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B-123469 May 9, 1955

Number: B-123469

Date: 1955-05-09

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Honorable Glenard P. Lipscomb House of Representatives

Dear Mr. Lipscomb:

This refers to your letter of March 29, 1955, in which you inquired as to whether the General Accounting Office has ever made any investigation or findings with regard to unauthorized road construction being done by the National Park Service.

Our audit work on this agency to date has not revealed any such instances. the National Park Service was assigned for audit on a comprehensive basis beginning as of July 1, 1954. The work now underway consists of a review of operations of the central office in Washington, D.C., the regional office in San Francisco, and at two large national parks, Grand Canyon National Park in Arizona and Yosemite National Park in California.

Our review work in the central office in Washington has not disclosed any instances of unauthorized road consturction work by the National Park Service. It should be noted, however, that the Park Service does engage in a considerable amount of re-programming of the projects shown in the budget justifications to the Congress and in the hearings on appropriations. This re-programming consists of authorizing new projects or additions to previously approved projects. The reprogramming is financed from "savings" on completed projects or reallotment of funds earmarked for projects which have been deferred or cancelled.

On October 6, 1954, the Director, Division of Budget and Finance, Department of the Interior, ina letter to the Director, National Park Service, Approving the reprogramming of construction funds in theamount of $101,363 in Yellowstone National Park, made the following statement:

"The Department has an understanding with the Congress that appropriated funds will be applied to approved projects. It is recognized, however, that there has to be some flexibility and that certain program adjustments may be necessary. Criteria for consideration by the Department for approval of adjustments would be:

(1) the work contemplated is minor in nature, (2) is of a type that involves no possible conflict of opinion between the Department and the Congress, and (3) is to be financed from savings derived from other approved work." (Underscoring supplied.)

The reprogramming is approved by the Director, National Park Service, or the Director, Division of Budget and Finance of the Department of the Interior. We were informed by Service and Departmental officials that reprogramming changes made solely by authority of the Director, National Park Service, are for comparatively minor amounts and involve changes in programs within the same general area or state. Any changes involving transfers of proposed expenditures of funds from an area or state for which the funds were originally programmed are forwarded by the National Park Service to the Director, Division of Budget and Finance, Department of the Interior, for consideration. The Director, Division of Budget and Finances, approves or disapproves programming changes referred t him by NPS. Ordinarily, if he thinks the reprogramming should be approved, he advises the responsible assistant Secretary of the Interior, the Bureau of the Budget, and the clerks of the House and Senate Appropriation Committees verbally as to the nature and extent of the proposed reprogramming. If the Bureau of the Budget or staff members of either the House or Senate Appropriation Committees believe the matter requires further consideration, the proposed reprogramming is referred in writing to the cognisant committees for consideration and approval.

The Director, Division of Budget and Finance, stated there has been some dissatisfaction in the Congress with some of the reprogramming on construction appropriations in the Department of the Interior. This contention is evidenced by a reference in Senate Report No. 261 on Interior Department Appropriation Bill for 1956 (H.R. 5085) as follows:

"The Secretary of the Interior is requested to have appropriate schedules devised to more clearly present the consturction programs in order that the committee may be advised as to the status of progject previously approved, as well as those included in the budget, and the future requirements of continuing projects."

The Director, Division of Budget and Finance advised us that beginning in fiscal year 1957 these schedules would be included as a part of the material submitted in connection with budget estimates.

In view of the language of the appropriation act, this reprogramming cannot be considered illegal. However, programming "financed from savings derived from other approved work" could be a means of financing construction of projects which might never have been brought to the attention of the Congress for approval. To date we have noted no instances where projects specifically disapproved by the Congress have been consturcted by the Service.

Sincerely yours,

Joseph Campbell Comptroller General of the United States