

Chapter CCXX.¹

GENERAL APPROPRIATION BILLS.¹

1. Enumeration of. Sections 1116, 1117.
2. General appropriations and deficiencies. Sections 1118-1121.
3. As to what are general appropriation bills. Section 1122.
4. Estimates from executive departments. Sections 1123, 1124.

1116. Enumeration of the General Appropriation Bills.

The general appropriation bills are not enumerated or defined by the rules. The Committee on Appropriations, having sole jurisdiction of appropriations for support of the Government, may report for that purpose such general appropriation bills as, in its judgment, best expedite the work of the committee and the House.

Formerly eight separate committees were authorized to report appropriations and the practice had become established of providing for support of the Government through 13² annual general appropriation bills and a varying number of deficiency appropriation bills reported from the eight committees.

But with the introduction of the budget system³ in 1921,⁴ and the coincident change in the rules of the House and Senate concentrating the power to report appropriations in one committee, the number and scope of the general appropriation bills were materially changed.

The nature of this revision is shown in the following table inserted in the Record by Mr. Martin B. Madden, of Illinois, on June 30, 1922:⁵

FORMER BILLS	NEW BILLS
1. Agricultural.	1. Agricultural Department.
2. Army.	2. Commerce and Labor Departments.
3. Diplomatic and consular.	3. District of Columbia.
4. District of Columbia.	4. Executive Office and independent offices commissions, etc.
5. Fortification.	5. Interior Department.
6. Indian.	6. Legislative branch.
7. Legislative, executive, and judicial.	7. Navy Department.
8. Navy.	8. Post Office Department.
9. Pension.	9. State and Justice Departments.
10. Post Office.	10. Treasury Department.
11. River and harbor.	11. War Department.
12. Sundry civil.	12. Deficiency. ⁶
13. Deficiency ⁶	

¹Supplementary to Chapter XCIV.

²The Committee on Appropriations, in the third session of the Sixty-sixth Congress, consolidated the Military Academy appropriation bill with the Army appropriation bill, thus reducing the number of annual supply bills from 13 to 12.

³U.S. Code, title 31, sections 1, 2, 11; title 24, sections 123, 244.

⁴The concentration of appropriating authority in one committee of the House had been previously effected by an amendment to the rules adopted June 1, 1920, and effective July 1 of that year (second session Sixty-sixth Congress, Record, p. 8108).

⁵Second session Sixty-seventh Congress, Record, p. 9852.

⁶The deficiency bills, which are not general appropriation bills, vary in number from two to four for each session of Congress.

The new bills are composed of items for each department or establishment heretofore distributed in several bills, as follows:

1. Agricultural: Items for that department formerly in the Agricultural and sundry civil bills.
2. Commerce and Labor: Items for those departments formerly in the sundry civil and legislative, executive, and judicial bills.
3. District of Columbia: Items formerly carried in the District of Columbia bill and all other items in the sundry civil and legislative, executive, and judicial bills chargeable in part against the revenues of the District of Columbia.
4. Executive Office and independent offices: Items formerly carried for these purposes in the sundry civil and legislative, executive, and judicial bills.
5. Interior Department: Items for this department formerly carried in the sundry civil, legislative, executive, and judicial, and pension bills.
6. Legislative branch: Items for the Senate, House, joint congressional committees and commissions, Capitol police, legislative drafting service, Architect of the Capitol, Library of Congress, Botanic Garden, and Government Printing Office (exclusive of printing and binding for the executive departments), formerly in sundry civil and legislative, executive, and judicial bills.
7. Navy: Items for the Navy formerly carried in the Navy bill and for the Navy Department proper, formerly in the legislative, executive, and judicial bill.
8. Post Office: Items for the postal service in the field, formerly carried in the Post Office bill, and for the Post Office Department proper in Washington, formerly in the legislative, executive, and judicial, and sundry civil bills.
9. State and Justice: Items for those departments and the courts formerly carried in the sundry civil, legislative, executive, and judicial, and diplomatic and consular bills.
10. Treasury: Items for the Treasury Department formerly in the sundry civil and legislative, executive, and judicial bills.
11. War: Items for the War Department formerly in the Army, fortification, legislative, executive, and judicial, river and harbor, and sundry civil bills. The bill is divided into two titles, namely, one title for the military activities and expenses directly related thereto and the other for the nonmilitary activities.

