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B-117628 January 21, 1954

Number: B-117628

Date: 1954-01-21

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The Honorable The Secretary of Commerce

My dear Mr. Secretary:

Reference is made to your letter dated November 5, 1953, requesting approval of a proposed form of Subvoucher for Confidential Reimbursement and the procedures involved in its use in making payments to informers under the Export Control Act of 1949, approved February 26, 1949, 63 Stat. 7, as amended.

Your letter states that instances arise in which information vital to the enforcement of such act in be obtained only upon payment of money to undisclosed informers, and expresses the view that such payments, while not specifically authorized by the set, nevertheless constitute a necessary expenses in its enforcement. You propose that each for the payments be made available through duly designated and bonded agent- cashiers of the Chief Disbursing Officer, Teasury Department, from imprest funds and be accounted for on the proposed subvoucher to be attached to vouchers submitted by them for reimbursement for each expended, such vouchers to be listed on Voucher-Schedules, Standard From No. 1166, certified by authorized certifying officers. Specific request is made for approval of the certificates on the subvouchers designed to relieve the authorized certifying officer of further liability for the payments except in cases of attendant fraud.

Section 6 of the act involved authorizes the obtaining of confidential information where necessary or appropriate to the enforcement of the act and the funds appropriated to the Department of Commerce for administration of export controls are available for "expenses necessary" for that purpose. See for example, Supplemental appropriation Act, 1954, approved August 7, 1953, 67 Stat. 422. Consequently, the payment of compensation to informers for information or evidence essential to enforcement of the act properly may be viewed as a necessary expense for that object. See B-106230, dated November 30, 1951; 29 Comp. Gen. 419.

The purpose to be served by the proposed Imprest Fund appears to come within the general scope of Joint Regulation For Small Purchases Utilizing Imprest Funds, dated March 10, 1952, and subject to the terms and limitations of that regulation--see particularly paragraph 8 limiting the amount of the fund and the value of the items obtained the proposed procedures thereunder are hereby approved.

With respect to the relief of the authorized certifying officer, it may be

stated that such officer may rely upon the certificate under consideration and when the obligation was incurred in good faith relief generally will be afforded under the act of December 29, 1941, 55 Stat. 875, 31 U.S.C. 82-82g. However, I believe you will realize that this Office may not give a blanket waiver of liability of the certifying officer in advance and without knowledge of the facts surrounding the payment.

It is understood informally that if and when receipts are obtained from informers, the Bureau of Foreign Commerce desires to retain them in its confidential files and that such files will be made available to an authorized representative of this Office who has been officially cleared.

The draft form of the proposed subvoucher has been revised in order to provide safeguards against duplicates payments and, in the interest of uniformity, changes have been made in the heading.

The revised form, three copies of which are attached, is hereby approved and when printed it in requested that four copies be furnished to this Office.

Sincerely yours,

Lindsay C. Warren Comptroller General of the United States

Enclosures