



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON 25

B-114,107

April 27, 1953

Honorable Russell B. Long
United States Senate

My dear Senator Long:

Reference is made to your letter of March 5, 1953, acknowledged March 13, inquiring as to the validity of expenditures made from funds appropriated to the Office of the Secretary of Defense under Chapter IX, Title I, of the Supplemental Appropriation Act, 1953, Public Law 547, 82d Congress, approved July 15, 1952, 66 Stat. 646, in view of the failure in the language to waive sections 355, 1136, or 3734 of the Revised Statutes, as amended, 33 U.S.C. 733, 34 id. 520, 50 id. 175; 10 id. 1339; 40 id. 259 and 267.

The cited appropriation provision is as follows:

"For establishment and development of military installations and facilities in foreign countries, \$140,000,000, to remain available until expended."

The sections of Revised Statutes referred to by you provide, in substance, respectively, for an opinion of the Attorney General as to the validity of the title of any land purchased by the United States for the purpose of erecting thereon any public building; that permanent structures shall not be constructed unless detailed estimates were previously submitted to and approved by the Congress; and that no money shall be paid or contracts made for payment for any site for a public building in excess of the amount specifically appropriated therefor.

The legislative history of the Supplemental Appropriation Act, 1953, discloses that the original bill before the House Armed Services Committee carried an authorization for the Office of the Secretary of Defense for the establishment and development of military installations in foreign countries in connection with the North Atlantic Treaty Organization, in a so-called Title V. The budget estimates included \$650,000,000 partial funding of this proposed authorization in 1953. During the course of consideration of the bill, this Title V was stricken in its entirety and the portions of

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the \$650,000,000 applicable to installations the full cost of which was to be borne by the United States (unilateral financing) were redistributed to each of the three military departments--Army, Navy and Air Force. The balance, consisting of the \$140,000,000 item here in question, was intended for NATO installations covered by multilateral financing in which the United States and foreign governments were to participate. See Page 30, House report No. 2316, 82d Congress, on the said bill. Moreover, it has been ascertained that the Department of Defense had obligated \$139,150,000 of this appropriation as of March 31, 1953, as the United States' share of the cost of various NATO facilities, such as airbases, port, and communication construction, which are for the common use of NATO countries. These common-use facilities are financed from an international fund composed of contributions by the member countries based upon cost sharing agreements and, hence, the contributions of the individual countries lose their identity upon deposit in the pool so that no particular contribution can be traced to any specific structures.

Since the amount was specifically appropriated to cover the United States' share of the cost of the various common-use NATO facilities and the structures to be constructed are not those of the United States but of the NATO organization it appears that the land and structures thereon are not public lands and buildings of the United States within the meaning of the various sections of the Revised Statutes referred to by you and those sections do not appear to be for application to the said funds.

It is hoped that this information will serve the purpose of your inquiry.

Sincerely yours,

Lindsay C. Warren

Comptroller General
of the United States