Text as published on gao.gov, https://www.gao.gov/products/b-107288, archived 2026-07-17. GAO published no original file for this decision. Rendered by Comptroller Desk.

B-107288 February 14, 1952

Number: B-107288

Date: 1952-02-14

B-107288 February 14, 1952

The Honorable The Secretary of Commerce

My dear Mr. Secretary:

Reference is made to your letter of January 4, 1952, requesting a decision as to the availability of appropriations to the Bureau of Standards to pay salaries of scientists now under consideration for appointment, who are not citizens of the United States. In that regard, your letter presents the following questions:

"1. Will an affidavit signed by the individual that he owes allegiance to the United States satisfy the requirements of the Act without further investigation in this respect by the Administrative agency?"

"2, Does the Act prohibit the payment of compensation to an individual who fled Czechoslovakia when that country became a "satellite", and who entered the United States under the quota, if he has taken our his first papers for citizenship or declared his intention to do so?"

"3. That countries are considered to be allied with the United States in the current defense effort and thereby are exempt from the provisions of Section 1302?"

Also you request to be informed whether India, now a country independent of the British Commonwealth, is to be considered a county allied with the United States in the current defense effort.

Section 1302 of the Supplemental Appropriations Act, 1952, Public Law 253, approved November 1, 1951, provides in part, as follows:

"Unless otherwise specified and during the current fiscal year, no part of any appropriation contained in this or nay other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in continental United States unless such person * * * (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, had filed a declaration of intention to become a citizen of the United States prior to such date, or (3) is a person who owes allegiance to the United States: Provided, that for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with.

* * * * This section does not apply to citizens of the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort."

In view of the express provision of the statute, question 1 is answered in the affirmative. However, nothing in the statute would preclude investigation should the administrative agency deem such action warranted.

With respect to question 2, the act would not prohibit the payment of compensation to a national of Czechoslovakia who, being eligible for citizenship, was in the service of the United States on November 1, 1951, and who theretofore had filed a declaration of intention to become a citizen of the United States.

Concerning question 3, this office has, on rare occasions, undertaken in cases where there seemed to be no doubt, to state conclusions of political facts. However, it is not the responsibility nor the proper province of the accounting officers to initially determine political facts and I am sure you will understand why this office may not authoritatively decide, on its own initiative, which countries are allied with the United States in the current defense effort as contemplated by Public Law 253, supra. In the absence of other authority designated by statute to make such determinations the primary responsibility for determining which countries are allied with the United States in the current defense effort devolves upon the head of the department or of the agency whose appropriation is to be obligated. In that regard, a determination predicated upon reasonable grounds generally would not be questioned in the audit by the General Accounting Office.

For your information there is enclosed herewith some material concerning the various treaties and agreements with the Department of State informally has authorized this office to use and which may be of assistance to you.

Sincerely yours,

Lindsey C. Warren Comptroller General of the United States