The number of appropriation bills was further reduced in the Sixty-eighth Congress when the appropriations for the State and Justice Departments and the Commerce and Labor Departments were reported in one bill known as the State, Justice, Commerce and Labor bill, and the appropriations for Treasury and Post Office Departments were reported in one bill known as the Treasury and Post Office bill.

Under this system the number of regular annual general appropriation bills ordinarily is 9, supplemented by one or more deficiency appropriation bills, all of which are reported by the Committee on Appropriations.

In order to systematize and facilitate consideration of estimates and the preparation of these bills, the Committee on Appropriations apportions its members to 9 subcommittees,¹ each of which has charge of one of the bills and reports it to the committee en banc, by which, after consideration and adoption, the bills are reported to the House.

The War Department bill consists of two sections, the military section and the nonmilitary section, the latter of which includes appropriations for rivers and harbors formerly reported as a separate bill. Originally the river and harbor bill was not

¹Each of nine of the subcommittees consists of five Members and has charge of one of the nine general appropriation bills. The ninth, consisting of ten Members, has charge of the deficiency bills. A majority of the Members of the Committee on Appropriation serve on two subcommittees; newer Members serve on one; Members of longer service have sometimes been assigned to three.

one of the general appropriation bills,¹ but beginning with the Sixty-sixth Congress² it was classed as a general appropriation bill, and so remained until merged with the War Department bill under the revision of the annual supply bills by the Committee on Appropriations.

1117. A discussion of procedure ordinarily followed in the consideration and passage of a general appropriation bill.—On May 26, 1928,³ Mr. Guy U. Hardy, of Colorado, under a leave to extend remarks in the Record, included the following:

The Appropriations Committee meets in advance of the convening of Congress. It has before it the Budget recommended by the President, reported in a book of over 1,500 pages, containing the items recommended for each department in detail.

The Appropriations Committee is made up of 35 members, 21 of the majority and 14 of the minority and is divided up in subcommittees for the consideration of the different bills. There is a subcommittee for the Treasury and Post Office Departments; subcommittee for the Interior Department, the War Department, the Navy Department, Agricultural Department, and other departments. Six members serve on the first-named and five members on each of the others.

Skeleton bills are printed for each subcommittee. These bills show the Budget estimate for the current year for each item, the amount recommended by the Budget, and the amount actually appropriated by Congress for each of the preceding six years.

These different bills are referred to the appropriate subcommittees for consideration, and the subcommittees begin hearings that may cover several weeks each.

We will follow the Navy bill through. The subcommittee on the Navy is made up of five members—three of the majority and two of the minority. Note the sections from which members of this subcommittee come—Mr. French, chairman, of Moscow, Idaho; Mr. Hardy, Canon City, Colo.; Mr. Taber, Auburn, N. Y.; Mr. Ayres, Wichita, Kans.; and Mr. Oliver, Tuscaloosa, Ala. Not a seacoast man on the committee. The object, of course, is not to have men on that committee who have local interests to consider.

The subcommittee holds hearings that usually run six or eight weeks, meeting daily from 10:30 to 5 o'clock. Members must do their other work largely at night. The bill is analyzed in minutest detail. The Secretary of the Navy, the Assistant Secretary, the Chief of Operations, heads of bureaus and departments, admirals, captains, commander, and experts in many lines come before the committee and discuss policies and operations and endeavor to justify the amounts of money estimated for their bureau, service, or activity. Experts on submarines, aircraft, ammunition storage, and many other subjects are called. No employee of the Government can ask the Congress for more money than is suggested by the Budget. He is forbidden to do so by the President. Those representing the department have to make a pretty good showing before the committee to get as much as the Budget suggests. The totals for the departments are usually cut down.

