



Comptroller General
of the United States
Washington, D.C. 20548

B-227763

January 5, 1988

The Honorable Wendell H. Ford
Chairman, Committee on Rules
and Administration
United States Senate

Dear Mr. Chairman:

This is in response to your letter of December 9, 1987, requesting our opinion on whether 31 U.S.C. § 1348 precludes the installation of telephone "extenders" in Senators' home State offices. The extender is a device which is installed as part of the telephone equipment in an office which permits a caller from outside the office to access long distance networks to which the extender is linked by entry of a security code. We understand that the Senate currently uses extenders to access the WATS network and is seeking to expand their use to include the Federal Telecommunications System (FTS).

The submission indicates that concern over the legality of paying for installation and use of extenders arose following consultation between members of your Committee staff and officials of the General Services Administration when the GSA officials indicated that the installation of extenders is prohibited by 31 U.S.C. § 1348. Additionally, we understand that GSA is, as a matter of policy, opposed to the installation of extenders because they increase the opportunities to use the FTS for private telephone calls. As will be explained in more detail below, it is our opinion that installation and use of the telephone extenders in Senators' home state offices is not precluded by 31 U.S.C. § 1348.

Under 31 U.S.C. § 1348 (a) (1) ". . . appropriations are not available to install telephones in private residences "It is clear, however, that the extenders are to be installed in Senators' offices, and not in private residences. Accordingly, this prohibition does not apply.

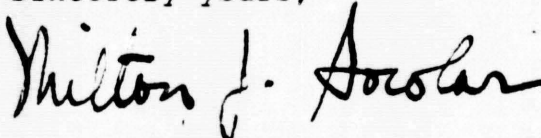
There is more of a basis for concern on the part of GSA based on the fact that access to WATS or FTS from private residences permits a charge to the government for long distance or other calls. However, 31 U.S.C. § 1348, which also prohibits the use of appropriated funds "for tolls or

other charges from private residences," has never been construed to preclude the government's paying for tolls or other charges for calls originating from private residences when tolls or charges have been incurred for official purposes. It is the underlying policy of the statute--that the government should not be charged the cost of personal messages of its employees--rather than the literal language of the statute which is controlling in determining whether an expenditure is authorized in a given situation.^{1/}

Further, we have been advised that billings for long distance calls placed by a caller using an extender located in a Senator's home State office will be subject to the same audit verification (that is, that the calls are for official business) as are long distance calls placed directly from the Senator's home state office. In such a situation it does not appear that the potential for abuse will be appreciably increased, if it is increased at all, by use of the extenders.

In our letter to you of September 17, 1987, B-227763, we did not question the proposed expenditure of appropriated funds pursuant to 2 U.S.C. §§ 58(a), 58a and 68-2 for installation and maintenance of cellular phones in Members' automobiles in view of the broad authority conferred by these provisions of law. In view of that broad authority, and since 31 U.S.C. § 1348 is not a bar, we would not question a determination to install extenders in Senators' home state offices in accordance with these provisions of law.

Sincerely yours,

for 
Comptroller General
of the United States

^{1/} See, e.g., Installation of Government Telephones in the Residences of Nuclear Regulatory Commission Officials, B-2223837, January 23, 1987; Internal Revenue Service Installation of Telephone Equipment in Employees Residences, B-218990.2, September 8, 1986, 65 Comp. Gen. _____; and, 61 Comp. Gen. 214 (1982).