

The Clerk will read.
The Clerk read as follows:

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL
LEGAL ACTIVITIES (INCLUDING
TRANSFER OF FUNDS)

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including miscellaneous and emergency expenses authorized or approved by the Attorney General or the Assistant Attorney General for Administration. . . .

MR. ROUSSELOT: Mr. Chairman, on the basis of clause 2, rule XXI, I make the point of order that this is an unauthorized appropriation and has not been authorized by law.

MR. SLACK: I concede the point of order, Mr. Chairman.

THE CHAIRMAN: The point of order is conceded and sustained The paragraph is stricken. . . .

The Clerk read as follows:

SALARIES AND EXPENSES, ANTITRUST
DIVISION

For expenses necessary for the enforcement of antitrust, consumer protection and kindred laws. . . .

MR. ROUSSELOT: Mr. Chairman, on the basis of clause 2, rule XXI, I make the point of order that this is an unauthorized appropriation and has not been authorized by law.

MR. SLACK: Mr. Chairman, I concede the point of order.

THE CHAIRMAN: The point of order is conceded and sustained. The paragraph is stricken. . . .

The Clerk read as follows:

For necessary expenses of the Community Relations Service. . . .

MR. ROUSSELOT: Mr. Chairman, I make a point of order on the basis of clause 2, rule XXI, that this is an unauthorized appropriation and has not been authorized by law.

MR. SLACK: Mr. Chairman, I concede the point of order.

THE CHAIRMAN: The point of order is conceded and sustained. The paragraph is stricken.

§ 19. Public Works

Public Buildings Not Approved by Public Works Committee

§ 19.1 Language in a general appropriation bill providing an additional amount for the construction of public buildings not yet authorized pursuant to law was held not to be in order.

On June 7, 1961,⁽¹³⁾ during consideration in the Committee of the Whole of the independent offices appropriation bill (H.R. 7445), a point of order was raised, as follows:

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, a point of order.

THE CHAIRMAN:⁽¹⁴⁾ the gentleman will state it.

MR. GROSS: Mr. Chairman, I make a point of order against the language on page 19 beginning with line 9 and run-

13. 107 CONG. REC. 9678, 87th Cong. 1st Sess.

14. Richard Bolling (Mo.).

ning through line 16, reading as follows:

SITES AND EXPENSES, PUBLIC
BUILDINGS PROJECTS

For an additional amount for expenses necessary in connection with the construction of public buildings projects not otherwise provided for, as specified under this head in the Independent Offices Appropriation Acts of 1959, 1960 and 1961, including preliminary planning of public buildings projects by contract or otherwise, \$25,000,000, to remain available until expended.

I base the point of order on the ground that the appropriation herein called for is not justified, is not authorized; and I respectfully call the attention of the Chair to the language in the report on page 10 under the title "Sites and expenses, public buildings projects."

This amount is needed for financing the site and expense costs of projects that are now pending or will be submitted to the Public Works Committees this year.

THE CHAIRMAN: Does the gentleman from Texas desire to be heard on the point of order?

MR. [ALBERT] THOMAS [of Texas]: Mr. Chairman, the point of order is good; it has not been authorized. But is it needed. They testified to that effect. It has not been authorized, however, and on that basis it is subject to a point of order.

THE CHAIRMAN: The point of order is sustained.

§ 19.2 Appropriations for certain federal office buildings in the District of Columbia

were ruled out as unauthorized where not approved by the Public Works Committees of the House and Senate as required by the Public Buildings Act of 1959 [73 Stat. 479].

On Apr. 19, 1960,⁽¹⁵⁾ the Committee of the Whole was considering H.R. 11776, a bill making appropriations for sundry independent executive bureaus. At one point the Clerk read as follows, and proceedings ensued as indicated below:

CONSTRUCTION, PUBLIC BUILDINGS
PROJECTS

For expenses, not otherwise provided for, necessary to construct public buildings projects and alter public buildings by extension or conversion where the estimated cost for a project is in excess of \$200,000 pursuant to the Public Buildings Act of 1959 (73 Stat. 479), including equipment for such buildings, \$144,836,000, to remain available until expended: *Provided*, That the foregoing amount shall be available for public buildings projects at locations and at maximum construction improvement costs (excluding funds for sites and expenses) as follows:

Post office and Federal office building, Camden, Arkansas, \$633,250; . . .

Federal Office Building Numbered Nine, District of Columbia, \$20,031,100;

Federal Office Building Numbered Ten, District of Columbia, \$38,326,500; and

15. 106 CONG. REC. 8230, 86th Cong. 2d Sess.

United States Court of Claims and Court of Customs and Patent Appeals building, \$6,375,000: *Provided further*, That the foregoing limits of costs may be exceeded to the extent that savings are effected in other projects, but by not to exceed 5 per centum.

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, I make the point of order against the language beginning with line 9 on page 16 of the bill and running through line 14 to and including the "\$6,375,000" that it is not authorized by law.

THE CHAIRMAN:⁽¹⁶⁾ Does the gentleman from Texas care to be heard on the point of order?

