

No. 94-503, §204) all appropriations for the Department of Justice and related agencies and bureaus are deemed unauthorized for fiscal 1979 and subsequent fiscal years unless specifically authorized for each fiscal year, and the creation of any subdivision in that department or the authorization of any activity therein, absent language specifically authorizing appropriations for a fiscal year, is not deemed sufficient authorization. Accordingly, on June 14, 1978,⁽¹⁸⁾ appropriations for the Department of Justice and related agencies for fiscal 1979 were conceded to be unauthorized (except for certain agencies for which appropriations had been authorized by separate law).

§ 11 Subject Matter: Agriculture

Language of Permanence in Prior Appropriation Act Consumption of Domestic Farm Commodities

§ 11.1 An appropriation of \$25 million to be used to increase domestic consumption of farm commodities was held authorized by permanent

18. 124 CONG. REC. 17622-24, 95th Cong. 2d Sess.

legislation contained in a prior appropriation law providing that “hereafter such sums shall be available as approved by Congress.”

On May 20, 1964,⁽¹⁹⁾ the Committee of the Whole was considering H.R. 11202, an Agriculture Department appropriation bill. At one point the Clerk read as follows and proceedings ensued as indicated below:

REMOVAL OF SURPLUS AGRICULTURAL
COMMODITIES (SECTION 32)

No funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612C) shall be used for any purpose other than commodity program expenses as authorized therein, and other related operating expenses, except for . . . (5) not in excess of \$25,000,000 to be used to increase domestic consumption of farm commodities pursuant to authority contained in Public Law 88-250, the Department of Agriculture and Related Agencies Appropriation Act, 1964, of which amount \$2,000,000 shall remain available until expended for construction, alteration and modification of research facilities.

MR. [PAUL] FINDLEY [of Illinois]: Mr. Chairman, I make a point of order against the language in this section headed “Removal of Surplus Agricultural Commodities (sec. 32).” . . .

My point of order is that the proposition is not in compliance with clause

19. 110 CONG. REC. 11422, 11423, 88th Cong. 2d Sess.

2 rule XXI of the House of Representatives. Clause 2 reads:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditures not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

THE CHAIRMAN:⁽²⁰⁾ May the Chair inquire of the gentleman from Illinois as to whether his point of order is to the entire section or the entire paragraph or that portion which he indicated?

MR. FINDLEY: My point of order is to lines 3 through 9, the portion of the section beginning with the figure in parentheses 5. I will read it. It reads as follows:

(5) not in excess of \$25,000,000 to be used to increase domestic consumption of farm commodities pursuant to authority contained in Public Law 88-250, the Department of Agriculture and Related Agencies Appropriation Act, 1964, of which amount \$2,000,000 shall remain available until expended for construction, alteration and modification of research facilities.

There is legislation in an appropriation bill.

THE CHAIRMAN: The gentleman will include the word "and" on line 2, I assume.

MR. FINDLEY: Yes.

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

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Chairman, I call attention to the section in the bill, last year

where Congress passed permanent legislation authorizing this in the appropriation act in which we said hereafter this could be done. It is in last year's appropriation act which was written for this specific purpose and provides hereafter not to exceed \$25 million may be appropriated for these purposes. We cite chapter and verse there, so to speak, and it is quite clear. . . .

THE CHAIRMAN: The Chair is ready to rule. The gentleman from Illinois [Mr. Findley] makes a point of order addressed to the language appearing on page 16, line 2, beginning with "and" and continuing through and including line 9, on the ground that it is legislation on an appropriation bill.

The Chair has had called to its attention the section which was contained in Public Law 88-250, in which it appears that the appropriation here, which incidentally is also in the nature of a limitation, was authorized by the Congress by the inclusion of the words pointed out by the gentleman from Mississippi that "hereafter such sums (not in excess of \$25,000,000 in any one year) as may be approved by the Congress shall be available for such purpose," and so forth.

The Chair therefore holds that the language in that public law cited is authority for the inclusion in the pending bill of the language to which the point of order was addressed and therefore overrules the point of order.

Centennial of Agriculture Department

§ 11.2 Language in a general appropriation bill providing funds for a celebration of the

20. Eugene J. Keogh (N.Y.).

centennial of the establishment of the Department of Agriculture was held to be not specifically authorized by law and not authorized by the organic act creating the department and permitting dissemination of information.

On June 6, 1961,⁽¹⁾ during consideration in the Committee of the Whole of the Agriculture Department appropriation bill (H.R. 7444), a point of order was raised against the following provision:

The Clerk read as follows:

CENTENNIAL OBSERVANCE OF
AGRICULTURE

Salaries and expenses

For expenses necessary for planning, promoting, coordinating, and assisting participation by industry, trade associations, commodity groups, and similar interests in the celebration of the centennial of the establishment of the Department of Agriculture; expenses of an honorary committee established in connection with such celebration; and employment pursuant to section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), as amended by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); \$100,000, to remain available until December 31, 1962.

