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B-105977 December 3, 1951

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The Honorable The Secretary of the Interior

My dear Mr. Secretary:

Reference is made to letter of October 8, 1951, from the Administrative Assistant Secretary of your Department, requesting a decision as to whether funds appropriated for the Southwestern Power Administration in the Interior Department Appropriation Act, 1952, Public Law 136, approved August 31, 1951, may be expanded for the purchase of arms and ammunition for the purpose of safeguarding Government-owned transmission line structures from damage caused by woodpeckers.

It is explained in the letter that marauding woodpeckers cause considerable monetary damage to the wooden transmission line structures of the Administration, and that such damage can, to a great extent, be minimized by the acquisition of arms and ammunition to be used for the purpose of destroying the woodpeckers. Also, it is stated that, in pursuance of the act of March 3, 1879, 20 Stat. 412, as amended by the act of April 14, 1937, 50 Stat. 63, 50 U.S.C. 61, request was made of the Secretary of the Army for the furnishing of certain arms and ammunition but that said official by letter of June 18, 1951, advised that the type of weapon and ammunition desired are not available and that the Department of the Army interposed no objection to the procurement of the items from other sources.

It is proposed to make payment for the arms as a "capital item" from the appropriation "Construction, Southwestern Power Administration" and to make payment for the ammunition as an "expendable item" from the appropriation "Operation and Maintenance, Southwestern Power Administration," and appropriations, as contained ink Public Law 136, approved August 31, 1951, providing as follows:

"For construction and acquisition of transmission lines, sub-stations, and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825e), as applied to the southwestern power area, to remain available until expended, $3,375,000, of which not to exceed $586,800 shall be available for personal services, and of which not to exceed $600,000 is for liquidation of obligations incurred pursuant to authority previously granted.

"For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provision

of section 5 of the Flood Control Act of 1944, (16 U.S.C. 825e), as applied to the southwestern power area, $1,255,712, of which not to exceed $900,712 shall be available for personal services."

In decision of this Office, 17 Comp. Gen. 588, 590, it was stated:

"The act of March 3, 1879, 20 Stat. 412, as amended by the act of April 14, 1937, Public, No 30, 50 Stat. 63, is no longer mandatory in that it now authorizes but does not direct the Secretary of War to furnish such arms and ammunition as may be found necessary for the protection of public money and property. Therefore, when it is satisfactorily shown that the arms or ammunition which the Secretary of War is prepared to furnish will not meet a particular need of the Government, this office will not be required to object to the purchase by the department or establishment concerned of such arms and ammunition as will meet the need in the particular instance, if funds otherwise are available therefor."

Under the general rule of appropriation construction an express provision is not necessary for each and every item of expenditure, but an appropriation made in general terms for a particular purpose is available for expenses necessary to the proper accomplishment of the object or purpose for which made, except as to expenditures in contravention of some statutory provision or for some purpose for which other appropriations are more specifically available. See 29 Comp. Gen 419, 421, cited in the letter. The appropriations here involved do not provide in specific terms for the procurement of arms and ammunition, but are available for the "administrative expenses" connected with the construction and acquisition of transmission lines, etc., and for the "necessary expenses" of operation and maintenance thereof.

In view of the general terms of the appropriations, and since it is shown that the Secretary of the Army is unable to furnish the arms and ammunition which will meet the needs of the Southwestern Power Administration, if it be administratively determined to be necessary, or in the interest of the Government, in the safeguarding and operation of the transmission line structures to purchase arms and ammunition for the purpose of destroying the predatory woodpeckers, and the expense thereof may be regarded as a proper charge against the cited appropriations.

The question presented is answered accordingly.

Sincerely yours,

Lindsay C. Warren Comptroller General of the United States