

COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON 25

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Administrator,

Federal Security Agency.

My dear Mr. Miller:

Reference is made to your letter of May 13, 1947, as follows:

"The Fourth International Cancer Research Congress is to meet in St. Louis in September 1947 under the auspices of the Union Internationale Centre la Cancer and the American Association for Cancer Research. The total budget for the Congress is approximately \$130,000, the major part of which is to be contributed by private foundations. I am informed that the Department of State is issuing invitations for the meeting to all of the nations now represented in Washington and that it will provide some money for entertainment purposes.

"The Surgeon General of the Public Health Service proposes, upon the recommendation of the National Advisory Cancer Council and as a means of carrying out the purposes of Section 301 of the Public Health Service Act with respect to cancer, to make a grant of \$15,000 to the forthcoming Congress. This contribution would be made available for salaries of the officers of the Congress for periods varying in duration from 2 to 6 months, for miscellaneous office expenses, and for editing, publishing, and distribution of the proceedings, including necessary translations. It would not be made available to the Congress for the purpose of paying the costs of lodging, feeding, conveying or furnishing transportation, and hence, assuming the applicability otherwise of the prohibitions of the Act of February 2, 1935 (49 Stat. 19; 31 U.S.C. 551) could involve no violation of that Act.

"Section 402 of the Public Health Service Act supplements, with specific reference to cancer, the broad authority vested in the Surgeon General by section 301 with respect to the conduct and promotion of research, investigations, experiments, demonstrations, and studies relating to disease. It directs the Surgeon General to conduct and foster such activities with respect to cancer and 'to promote the coordination of researches conducted by the Institute and similar researches conducted by other agencies, organizations and individuals.' In carrying out the provisions of section 402, all the appropriate provisions of section 301 are made available to the Surgeon General by section 403. Certain of the provisions of section 301 are in turn derived from the National Cancer Institute Act (50 Stat.

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559) which, with certain omissions, was continued as Title IV in the consolidated Public Health Service Act of 1944. For an explanation of the legislative background of section 301 and Title IV see pages 16-22 and 26-27 of the Report of the House Committee on Interstate and Foreign Commerce on the 'Consolidation and Revision of Laws Relating to the Public Health Service.' Report No. 1364, 79th Congress, 2nd Session.

"Under section 301 the Surgeon General is authorized to

"(d) Make grants in aid to universities, hospitals, laboratories, and other public or private institutions, and to individuals for such research projects as are . . . with respect to cancer, recommended by the National Advisory Cancer Council; . . ."

"He is also authorized to

"(g) Adopt . . . with respect to cancer, upon recommendation of the National Advisory Cancer Council, such additional means as he deems necessary or appropriate to carry out the purposes of this section."

"The meeting of the Fourth International Cancer Research Congress is eminently designed to stimulate and promote the coordination of research, investigations, studies, and other activities which may point the way to solution of the problem of finding means to diagnose, treat, control, and prevent cancer. The Surgeon General accordingly has determined that a grant of money to the Fourth International Cancer Research Congress is an appropriate means for carrying out the purposes of Section 301 of the Public Health Service Act.

"Advice is accordingly requested as to whether there is objection to the use of the appropriations made for carrying out the purposes of Title IV of the Public Health Service Act for a grant to be made, upon recommendation of the National Advisory Cancer Council, to the Fourth International Cancer Research Congress for the purposes outlined in the second paragraph of this letter. Stating the question more generally, and with reference to future problems, does the authority to adopt 'additional means' as provided in subsection (g) include authority to make expenditures in the form of grants for purposes which are within the general purposes of section 301 but which are not limited to 'research projects' as specified in subsection (d)?"

*July 1, 1944*  
The cited section 301 of the Public Health Service Act, 58 Stat. 691,

provides, in pertinent part, as follows:

"The Surgeon General shall conduct in the Service, and encourage, cooperate with, and render assistance to other appropriate public authorities, scientific institutions, and scientists in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, diagnosis, treatment,

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control, and prevention of physical and mental diseases and impairments of man, including water purification, sewage treatment, and pollution of lakes and streams. \* \* \*

In consideration of the broad general power vested in the Surgeon General by subsection (g) of said section 301—<sup>58 Stat. 692</sup> quoted in your letter—to adopt, with respect to cancer, upon the recommendation of the National Advisory Cancer Council, "such additional means as he deems necessary or appropriate to carry out the purposes of this section," there is a substantial basis for the view that grants of funds are not required to be restricted to research projects—<sup>58 Stat. 692</sup> which grants are specifically authorized by subsection (d) of section 301—but that grants may be made in any case where it is determined by the Surgeon General that such action is necessary to carry out the purposes and objectives of section 301.

Accordingly, and in view of the authority contained in section 402(b) <sup>58 Stat. 707</sup> of the act—whereby the Surgeon General may promote the coordination of researches conducted by the National Cancer Institute and those conducted by other agencies and organizations—I have to advise that, if it be determined by the Surgeon General that the proposed grant of funds to the Fourth International Cancer Research Congress is necessary to carry out the purposes of section 301, with respect to cancer, no objection will be interposed to the payment thereof from available appropriations.

Respectfully,

(Signed) Lindsey C. Warren

Comptroller General  
of the United States.