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COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548Subject card

AUG 2 - 1972

B-172259

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Dear Mr. Secretary:

Reference is made to the letter of May 15, 1972, from the Assistant Secretary of Agriculture, in which he raises a question concerning our decision of April 29, 1971, B-172259.

In that decision we held that since payment to informers for information concerning violations of the laws or regulations relating to the protection of the national forests appeared to be necessary in the effective administration and enforcement of such laws and regulations, appropriations available for expenses necessary for forest protection and for fighting and preventing forest fires were available for making such payments to informers.

The Assistant Secretary now asks whether, in addition, Forest Service funds may be used to pay informers or cooperating individuals for evidence, endorsements, or similar aids to Forest Service investigations which the individuals are in a unique position to furnish and which are reasonably obtainable by the Forest Service in no other way.

The need for "endorsement" mentioned above, is described and illustrated in a subsequent communication dated June 12, 1972, forwarded to us by the Director of Budget and Finance, Forest Service, which concerns an undercover arson investigation in 1971. Concerning such investigation it is stated that--

"The Special Agent, who was to live undercover posing as an ex-convict hiding from the authorities of an adjacent State, had an informant in the general area who was known to be influential with the suspects. He proposed having the informant endorse him as being 'alright'. They were to visit the local bars and taverns, where the informant would drop the word that the two were buddies who had 'made time' in prison together for making moonshine whiskey. The activity would continue until the suspects had seen the two together and had become acquainted.

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DEPARTMENT OF AGRICULTURE  
 FOREST SERVICE

"The above arrangement is typical of these investigations in that payments to the informant, either daily or on some continuing basis, would be necessary. Of course, in this instance the Agent lacked the authority to make such payments; therefore, he spent several extra weeks getting established in the community. By the time he had won the suspects' confidence, the opportunities for success ran out. The total time taken for the investigation was 7 1/2 weeks.

"The Agent's acceptance through endorsement by a 'local' is vital in shortening the time of an investigation. A few hundred dollars and a few days spent on this could save weeks. Savings to the Government in money and resources would normally be substantial."

In view of the matters set forth above it appears that payments made for "endorsements" also reasonably may be considered as being necessary in order to obtain the information or evidence needed to apprehend violators of Forest Service laws and regulations. Accordingly, our Office will not object to such payments for "endorsements" that are administratively found to be essential or necessary--rather than helpful or desirable--in the administration of the laws and regulations governing fighting and preventing forest fires.

Sincerely yours,

R.F.KELLER

Deputy Comptroller General  
 of the United States

The Honorable  
 The Secretary of Agriculture