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acts" and in lieu thereof the insertion of the words "acquisition of new facilities or expansion, extension or ad. Approved For Release 2007/10/23 : CIA-RDP92-00455R000200100002-0

In explaining this change of language the Committee stated at page 6 of Senate Report No. 633, 87th Congress, that:

*** The House further enacted, in section 538, a limitation on the amount that may be spent from operation and maintenance funds of \$25,000 per project on all repair and alteration. The Senate committee is sympathetic to the purposes of the action taken, but, in the light of the projected increases in the strength and readiness of our military forces reflected in the July 28 amendments, believes it would be impractical at this time to adopt the limitation proposed by the House, but has proposed a substitute amendment under "General provisions, section 637."

and at page 45 thereof it also stated:

The committee is disturbed with the lack of control over the expenditure of maintenance and operation funds used for the repair, alteration, modification, etc., of facilities. Testimony revealed that this laxly permitted expenditures for various projects which the committee feels were abuses of the flexibility which the Congress has provided to enable the Department to efficiently manage operations.

It appears that the new directives issued by the Department of Defense on January 13, 1961, and June 30, 1961, covering the construction and maintenance and repair of facilities should, if strictly enforced, correct the conditions noted in the past. The committee will look to the Department for such strict enforcement.

Conference action on the bill resulted in having the word "alterations" restored in section 637 and at page 8 of the Conference Report, House Report No. 873, it is stated that:

The Committee of Conference is in agreement that the word "alteration" as proposed in this section is not synonymous with repair.

In view of this legislative history of section 637 including the intent expressed by both Committees that the departmental directive be strictly enforced, we believe there can be no question but that the Congress intended that work of this nature and costing in excess of \$25,000 should be specifically authorized in a military construction authorization act and funded from appropriations made pursuant to such authorization.

Furthermore, in view of the scope of the conversion work, we believe there can be no question but that it would constitute an "alteration of structures and property" as that term was used in earlier annual appropriation acts for the Department of Defense and which properly might have been paid from appropriations for operation and maintenance if the cost of such work did not exceed \$200,000. As pointed out above, the use of operation and maintenance funds for such purposes presently is limited by 10 U.S.C. 2674 to projects costing less than \$25,000.

Consequently, even though the conversion work was to be considered as not being covered by the term "alterations" as defined in DOD directive or even if section 637 had not been enacted, it is our view that

the cost of such work.

It is suggested by your Department that such work is susceptible to competitive bidding and that it goes beyond the requirements of the usual utility procurement and connection line procedures. If this proposal were to be considered proper there would appear almost no limit to which this concept could be carried. Thus, if the entire coal-burning facilities were worn out and needed replacement, it could be argued that the entire replacement could be made by the coal contractor and the cost thereof reflected in the price of the coal. Such procedure would be an evasion of section 637, quoted above, as well as the competitive bidding requirements, and clearly would not be proper.

Accordingly, both questions A and B are answered in the negative. If statutory authorization and appropriations for the conversion of the heating facilities are requested from the Congress, we suggest that the full cost of the pipeline and metering station and method of financing be disclosed to the Congress.

[B-131611]

Printing and Binding—Calling Cards

Business-type calling cards for the use of officers and employees in the performance of their official duties are considered items of a personal nature and, in view of the provisions of section 94 of the act of January 12, 1905, 44 U.S.C. 219, which limit printing to that necessary to the public business, the cost of calling cards may not be charged to appropriated moneys in the absence of specific statutory authorization.

To the Secretary of Agriculture, February 7, 1962:

We have a letter dated January 11, 1962, from Mr. John P. Duncan, Jr., Assistant Secretary of Agriculture, enclosing a letter dated September 26, 1961, from Russell J. Hudson, Agricultural Officer, Foreign Agricultural Service, Hamburg, Germany. Mr. Hudson's letter again raises the question of reimbursement for business cards used by agricultural attaches in the performance of official duties at overseas posts. A sample card is enclosed and the letter of January 11, 1962, points out that this card is distinctly different from cards he has printed for his personal use and paid for from personal funds.

The letter of January 11, 1962, states that the Department is aware of our decision B-131611, dated May 24, 1957, and the several other decisions referred to therein, which states that accounting entries of the Government have long held that the cost of official calling cards constitutes a personal rather than an official expense of the employee

or officer for whose use they are procured and that such costs are chargeable to public funds in the absence of specific authority therefor. Approved For Release 2007/10/23 : CIA-RDP92-00455R000200100002-0 the Joint Committee on Printing, July 1, 1961, provides under paragraph 18 as follows:

Printing or engraving of calling or greeting cards is considered to be personal rather than official and shall not be done at Government expense.

