



A-88061

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON

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COMP. GEN.
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AUG - 3 1937

GKH

The Honorable,

The Secretary of the Treasury.

Sir:

There is returned herewith Relief Transfer Appropriation Warrant No. B-76, dated July 23, 1937, transferring \$500,000 Emergency Relief funds, for credit to the appropriation account "513111 Emergency Relief, War, Quartermaster Corps, Highways, Roads and Streets, 1938."

President's letter No. 7096, dated July 22, 1937, submitted in support of the warrant requests the transfer of funds under authority of the Emergency Relief Appropriation Act of 1937, approved June 29, 1937, and states that the purpose of the transfer is:

"To provide work relief for persons in need through completing the construction, extension improvement and repair of roads and trails in Hawaiian Islands (Oahu), including acquisition of rights-of-way and incidental costs in connection therewith. The prosecution of this project shall be subject to all the restrictions and limitations of said Act."

It is provided in section 3736, Revised Statutes that:

"No land shall be purchased on account of the United States, except under a law authorizing such purchase."

Since there is no provision in the Emergency Relief Appropriation Act of 1937, supra, authorizing the acquisition of land or any interest therein, such as easements, rights-of-way, etc.,

there would appear no authority of law for the use of funds allocated under said act for the acquisition of rights-of-way as proposed.

As the project for which allocation is made in this instance is not otherwise objectionable the warrant has been countersigned with the understanding that the funds under said allocation are not to be used for the purchase or acquisition of land or any interests therein.

Respectfully,

(Signed) R. N. Elliott

Acting Comptroller General
of the United States.

Enclosure.

JHE
8-2-37
[Signature]
8/2/37

JHE
8/3/37