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Chairman, I make the point of order against the language beginning on page 28, line 14, and con-

tinuing down to and including line 2 on page 29, that it is not authorized by law.

THE CHAIRMAN:⁽²⁾ Does the gentleman from Mississippi desire to be heard on the point of order?

MR. [JAMIE L.] WHITTEN [of Mississippi]: Yes, Mr. Chairman. May I say we have checked this matter and under the organic act of 1862 creating the Department of Agriculture, authority is granted to disseminate information. It is our argument and our insistence that the language which the gentleman would strike under which a centennial observance of the creation of the Department of Agriculture is to be held here in Washington where visitors from all over the United States may come to see the exhibits and demonstrations and reports and various other things that the Department has brought together over the years is clearly disseminating information, and is within the organic act which created the Department of Agriculture, which act was passed in 1862.

THE CHAIRMAN: The Chair asks the gentleman from Mississippi if he can refer the Chair to any special or specific legislation authorizing the celebration of the centennial of the establishment of the Department of Agriculture or does the gentleman rely on the general organic act?

MR. WHITTEN: I rely upon the general organic act, Mr. Chairman.

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

MR. HOFFMAN of Michigan: I did not find anything in that act which said

1. 107 CONG. REC. 9625, 87th Cong. 1st Sess.

2. Paul J. Kilday (Tex.).

anything about any honorary committee—they never even dreamed of that at that time.

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

MR. WHITTEN: No, Mr. Chairman.

THE CHAIRMAN: The Chair is prepared to rule.

The gentleman from Michigan (Mr. Hoffman) makes a point of order against that portion of the bill appearing in line 14 on page 28 through and including line 2 on page 29. The Chair is constrained to hold that the language does constitute legislation on an appropriation bill and, therefore, sustains the point of order.

Cooperative Range Improvements

§ 11.3 Appropriations for cooperative range improvements (including construction, maintenance of improvements, control of rodents, and eradication of noxious plants in national forests) were authorized by law.

On May 10, 1951,⁽³⁾ the Committee of the Whole was considering H.R. 3973, a Department of Agriculture appropriation. At one point the Clerk read as follows and proceedings ensued as indicated below:

Amendment offered by Mr. H. Carl Andersen (of Minnesota): Page 26, line 12, insert:

3. 97 CONG. REC. 5224, 82d Cong. 1st Sess.

“For artificial revegetation, construction, and maintenance of range improvements, control of rodents, and eradication of poisonous and noxious plants on national forests, as authorized by section 12 of the act of April 24, 1950 (Public Law 478), \$700,000, to remain available until expended.” . . .

MR. [JAMIE L.] WHITTEN [of Mississippi]: I make [a] point of order.

MR. H. CARL ANDERSEN: Mr. Chairman, may I be heard on the point of order?

THE CHAIRMAN:⁽⁴⁾ The Chair will hear the gentleman.

MR. H. CARL ANDERSEN: I call the Chair's attention to the remarks made by the gentleman from Montana [Mr. D'Ewart] on yesterday, which appear in yesterday's Record which shows that this particular item I am attempting to reinsert is authorized by law.

Mr. Chairman, I refer to section 12 of Public Law 478, Eighty-first Congress, which reads as follows:

Of the moneys received from grazing fees by the Treasury from each national forest during each fiscal year there shall be available at the end thereof when appropriated by Congress an amount equivalent to 2 cents per animal-month for sheep and goats and 10 cents per animal-month for other kinds of livestock under permit on such national forest during the calendar year in which the fiscal year begins, which appropriated amount shall be available until expended on such national forests, under such regulations as the Secretary of Agriculture may prescribe, for (1) artificial revegetation, including the collection or purchase of necessary seed; (2) construction and maintenance of drift or division

4. Aime J. Forand (R.I.).

fences and stockwatering places, bridges, corrals, driveways, or other necessary range improvements; (3) control of range-destroying rodents; or (4) eradication of poisonous plants and noxious weeds, in order to protect or improve the future productivity of the range.

Mr. Chairman, I maintain and respectfully call your attention to the fact that this distinctly authorizes the section of this particular paragraph which I seek by my amendment to have reinserted. . . .

THE CHAIRMAN: The Chair is of the opinion that the amendment is in order, and therefore overrules the point of order.

Conservation

§ 11.4 An amendment proposing an increase of appropriations contained in the bill for the year 1951 for conservation and use of agricultural land resources under the act of Feb. 29, 1936, was held authorized by law inasmuch as the law itself did not provide a limit on the appropriations.

