



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON

B-37018

OCT 14 1943

Hazel Q. Smith, Authorized Certifying Officer,
Civil Aeronautics Administration,
Department of Commerce.

Dear Miss Smith:

Reference is made to your letter of September 15, 1943, transmitting a voucher for \$2,820.99 in favor of the National Academy of Sciences, together with copies of pertinent correspondence, and requesting decision on the following questions in connection with your authority to certify said voucher for payment: (1) Can the letter of June 4 be regarded as a contract? (2) Can photostatic copies of receipted bills be accepted? (3) Can payment be made of charges for dinners, luncheons, aviation insurance premiums and superior transportation accommodations, such as a roomette to Chicago, as evidenced by Voucher No. 17; also miscellaneous tips, telephone calls and telegrams as reported on Voucher No. 30? (4) Can the voucher be paid as submitted?

Section 3 of the act of March 3, 1863, 12 Stat. 806, creating the National Academy of Sciences, provides in pertinent part as follows:

" * * * the academy shall, whenever called upon by any department of the Government, investigate, examine, experiment, and report

upon any subject of science or art, the actual expense of such investigations, examinations, and reports, to be paid from appropriations which may be made for the purpose, but the academy shall receive no compensation whatever for any services to the Government of the United States."

The letter of June 4, 1943, referred to above, from the Administrator, Civil Aeronautics Administration, to the National Academy of Sciences reads as follows:

"On March 9, 1943 the Civil Aeronautics Administration requested the services of the National Research Council Committee on the selection and training of aircraft pilots. The specific services requested are embodied in the attached copy of GAA inter-office memorandum.

"A conference was held with the officials of the Committee and it was agreed by the Committee that these requested services would be rendered. It was agreed by the GAA officials that payment for services would be made upon the submission of vouchers for bills incurred. It was specified, however, by the GAA that the maximum amount of these bills could not exceed \$5000.

"This letter will confirm the arrangements that have been made and notifies the National Academy of Sciences that the GAA is ready to reimburse the National Academy of Sciences out of any funds available for the administration of the Civilian Pilot Training Act of 1939. The Council shall submit to the Administration properly certified vouchers enumerating the services for which each payment is requested.

"This obligation shall be identified as contract number CCA-21514."

The Civil Aeronautics Administration's inter-office memorandum, to which reference is made in the above-quoted letter, is as follows:

"The Civil Aeronautics Administration War Training Service is contracting with seven institutions and flight operators for the training of flight instructors in the Controlled Secondary Instructor Course. The specifications for training these instructors include 102 hours of ground instruction to be given by the seven institutions. Of this 102 hours ground instruction, 30 hours will be devoted to training in instructor methods and the remaining 72 hours to supervised practice teaching of aviation subjects.

"Since the Division of Research has obtained from the work of the National Research Council Committee on Selection and Training of Aircraft Pilots, a large amount of valuable scientific data on instruction methods, it is requested that you arrange with the officials of the National Research Council Committee to prepare in conjunction with the War Training Service Standards Division, subject matter for the 30 hours ground instruction provided above. It is understood that the preparation of this matter will take some of the skilled and scientific workers away from their present duties for a short time. However, we understand from informal discussions with you that this can be arranged.

"We are, therefore, requesting that the officials of the committee arrange for a two week institute at which a minimum of seven instructors and possibly seven alternates can be given training in the subject matter described above. It is understood from our conversation and a brief survey of the schools involved that the University of Minnesota Minneapolis, Minnesota, is the logical place in which to conduct the institute. The training of these men should start not later than March 22, 1943.

"We shall appreciate your early advice as to the name and qualifications of an available instructor recommended to operate the institute."

Thus, apparently said letter of June 4 had been preceded by a conference between officials of the National Research Council Committee of the Academy and of the Civil Aeronautics Administration at which it was agreed that certain services would be performed by the Council and that the Administration would reimburse the Academy for expenses incurred in connection therewith to a maximum of \$5,000, and the letter was in confirmation of such arrangement. However, in view of the fact that the services involved are adequately described in the memorandum quoted above and that the agreement to reimburse the Academy for the actual expense of the work is in accord with the provision of the act of March 3, 1863,

sure, the execution of a formal contract would not appear essential to the validity of otherwise proper payments under the arrangement.

The specific items of expense for which reimbursement is claimed have been certified by an official of the Academy as having been actually incurred in the performance of the services. Also, the nature of such expenses is readily ascertainable from the photostatic copies of bills, invoices, etc., attached to the voucher. The mere fact that the expenses might not be payable under the laws and regulations governing the traveling and other expenses of Government employees is not necessarily controlling. See 21 Comp. Gen. 409, and decisions cited therein. Since apparently the expenses were considered necessary by those charged with the responsibility for the successful performance of the work and since there is no substantial basis for concluding that such determinations were not reasonably made, reimbursement thereof appears proper.

Accordingly, you are advised that the voucher, which is returned herewith, may be certified for payment from an available appropriation (none being indicated on the voucher) if otherwise correct.

Respectfully,

(Signed) Lindsay C. Warren

Comptroller General
of the United States.

Enclosure.