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Agency for International Development-- Purchase of Business Suits For Agency Chauffeurs

Number: B-251189

Date: 1993-04-08

Matter of: Agency for International Development-- Purchase of Business Suits For Agency Chauffeurs File: B-251189 Date: April 8, 1993

APPROPRIATIONS/FINANCIAL MANAGEMENT Appropriation Availability Purpose availability Specific purpose restrictions Personal expenses/furnishings The Agency for International Development may not use appropriated funds to purchase business suits for its chauffeurs because business suits do not qualify as "uniforms" under section 636(a)(12) of the Foreign Assistance Act of 1961 and because government employees are personally responsible for reporting to duty properly attired.

DECISION A certifying officer for the Agency for International Development (AID) asks whether the agency is authorized to purchase business suits for agency chauffeurs. For the reasons indicated below, we conclude that AID has no such authority.

BACKGROUND

The certifying officer indicates that AID has purchased business suits for its Washington, D.C. area chauffeurs to assure their professional appearance. The agency justifies the expenditure under section 636(a)(12) of the Foreign Assistance Act of 1961, 22 U.S.C. Sec. 2396(a)(12), which provides that appropriations shall be available for the "purchase of uniforms." The certifying officer contends that a business suit is not a uniform as defined by section 636, and therefore, cannot be purchased with appropriated funds. He states that "[s]uggestions to attach an emblem or insignia to each suit to qualify the suits as uniforms have been rejected."

ANALYSIS

As a general rule, "every employee of the government is required to present himself [or herself] for duty properly attired according to the requirements of his [or her] position." B-123223, June 22, 1955, quoted in 63 Comp.Gen. 245, 246 (1984). Appropriations are generally not available to pay for personal clothing "reasonably required as part of the usual and necessary equipment for the [employee's] work." 35 Comp.Gen. 361 (1955), quoted in 64 Comp.Gen. 6, 7 (1984). As far back as 1922, we held that appropriations were not available to purchase a chauffeur's suit, overcoat, and gloves as those "are articles of personal equipment or furnishings which, in the absence of specific authority of law . . . cannot be furnished at the expense of the United States" (citations omitted). 2 Comp.Gen. 258.

In the present case, AID officials have justified the expenditure on the specific statutory authority of section 636(a)(12) of the Foreign Assistance Act of 1961, 22 U.S.C. Sec. 2396(a)(12). That statute provides that appropriations made for the purposes of carrying out the Act are available for "purchase of uniforms." The question to be decided is whether business suits can be considered within the scope of the definition of "uniforms." The legislative history of the Foreign Assistance Act of 1961 does not clarify what Congress meant by "uniforms". See S. Rep. No. 612, 87th Cong., 1st Sess., reprinted in 1961 U.S. Code Cong. & Admin. News 2472, 2516-2517, and H.R. Conf. Rep. No. 1088, reprinted in 1961 U.S. Code Cong. & Admin. News 2526, 2552. Since Congress did not define the word "uniforms" in the legislation, we presume that Congress intended the common meaning of the term "uniform" to apply. See Sutherland Stat. Const. Sec. 47.28 (5th ed.).[1]

Webster's Ninth New Collegiate Dictionary (1988) defines a "uniform" as "dress of a distinctive design or fashion worn by members of a particular group and serving as a means of identification" and broadly regarded as "distinctive or characteristic clothing." We do not consider business suits to qualify as "uniforms" under that definition or as that term is used in everyday parlance. Business suits are not usually worn to be "distinctive" or to set a group apart, but rather are worn as part of customary business attire.

For the above reasons, any voucher(s) for purchase of business suits may not be certified for payment.

1. Similar statutes authorizing purchase of uniforms also do not provide a definition. See 22 U.S.C. Sec. 1474(14) and Sec. 2669(e). General authority for employee uniform allowances is governed by 5 U.S.C. Secs. 5901-3, which is an authorization for appropriations. Again, however, "uniform" is not defined.