GAO

United States
General Accounting Office
Washington, D.C. 20548

Office of the General Counsel

B-280759

November 5, 1998

Mr. Jerome J. Markiewicz
Chief, Fiscal Management Division
and Administrative Support
1206 Stanley Rd.
Ft. Sam Houston, TX 78234-5037

Dear Mr Markiewicz:

In your letter of August 5, 1998, you asked for informal advice concerning the use of Operation and Maintenance, Army, funds (O&M) to purchase business cards. Your need for advice stems from a request for business cards for civilian personnel specialists of the Civilian Personnel Advisory Center (CPAC or Center). CPAC is the Fort Sam Houston representative of the Department of the Army centralized Civilian Personnel Operating Center serving the southwestern United States. The primary responsibility of CPAC is to act as a liaison between Army employing units and their employees, to provide advice and assistance to employers and employees, and to forward personnel actions and related documents to the Army's centralized center. The civilian personnel specialists will use the business cards to provide the Center's customer an accurate reference to the specialist providing assistance and a precise electronic address for contacting the specialist--"a critical element in electronic correspondence, since neither phones nor electronic mail (e-mail) can redirect inaccurate deliveries."

As you point out, there has been a long history of Comptroller General decisions holding that appropriated funds may not be used to purchase business cards except in limited circumstances. See, e.g., 68 Comp. Gen. 467 (1989); 41 Comp. Gen. 529 (1962); 12 Comp. Gen. 565 (1933). These decisions have been grounded on a narrow, if not an incorrect, understanding of the function and use of business cards. Because of this, and notwithstanding the valuable information that business cards convey about an officer's or employee's office, these cards have been viewed as a personal, not an official expense. I believe, however, that if this matter is analyzed from a "necessary expense" perspective, a more logical and legally defensible conclusion results.

The Office of Legal Counsel (OLC), Department of Justice (DOJ), recently advised the General Counsel of the General Services Administration (GSA) that GSA may

use its appropriations to obtain business cards for suitable mission-related use by GSA employees. Memorandum for Emily C. Hewitt, General Counsel, GSA, from Richard L. Shiffrin, Deputy Assistant Attorney General, OLC, DOJ, August 11, 1997. OLC applied GAO's "necessary expense" analysis and concluded that "an agency head may reasonably determine that the appropriate use of business cards by agency employees who deal with outside organizations will further the agency's statutory mission and therefore constitutes a proper expenditure from its general appropriations."

I agree with OLC's application of our "necessary expense" analysis to determine the availability of appropriated funds to obtain business cards for government employees who regularly deal with the public or organizations outside their immediate office. Based on the representations made in your letter, a "necessary expense" analysis would appear to support the conclusion that the purchase of business cards by CPAC is a proper use of Army O&M appropriations. Accordingly, we would not object if the Secretary of the Army, or his delegate, concludes that purchase of business cards for use by CPAC civilian personnel specialists is a "necessary expense" of the Army O&M account. I trust that this position makes it unnecessary to address the specific questions you posed in your letter.

Sincerely yours,

Gary L. Kepplinger
Associate General Counsel