On Apr. 27, 1950,⁽⁵⁾ the Committee of the Whole was considering H.R. 7786, the Department of Agriculture chapter in the general appropriation bill of 1951. The bill stated in part:

To enable the Secretary to carry into effect the provisions of sections 7 to 17,

5. 96 CONG. REC. 5949, 81st Cong. 2d Sess.

inclusive, of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended . . . \$282,500,000, to remain available until December 31 of the next succeeding fiscal year for compliance with the program of soil-building practices and soil- and water-conserving practices authorized under this head in the Department of Agriculture Appropriation Act, 1950, carried out during the period July 1, 1949, to December 31, 1950, inclusive: *Provided*, That not to exceed \$25,500,000 of the total sum provided under this head shall be available during the current fiscal year for salaries and other administrative expenses for carrying out such program . . . but not more than \$5,000,000 shall be transferred to the appropriation account, "Administrative expenses, section 392, Agricultural Adjustment Act of 1938" . . . *Provided further*, That none of the funds herein appropriated or made available for the functions assigned to the Agricultural Adjustment Agency pursuant to the Executive Order Numbered 9069, of February 23, 1942, shall be used to pay the salaries or expenses of any regional information employees or any State information employees, but this shall not preclude the answering of inquiries or supplying of information at the county level to individual farmers: *Provided further*, That such amount shall be available for salaries and other administrative expenses in connection with the formulation and administration of the 1951 program of soil-building practices and soil- and water-conserving practices, under the Act of February 29, 1936, as amended (amounting to \$285,000,000, including administration. . . .)

An amendment was offered:

Amendment offered by Mr. [George H.] Christopher [of Missouri]: On page 190, line 24, strike out "\$285,000,000" and insert "\$400,000,000."

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make the point of order against the amendment that this is language that is not authorized by law.

MR. CHRISTOPHER: Mr. Chairman, I am informed by rather reliable sources that the authorization is for a \$500,000,000 program.

THE CHAIRMAN:⁽⁶⁾ The Chair is prepared to rule. The Chair would invite attention to the fact that this is for the future. Unless there is some limitation of law to which the attention of the Chair has not been called, this amendment is in order.

The Chair overrules the point of order.

Parliamentarian's Note: The burden of proof should have been on the proponent of the amendment to show the total amount authorized or the absence of any limit.

School Lunch Program

§ 11.5 An appropriation to enable the Secretary of Agriculture to carry out the provisions of the National School Lunch Act of 1946 was authorized by law; charges that disbursement of funds did not follow requirements of that law did not detract from authorization.

6. Jere Cooper (Tenn.).

On Apr. 1, 1947,⁽⁷⁾ the Committee of the Whole was considering H.R. 2849, a deficiency appropriation bill. A point of order against the following amendment was overruled:

Amendment offered by Mr. [Clarence] Cannon [of Missouri]: On page 15, after line 21, insert the following:

"For an additional amount, fiscal year 1947, to enable the Secretary of Agriculture to carry out the provisions of the National School Lunch Act of 1946, \$6,000,000."

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

THE CHAIRMAN:⁽⁸⁾ The gentleman will state the point of order.

MR. TABER: Mr. Chairman, I make a point of order against the amendment on the ground that it is not authorized by law.

The statute which purports to authorize it provides as follows:

Such payments to any State in any fiscal year during the period 1947 to 1950, inclusive, shall be made upon condition that each dollar thereof will be matched during such year by \$1 from sources within the State determined by the Secretary to have been expended in connection with the school-lunch program under this act. . . .

For the purpose of determining whether the matching requirements of this section and section 10, respectively, have been met, the reasonable value of donated services, supplies, facilities, and equipment as certified, respectively, by the State edu-

7. 93 CONG. REC. 2978, 80th Cong. 1st Sess.

8. George A. Dondero (Mich.).

cational agency and in case of schools receiving funds pursuant to section 10, by such schools.

The total appropriation distributed amounts to \$72,975,000; the total [amount matched is] \$11,470,000.

There has been complete failure of matching by local authorities within the provisions of the statute. Under the circumstances they have not complied with the law and there is no opportunity for a deficiency here. . . .

MR. CANNON: Mr. Chairman, as the amendment indicates, the appropriation proposed here is to enable the Secretary of Agriculture to carry out the provisions of the National School Lunch Act of 1946. The act speaks for itself. Under the law the question of matching is under the jurisdiction of the Secretary of Agriculture. It is not a matter to be determined by this body. That is a function specifically delegated by the act to the executive in charge of the program—the Secretary of Agriculture. There is no question about the amendment being in order. The sole proposition involved is to carry out the provisions of the act. I submit that the point of order is not well taken.

THE CHAIRMAN: The Chair is of the opinion that the amendment offered by the gentleman from Missouri is germane to the bill and the appropriation authorized by law; therefore overrules the point of order presented by the gentleman from New York [Mr. Taber].

