

00723

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: A-13067

DATE: October 20, 1976

MATTER OF: Certification of travel vouchers containing long distance telephone calls.

- DIGEST:**
1. Travel Voucher, Standard Form 1012, revised August 1970, provides for certification of long distance telephone calls by officials authorized under 31 U.S.C. 680a on voucher itself. Separate certification of long distance calls is no longer required. 44 Comp. Gen. 595 (1965) and B-115511, July 3, 1953, modified.
 2. 31 U.S.C. 680a (1970) provides that long distance telephone calls must be for transaction of official business and that agency heads or officials designated by them must determine and certify that such calls are in interest of Government before payment is made from appropriated funds. If, after examining facts surrounding long distance tolls on travel vouchers to traveler's family, properly designated official determines said calls were in interest of Government, GAO will not question such determination. 44 Comp. Gen. 595 (1965).
 3. 31 U.S.C. 680a (1970) provides that long distance telephone calls must be for transaction of public business and department and agency heads or officials designated by them must determine and certify that such calls are in interest of Government before payment is made from appropriated funds. Certifying officers are not liable for payment of long distance tolls if official designated under 31 U.S.C. 680a improperly certifies toll. See B-1524, December 14, 1939; B-185497, August 6, 1976.

Mr. Edward C. Capps and Mr. K.R. Fenner, Jr., authorized certifying officers of the Federal Power Commission by letter of May 28, 1976, have requested an advance decision concerning the certification and payment

A-13067

of travel vouchers, Standard Form (SF) 1012, August 1970, containing long distance telephone tolls. Specifically, they request answers to 5 questions.

Question 1. Standard Form 1012, August 1970, contains a statement over the signature of the approving officer which reads: "Approved. Long distance telephone calls are certified as necessary in the interest of the Government." Is this statement sufficient to comply with 31 U.S.C. 680a?

Section 4, chapter 119 of the act of May 10, 1939, 53 Stat. 738, 31 U.S.C. 680a, states as follows:

"On and after May 10, 1939, no part of any appropriation for any executive department, establishment, or agency shall be used for the payment of long-distance telephone tolls except for the transaction of public business which the interests of the Government require to be so transacted; and all such payments shall be supported by a certificate by the head of the department, establishment, or agency concerned, or such subordinates as he may specifically designate, to the effect that the use of the telephone in such instances was necessary in the interest of the Government."

We held in decisions 44 Comp. Gen. 595 (1965) and B-115511, July 3, 1953, that administrative approval of a travel voucher including long distance telephone calls did not meet the certification requirement of 31 U.S.C. 680a. When those decisions were rendered, there was no provision on the travel voucher for certification of long distance calls in accordance with 31 U.S.C. 680a. As pointed out in the submission, SF 1012, Travel Voucher, August 1970, contains an administrative approval which states that long distance telephone calls are certified as necessary in the interest of the Government. Also, it should be noted that said certification must be made by an official authorized to certify long distance calls under 31 U.S.C. 680a. See third footnote on SF 1012.

In light of the revision of SF 1012 which contains a specific certification of long distance telephone calls, we now regard those portions of decisions 44 Comp. Gen. 595, supra, and B-115511, supra, and similar decisions, requiring separate certification, as modified. Accordingly, question 1 is answered in the affirmative.

Question 2. May telephone toll charges be approved by an official and certified by a certifying officer when:

(a) the traveler notifies his family of his safe arrival and the place where he may be contacted in an emergency, or his travel arrangements?

(b) the traveler, upon orders from the headquarters office, changes his temporary duty station and calls his family to advise them of his new contact point in a different city than originally intended?

Question 3. Would the answer to either question 2(a) or (b) above be different if the traveler was on an "actual expense basis"?

31 U.S.C. 680a requires that long distance telephone calls must be for the transaction of public business and certified as being necessary in the interest of the Government, if payment for said calls is to be made from appropriated funds. We stated in 44 Comp. Gen. 595, supra, that 31 U.S.C. 680a "imposes on the administrative officials concerned the responsibility to determine whether a long distance call was on public business or otherwise in the interest of the Government." We also stated in said decision that this Office would not substitute its judgment for that of an agency official designated under 31 U.S.C. 680a. Thus, in B-179823, July 14, 1975, we held that this Office would not object to the payment of long distance telephone calls made to a relative by an employee traveling on official business regarding transportation from the airport to his home in a privately owned automobile after his return flight was delayed, if it was administratively determined that such a call was in the interest of the Government.

We believe that the telephone call described in question 2(a) would normally be considered a personal call since travel plans are generally known well in advance of travel and most travelers arrive safely at their destinations. However, if after investigating all of the facts involved in a given situation, an official designated under 31 U.S.C. 680a determines and certifies that such a call or one described in 2(b), was in the interest of the Government, we will not question such a determination. Accordingly, questions 2(a) and 2(b) are answered in the affirmative, and question 3 is answered in the negative.

A-13067

Question 4:

(a) Must restitution be made for telephone tolls already approved, certified and paid on the revised travel vouchers under conditions described under question 2(a)?

(b) Should the answer to either or both of 2(a) or (b) be negative, is there any responsibility upon the official ordering a change in travel plan, or temporary duty station, to notify the family of the traveler of the change in locations?

In light of the answers to questions 2(a) and (b), we find it unnecessary to answer questions 4(a) or (b).

Question 5: What responsibility and/or liability rests with the certifying officer after proper certifications of long distance telephone calls are approved on either a travel voucher or a separate certification, when it is determined at a later time that the toll charge may have been incurred on strictly personal business?

The certifying officer would not be liable for such payment if the telephone call has been certified by an official designated under 31 U.S.C. 680a since the primary responsibility for determining the official nature of the calls rests with the heads of agencies or their designees. B-1524, December 14, 1939. Also see B-185497, August 6, 1976, in which we held that certifying officers were not liable for payments made under the Military and Civilian Employees' Claims Act of 1964, as amended, 31 U.S.C. 240-243, if an improper administrative determination regarding settlement had been made. The rationale for such holding was that the law placed the responsibility for the determination on the head of the agency or his designee.


Deputy, Comptroller General
of the United States