**Comptroller General**
**of the United States**

**Washington, D.C. 20548**

# Decision

**Matter of**: Centers for Disease Control and Prevention—Use of Appropriated Funds to Install Telephone Lines in Private Residence

**File:** B-262013

**Date:** April 8, 1996

## DIGEST

The Centers for Disease Control and Prevention (CDC), Department of Health and Human Services, may not use appropriated funds to install telephone lines in the private residence of its Director. 31 U.S.C. § 1348(a)(1).

## DECISION

This responds to a letter, dated July 11, 1995, from the Director, Financial Management Office, Centers for Disease Control and Prevention (CDC), Department of Health and Human Services, regarding CDC's authority to use appropriated funds to install telephone lines between the personal residence of the Centers' Director and CDC offices. More specifically, CDC requests an advance decision under 31 U.S.C. § 3529 on whether its appropriated funds are available to install three telephone lines into the Director's residence, "one regular 'talking' line, one dedicated line for remote access to his computer, and one dedicated fax line." CDC contends, generally, that because of the emergency nature of the Director's "around the clock" telephone correspondence, an exception should be made to the statutory prohibition governing such use of appropriated funds. As explained below, however, CDC has not demonstrated that the telephones are essential to CDC operations, or that adequate safeguards would be in place. Therefore, we conclude that CDC's appropriated funds are not available to install telephone lines between the personal residence of its Director and CDC.

The issue raised by CDC focuses on the general statutory prohibition against the use of appropriated funds to finance the installation of telephones in private residences. Codified at 31 U.S.C. § 1348(a)(1), the prohibition states that

"appropriations are not available to install telephones in private residences." The statutory language in section 1348 is "plain and comprehensive." 11 Comp. Gen. 87, 88 (1931). The prohibition applies even though the telephones are to be extensively used in the transaction of public business and even though "from an official standpoint the telephones were desirable or necessary," and regardless of the burden imposed on the family's use of the employee's personal telephone. 59 Comp. Gen. 723, 724 (1980).

CDC notes, correctly, that in limited circumstances, we have found exceptions to this prohibition where the agency demonstrates the installation of a telephone line in an employee's residence (these exceptions have typically been granted in the military or national security area)[1] is essential to the effective operation of the government. In those instances, we have insisted on adequate safeguards to prevent misuse of the telephones. In 1987, for example, we approved the installation of government telephones in the residences of certain high Nuclear Regulatory Commission (NRC) officials for use in responding to nuclear accidents. B-223837, Jan. 23, 1987. NRC presented convincing evidence to establish the essential nature of the telephones and noted that the telephones were capable of dialing only internal NRC telephone numbers. In other instances, agencies have proposed logging and recording telephone conversations in order to aid audit of usage. 61 Comp. Gen. 214 (1982); 32 Comp. Gen. 431 (1953); B-128144, June 29, 1956.

CDC argues that the three telephone lines it proposes for its Director's private residence are essential. CDC states that it "is on alert around the clock to respond to health emergencies nationally and around the world." As examples of epidemic situations requiring immediate response, CDC points to "[t]he recent Ebola outbreak in Zaire and last year's Hantavirus outbreak in the Southwest United States." Furthermore, CDC contends that the Director must be able to access all available information concerning such outbreaks of disease, "research, and staff availability at a moment's notice. This often requires the simultaneous use of the CDC mainframe files and incoming faxes while conversing telephonically with top level U.S. and world health officials."

We do not question the need for the Director's involvement in crafting CDC's response to emerging or urgent health crises, nor do we question his need for access to appropriate information in that regard. This is not enough to overcome the statutory bar. CDC has not explained the nature of its role in response to such problems and the consequences for public health and safety if it were to fail to

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[1]In 1984, the Secretary of Defense was statutorily authorized to install telephones into private residences "if necessary for national defense purposes." 31 U.S.C. § 1348(d).

respond immediately upon learning of the problems. In this regard, the only statutory authority directly touching on CDC's responding to national and international health emergencies that we have located is 42 U.S.C. § 247d(a). This statutory provision authorizes the Secretary of HHS to consult with CDC in determining the existence of a public health emergency. In the event of such an emergency, the Secretary may choose to have CDC take appropriate action, "including making grants and entering into contracts and conducting and supporting investigations into the cause, treatment, or prevention of" the emergency. 42 U.S.C. § 247d(a). We are not convinced that the installation of telephone lines in the Director's residence is essential, as our decisions have developed that concept, to CDC's carrying out these statutory responsibilities. (NRC, in establishing its need for communications capability with particular NRC officials, provided compelling evidence of the calamitous consequences for the public that could result if it were to fail to respond quickly to manage and control nuclear accidents.) The statute is plain on its face and although in today's era of instant communications the statute may appear outdated, we may not rewrite the statute to fit a fashionable view of what the norm should be. Certainly if the statute is to retain any meaning, we may not, under the guise of being essential, routinely grant exceptions of convenience, however beneficial the result may appear.

For these reasons, we conclude that CDC is prohibited under 31 U.S.C. § 1348(a)(1) from using its appropriated funds to install telephone lines in the personal residence of its Director.

/s/Robert P. Murphy
for Comptroller General
of the United States

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