MR. [ALBERT] THOMAS [of Texas]: Mr. Chairman, there is no question about it. The point of order is good.

THE CHAIRMAN: The Chair sustains the point of order.

Post Office Construction

§ 19.3 To an appropriation bill providing funds for the Post Office Department and transfer of not to exceed a certain sum to the General Services Administration for repair, preservation, improvement and equipment of federally owned property used for postal purposes, an amendment providing funds for construction of a post office annex, approved under the Lease-Purchase Act, but for which there had been no leg-

16. Frank N. Ikard (Tex.).

islation authorizing appropriations, was held to be unauthorized.

On Mar. 4, 1958,⁽¹⁷⁾ the Committee of the Whole was considering H.R. 11085, a bill making appropriations for the U.S. Treasury and the Post Office. During consideration, a point of order was sustained against an amendment as indicated below:

Sec. 204. Not exceeding \$22 million of appropriations in this title shall be available for payment to the General Services Administration of such additional sums as may be necessary for the repair, alteration, preservation, renovation, improvement, and equipment of federally owned property used for postal purposes, of which not to exceed \$20 million shall be available for improving lighting, color, and ventilation for the specialized conditions in space occupied for postal purposes.

MR. [BYRON G.] ROGERS of Colorado: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Rogers of Colorado: Page 14, after line 6, add:

"Sec. 205. There is appropriated the sum of \$8,209,000 for the construction of a terminal annex at Denver, Colo."

MR. [J. VAUGHAN] GARY [of Virginia]: Mr. Chairman, I reserve a point of order against the amendment.

THE CHAIRMAN:⁽¹⁸⁾ Does the gentleman from Colorado desire to be heard on the point of order?

17. 104 CONG. REC. 3420, 85th Cong. 2d Sess.

18. Brooks Hays (Ark.).

MR. ROGERS of Colorado: Yes. I contend that the amendment is in order as provided by Public Law 519 dated July 22, 1954, which is commonly referred to as the lease-purchase law. . . .

MR. GARY: Mr. Chairman, in the first place, the law cited by the gentleman from Colorado expired on June 30 last year. That is the lease-purchase law. In the second place, the lease-purchase law did not authorize any appropriations whatever. It merely authorized the construction of projects under a lease-purchase contract. In the third place, even if there were an authorization of construction, that comes under General Services Administration and the General Services Administration appropriation is not before this committee. We are considering the appropriation for the Post Office Department. There is absolutely no authorization whatever for the project in question. . . .

THE CHAIRMAN: The Chair is ready to rule.

The Chair is grateful to both the gentleman from Colorado and the gentleman from Virginia for their presentation. The Chair thinks reference to the legislation referred to by the gentleman from Colorado would develop the fact that the lease-purchase procedure is a distinctive type of construction procedure that does not yield to ordinary appropriation treatment. Consequently, the argument advanced by the gentleman from Virginia [Mr. Gary] appeals to the Chair. For the reason that no prior legislation authorizing this appropriation has been enacted by the Congress, the Chair sustains the point of order.

Airport Services

§ 19.4 An appropriation for necessary advisory services

to state and other public and private agencies with regard to construction and operation of airports and landing areas was held to be authorized by law.

On Mar. 16, 1945,⁽¹⁹⁾ the Committee of the Whole was considering H.R. 2603, an appropriation bill for the Federal Loan Agency and the Departments of State, Justice, Commerce, and the Judiciary. A point of order was overruled against the following paragraph:

Airport advisory service: For necessary expenses in furnishing advisory services to State and other public and private agencies in connection with the construction and operation of airports and landing areas, including personal services in the District of Columbia and elsewhere, and the operation, repair, and maintenance of passenger automobiles, \$300,000.

MR. [EDWARD H.] REES of Kansas: Mr. Chairman, I make a point of order against the words "and private agencies" on lines 6 and 7, page 60, on the ground that it is legislation on an appropriation bill and is not authorized by law. . . .

MR. [LOUIS C.] RABAUT [of Michigan]: Mr. Chairman, that is authorized under the provisions of Forty-ninth United States Code, section 451, under authority to foster and promote the development of aviation. . . .

19. 91 CONG. REC. 2373, 79th Cong. 1st Sess.

THE CHAIRMAN:⁽²⁰⁾ The gentleman from Michigan, the chairman of the subcommittee, called to the attention of the Chair certain language which the Chair desires to read:

The Administrator of Civil Aeronautics is empowered and directed to encourage and foster the development of civil aeronautics and air commerce in the United States and abroad, encourage the establishment of civil airways, landing areas, and other air navigation facilities. The Administrator shall cooperate with the Board in the administration and enforcement of this chapter.

It seems to the Chair that the language referred to is at least broad enough to authorize the appropriation objected to by the gentleman from Kansas.

The Chair overrules the point of order.

Alaskan Highway

§ 19.5 An appropriation for construction of a connecting highway between the United States and Alaska was unauthorized by law and not a continuation of a public work in progress.

