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Administrator,

Federal Security Agency.

My dear Mr. Ewing:

Reference is made to your letter dated January 31, 1949, in which a decision is requested as to whether a grant of \$20,000 properly may be made to the American Cancer Society to defray in part the cost of bringing together at Memphis, Tennessee, February 25, through February 27, 1949, all the available outstanding experts in the United States and abroad engaged in research, investigations, or experiments relating to the diagnosis, cause, treatment, or prevention of cancer. The stated purpose of such meeting is to secure through discussion and consultation, including consultation with members of the National Cancer Institute, an exchange of current information and an appraisal of the efforts now being made in the overall attack on cancer. It is understood that the making of the grant has been recommended by the National Advisory Cancer Council, and that a major part of the funds proposed to be granted would be used to meet

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the cost of transportation and subsistence of the invited experts and specialists while traveling to and from the meeting.

You specifically desire to be informed whether the provisions of the act of February 2, 1935, 49 Stat. 19, 31 U.S.C. 551, would apply to the expenditures by the proposed grantees, for traveling and subsistence expense, of the funds proposed to be granted, and, if so, whether the Surgeon General may authorize the use of the funds under section 405 of the Public Health Service Act, 58 Stat. 708, 42 U.S.C. 265, or the Administrator, Federal Security Agency, may authorize such expenditures under section 202 of the Federal Security Agency Appropriation Act, 1949, 62 Stat. 404. <sup>7/1/44</sup>

The act of February 2, 1935, supra, provides, in part, as follows:

"\* \* \* unless specifically provided by law, no moneys from funds appropriated for any purpose shall be used for the purpose of lodging, feeding, conveying, or furnishing transportation to, any conventions or other form of assemblage or gathering to be held in the District of Columbia or elsewhere. This section shall not be construed to prohibit the payment of expenses of any officer or employee of the Government in the discharge of his official duties."

Section 301 of the Public Health Service Act, 58 Stat. 691, as amended, 42 U.S.C. 241, states that the Surgeon General, in carrying out his obligation to "encourage \* \* \* and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases and impairments of man" may "Make grants

in aid to \* \* \* public or private institutions, and to individuals for such research projects as are \* \* \* with respect to cancer, recommended by the National Advisory Cancer Council," "Secure from time to time, and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants from the United States or abroad" and "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."

In the Federal Security Agency Appropriation Act, 1949, there was included the sum of fourteen million dollars to enable the Surgeon General "upon the recommendations of the National Advisory Cancer Council \* \* \* to cooperate with State health agencies, and other public and private nonprofit institutions, in the prevention, control, and eradication of cancer by providing consultative services, demonstrations, and grants-in-aid." In Office decision B-66327, dated June 23, 1947, referred to in your letter--holding that the General Accounting Office would not object to a grant of \$15,000 to the Fourth International Cancer Research Congress--it was recognized that there is a substantial basis for the view that grants of funds are not required to be restricted to research projects, but 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 of the

Public Health Service Act.

Accordingly, as the above-quoted act of February 2, 1935 has application only to cases where the use of funds is not specifically provided by law, it is not felt that said act would be for application where, as here, the funds are to be used for a grant in aid authorized by the Public Health Service Act and for which grant funds have been specifically appropriated. The expenditures being proper under section 301 of the act, no necessity arises for considering the applicability of the provisions of section 405 of said act or of section 202 of the Federal Security Agency Appropriation Act, 1949, supra.

Hence, if it be determined by the Surgeon General that the proposed grant of funds to the American Cancer Society effectually will carry out the purposes of section 301 of the Public Health Service Act, no objection will be interposed thereto by this Office.

Respectfully,

(Signed) Lindsey W. Brown  
Comptroller General  
of the United States.