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B-155274, May 8, 1967

Number: B-155274

Date: 1967-05-08

B-155274, MAY 8, 1967

TO SECRETARY-TREASURER:

ON MARCH 23, 1967, YOU WROTE TO THE CLAIMS DIVISION OF THE UNITED STATES GENERAL ACCOUNTING OFFICE, ASSERTING AN UNPAID CLAIM OF 56,347.36, WHICH REPRESENTS A PAVING LIEN ON PROPERTY OWNED BY THE VETERANS ADMINISTRATION. THE CLAIM AROSE FROM THE ACTION OF THE CITY OF SHREVEPORT IN PAVING A PORTION OF CHURCH STREET AND STONER AVENUE ADJACENT TO THE VETERANS ADMINISTRATION HOSPITAL. THE CLAIM WAS FIRST FILED ON NOVEMBER 26, 1963.

THE CLAIMS DIVISION DENIED YOUR CLAIM ON MARCH 3, 1964. ON OCTOBER 7, 1964, OUR OFFICE IN A LETTER TO SENATOR ALLEN J. ELLENDER, AFFIRMED THE ACTION OF THE CLAIMS DIVISION.

UPON REVIEW OF YOUR CLAIM, WE AFFIRM OUR PREVIOUS DETERMINATION OF THE CASE. IT WAS SETTLED IN 1886 THAT THE PROPERTY OF THE UNITED STATES IS EXEMPT BY THE CONSTITUTION FROM TAXATION UNDER THE AUTHORITY OF A STATE. VAN BROCKLIN V. STATE OF TENNESSEE 117 U.S. 151. THIS RULE APPLIES TO SPECIAL ASSESSMENTS AS WELL AS GENERAL ASSESSMENTS. IN LEE V. OSCELOA IMPROVEMENT DISTRICT 268 U.S. 643 (1925) THE RULE WAS CONCEDED, BUT THE IMPROVEMENT DISTRICT ARGUED THAT THE RULE DOES NOT APPLY AFTER THE TITLE HAS PASSED FROM THE UNITED STATES. THE SUPREME COURT HELD THAT SPECIAL ASSESSMENTS MAY NOT BE IMPOSED FOR BENEFITS ACCRUING TO PROPERTY FROM IMPROVEMENTS MADE WHILE IT WAS STILL OWNED BY THE UNITED STATES.

ACCORDINGLY, IN THE ABSENCE OF AN ACT OF CONGRESS MAKING THE LANDS OF THE UNITED STATES SUBJECT TO ASSESSMENT, THERE IS NO AUTHORITY FOR ALLOWANCE OF THE CLAIM.