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B-53554 November 6, 1945

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The Archivist of the United States, National Archives.

My dear Mr. Buck:

I have your letter of October 29, 1945, as follows:

"Section 201 (c) of the Independent Offices Appropriation Act, 1946 provides, in pertinent part:

"Appropriations contained in this Act, available for expenses of travel shall be available, when specifically authorized by the head of the activity or establishment concerned, for expenses of attendance of meetings of organizations concerned with the function or activity for which the appropriation concerned is made: Provided, that there shall be available for such purpose during the fiscal year 1946 to each such agency . . . not to exceed 50 per centum of the amount authorized for the same purpose for each such agency . . . for the fiscal year 1945, . . ."

"Since the appropriation act of the national Archives for the fiscal year 1945 did not specifically authorize funds for attendance at meetings, it would seem that use of any part of the 1946 appropriation for that purpose is precluded. I believe, however, that the end of the war has now brought about changed conditions that justify a request by this agency for the utilization of a part of its appropriation for 1946 for attendance at meetings."

"During the war the National Archives abided by the restrictions imposed on travel and curtailed it to the minimum. Believing that war conditions would continue throughout fiscal year 1946, no provision was made in this year's appropriation for travel expenses resulting from attendance at meetings."

"Now that the war has ended I believe there should be a relaxation of these restrictions at the National Archives to permit the participation of members of the staff of this agency in several meetings dealing with the future of archives in the United States and the occupied countries. These meetings have a direct relation to the professional work of the National Archives and afford those attending an opportunity to discuss and arrive at decisions on archival and records problems that must be faced in the immediate future."

"In the view of the changes in planning made necessary by the end of the war, I am requesting authorization to obligate and expend $500 for attendance at meetings from the funds appropriated to the National Archives for fiscal year

1946."

Section 8 of the act of June 26, 1912, 37 Stat. 184, provides:

"No money appropriated by this or any other Act shall be expended for membership fees or dues of any officer or employee of the United States or of the District of Columbia in any society or association or for expenses of attendance of any person at any meeting or convention of members of any society or association, unless such fees, dues, or expenses are authorized to be paid by specific appropriations for such purposes or are provided for in express terms in some general appropriation."

Joint resolution of February 2, 1935, 49 Stat. 19, further provides:

"That, unless specifically provided by law, no moneys from funds appropriated for any purpose shall be used for the purpose of lodging, feeding, conveying, or furnishing transportation to, any conventions or other form of assemblage or gathering to be held in the District of Columbia or elsewhere. This section shall not be construed to prohibit the payment of expenses of any officer or employee of the Government in the discharge of his official duties."

It was to exempt certain expenditures from the inhibitions of these statutes that the Congress inserted a specific authorization in section 201 (c) of the Independent Offices Appropriation Act for 1946, 59 Stat. 131, Public Law 49, for use of a limited amount of moneys therein appropriated for attendance at meetings. However, as the appropriation for the National Archives for 1945, act of June 27. 1944, 58 Stat. 374. Public Law 358, contained no authorization for the use of any part thereof for attendance at meetings during 1945, it follows that no part of your appropriation for 1946 may be expended for such purposes, unless and until the Congress shall hereafter specifically so provide.

Respectfully,

Comptroller General of the United States.