While under 5 U.S.C. 170g, the Department of State, when funds are appropriated therefor, may provide for printing outside the continental United States without regard to 44 U.S.C. 111 (requiring printing to be done at the Government Printing Office) its regulations provide that the cost of calling cards is not chargeable to the Government. See 2 FAM 353.1 h.

The argument for the consideration of expenses for the business-type calling cards as official expenses was fully discussed in the earlier cases including the decision to your department, B-131611, dated May 24, 1957. In that case we advised that neither the appropriation "Foreign Agricultural Service" nor any other provisions of law could be found authorizing the printing of calling cards. Nothing has been presented in the arguments contained in the letter of January 11, 1962, which had not been considered in the prior decisions by the accounting officers, nor has there been added since 1957 any statutory authorization for the printing of calling cards.

Our decision of May 24, 1957, and prior decisions of the accounting officers of the Government set forth the well-established rule with respect to the nonavailability of appropriated funds for the payment of calling cards. The rule is one required because of the limitations expressed in law concerning printing operations of the Federal Government and the personal nature of the card itself. The payment for items for the personal use of employees of the United States has never been considered proper as a charge against appropriated moneys unless expressly authorized by law.

In view of the above we must advise that the expense of the business-type calling cards legally may not be paid from appropriated funds. If this matter is of sufficient importance to your department it is suggested that steps be taken to obtain authorization for expenses of this nature by appropriate legislation.

[B-147888]

Officers and Employees—Health Services—Examinations

Annual physical examinations for employees of the Saint Lawrence Seaway Corporation, who are engaged in operating heavy equipment to determine their fitness for their occupations, to lessen the consequences of accidents due to undisclosed physical weaknesses which could be expensive to the Corporation in costs of compensation and property loss or damage, and might result in injury or loss of life to employees, are examinations primarily for the benefit of the Government rather than the employee and, therefore, items of the Corporation may be used for the payment of such physical examinations provided that an administrative determination of necessity is made.

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Further this letter points out that the Foreign Agricultural Service is engaged in an intensified program of market development to maintain and expand foreign markets for American farm products. This promotion activity requires agricultural officers to have daily contact with numerous key officials of foreign governments, business organizations, agricultural trade groups, and private institutions. It is pointed out that it is a well-established practice to exchange business cards in many of the foreign countries and that the card expressed in the foreign language assists the foreigner in identification of the agricultural representative with whom he may be doing business. It further is asserted that initial contacts are unnecessarily marred if the foreign customers are required to solicit information that the business card should provide.

Request is made that our Office consider the question of official "business" cards constituting official expense rather than a personal expense on the basis that it is essential to the conduct of business abroad and is not an expense normally required to be paid from personal funds.

As pointed out in the letter of January 11, 1962, the same matter concerning the cost of calling cards was presented to this Office by Mr. Thomas E. Morrow, Authorized Certifying Officer, Foreign Agricultural Service, Department of Agriculture. The arguments and reasons presented at that time for the consideration of such expenses as official rather than personal were similar to those currently presented. By decision B-131611, dated May 24, 1957, Mr. Morrow was advised of the longstanding rule of the accounting officers that such costs are personal rather than official and are not chargeable to public funds in the absence of specific authority by statute. A number of cases were cited as authority for this rule. The discussions and reasons set forth in the letter of January 11, 1962, in support of, and as a basis for, a determination that the costs of business calling cards should be considered an official expense are not novel or unique. We call to your attention the strong arguments in opposition to the early rulings which were considered by the Comptroller of the Treasury in 20 Comp. Dec. 248.

The preparation of calling cards involves a printing operation and as such falls within the laws and regulations governing printing by the executive departments and agencies. The provisions in 44 U. S. C. 219 permit only printing which is authorized by law and necessary to the public business. Government Printing and Binding

352.9 Calls in the United States**352.9-1 During Temporary Visit to Washington**

Foreign Service personnel who are in Washington en route to another destination may call at the mission of the foreign country to which assigned. It is permissible for callers to pencil on their cards their temporary Washington address and planned date of departure.

