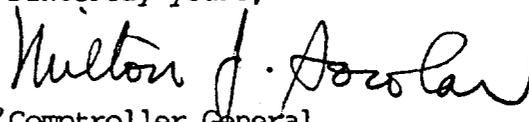
"[T]he payment of salaries and other expenses necessary to the operation of a central blue printing, photostating, and duplicating service."

In fiscal years 1980 and 1981, the Working Capital Fund was utilized to defray the expenses associated with GSA's central library, travel ticketing office and several other activities not specified in the statute which authorizes the operation of the Working Fund.

Although the working capital fund was not available for the purposes at issue, it is clear that agency appropriations were in fact otherwise available. Question has not been raised, and there is none, as to whether GSA appropriately pursued the central library, travel ticketing office, and other activity purposes involved.

Given the fact that sufficient funds, apart from the working capital fund were available and remain so for making the appropriate adjustment and recognizing, particularly, that the Congress was advised that the working capital fund was to finance the expenses involved (albeit without underlying authority), no further action beyond making the required adjustment is necessary.

Sincerely yours,

for 
Comptroller General
of the United States