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B-32894 March 29, 1943

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Date: 1943-03-29

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Price Administrator, Office of Price Administration

My dear Mr. Brown:

I have a letter, dated March 3, 1943, from the General Counsel of your Administration, as follows:

"I am writing to inquire whether funds available to this Office may be used to hire guards for the protection of war ration books, where the services of the local police ormilitary protection cannot be obtained.

"In the distribution of millions of war ration books, it is necessary to take precautions against their loss or theft. In most cases we have been able to make arrangements with local police or with the armed forces. In the few instances where this is not possible, it appears that guards will have to be employed.

"The appropriation for this Office in the First Supplemental Naitional Defense Appropriation Act, 1943 (Pub. L. No. 678, 77th Cong., 2d Sess., July 25, 1942) would seem to authorize such an expenditure.

"We are aware of the statutory prohibition against employing the services of any employee of the Pinkerton Detective Agency or any similar agency (5 U.S.C., sec. 53) and we have examined the decisions of the Comptroller General embodied in letters to the Governor of the Panama Canal (8 Comp. Gen. 89) and to the Secretary of War (6 Comp. Gen. 741).

"In view of the fact that the statutory prohibition applies in terms only to a particular detective agency or any 'similar agency,' would it not be permissable for us to obtain guard services from an armored car company or other organization which is no a detective agency, and is not similar to a detective agency, for the reason that it does not engage in detective work, provided that we have been unable, after making all reasonable efforts, to obtain the necessary protection from the local police or the armed forces?"

The act of March 3, 1893, 27 Stat. 591, provides "that hereafter no employee of the Pinkerton Detective Agency, or similar agency, shall be employed in any Government service or by any officer of the District of Columbia." As stated in the letter quoted above, this provision related primarily to detective agencies (8 Comp. Gen. 89) and would not necessarily be for application to a protective agency not engaged in detective work.

The appropriation for the salaries and expenses of the Office of Price Administration for the fiscal year 1943, as made by the First Supplemental National Defense Appropriation Act, 1943, approved July 25, 1942, 56 Stat. 711 Public Law 676, provides, in pertinent part, as follows:

"Salaries and expenses: For allnecessary expenses of the Office of Price Administration in carrying out the provisions of the Emergency Price Control Act of 1942 (Public Law 421), and the prvisions of the Act of May 31, 1941 (Public Law 89), as amended by the Second War Powers Act, 1942 (Public Law 507), and all other powers, duties, and functions which may be lawully delegated to the Office of Price Administration, including personal services in the District of Columbia and elsewhere; expenses of in-service training of employees, including salaries and traveling expeses of instructors; not to exceed $55,000 for the employment of aliens; not to wxceed $30,000 for the temporary employment of persons or organizations, by contract or otherwise, without regard to section 3709, Revised Statutes, or the civil-service and classification laws ***."

In view of the specific authority in said appropriation for the use of "not to exceed $30,000 for the temporary employment of persons or organizations, by contract or otherwise, without regard to section3709, Revised Statutes, or the civil-service and classification laws", I have to advese that, subject to the limitation of $30,000, where it is determined administratively that local police or military guards are not available this office will interpose no objection to the procurement of armed guard services as preposed for the protection of ration coupons.

Respectfully,

Lindsay C. Warren Comptroller General of the United States