Penalty Refunds

§ 11.6 A provision for the refund of certain penalties to the wheat producers from

whom the penalties were collected was held unauthorized by law.

On Mar. 24, 1945,⁽⁹⁾ the Committee of the Whole was considering H.R. 2689, an Agriculture Department appropriation. When an amendment was offered to a paragraph containing an appropriation for programs under the Agricultural Adjustment Act, proceedings ensued as indicated below:

Amendment offered by Mr. [William] Lemke [of North Dakota]: Page 49, line 2, after the words "as amended" and comma, insert "\$16,000,000 to be made available and earmarked for the refund of the wheat-marketing-quota penalties to the producers, their heirs or assigns, from whom the penalties were collected."

MR. [MALCOLM C.] TARVER [of Georgia]: Mr. Chairman, I make the same point of order against this amendment. The fact that it is offered in a different place in the bill makes no difference. It is legislation on an appropriation bill and is out of order.

MR. LEMKE: Mr. Chairman, on that I wish to be heard briefly.

THE CHAIRMAN:⁽¹⁰⁾ The Chair will hear the gentleman.

MR. LEMKE: Mr. Chairman, I wish to state that this is a limitation on the \$300,000,000 appropriated and earmarked for the purpose for which it should be used. In the second place,

9. 91 CONG. REC. 2713, 79th Cong. 1st Sess.

10. William M. Whittington (Miss.).

this tax was collected illegally and unconstitutionally from the producers of wheat, and the Department of Agriculture has that money. I feel that the farmers who paid it are entitled to have it returned.

THE CHAIRMAN: The Chair is ready to rule. . . . Under the authorization the \$300,000,000 contained in the bill is for compliance with . . . the provisions of the Agricultural Adjustment Act, and under the terms of that act no provisions were made for the refunds embraced in the amendment. Therefore the Chair sustains the point of order.

Compilation of Consumer Statistics

§ 11.7 A section of an appropriation bill providing funds to collect, compile, and analyze data relating to consumer expenditures and savings, and to compile statistics collected by the Department of Agriculture, was conceded not to be authorized by law.

On Dec. 8, 1944,⁽¹¹⁾ during consideration in the Committee of the Whole of a supplemental appropriation bill (H.R. 5587), a point of order was raised against the following provision:

The Clerk read as follows:

11. 90 CONG. REC. 9073, 78th Cong. 2d Sess. See also 90 CONG. REC. 8940, 78th Cong. 2d Sess., Dec. 6, 1944.

Consumer expenditures and savings study: For all expenses of the Department of Labor necessary to collect, compile, and analyze statistics with respect to the consumer expenditures and savings in predominantly nonrural areas, to publish the results thereof, and to compile statistics collected by the Department of Agriculture in other areas, such expenses to include personal services in the District of Columbia and other items properly chargeable to the appropriations for the Department of Labor for contingent expenses, travel, and printing and binding, fiscal year 1945, \$1,532,000, to remain available until June 30, 1946.

MR. H. CARL ANDERSEN [of Minnesota]: Mr. Chairman, I make the point of order against the paragraph beginning on line 8 and ending in line 18, page 31, on the ground that it is legislation on an appropriation bill, not authorized by law.

MR. [JOHN H.] KERR [of North Carolina]: Mr. Chairman, the point of order is conceded.

THE CHAIRMAN:⁽¹²⁾ The Chair sustains the point of order.

Equipment Expenses, Soil Conservation Service

§ 11.8 A proviso in the agriculture appropriation bill making certain appropriations in the bill, allocated for work of the Soil Conservation Service, available in part for procurement of equipment for distribution to projects under the super-

12. Herbert C. Bonner (N.C.).

vision of such Service and for sale to other governmental activities, was held to be legislation and to be unauthorized by law.

On Apr. 19, 1943,⁽¹³⁾ during consideration in the Committee of the Whole of the Agriculture Department appropriation bill (H.R. 2481), a point of order was raised against the following provision:

The Clerk read as follows:

SOIL CONSERVATION SERVICE

To carry out the provisions of an act entitled "An act to provide for the protection of land resources against soil erosion, and for other purposes." . . . *Provided further*, That during the fiscal year for which appropriations are herein made the appropriations for the work of the Soil Conservation Service shall be available for meeting the expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment stored therein for distribution to projects under the supervision of the Soil Conservation Service and for sale and distribution to other Government activities, the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) to be reimbursed to appropriations current at the time additional supplies, materials, or equipment are procured from the appropriations chargeable with the cost or value of such supplies, materials, or equipment: *Provided further*, That reproductions of such aerial or other photographs, mosaics, and maps as shall

be required in connection with the authorized work of the Soil Conservation Service may be furnished at the cost of reproduction to Federal, State, county, or municipal agencies requesting such reproductions, the money received from such sales to be deposited in the Treasury to the credit of this appropriation, as follows:

MR. [CLIFFORD R.] HOPE [of Kansas]: Mr. Chairman, I make the point of order against the language in the paragraph beginning "*Provided further*," line 12, page 71, and continuing to the end of the paragraph, on the ground that the same is legislation on an appropriation bill, and not authorized by law. . . .