On Mar. 10, 1942,⁽¹⁾ the Committee of the Whole was considering H.R. 6736, a War Department civil functions appropriation. At one point the Clerk read as fol-

20. Wilbur D. Mills (Ark.).

1. 88 CONG. REC. 2223, 2224, 77th Cong. 2d Sess.

lows, and proceedings ensued as indicated below:

Amendment offered by Mr. Case of South Dakota: On page 4, after line 10, insert "Alaskan Highway: For prosecuting the construction of a connecting highway from the States to and into Alaska, \$5,000,000."

MR. [JOHN] TABER [of New York]: Mr. Chairman, I reserve a point of order against the amendment. . . .

MR. [FRANCIS H.] CASE of South Dakota: In the first place, I doubt that it requires an authorization for the Corps of Engineers to carry on this work. The paragraph immediately preceding this was a paragraph dealing with the Signal Corps, for which we made an appropriation to carry on the Alaska Communications System.

Even if this project were one which required authorization by law the rules of the House provide that where a project is under construction and an appropriation is made for continuing construction, the appropriation is in order and is not subject to a point of order.

I call the Chair's attention to an Associated Press dispatch that appeared throughout the country in the papers of March 7, in which this statement was made:

An advance crew of American engineers is at Dawson Creek, and dozens of freight cars carrying construction equipment are expected to pass through Alberta in the next few weeks. . . .

THE CHAIRMAN:⁽²⁾ The Chair is ready to rule.

The mere fact that press reports show that certain groups are in Alaska

2. Alfred L. Bulwinkle (N.C.).

does not constitute in the mind of the Chair that there is really a working performance going on in this project at all.

The Chair, therefore, sustains the point of order.

Appropriation Language Limiting Expenditures to Authorized Projects

§ 19.6 A point of order was held not to lie against an amendment proposing to increase a lump-sum appropriation for river and harbor projects where language in the bill limited use of the lump-sum appropriation to "projects authorized by law."

On June 19, 1958,⁽³⁾ during consideration in the Committee of the Whole of H.R. 12858, a point of order against an amendment to the bill was overruled as indicated below:

Amendment offered by Mr. [Frank J.] Becker [of New York]: On page 4, line 8, after "expended", strike out "\$577,085,500" and insert "\$578,455,500." . . .

Mr. [John] Taber [of New York]: Mr. Chairman, I make the point of order against this amendment on the ground that it is legislation on an appropriation bill. It appears to be for three

projects which have not been authorized by law although a bill did pass the House. Frankly, I do not like the situation where I am obliged to make this point of order, but I feel that I would not be conscientious in the performance of my duty if I did not do so.

THE CHAIRMAN:⁽⁴⁾ Does the gentleman from New York [Mr. Becker] desire to be heard on the point of order?

MR. BECKER: Yes, Mr. Chairman. My understanding in trying to evaluate the various points of order in the last 2 days is that it is possible to increase the sum, that is, it is possible to increase the total sum of the appropriation if I do not include any specific authorization. I have not offered any authorization here or legislation on this bill. I am merely increasing the amount and the total sum of the appropriation in order that there will be a sum of money and in order that these three projects can be initiated. I hope the chairman will overrule the point of order. . . .

THE CHAIRMAN: The gentleman from New York [Mr. Becker] offers an amendment, on page 4, line 8, to which the gentleman from New York [Mr. Taber] raises a point of order.

The Chair has had an opportunity to examine the amendment and to review the ruling of the Chair on yesterday with respect to the language in the bill to which these figures on line 8, page 4, apply. The Chair will point out, as did the Chair on yesterday, that the language to which these figures apply is very specific in that the moneys are to be spent on projects authorized by law. So it would appear to the Chair

3. 104 CONG. REC. 11766, 11767, 85th Cong. 2d Sess. See also 105 Cong. Rec. 10061, 86th Cong. 1st Sess., June 5, 1959.

4. Wilbur D. Mills (Ark.).

that the amendment offered by the gentleman from New York [Mr. Becker] raising the amount of the appropriation would be in order.

The Chair therefore overrules the point of order.

Parliamentarian's Note: See also the discussion of related rulings in §§ 7.10 et seq., supra; and see Ch. 25, § 2.17, volume 7, supra.

Rivers and Harbors

§ 19.7 An appropriation for an “experimental cut” in connection with a survey under the Rivers and Harbors Act was held not to be authorized by law inasmuch as conditions set forth in the act had not been met.

On June 15, 1937,⁽⁵⁾ the Committee of the Whole was considering H.R. 7493, an appropriation for civil functions of the War Department. At one point the Clerk read as follows, and proceedings ensued as indicated below:

Amendment offered by Mr. Peterson of Florida: Page 7, after line 16, add a new paragraph as follows:

“For experimental cut, Big Pass-Clearwater, Fla., in connection with survey authorized by the Rivers and Harbors Act approved August 30, 1935, \$21,000: *Provided*, That local interest shall contribute not less than \$10,000 toward such project.” . . .

5. 81 CONG. REC. 5787, 5788, 75th Cong. 1st Sess.

MR. [J. BUELL] SNYDER of Pennsylvania: . . . Mr. Chairman, the point of order is that the matter covered by the proposed amendment is not authorized by law.

