

**DECISION****THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 2054810/25/85  
GGM**FILE:** B-217996**DATE:** October 21, 1985**MATTER OF:** U.S. Nuclear Regulatory Commission--  
Certification of long distance telephone  
tolls**DIGEST:**

1. Administrative certification by head of agency or designee that long distance telephone calls are necessary in the interest of the Government may be made on an estimate of the percentage of similar toll calls in the past that have been official calls provided the verification process provides reasonable assurance of accuracy and freedom from abuse.

2. Administrative certification of long distance telephone calls under 31 U.S.C. § 1348(b) does not carry with it financial responsibilities attendant to the certification of a voucher for payment, but may be relied on by certifying official who does certify voucher for payment. 63 Comp. Gen. 241 (1984); 57 Comp. Gen. 321 (1978) explained.

An authorized certifying officer for the United States Nuclear Regulatory Commission (NRC) has requested an advance decision on whether a percentage of a bill for a large number of long distance telephone calls may be certified based on an estimate of the number of official calls that are derived from past agency experience. For the reasons given below, we think such a certification may be used if steps are taken to reasonably assure that the calls paid for meet the statutory requirements.

**FACTS**

Under the Prompt Payment Act, 31 U.S.C. § 3901 et seq., Federal agencies must pay interest on late payments for services. The NRC incurs such expenses regularly with regard to its long distance telephone calls. Under 31 U.S.C. § 1348(b) (1982), before appropriated funds become available for payment for long distance telephone calls, the calls must be certified as "necessary in the interest of the Government." 31 U.S.C. § 1318(b). In his letter the certifying officer explains how the NRC's certification/collection procedures cannot be completed within sixteen days of the required payment

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date, as prescribed by the Prompt Payment Act, 31 U.S.C. § 3902(b)(3) (1982). As pointed out, in the past we have allowed agencies to certify official calls based on a statistical sample. See 63 Comp. Gen. 241 (1984) and 57 Comp. Gen. 321 (1978). The certifying officer contends that the NRC, although it makes many long distance toll calls, does not place enough toll calls to make statistical sampling feasible. Therefore, the NRC would like to certify a percentage of its long distance tolls as "official" based on the historical experience of "official" toll calls made and verified in the past year.

The NRC currently produces a printout of all long distance telephone calls covering a billing period and distributes a copy to its various organizational units. NRC asks employees from whose telephones the calls were made to state whether they were official or personal calls. During a 12-month period official calls amounted to 94.26 percent of the calls on one telephone number and 98.55 percent of the calls on the second number covered by the bill. Significantly less than 1 percent of all the calls were uncertified as either official or personal. NRC proposes to pay 95 percent of the toll charges based on this historical record pending completion of the internal verification process. The formal verification process, once completed, will be the basis for a final adjustment of payment in subsequent months. The NRC also proposes that it will review its payments at least once a year to determine its most recent experience as to the level of unofficial toll calls. According to the NRC, since the adjustments that affect the unpaid portion of the telephone charges relate primarily to charges for personal calls collected by the agency but for which it is not liable, it does not anticipate that the telephone company will charge NRC interest for these late payments.

#### DISCUSSION

In reviewing this proposal, we agree with the conclusion that the proposal does not satisfy the statistical sampling standards we have approved for certification of telephone toll calls in the past. Rather, the proposal appears to be partial payment under a service contract where the services have been received but the amount due cannot be immediately determined. We see no practical reason why the NRC cannot implement its proposed plan. However, we think it may be useful to clarify our view of the certifications involved.

While it may have been assumed in our decisions that each long distance call must be separately certified as being necessary and in the Government interest, we do not believe that 31 U.S.C. § 1348(b) requires this when one bill is

submitted for a large number of calls. In approving the statistical sampling device as a means of certifying each call without actually reviewing the purpose of each call, we have already recognized this principle. We think an agency head or his or her designee, based on the agency's experience, may reasonably certify that a certain percentage of a total number of long distance calls meets the requirements of 31 U.S.C. § 1348(b). However, in order to so certify, we think he must be confident that the system in place for verifying that calls are in the Government interest has a high degree of accuracy.

We think it is appropriate to allow the NRC proposal because it appears to us to achieve a practical result. Not only is it more economical, but it may better carry out the purposes of 31 U.S.C. § 1348(b). Since erroneous certifications are possible, we think it is important to note that a certification made under 31 U.S.C. § 1348(b) does not carry with it financial responsibility for errors as do certifications under 31 U.S.C. § 3528. Section 3528 creates financial responsibility for erroneous payments on the part of an official designated to certify the correctness of vouchers upon which moneys are to be paid by disbursing officers in discharge of debts or obligations of the Government. Even where the section 1348(b) certification appears on the face of a payment voucher, it is not certified for payment. 56 Comp. Gen. 29 (1976). The certifying official who certifies a long distance telephone voucher for payment can rely on an administrative certification that the calls in question were for Government business without incurring financial responsibility for errors in the administrative certification. Id.

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