MR. [MALCOLM C.] TARVER [of Georgia]: Mr. Chairman, the language referred to is unquestionably out of order and for that reason the point of order undoubtedly will lie, and be sustained. We desire to offer an amendment which will include language that is not out of order to replace the language stricken out by the point of order.

THE CHAIRMAN:⁽¹⁴⁾ The gentleman from Kansas makes the point of order that the language indicated by him beginning on page 71, line 12, and concluding with the words "as follows", page 72, line 8, is legislation. The Chair sustains the point of order.

Research on Use of Potatoes

§ 11.9 An appropriation to permit the Department of Agriculture to investigate and develop methods for the manufacture and utilization of

13. 89 CONG. REC. 3580, 78th Cong. 1st Sess.

14. William M. Whittington (Miss.).

starches from cull potatoes and surplus crops was conceded to be unauthorized and was ruled out.

On Feb. 1, 1940,⁽¹⁵⁾ the Committee of the Whole was considering H.R. 8202, an Agriculture Department appropriation. At one point the Clerk read as follows, and an amendment was offered as indicated below:

Total, salaries and expenses, Bureau of Agriculture Chemistry and Engineering, \$868,775, of which amount not to exceed \$457,602 may be expended for personal services in the District of Columbia, and not to exceed \$3,725 shall be available for the purchase of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia.

MR. [JOHN G.] ALEXANDER [of Minnesota]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Alexander: On page 50, line 1, after "Columbia", insert "of which amount not less than \$25,000 nor more than \$50,000 shall be used for the investigation and development of methods for the manufacturing and utilization of starches from cull potatoes and surplus crops."

MR. [CLARENCE] CANNON of Missouri: Mr. Chairman, the amendment is, of course, subject to a point of order. . . .

THE CHAIRMAN:⁽¹⁶⁾ The gentleman from Missouri makes a point of order

15. 86 CONG. REC. 947, 948, 76th Cong. 3d Sess.

16. William P. Cole, Jr. (Md.).

against the amendment offered by the gentleman from Minnesota, the amendment providing for the investigation and development of methods for the manufacture and utilization of starches. Unless the gentleman from Minnesota can present some authority in law for the appropriation, which has not been called to the attention of the Chair, the Chair is prepared to rule. Does the gentleman from Minnesota desire to be heard on the point of order?

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

THE CHAIRMAN: The point of order is sustained.

Authorization in Organic Law

§ 11.10 An appropriation for collecting and disseminating information and data with respect to potato production was held authorized by the organic act creating the Department of Agriculture which provided for acquisition and diffusion of information on agriculture.

On Jan. 23, 1936,⁽¹⁷⁾ the Committee of the Whole was considering H.R. 10464, a supplemental appropriation bill. The following proceedings took place:

MR. [LINDSAY C.] WARREN [of North Carolina]: Mr. Chairman, I offer an amendment, which I send to the desk.

17. 80 CONG. REC. 964, 965, 74th Cong. 2d Sess.

The Clerk read as follows:

Amendment offered by Mr. Warren: On page 16, after line 5, insert as a new paragraph the following:

"For the purpose of collecting and disseminating useful information and data with respect to potato production and marketing within the United States to be available to the Secretary of Agriculture, the sum of \$1,000,000 for the fiscal year 1936: *Provided*, That no part of such fund will be used for the enforcement of the Potato Act of 1935."

MR. [CLAUDE A.] FULLER [of Arkansas]: Mr. Chairman, I desire to make a point of order on the amendment just offered by the gentleman from North Carolina.

THE CHAIRMAN:⁽¹⁸⁾ The gentleman will state it.

MR. FULLER: The amendment just offered is not germane. The bill under consideration is an appropriation bill which appropriates money to carry out legislation that has already been enacted and which is now in force and effect. This is a distinct effort toward new legislation. It calls for an investigation, based upon no law that is now in existence and is not part and parcel of an appropriation bill. Therefore, the amendment offered by the gentleman from North Carolina is not germane to this bill. . . .

THE CHAIRMAN: The Chair is prepared to rule unless the gentleman from Virginia desires to be heard.

MR. [CLIFTON A.] WOODRUM [of Virginia]: No; Mr. Chairman.

THE CHAIRMAN: The amendment offered by the gentleman from North Carolina [Mr. Warren] is to that part of the bill making appropriations for

the Department of Agriculture. This would necessarily relate to the organic law creating the Department of Agriculture. The Chair has examined, in the brief time permitted him, the law establishing the Department of Agriculture. The organic act creating the Department may be found in title V, section 511, United States Code, and contains this provision.