352.9-2 While on Assignment in the United States

Officers of the Foreign Service assigned in the United States should follow the practice observed in their office of assignment with respect to official and social calls.

353 Calling Cards**353.1 General Policy**

a. Calling cards should ordinarily measure 2 1/2 by 3 1/2 inches; however, one should be guided by the prevailing custom at each post.

b. Calling cards should be engraved rather than printed. Although script is the recommended type, block letters may be used, particularly in countries which do not use the Latin alphabet.

c. Multiple-line cards may be used. They may often be desirable when the officer's name, diplomatic title, and the name of a special mission appear on the card.

*d. The full name is usually used on calling cards. Established practice in the Foreign Service precludes the use of initials except when an officer has special reasons for their use. Women may use their maiden name as a middle name on their cards.

e. Women may use the prefix "Mrs." or "Miss," as appropriate, or "Ms." in lieu of either, if desired, before their full name on calling cards; or they may omit any prefix if not contrary to the custom of the host country.

f. Generally, only officially approved diplomatic and consular titles are used. However, functional titles (for example, military liaison officer, employee relations officer) and organizational titles (for example, chief of political section, chief of personnel unit) may be established by the post and used (see 3 FAM 611.5). *

g. Officers assigned to more than one diplomatic, consular, or special post may include the name of their post of residence in the lower right corner of the card, if they wish to do so. In the same way, officers may include the name of their post of residence on cards for use when they are away from the post.

h. Additional cards may be printed or engraved in the language of the host country. *Such information as name, functional title, office address, and phone number may be included.*

i. Calling cards are not furnished by the Department, nor is their cost chargeable to the Government.

* 353.2 Official Calling Cards of
Chiefs of Mission

(3)

353.2-1 Cards of Chiefs of
Diplomatic Missions

Illustrated below are examples of cards to be used by chiefs of diplomatic missions. (When applicable, "Minister," "Chargé d' Affaires," or "Chargé d' Affaires ad interim" should be substituted for "Ambassador.")

(1)

Mrs Elizabeth Brock Green
Chargé d' Affaires of the United States of America

The Ambassador of the United States of America

(2)

Frederick Warren Lane
Ambassador of the United States of America

330

330 PROHIBITIONS

Representation allowances shall not be used for the following or similar purposes:

- a. Hire, purchase, operation, or repair of any motor-propelled, passenger-carrying vehicle, including aircraft. (31 U.S.C. 638a and b.)
- b. Membership fees or dues in any society, club, or association. (5 U.S.C. 5916).
- c. Expenses of printing or engraving. (44 U.S.C. 1102).
Exception: Expenses of printing or engraving invitations to official functions may be charged to representation funds where such expenses are incurred in conformity with Government Printing and Binding Regulations or where printing or engraving is done abroad pursuant to agency authority for such printing. (e.g. Department of State authority under 22 U.S.C. 2669(a) and sec. 103 of P.L. 96-68, which makes the FY 1980 representation appropriation available for expenses authorized by 22 U.S.C. 2669(a)).
- d. Printing of Christmas cards, or other types of greeting cards. (Decisions of Comptroller General B-115132, June 17, 1953; B-122515, February 23, 1955; B-133991, November 25, 1957; B-142538, February 8, 1961; B-151167 and B-156724, November 29, 1967).
- e. Compensation for cost of living, quarters expenses, or for assignment under difficult environmental conditions; including expenses of recreation and entertainment solely for employees of the United States Government and their families. (5 U.S.C. 5536).

310 PAYMENT* 341 Vouchers

Representation allowances may be paid upon presentation of appropriate vouchers, for allowable expenditures (Sec. 320). Before certifying a voucher for payment, the authorized certifying officer shall determine that no prohibited items are included therein (sec. 330) and that the voucher contains an explanation of the expenditures by employees and adult family members acting with or on their behalf as listed below:

- a. Vouchers for Entertainment
 - (1) type, purpose, and location of function; and
 - (2) names and titles of American and foreign guests of honor.
- b. Vouchers for Representation other than Entertainment
 - (1) occasion;
 - (2) name and title of recipient, or recipients; and
 - (3) reason for expenditure.

342 Receipts

A supporting receipt shall normally be supplied for each expenditure of over \$10 upon any single occasion. Where it is impracticable to obtain receipts the employee's certificate as to the expenditure will be sufficient.

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STANDARDIZED REGULATIONS
(Government Civilians, Foreign Areas)

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