THE CHAIRMAN:⁽⁶⁾ Does the gentleman from Florida desire to be heard on the point of order?

MR. [J. HARDIN] PETERSON of Florida: Mr. Chairman, the Rivers and Harbors Act of 1935 authorized a survey. This provides an appropriation for the purpose of carrying out that survey. . . .

THE CHAIRMAN: The Chair is ready to rule:

Section 3 of the act of August 30, 1935, gives to the Secretary of War—

Authority to cause preliminary examinations and surveys to be made at the following-named localities, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes: *Provided*, That no further examination, survey project, or estimate for new works other than those designated in this or some prior act or joint resolution shall be made: *Provided further*, That after the regular or formal reports made as required by law on any examination, survey, project, or work under way or proposed or submitted no supplemental or additional report or estimate shall be made unless authorized by law. . . .

The provision (authorizes) preliminary examinations and surveys, and specifically (provides):

That the Government shall not be deemed to have entered upon any project for the improvement of any waterway or harbor mentioned in this act until the project for the proposed work shall have been adopted by law.

6. John W. McCormack (Mass.).

No law having been cited by the gentleman from Florida showing that Congress has adopted any program as the result of the recommendations of the Secretary of War by reason of the authority vested in the Secretary and contained in the section to which the Chair has referred, the Chair sustains the point of order.

Bureau of Reclamation

§ 19.8 To a paragraph of an appropriation bill making appropriations to the Army Corps of Engineers for flood control, an amendment making part of such appropriation available for studying specified work of the Bureau of Reclamation was held to be unauthorized as well as not germane to the paragraph to which offered.

On June 13, 1951,⁽⁷⁾ during consideration in the Committee of the Whole of an appropriation bill (H.R. 4386), a point of order was raised against the following amendment:

MR. [THOMAS H.] WERDEL [of California]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Werdel: On page 7, line 3, strike out the colon and insert "of which \$15,000 shall be utilized for the

study of the specifications used by the Bureau of Reclamation in connection with controls for laterals and sublaterals to distribute water from the Friant Kern Canal, and to estimate the cost of correcting specification errors."

MR. [LOUIS C.] RABAUT [of Michigan]: Mr. Chairman, I make a point of order against the amendment offered by the gentleman from California, which I will reserve so that the gentleman may speak on his amendment. . . .

May I be heard, Mr. Chairman? I feel constrained to speak to the point of order.

THE CHAIRMAN:⁽⁸⁾ The Chair will hear the gentleman from Michigan.

MR. RABAUT: Mr. Chairman, this deals with the Reclamation Department of the Government and not with the Corps of Engineers. It involves a project in reclamation, and we are not talking about reclamation projects here at all.

I insist on the point of order. It is legislation on an appropriation bill. . . .

THE CHAIRMAN: The Chair is ready to rule.

The Chair has examined the amendment. As far as any argument which he has heard is concerned, there is no reference to any authority which exists in law for this study and there is nothing in this bill on this subject.

Therefore the Chair sustains the point of order.

Tennessee-Tombigbee Waterway

§ 19.9 An appropriation for the Tennessee-Tombigbee inland

7. 97 CONG. REC. 6522, 6523, 82d Cong. 1st Sess.

8. Porter Hardy, Jr. (Va.).

waterway was authorized by law.

On Mar. 24, 1949,⁽⁹⁾ the Committee of the Whole was considering H.R. 3734, a Department of the Army civil functions appropriation. A point of order was raised against the following amendment:

Amendment offered by Mr. [John E.] Rankin [of Mississippi]: Page 8, after line 8, insert the following new paragraph:

"Tennessee-Tombigbee inland waterway: For the prosecution of the works of improvement with respect to the Tombigbee and Tennessee Rivers heretofore authorized by law (Public Law 525, 79th Cong.) \$3,000,000."

MR. [CLARENCE] CANNON [of Missouri]: Mr. Chairman, a point of order.

THE CHAIRMAN:⁽¹⁰⁾ The gentleman will state it.

MR. CANNON: I make the point of order, Mr. Chairman, that the amendment is not germane at this point in the bill, and therefore not in order.

THE CHAIRMAN: Does the gentleman from Mississippi desire to be heard?

MR. RANKIN: Yes, Mr. Chairman, it is germane to this part of the bill and is in order.

This is the part of the bill that covers projects of this kind. I have prepared this amendment to carry out the mandate of Congress 2 years ago and the recommendation of the Army engineers. This amendment merely intro-

duces a new section after line 8 on page 8 and provides for funds to begin construction of this great inland waterway, this missing link in our great internal waterway system.

I submit that it is in order and properly presented at this time.

MR. [JOHN] TABER [of New York]: Mr. Chairman, a further point of order.

THE CHAIRMAN: The gentleman will state it.

MR. TABER: The provision for rivers and harbors is entirely included in the paragraph beginning at line 10 on page 5 of the bill and ending on line 8, page 8, and all amendments relating to additional rivers and harbors projects would have to be offered within that paragraph. This goes outside of that and is not germane at this point or elsewhere in the bill.

