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B-90476 June 14, 1950

Number: B-90476

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Executive Vice Chairman National Capital Sesquicentennial Commission

My dear Mr. Barron:

Further reference is made to your letter of May 16, 1950, setting forth certain questions with respect to which advice was requested. The first two questions there presented were considered in Office letter to you of May 17, 1950, B-90476, and consideration will here be given to the third and last question presented in said letter. This question is as follows:

"Are funds received by the Commission and deposited in the treasury under authority of sub-paragraphs d and e of Section 3 of the Act of Congress approved May 31, 1949 (Public Law 78, 81st Congress) available for expenditure without additional legislation."

Subparagraphs (d) and (e) of section 3 of the referred to legislation authorized the Commission:

"(d) to fix and collect charges for admission to exhibits, plays,a dn dramitic productions: Provided, that all revenues received by the Commission from such sources shall be covered into the Treasury of the United States to the credit of the appropriation to be made pursuant to the authority contained herein and may be expended and shall be accounted for in the same manner as other funds authorized for expenditures by the Commission;"

"(e) to receive contributions of money, materials, and other property from any source to aid in carrying out the purposes of this joint resolution; to borrow materials or exhibits; to accept the services of any skilled or unskilled labor that may be made available to it; and to accept reimbursement from private organizations or individuals for rights or privileges granted by it: Provided, that all contributions and reimbursements shall be expended and accounted for in the same manner as the funds made available under an appropriation made pursuant to the authorization contained in this joint resolution."

Public Law 358, 81st Congress, the Supplemental Appropriation Act, 1950, approved October 14, 1949, appropriated funds for the National Capital Sesquicentennial Commission, as Follows:

"For expenses necessary for the National Capital Sesquicentennial Commission to prepare and carry out a program for the commemeration of the one hundred and fiftieth anniversary of the establishment of the seat of the Federal Government

in the District of Columbia, as authorized by the Acts of July 18, 1947 (Public Law 203), and May 31, 1949 (Public Law 78), including personal services and rent in the District of Columbia; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); and such construction or other expenses as may now be authorized by law; $3,000,000."

Thus, as appropriation having been made pursuant to the authority contained in the act of May 31, 1949, Public Law 78, 81st Congress, the revenues received under section 3(d), supra, are by the provisions of said section for covering into the Treasury of the United States to the credit of said appropriation and are authorized to be expended in the same manner as the funds appropriated.

As to the contributions received pursuant to section 3(e), supra, such funds are in the nature of a trust and under the provisions of section 20 of the Permanent Appropriation Repeal Act, 1934, 48 Stat. 1233, automatically are appropriated for disbursement in compliance with the terms of the trust. However, the act of May 31, 1949, directs that such contributions be expended and accounted for in the same manner as the funds under the apropriation.

With respect to reimbursements for privileges or rights granted to private organizations or individuals, section 3(e) makes no distinction between such reimbursements and contributions, and directs that they be expended and accounted for in the same manner as to the appropriated funds.

In view of the foregoing,in answer to your specific question you are advised that funds received under sections 3(d) and 3(e), supra, are available for expenditure without further legislation.

Sincerely yours,

(Signed) Frank L. Yates Acting Conptroller General of the United States