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B-61938, Jun 13, 1949

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B-61938, JUN 13, 1949

THE HONORABLE, THE SECRETARY OF THE AIR FORCE:

THERE HAS BEEN RECEIVED LETTER OF THE ACTING DIRECTOR OF FINANCE, DATED APRIL 9, 1949, IN REPLY TO OFFICE LETTER DATED OCTOBER 21, 1948, RELATIVE TO THE RETENTION IN THE RANDOLPH FIELD TRAILER CAMP FUND, RANDOLPH AIR FORCE BASE, TEX., OF MONEYS COLLECTED FOR THE USE OF TRAILER SPACE PROVIDED FROM APPROPRIATED FUNDS.

IT IS STATED IN THE REPLY THAT THE RANDOLPH FIELD TRAILER CAMP FUND (A REVENUE-PRODUCING NONAPPROPRIATED FUND ACTIVITY) WAS ESTABLISHED AND IS FUNCTIONING UNDER THE PROVISIONS OF AR 210-50 FOR THE PURPOSE OF SUPPLYING NECESSARY SERVICES (TO TENANTS) WHICH ARE NOT AUTHORIZED AND EXPENDITURES FROM APPROPRIATED MONEYS; AND THAT THE MONEYS SO COLLECTED ARE NOT REQUIRED TO BE DEPOSITED IN THE TREASURY "SINCE THEY ARE NOT ACTUALLY RENTALS, AS THE MISNOMER 'SITE RENTALS' IMPLIES, BUT THAT THE REVENUES ARE, IN FACT, SERVICE FEES".

THE RECORDS SHOW THAT THE TRAILER CAMP IS LOCATED ON GOVERNMENT OWNED PROPERTY AND THAT THE COST OF NECESSARY CONSTRUCTION AND IMPROVEMENTS THEREON WAS PAID FROM APPROPRIATED FUNDS. IT FURTHER APPEARS THAT PAYMENT OF A MONTHLY RENTAL (NOW A SERVICE FEE) OF $12 IS A REQUISITE TO THE OCCUPANCY OF TRAILER SPACE AND THAT SUCH COLLECTIONS ARE DEPOSITED TO THE CREDIT OF THE "TRAILER CAMP FUND, RANDOLPH FIELD, TEXAS", IN THE SCHERTZ STATE BANK, SCHERTZ, TEXAS. RENTAL COLLECTIONS AND OTHER REVENUES DERIVED FROM THE OPERATION OF THE TRAILER CAMP DURING THE MONTH OF SEPTEMBER 1947 WERE DEPOSITED WITH THE FINANCE OFFICER AT RANDOLPH FIELD. UPON A RECOMMENDATION OF THE COMMANDANT, RANDOLPH FIELD, DATED MARCH 3, 1948, AND THE APPROVAL OF HEADQUARTERS, FLYING DIVISION, AIR TRAINING COMMAND, RANDOLPH FIELD, TEXAS, DATED MARCH 26, 1948, REVENUE HAS BEEN RETAINED IN THE FUND TO MEET OPERATING EXPENSES OR TO PROVIDE IMPROVEMENTS, ADDITIONS, AND RECREATIONAL EQUIPMENT AND SUPPLIES WHICH WOULD BE OF BENEFIT TO ALL OCCUPANTS OF THE TRAILER CAMP.

COLLECTIONS BETWEEN OCTOBER 1, 1947, AND SEPTEMBER 8, 1948, AMOUNTED TO $5,268.80; HOWEVER, DISBURSEMENTS IN THE AMOUNT OF $3,593.47 WERE APPROVED BY THE CAMP COUNCIL, LEAVING AN UNEXPENDED BALANCE OF $1,675.33.

EVEN THOUGH THE COLLECTIONS MIGHT HAVE BEEN IMPROPERLY REFERRED TO AS "SITE RENTALS" AND SUBSEQUENTLY CHANGED TO "SERVICE FEES", THE ESSENTIAL CHARACTER OF THE MONEY THUS RECEIVED MAY NOT BE CHANGED. FROM THE FOREGOING IT WOULD APPEAR THAT THE REVENUE DERIVED FROM THE OPERATION OF RANDOLPH FIELD TRAILER CAMP IS MONEY RECEIVED FOR THE USE OF GOVERNMENT PROPERTY AND IS, THEREFORE, IN THE ABSENCE OF SPECIFIC PROVISIONS OF LAW TO THE CONTRARY, PROPERLY FOR PAYMENT INTO

THE TREASURY WITHOUT ABATEMENT OR REDUCTION IN CONFORMITY WITH SECTION 3617, REVISED STATUTES, 31 U.S.C. 480, B-61938, DATED APRIL 16, 1948.

ADVICE AS TO THE ACTION TAKEN ON THIS MATTER WILL BE APPRECIATED.