MR. RANKIN: Mr. Chairman, that is where it is offered.

THE CHAIRMAN: Can the gentleman from New York advise the Chair as to a more appropriate place that he thinks the amendment should be offered to this bill?

MR. TABER: I think it must be offered as an amendment to the figure \$176,000,000 on page 6, line 22, where all provisions for rivers and harbors are included.

THE CHAIRMAN: The Chair is prepared to rule. The Chair invites attention to the fact that the paragraph of the bill now under consideration relates to rivers and harbors, maintenance and improvements of existing river and harbor works. The gentleman from Mississippi offers an amendment which has been reported by the Clerk which seeks to add a new paragraph under the same heading of rivers and

9. 95 CONG. REC. 3141, 81st Cong. 1st Sess.

10. Jere Cooper (Tenn.).

harbors, maintenance and improvements of existing river and harbor work. The Chair invites attention to the fact that the pending amendment relates to the prosecution of work on improvements with respect to certain rivers as heretofore authorized by law. The Chair is constrained to believe that the amendment is in order as a new paragraph and, therefore, overrules the point of order.

Diversion Dam, Missouri Basin

§ 19.10 An appropriation for the diversion dam, in the Missouri-Souris division of the Missouri River Basin project, was authorized by law.

On Mar. 30, 1949,⁽¹¹⁾ the Committee of the Whole was considering H.R. 3838, an Interior Department appropriation. At one point the Clerk read as follows, and proceedings ensued as indicated below:

Amendment offered by Mr. [William] Lemke [of North Dakota]: Page 47, line 7, after the word "Congress", insert a colon and add the following: "*Provided*, That not less than \$1,500,000 of the sums hereby appropriated under this head shall be reserved for the diversion dam, Missouri-Souris division, Missouri River Basin project."

MR. [HENRY M.] JACKSON of Washington: Mr. Chairman, I make the point of order that this particular

amendment is legislation on an appropriation bill. . . .

THE CHAIRMAN:⁽¹²⁾ Does the gentleman from North Dakota [Mr. Burdick] desire to be heard on the point of order?

MR. [USHER L.] BURDICK: Yes, Mr. Chairman. This project was authorized in the 1944 Flood Control Act with an appropriation of \$200,000,000 for the dams and \$200,000,000 for diversion. It is authorized, and there was an appropriation on that authorization.

THE CHAIRMAN: Can the gentleman cite the law relating to the project in question?

MR. LEMKE: Public Law 534. . . .

MR. BURDICK: Mr. Chairman, the matter before us now came into this Congress in a peculiar way. Document 475 came before this Congress authorizing the building of the Garrison Dam by the Army engineers. Senate Document 191 came in authorizing diversion of the waters, to which this amendment alludes. Those two documents, with the consent of the engineers on both sides, resulted in the law which we passed, which was known as Document No. 247. On that document the law was based. That program was authorized. . . .

THE CHAIRMAN: The Chair is prepared to rule.

In light of the information given the Chair, the Chair would invite attention to section 9 of the Flood Control Act of 1944. It would appear from the best examination the Chair has been able to make that the project mentioned in the pending amendment is authorized under that provision. Therefore, the Chair overrules the point of order.

11. 95 CONG. REC. 3525, 3526, 81st Cong. 1st Sess.

12. Jere Cooper (Tenn.).

Transmission Lines, Bonneville Power

§ 19.11 An appropriation for construction of transmission lines from Grand Coulee Dam to Spokane was held authorized by language in the Rivers and Harbors Act of 1935 under "incidental works necessary to such project."

On May 13, 1941,⁽¹³⁾ during consideration in the Committee of the Whole of H.R. 4590, an Interior Department appropriation, a point of order against language in the bill was overruled. The proceedings were as follows:

BONNEVILLE POWER ADMINISTRATION

For all expenses necessary to enable the Bonneville Power Administrator to exercise and perform the powers and duties imposed upon him by the act "to authorize the completion, maintenance, and operation of the Bonneville project, for navigation, and for other purposes," approved August 20, 1937 [50 Stat. 731], including personal services, travel expenses, purchase and exchange of equipment, printing and binding, and purchase and exchange maintenance, and operation of motor-propelled passenger-carrying vehicles, to remain available until expended, \$22,858,500, of which amount not exceeding \$4,000,000 shall be immediately available, not exceeding \$15,000 shall be available for personal services in the

13. 87 CONG. REC. 4004, 77th Cong. 1st Sess.

District of Columbia and \$885,600 shall be available for expenses of marketing and transmission facilities, and administrative costs in connection therewith: *Provided*, That \$2,000,000 of the foregoing amount shall be available only for the construction of additional transmission lines from the Grand Coulee Dam to Spokane, Wash.

MR. [ROBERT F.] RICH [of Pennsylvania]: Mr. Chairman, I make a point of order against the language on page 13, beginning in line 25, "that \$2,000,000 of the foregoing amount shall be available only for the construction of additional transmission lines from the Grand Coulee Dam to Spokane, Wash.," that it is not authorized by law. . . .