Establishing of departments. There shall be at the seat of Government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word—

And so forth.

It occurs to the Chair that the specific language contained in the organic act creating the Department of Agriculture would clearly authorize an appropriation for the purpose sought to be accomplished by the amendment here offered. The pending bill is an appropriation bill, and the part of the bill now under consideration relates to appropriations for the Department of Agriculture. The Chair therefore feels that the amendment is germane and that the appropriation is authorized by existing law. The Chair overrules the point of order.

Organic Act as Authority for Research and Demonstration Projects

§ 11.11 Appropriations for agricultural engineering research, and demonstration and application of methods

18. Jere Cooper (Tenn.).

for prevention and control of dust explosions and fires during the harvesting and storing of agricultural products were held to be authorized by the organic act creating the Department of Agriculture.

On Feb. 1, 1940,⁽¹⁹⁾ the Committee of the Whole was considering H.R. 8202, an Agriculture Department appropriation bill. At one point the Clerk read as follows, and proceedings ensued as indicated below:

Agricultural engineering investigations: For investigations, experiments, and demonstrations involving the application of engineering principles to agriculture for the investigation, development, experimental demonstration, for investigating and reporting upon the different kinds of farm power and appliances; upon farm domestic water supply and sewage disposal, upon the design and construction of farm buildings and their appurtenances and of buildings for processing and storing farm products; upon farm power and mechanical farm equipment and rural electrification; upon the engineering problems relating to the processing, transportation, and storage of perishable and other agricultural products; and upon the engineering problems involved in adapting physical characteristics of farm land to the use of modern farm machinery; for investigations of cotton ginning under the act approved

19. 86 CONG. REC. 935, 76th Cong. 3d Sess.

April 19, 1930 (7 U.S.C., 424, 425); for giving expert advice and assistance in agricultural and chemical engineering; for collating, reporting, and illustrating the results of investigations and preparing, publishing and distributing bulletins, plans, and reports, \$294,469.

MR. [ALFRED L.] BULWINKLE [of North Carolina]: Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. Bulwinkle: On page 48, after line 22, after the word "demonstration", in line 21, insert "and application of methods for the prevention and control of dust explosions and fires during the harvesting, handling, milling, processing, fumigating, and storing of agricultural products, and of other dust explosions and resulting fires not otherwise provided for, including fires in grain mills and elevators, cotton gins, cotton-oil mills, and other structures; the heating, charring, and ignition of agricultural products; fires on farms and in rural communities and other explosions and fires in connection with farm and agricultural operations."

On page 49, line 13, strike out "294,469" and insert \$324,469."

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make the point of order against the amendment that it is not authorized by law. . . .

THE CHAIRMAN:⁽²⁰⁾ The Chair is prepared to rule. . . .

The gentleman from North Carolina offers an amendment which has been read, and against this amendment the gentleman from New York [Mr. Taber] makes the point of order that it is not authorized by law. Title V of the or-

20. William P. Cole, Jr. (Md.).

ganic law establishes the Department of Agriculture, and in section 511 is found this language:

There shall be at the seat of Government a Department of Agriculture the general design and purpose of which shall be to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture.

Without further reading of the organic law to which the Chair has referred, the Chair is of opinion that the amendment is clearly within the scope of the law.

The point of order is overruled.

Dutch Elm Disease

§ 11.12 An appropriation for control of Dutch elm disease and bestowing certain new discretionary authority on the Secretary of Agriculture to require matching state or local funds was conceded not to be authorized by law and was ruled out on a point of order.

On Mar. 25, 1939,⁽¹⁾ the Committee of the Whole was considering H.R. 5269, an Agriculture Department appropriation. At one point, a point of order was raised against a paragraph in the bill and proceedings ensued as indicated below:

Dutch elm disease eradication: For determining and applying methods of

1. 84 CONG. REC. 3292, 3293, 76th Cong. 1st Sess.

eradication, control, and prevention of spread of the disease of elm trees known as "Dutch elm disease," \$100,000: Provided, That, in the discretion of the Secretary of Agriculture, no expenditures from this appropriation shall be made for these purposes until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities, or by individuals, or organizations concerned: *Provided further*, That no part of this appropriation shall be used to pay the cost or value of trees or other property injured or destroyed.

MR. [MALCOM C.] TARVER [of Georgia]: Mr. Chairman, a point of order.

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

MR. TARVER: Mr. Chairman, I make a point of order as to the language on pages 56 and 57 of the bill relating to the appropriation for Dutch elm disease eradication on the ground it is not authorized by existing legislation. . . .

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

MR. [CLARENCE] CANNON [of Missouri]: I concede the point of order, Mr. Chairman.

THE CHAIRMAN: The point of order is sustained.

