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B-107579 February 14, 1952

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Honorable Luther H. Evans Librarian of Congress

My dear Mr. Evans:

Reference is made to your letter of January 18, 1952, with enclosures, requesting a decision as to which countries may be considered allied with the United States in the current defense effort within the purview of section 1302, supplemental Appropriation Act, 1952, Public Law 253, approved November 1, 1951.

In pertinent part, section 1302 of the said public law provides:

"* * * This section shall 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."

While this office has, on rare occasions, undertaken in cases where there seemed to be no doubt to state conclusions of political facts, it is no 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 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.

Under the circumstances it would not be proper for me to attempt an answer to the general question presented.

Sincerely yours,

Lindsey C. Warren Comptroller General of the United States