THE CHAIRMAN:⁽¹⁴⁾ The gentleman from Washington is recognized on the point of order.

MR. [CHARLES H.] LEAVY [of Washington]: Mr. Chairman, the basic act providing for the construction of Grand Coulee Dam provides in this language:

For the purpose of controlling floods, improving navigation, regulating the flow of streams of the United States, providing for storage, for the delivering of stored waters thereof, for the reclamation of the public lands and Indian reservations, and other beneficial uses, and for the generation of electrical energy as a means of financially aiding and assisting. . . .

Then omitting a portion of the language—

The President, acting through such agents as he may designate, is hereby authorized to construct, operate, and maintain dams, structures, canals, and incidental works nec-

14. Jere Cooper (Tenn.).

essary to such projects, and in connection therewith to make and enter into any and all necessary contracts, including among other things, structures, canals, and incidental works necessary in connection therewith.

In August 1940 the President by Executive order provided that the power generated at Grand Coulee should be distributed by the Administrator for Bonneville, and the responsibility for marketing that power was placed in the Bonneville Administration.

If by law we can appropriate money for this activity in its entirety, and if we have that responsibility, then certainly by law we can appropriate money for a particular phase of such activity and so designate that appropriation for a particular purpose.

I submit, Mr. Chairman, that the point of order should be overruled.

MR. [JOHN] TABER [of New York]: Mr. Chairman, may I be heard on the point of order?

THE CHAIRMAN: The Chair will be pleased to hear the gentleman, but the Chair would first like to inquire of the gentleman from Washington where he read the Executive order of the President? Is that in the hearings?

MR. LEAVY: That is in the hearings on page 159, the first paragraph.

THE CHAIRMAN: The Chair would be pleased to hear the gentleman from New York [Mr. Taber] on the point of order.

MR. TABER: Mr. Chairman, I just want to call attention to the fact that not one single word of the language of the authorization act that was read authorizes the construction of a power line. It authorizes canals, approaches, and incidental structures, but not one single word authorizes the construction of a power dam.

THE CHAIRMAN: The Chair is prepared to rule. The gentleman from Pennsylvania [Mr. Rich] makes a point of order against the language appearing in line 25, page 13, extending through line 3 on page 14 of the pending bill, on the ground that the appropriation there included is not authorized by law.

The Chair has examined with some degree of care the act to which reference was made by the gentleman from Washington [Mr. Leavy], in his discussion on the point of order, which is the Rivers and Harbors Act approved August 30, 1935. The gentleman from Washington very kindly assisted the Chair in citing the language of this act with respect to the Grand Coulee Dam. Without repeating the language quoted by the gentleman from Washington the Chair desires to invite especial attention to the following provision included in the act, which is a part of the language quoted by the gentleman from Washington:

And incidental works necessary to such projects.

The Chair is of the opinion that that language, taken with the entire act and the clear purpose of the act as stated, would form a sufficient basis to sustain the appropriation included in this item of the pending bill. Therefore the Chair is of the opinion that this item is authorized by existing law, and the Chair therefore is constrained to overrule the point of order.

Tennessee Valley Authority Act

§ 19.12 An appropriation for the construction of a dam on the lower Tennessee River

was held authorized by the Tennessee Valley Authority Act.

On May 8, 1936,⁽¹⁵⁾ the Committee of the Whole was considering H.R. 12624, a deficiency appropriation bill.

The Clerk read as follows:

TENNESSEE VALLEY AUTHORITY

For the purpose of carrying out the provisions of the entitled "The Tennessee Valley Authority Act of 1933", approved May 18, 1933 (U.S.C., title 16, ch. 12a), as amended by the act approved August 31, 1935 (49 Stat. 1075-1081), including the continued construction of Norris Dam, Wheeler Dam, Pickwick Landing Dam, Guntersville Dam, and Chickamauga Dam (hereafter to be known as McReynolds Dam), and the beginning of construction on a dam on the Hiwassee River, a tributary of the Tennessee River, at or near Fowler Bend, and the continuation of preliminary investigations as to the appropriate location and type of a dam on the lower Tennessee River, and the acquisition of necessary land, the clearing of such land, relocation of highways, and the construction or purchase of transmission lines and other facilities, and all other necessary works authorized by such acts, and for printing and binding, law books, books of reference, newspapers, periodicals, purchase, maintenance, and operation of passenger-carrying vehicles, rents in the District of Columbia and elsewhere, and all necessary salaries and expenses connected with the organization, operation, and investigations of the Tennessee Valley Authority, fiscal year 1937, \$39,900,000: *Provided,*

15. 80 CONG. REC. 6964, 74th Cong. 2d Sess.

That this appropriation and any unexpended balance on June 30, 1936, in the "Tennessee Valley Authority Fund, 1936", and the receipts of the Tennessee Valley Authority from all sources during the fiscal year 1937 (except as limited by sec. 26 of the Tennessee Valley Authority Act of 1933, as amended), shall be covered into and accounted for as one fund to be known as the "Tennessee Valley Authority Fund, 1937", to remain available until June 30, 1937, and to be available for the payment of obligations chargeable against the "Tennessee Valley Authority Fund, 1936". . . .