Moth Control

§ 11.13 An appropriation for gypsy and brown-tail moth control was ruled out as not authorized by law.

2. Wright Patman (Tex.).

On Mar. 25, 1939,⁽³⁾ the Committee of the Whole was considering H.R. 5269, an Agriculture Department appropriation. At one point the Clerk read as follows, and proceedings ensued as indicated below:

Gypsy and brown-tail moth control: For control and prevention of spread of the gypsy and brown-tail moths, \$250,000.

MR. [MALCOLM C.] TARVER [of Georgia]: Mr. Chairman, a point of order.

THE CHAIRMAN:⁽⁴⁾ The gentleman will state it.

MR. TARVER: Mr. Chairman, I make a point of order against lines 5, 6, and 7, on page 56, having to do with gypsy and brown-tail moth control on the ground that there is no legislation authorizing this appropriation. . . .

THE CHAIRMAN: Does the gentleman from Missouri [Mr. Cannon] desire to be heard on the point of order?

MR. [CLARENCE] CANNON [of Missouri]: Mr. Chairman, I concede the point of order.

THE CHAIRMAN: The point of order is sustained.

Purchase of Vehicles

§ 11.14 Language limiting the amount of an appropriation in an Agriculture Department appropriation bill which could be used for necessary vehicles was held authorized by law.

3. 84 CONG. REC. 3292, 76th Cong. 1st Sess.

4. Wright Patman (Tex.).

On Apr. 19, 1938,⁽⁵⁾ the Committee of the Whole was considering H.R. 10238, a Department of Agriculture appropriation bill. During consideration of the bill, a point of order against the following language was overruled:

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes". . . \$63,000,000, to be immediately available and to remain available until expended . . . *Provided further*, That not to exceed \$45,000 of the funds provided for carrying out the provisions of the Federal Highway Act of November 9, 1921 (23 U.S.C. 21, 23), shall be available for the purchase of motor-propelled passenger-carrying vehicles necessary for carrying out the provisions of said act . . . at a cost . . . not to exceed \$1,200. . . .

Mr. [WILBURN] CARTWRIGHT [of Oklahoma]: Mr. Chairman, I make a point of order against the language beginning on line 23, page 70, starting with the words "*Provided further*"; and ending on line 7, page 71, with the sign and figures "\$1,200", that it is not authorized by law. . . .

THE CHAIRMAN:⁽⁶⁾ The Chair is ready to rule.

Since last Thursday, when the Chair passed upon a somewhat similar proposition, an opportunity has been afforded to look more fully into the precedents governing such cases. The

5. 83 CONG. REC. !5541-43, 75TH CONG. 3D SESS.

6. William L. Nelson (Mo.).

Chair has examined the precedents which may be found in Cannon's Precedents, volume 7, sections 1127, 1193, 1197, 1235, and 1245. The Chair finds that those decisions uniformly hold that an appropriation for the hire or purchase of automobiles is in order on a general appropriation bill. In this connection the Chair desires to call attention to the fact that on February 8, 1929, a point of order was raised against the provision in the naval appropriation bill appropriating money for the hire of automobiles. In overruling the point of order the Chairman, Mr. Luce, of Massachusetts, stated:

The Chair is of opinion that by an attempt to put into the law minute provision for all possible manner of expenditure the size of the statute books would be largely increased, and that by reason of the impossibility of foresight in matter of detail more harm than good would result. It has been the uniform ruling of preceding Chairmen, so far as the Chair can ascertain, that these minor and incidental objects of expenditures are natural to the conduct of the business establishment concerned.

The Chair also desires to call attention to the fact that on April 23, 1937, Mr. Taber, of New York, made a point of order against an identical provision in the agriculture appropriation bill authorizing the expenditure of not to exceed \$45,000 for the purchase of automobiles by the Bureau of Public Roads and contended that there was no authorization of law for the purchase of automobiles by that Bureau.

Mr. Cannon of Missouri and Mr. Umstead argued that the provision was purely a limitation on an appropriation and that, without it, the Bu-

reau would have authority to spend the entire appropriation for automobiles if they so desired.

The Chairman, Mr. Hancock of North Carolina, in overruling the point of order stated:

The Chair overrules the point of order on the ground that the proviso constitutes a limitation, without which the Secretary could spend any amount within the total of the appropriation for this purpose.

The Chair, in view of the precedents just cited, thinks that the proviso to which the point of order has been directed is in order and overrules the point of order made by the gentleman from Oklahoma.

Shelter-belt Trees to Prevent Erosion

§ 11.15 An appropriation "for completing shelter-belt investigation and for the free distribution of shelter-belt trees to farmers" was held to be authorized by law.

