



United States
General Accounting Office
Washington, D.C. 20548

Office of the General Counsel

B-206845

March 2, 1988

The Honorable Christopher H. Smith
House of Representatives

Dear Mr. Smith:

This responds to your letter of December 29, 1987, to the Department of Defense concerning Mrs. , which was referred by the Defense Department to our Office.

For some years Mrs. has pursued a claim against the United States government for \$1,451,518 in rental payments allegedly due her and \$185,450 representing damages for alleged misappropriation of furniture arising from the leasing by United States government agencies of space in a hotel located in Cholon, Vietnam from January 1, 1965, to June 15, 1971. Mrs. filed her claim with the General Accounting Office on November 27, 1981. By decision B-206845, May 25, 1982 (copy enclosed), we held that the Barring Act, 31 U.S.C. § 3702 (formerly 31 U.S.C. § 71a), precluded our consideration of Mrs. claim since the claim had not been received by our Office within 6 years of the date it accrued. In response to several subsequent inquiries from Mrs. , we have again advised her that there is no action we can take on her claim since our Office has no authority to waive the provisions of the Barring Act.

In her letter to you dated October 28, 1987, Mrs. suggests that certain provisions of the Foreign Assets Control Regulations, 31 C.F.R. §§ 500.101 et seq., may have a bearing on her claim. However, these regulations are not applicable since she seeks payment from federal appropriated funds of a claim arising from the actions of United States government officials.

In sum, we must again advise that Mrs. claim is
barred from consideration under 31 U.S.C. § 3702.

Sincerely yours,



James F. Hinchman

James F. Hinchman
General Counsel

Enclosure