MR. [HERRON C.] PEARSON [of Tennessee]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Pearson: On page 19, line 8, after the word "river", insert the words "and the beginning of construction of a dam on the lower Tennessee River."

[Mr. John Taber, of New York, having reserved a point of order⁽¹⁶⁾ against the amendment, the following exchange occurred:⁽¹⁷⁾]

THE CHAIRMAN:⁽¹⁸⁾ Does the gentleman from New York insist upon his point of order?

MR. TABER: I do, Mr. Chairman.

THE CHAIRMAN: The gentleman will state his point of order.

MR. TABER: That it is legislation on an appropriation bill and is an item not authorized by law.

MR. [DONALD H.] MCLEAN [of New Jersey]: Mr. Chairman, may I ask the gentleman from New York to withhold his point of order?

16. *Id.* at p. 6968.

17. *Id.* at p. 6969.

18. John W. McCormack (Mass.).

THE CHAIRMAN: The Chair would like to have some information from the gentleman from Tennessee. Will the gentleman from Tennessee point out to the Chair any existing law which authorizes the construction contemplated by the amendment of the gentleman from Tennessee?

MR. PEARSON: The act which created the Tennessee Valley Authority provided for the construction of necessary dams on the river to carry out the projects stated therein—that is, for national defense and navigation.

MR. TABER: Mr. Chairman, in order to make my point of order clear, let me say that this is beyond the scope of the Tennessee Valley Authority. The word “necessary” requires the fact to be established in ruling upon the language.

It was stated by the Tennessee Valley Authority in the hearings that this Gilbertville proposition involved a dam and a canal—a large dam in the Ohio which would cover operation of both the Cumberland and the Ohio as well as the Tennessee. This Tennessee Valley Authority relates only to the dams entirely within their authority covering the Tennessee only. This goes beyond the scope of the Tennessee Valley Authority.

Mr. [Lister] Hill of Alabama rose.

THE CHAIRMAN: Does the gentleman from Alabama wish to be heard on the point of order?

MR. HILL of Alabama: I do. Mr. Chairman, the amendment is clearly in order. I call the Chair’s attention to section 2, subsection (j), of Public Law 412, Seventy-fourth Congress, which is the amendatory act of the Tennessee Valley Authority. . .

I think under the language there can be no question but that the amend-

ment offered by the gentleman from Tennessee is in order. The language authorizes construction of any and all dams that may be needed for flood control and navigation of the Tennessee River. All dams from Knoxville to the mouth of the river are authorized. The amendment of the gentleman from Tennessee is undoubtedly in order.

THE CHAIRMAN: The Chair is prepared to rule. The amendment of the gentleman from Tennessee [Mr. Pearson] inserts, after the word “river”, line 8, page 19, the words “and the beginning of construction on a dam on the lower Tennessee River.” The question as it appears to the Chair is whether or not there is any existing law which authorizes the construction of such a dam. The gentleman from Alabama [Mr. Hill] has referred to Public, No. 412, of the first session of the Seventy-fourth Congress, which the Chair reads—and, by the way, it is an amendment to the original Tennessee Valley Act:

Sec. 2. That subdivision (j) of said section 4 of said act be, and the same is hereby, amended to read as follows:

“(j) Shall have power to construct such dams and reservoirs in the Tennessee River and its tributaries, as in conjunction with Wilson Dam, and Norris, Wheeler, and Pickwick Landing Dams, now under construction, will provide a 9-foot channel in the said river and maintain a water supply for the same from Knoxville to its mouth, and will best serve to promote navigation on the Tennessee River and its tributaries and control destructive flood waters in the Tennessee and Mississippi River drainage basins; and shall have power to acquire or construct power-houses, power structures, transmission lines, navigation projects, and incidental

works in the Tennessee River and its tributaries, and to unite the various power installations into one or more systems by transmission lines. The directors of the Authority are hereby directed to report to Congress their recommendations not later than April 1, 1936, for the unified development of the Tennessee River system."

In the opinion of the Chair, the language just read constitutes an authorization for the appropriation, and the Chair overrules the point of order and holds the amendment to be in order.

Public Buildings, Requirement for Committee Approval

§ 19.13 Where existing law (40 USC §606) specifically prohibits the making of an appropriation to construct or alter any public building involving more than \$500,000 unless approved by resolutions adopted by House and Senate Committees on Public Works, an appropriation in a general appropriation bill for public building construction or renovation not previously authorized by both committees is in violation of Rule XXI clause 2(a), notwithstanding the "work in progress" exception stated in that rule and readopted subsequent to enactment of 40 USC §606, since the law specifically precludes the appropriation from being made

and the "work in progress" exception is only applicable where there is no authorization in law.

