



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: EPA Purchase of Buttons and Magnets
File: B-247686
Date: December 30, 1992

DIGEST

Environmental Protection Agency (EPA) expenditure for buttons and magnets inscribed with messages related to indoor air quality for distribution at EPA conferences is a proper use of EPA's appropriated funds since the items are intended to convey a message related to EPA's mission.

DECISION

The Comptroller of the Environmental Protection Agency (EPA) requests our opinion concerning the availability of EPA appropriations to pay for buttons and magnets inscribed with messages related to indoor air quality. The buttons and magnets were procured to distribute to participants at a pollution prevention conference and to have in stock for distribution at future functions. The participants included officials from federal, state and local agencies, as well as academics. The buttons and magnets were furnished by an EPA contractor at a cost of \$1,280.24. For the reasons stated below, we approve the use of appropriated funds for this procurement.

The EPA is authorized under the National Environmental Education Act, 20 U.S.C. § 5501 et seq. (1990), to "work with local education institutions, State education agencies, not-for-profit educational and environmental organizations, noncommercial educational broadcasting entities, and private sector interests to support development of curricula, special projects, and other activities, to increase understanding of the natural and built environment and to improve awareness of environmental problems." The Act also established within EPA the Office of Environmental Education. One of that Office's stated purposes is to "support development and the widest possible dissemination of model curricula, educational materials, and training programs for elementary and secondary students and other interested groups, including senior Americans." 20 U.S.C. § 5503(a)(2).

The purchase of buttons and magnets is not specifically provided for in EPA's appropriations. When an expenditure is not specifically provided for in the appropriation act,

the expenditure is permissible only if it is reasonably necessary to carry out an authorized function or will contribute materially to the effective accomplishment of that function, and if it is not otherwise prohibited by law. 66 Comp. Gen. 356 (1987).

Thus, in the absence of specific authority, an agency may not purchase items for distribution as gifts or souvenirs to the public unless there is a direct link between the distribution of the items and the purpose of the appropriation. In B-192423, Aug. 21, 1978, for example, we held that GSA could not use its funds to purchase "Sun Day" buttons from a private organization to be given away at GSA displays to demonstrate the agency's commitment to an alternative energy program. See also to the same effect: 53 Comp. Gen. 770 (1974) (ashtrays distributed to procurement officials by the Small Business Administration); 54 Comp. Gen. 976 (1975) (key chains distributed by the Forest Service); 57 Comp. Gen. 385 (1978) (miniature novelty garbage cans containing candy in the shape of solid waste distributed by the EPA to promote solid waste management); B-223608, Dec. 19, 1988 (ice scrapers imprinted with safety slogans distributed to employees of the Army Corps of Engineers).

This is not to say, however, that an agency may never distribute objects to the public. If the objects are distributed for a legitimate purpose of the agency, appropriated funds may be used to pay for the objects as a proper and necessary expense of the agency. For example, we approved the National Park Service's purchase of sample lava rocks to be distributed to visitors of a national monument to discourage the visitors from removing lava rock elsewhere in the monument. We found the purchase to be within the authorized Park Service function of conserving national monuments. B-193769, Jan. 24, 1979.

The question presented here is whether the buttons and magnets that EPA procured for distribution along with other conference material at EPA conferences, such as the pollution prevention conference here, may be considered to be in furtherance of a legitimate purpose of the agency. We think that they were procured for a legitimate purpose of the agency. These buttons and magnets, unlike a container of candy, a key chain, or an ice scraper, have no real use other than to convey a message. They contained one of two messages: "Indoor Air, You Can't Live Without It" or "Improving Air Quality Begins At Home." Unlike the Sun Day buttons case, B-192423, supra, we find the buttons and

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magnets further EPA's statutory function of increasing public awareness of indoor air quality. Because we find a direct link between the items and an authorized agency function, we conclude that EPA may expend appropriated funds for this purpose.

for *Milton J. Acosta*
Comptroller General
of the United States