On Feb. 26, 1936,⁽⁷⁾ The Committee of the Whole was considering H.R. 11418, an Agriculture Department appropriation bill. At one point the Clerk read as follows, and proceedings ensued as indicated below:

Forest influences: For investigations at forest experiment stations and elsewhere for determining the possibility of increasing the absorption of rainfall

7. 80 CONG. REC. 2895, 2896, 74th Cong. 2d Sess.

by the soil, and for devising means to be employed in the preservation of soil, the prevention or control of destructive erosion, and the conservation of rainfall on forest or range lands, \$99,152.

...
MR. [PHIL] FERGUSON [of Oklahoma]: Mr. Chairman, I offer an amendment.

...
The Clerk read as follows:

Amendment by Mr. Ferguson: Page 48, line 3, after "\$99,15", strike out the period, insert a comma, and add the following: "and in addition thereto, \$180,000 for completing shelter-belt investigation and for the free distribution of shelter-belt trees to farmers."

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make the point of order against the amendment that it is legislation calling for an appropriation not authorized by law. There is no authority in anything I have ever seen to provide for free distribution of trees or for a shelter belt. . . .

THE CHAIRMAN:⁽⁸⁾ The Chair is ready to rule.

The Congress in the last session passed an act—Public, No. 46—to provide for the protection of land resources against soil erosion, and for other purposes. This act provides that—

It is hereby recognized that the wastage of soil and moisture resources on farm, grazing, and forest lands of the Nation, resulting from soil erosion, is a menace to the national welfare and that it is hereby declared to be the policy of Congress to provide permanently for the control and prevention of soil erosion and thereby to preserve natural re-

sources, control floods, prevent impairment of reservoirs, and maintain the navigability of rivers and harbors, protect public health, public lands, and relieve unemployment, and the Secretary of Agriculture, from now on, shall coordinate and direct all activities with relation to soil erosion, and in order to effectuate this policy is hereby authorized, from time to time—

(1) To conduct surveys, investigations, and research relating to the character of soil erosion and the preventive measures needed, to publish the results of any such surveys, investigations, or research, to disseminate information concerning such methods, and to conduct demonstrational projects in areas subject to erosion by wind or water.

(2) To carry out preventive measures, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of lands. . . .

The Chair is of the opinion that this proposed appropriation is authorized by the provision of law just quoted, and, therefore, overrules the point of order.

Weather Bureau Buildings; Equipment and Repair

§ 11.16 An appropriation for the purchase and installation of instruments, and the construction or repair of buildings of the Weather Bureau was held to be authorized by law.

On Feb. 26, 1936,⁽⁹⁾ The Committee of the Whole was consid-

8. Sam D. McReynolds (Tenn.).

9. 80 CONG. REC. 2884, 2885, 74th Cong. 2d Sess.

ering H.R. 11418, an Agriculture Department appropriation bill. The Clerk read as follows:

General weather service and research: For necessary expenses incident to collecting and disseminating meteorological, climatological, and marine information, and for investigations in meteorology, climatology, seismology, evaporation, and aerology in the District of Columbia and elsewhere . . . \$2,228,655. . . .

MR. [J. MARK] WILCOX [of Florida]: Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. Wilcox: Page 21, between lines 20 and 21, add a new paragraph to read as follows:

"In addition to all other sums herein appropriated for that purpose, there is hereby appropriated the sum of \$25,000 for the purchase and installation of instruments, the construction, extension, and repair of buildings, and payment of wages, salaries, and other expenses incident to the accumulation of information and the issuance of warnings concerning storms and hurricanes originating in the South Atlantic and Caribbean areas." . . .

MR. [JOHN] TABER [of New York]: Mr. Chairman, I reserve a point of order against the amendment, that it is legislation on an appropriation bill and not authorized by law. . . .

THE CHAIRMAN:⁽¹⁰⁾ The Chair is ready to rule. The statute (U.S.C., title 15, sec. 313) provides, among other things, the following:

The Chief of the Weather Bureau, under the direction of the Secretary

of Agriculture, shall have charge of the forecasting of the weather . . . the distribution of meteorological information in the interest of agriculture and commerce, the taking of such meteorological observations as may be necessary to establish and record the climatic condition of the United States or as are essential to the proper execution of the foregoing duties . . . and for such purposes to . . . establish meteorological offices and stations.

The Chair is of opinion that the amendment does not constitute legislation on an appropriation bill but is an appropriation authorized by the provisions of the statute the Chair has quoted.

The point of order is overruled.

§ 12. Commerce

Census Bureau Data

§ 12.1 The law authorizing the Director of the Bureau of the Census to compile and publish a census of manufacturers, mineral industries, and other businesses was held sufficiently broad to authorize an appropriation for publishing monthly reports on coffee stocks on hand in the United States.

On May 24, 1955,⁽¹¹⁾ the Committee of the Whole was considering H.R. 6367, a Department of

10. Sam D. McReynolds (Tenn.).

11. 101 Cong. Rec. 6912-14, 84th Cong. 1st Sess.