On June 8, 1983,⁽¹⁹⁾ a paragraph of a general appropriation bill containing funds for the General Services Administration for construction of new buildings at two sites and repair of two existing projects was conceded to be unauthorized and was ruled out on a point of order, since the construction and repair had not been authorized by the Committee on Public Works and Transportation as required by statute for projects in excess of \$500,000 (40 USC §606), and since the public works in progress exception for unauthorized construction and repair does not countervail a statute requiring specific authorization before an appropriation can be made. The proceedings were as follows:

MR. [ROBERT A.] YOUNG of Missouri: Mr. Chairman, I rise to make a point of order against four provisions found in title IV in which the paragraph is entitled "General Services Administration, Federal Buildings Fund, Limitations on Availability of Revenue."

THE CHAIRMAN:⁽²⁰⁾ The gentleman from Missouri (Mr. Young) is recognized on his point of order.

19. 129 CONG. REC. —, 98th Cong. 1st Sess.

20. Gerry E. Studts (Mass.).

The portion of the bill to which the point of order relates is as follows:

The revenues and collections deposited into the fund pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings, rental of buildings in the District of Columbia . . . repair and alteration of federally owned buildings, including grounds, approaches and appurtenances, care and safeguarding of sites, maintenance, preservation, demolition, and equipment . . . preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by purchase contract, in the aggregate amount of \$2,023,143,000 of which (1) not to exceed \$132,510,000 shall remain available until expended for construction of additional projects as authorized by law at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

New Construction: . . .

Oregon: Portland, Bonneville Power Administration Federal Building, \$67,475,000. . . .

Tennessee: Knoxville, Federal Building, \$14,990,000. . . .

Provided further, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropria-

tions of the House and Senate for a greater amount: . . .

New York: New York, Federal Office Building, 252 Seventh Avenue, \$579,000. . . .

Pennsylvania: Pittsburgh, Post Office, \$8,974,000. . . .

MR. YOUNG of Missouri: Mr. Chairman, specifically, on page 18, lines 13 through 17 of the bill, H.R. 3191, under consideration, there appears an appropriation in the amount of \$67,475,000 for the construction of the Bonneville Power Administration Federal Building in Portland, Oreg., and \$14,990,000 for the construction of a Federal building in Knoxville, Tenn.

In addition, on page 20, lines 18 and 19, there appears an appropriation in the amount of \$579,000 for renovation of the Federal Office Building at 252 Seventh Avenue in New York, N.Y.; as well as on page 20, lines 23 and 24, there appears an appropriation in the amount of \$8,974,000 for the repair and alteration of the post office in Pittsburgh, Pa.

These four appropriations appear to be in violation of rule XXI, clause 2, of the rules of the House of Representatives. . . .

Mr. Chairman, section 7(a) of the Public Buildings Act of 1959, as amended, 40 U.S.C. 606, states:

In order to insure the equitable distribution of public buildings throughout the United States with due regard for the comparative urgency of need for such buildings, except as provided in Section 4, no appropriation shall be made to construct, alter, purchase, or to acquire any building to be used as a public building which involves a total expenditure in excess of \$500,000 if such construction, alteration, pur-

chase, or acquisition has not been approved by resolutions adopted by the Committees on Public Works of the Senate and House of Representatives, respectively.

Mr. Chairman, the law is clear that prior to the appropriation of funds for the construction or alteration of a public building which cost shall exceed \$500,000, a resolution must be reported by your House Committee on Public Works and Transportation approving such authorization. This action has not occurred to date. . . .

MR. [EDWARD R.] ROYBAL [of California]: . . . It is my understanding that the prospectuses for the construction that is in the bill have not been approved; is that correct?

MR. YOUNG of Missouri: Mr. Chairman, they have not been approved by our subcommittee nor by the full committee.

MR. ROYBAL: Since they have not been approved by any of the committees, I will concede the point of order, Mr. Chairman. . . .

THE CHAIRMAN: The point of order is conceded and sustained.

§ 20. Other Purposes

Civil Defense

§ 20.1 Language in an appropriation bill making funds available for distribution of radiological instruments and detection devices to states by loan or grant, for civil defense purposes, was conceded to be without author-

ization and was ruled out on a point of order.

On Mar. 20, 1957,⁽¹⁾ during consideration in the Committee of the Whole of H.R. 6070, a bill making appropriations for sundry executive bureaus, a point of order was sustained against language therein, as indicated below:

Emergency supplies and equipment: For expenses necessary for warehousing and maintenance of reserve stocks of emergency civil-defense materials as authorized by subsection (h) of section 201 of the Federal Civil Defense Act of 1950, as amended, and for distribution of radiological instruments and detection devices to the several States, and the District of Columbia, and the Territories and possessions of the United States, by loan or grant, for training and educational purposes, under such terms and conditions as the Administrator shall prescribe, \$3,300,000.

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, a point of order.

THE CHAIRMAN:⁽²⁾ The gentleman will state it.

MR. GROSS: Mr. Chairman, I make the point of order against the following language, beginning in line 19 of page 5, "for distribution of radiological instruments and detection devices to the several States, the District of Columbia, and the Territories and possessions of the United States, by loan or grant, for training and educational

1. 103 CONG. REC. 4046, 85th Cong. 1st Sess.
2. Frank N. Ikard (Tex.).