

COMPTROLLER GENERAL OF THE UNITED STATES

B-22307

WASHINGTON

DEC 23

Coordinator of Information.

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My dear Colonel Donovan:

I have your letter of December 2, 1941, as follows:

"Your opinion is respectfully requested with regard to the following question:

"May the Coordinator of Information authorize an employee of his office to incur expenses for entertainment of representatives of foreign governments or others with whom contacts must be made while in travel status when such entertainment is considered by the Coordinator to be vitally necessary for the execution of the duties and responsibilities assigned to the Coordinator by the President?

"The Executive Order of the President dated July 11, 1941, Section 5, states that: 'Within the limits of such funds as may be allocated to the Coordinator of Information by the President, the Coordinator may employ necessary personnel and make provision for the necessary supplies, facilities, and services.'

"Allocations to this Office are made by the President in accordance with the provisions of the item 'Emergency Fund for the President' contained in the Military Appropriation Act, 1941, approved June 13, 1940, (Public No. 611, 76th Congress). This Act is quoted in part, 'To enable the President, through the appropriate agencies of the Government, without reference to Section 3709, Revised Statutes, to provide for emergencies affecting the national security and defense and for each and every purpose connected therewith, including all of the objects and purposes specified under any appropriation available or to be made available to the War Department for the fiscal years 1940 and 1941; . . . .'

"Although the Act hereinbefore cited does not specifically provide for or limit the amount of funds that may be considered available for entertainment expenses, the broad purpose of the Act would appear to allow expenditures for the entertainment of representatives of foreign governments and others in the furtherance of official duties.

"It will be greatly appreciated if your opinion can be given this office at an early date inasmuch as activities of this office are being held in suspension pending receipt of same."

The Executive Order of July 11, 1941, 6 P. R. page 3422, provides, in part, as follows:

"By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Army and Navy of the United States, it is ordered as follows:

"1. There is hereby established the position of Coordinator of Information, with authority to collect and analyze all information and data, which may bear upon national security; to correlate such information and data, and to make such information and data available to the President and to such departments and officials of the Government as the President may determine; and to carry out, when requested by the President, such supplementary activities as may facilitate the securing of information important for national security not now available to the Government.

\* \* \*

"5. Within the limits of such funds as may be allocated to the Coordinator of Information by the President, the Coordinator may employ necessary personnel and make provision for the necessary supplies, facilities, and services."

It is a general rule that expenditures for entertaining individuals may be made only when authorized by statute and authorized or approved by proper administrative officers. 5 Comp. Gen. 455; id. 1018.

With respect to the present matter, it appears that funds have been allocated to your office by the President both under the Emergency Fund for the President referred to in the submission and under a similar fund appropriated by the act of April 5, 1941, Public Law 28, as amended by the First Supplemental National Defense Appropriation Act, 1942, Public Law 247, approved August 25, 1941. While neither of these two funds contains specific provisions

for entertainment expenses both funds are appropriated in broad terms "To enable the President, through appropriate agencies of the Government, to provide for emergencies affecting the national security and defense and for each and every purpose connected therewith." (Act of April 5, 1941, Public Law 28.)

Under the Executive order, supra, the Coordinator of Information is authorized to collect and analyze and correlate "all information and data which may bear upon national security", with further authority "to carry out, when requested by the President, such supplementary activities as may facilitate the securing of information important for national security not now available to the Government." It is noted, also, that in allocation letters of October 14 and 31, 1941, funds are allocated to the Coordinator of Information "to be expended \* \* \* for general administrative expenses at the seat of the Government and elsewhere determined to be necessary by the Coordinator incident to collecting and analyzing information and data bearing upon the national security."

In view of the above, it appears reasonable to conclude that the funds here involved are available for expenses for entertainment if the use for that purpose is determined to be necessary in carrying out the purpose for which the funds were appropriated, that is, to "provide for emergencies affecting the national security and defense." Accordingly, in specific answer to the question submitted, I have to advise that if it be administratively determined by you that expenses

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for entertainment are essential to enable you to collect information which may bear upon national security, the funds referred to in your letter, SUDRE, for discharging such duties may be considered available for such purpose.

Respectfully,

W. M. C. [Signature]

Comptroller General  
of the United States.