After the subcommittee has heard everybody interested a book of hearings is printed. It is a compendium of information relating to the Navy. Each subcommittee is working in the same way—and hearings are printed for each bill.

After the hearings are over the subcommittee takes a few days to write up the bill and arrive at the amounts it will recommend to the House. Then the bill is presented to the whole Appropriations Committee for discussion and approval, and reported out.

¹ Secs. 3553, 3897–3903 of Hinds' Precedents; third session Sixty-second Congress, Record, p. 2051; second session Sixty-fifth Congress, Record, p. 5176.

² Third session Sixty-sixth Congress, Record, pp. 2156, 2348, 2352.

³ First session Seventieth Congress, Record, p. 10182.

The bill comes up in the House in its regular order. It usually requires from three to six days to pass an appropriation bill in the House. There is much debate and many speeches on questions of policy, number of men, number of ships, number and class of airplanes, pay and allowances, submarines, airplane carriers, guns, and ammunition.

Amendments are sometimes offered on the floor, but few amendments are adopted to an appropriation bill—practically none that the committee does not offer or approve.

The Navy bill this year was reported out at \$359,190,737. The House added \$227,500, with approval of committee.

After the bill passed the House at \$359,418,237 it went to the Senate. There it was studied by the committee, reported out, and passed the Senate at \$363,737,017.69. The Senate had increased the bill by \$4,318,780.69.

The bill comes back to the House as amended and the House refuses to accept amendments and asks for a conference.

For several weeks the subcommittee of the Senate and subcommittee of the House meet in conference occasionally. All the different items the Senate has added are thoroughly discussed. The House accepts a few, the Senate gives up a few, and we deadlock for some weeks on the big ones. The question of number of men in the Navy is one of the contested points. The House provides for 83,250 men. The Senate wants to provide for 86,000 men. It costs upward of \$1,000 per year for each man in the Navy. Here is a difference of about \$2,250,000 on men alone. After many meetings and much argument each makes concessions and an agreement is reached late in the session. The Senators agree to 84,000 men. The House conferees accept 84,000 men. The Senate bill is reduced by \$1,591,205.69. The House conferees feel that they have done the best they could—that a million and a half dollars is worth saving.

The conference report is signed, reported back to both Senate and House, and adopted. Conference reports are usually adopted.

The Navy bill now stands at \$362,145,812 for the coming year, is sent to the President, signed, and becomes law.

With the Post Office bill we had better luck. The subcommittee of six members wrote up the bill at \$764,950,042, which was \$3,100,000 less than the Budget recommended. The whole committee reported it out as written. The House passed the bill without a single change. The Senate added \$36,000—small item, indeed. The bill goes to conference and the conference agree to cut the \$36,000 off. Bill goes back to both Houses and is passed identically as written and originally reported by the small subcommittee of six members.

This, in brief, is the history of the enactment of all appropriation bills. The bill as finally adopted reflects the calm judgment of the Bureau of the Budget, the two appropriation committees, the two Houses of Congress, and the President.

1118. Appropriations for other purposes than to supply deficiencies are not in order in a deficiency appropriation bill.

Discussion as to what is a “deficiency” appropriation.

On January 29, 1920,¹ the House was in the Committee of the Whole House on the state of the Union, considering the second deficiency appropriation bill.

The Clerk having read a paragraph providing for expenses of the Council of National Defense, Mr. George Holden Tinkham, of Massachusetts, made a point of order that it did not provide for a deficiency.

The Chairman² said:

The point of order made by the gentleman from Massachusetts is that the paragraph in question does not present a deficiency. He distinguishes between a deficiency and an anticipatory or anticipated deficiency. The Chair is not able, however, to follow this line of argument to any

¹ Second session Sixty-sixth Congress, Record, p. 2219.

² John Q. Tilson, of Connecticut, Chairman.

satisfactory conclusion, being unable to distinguish between a deficiency and an anticipated deficiency or an anticipatory deficiency. If the paragraph does not present a deficiency in the parliamentary sense of the word as used in this House it has no place in the bill.

It has been shown that this appropriation sought be made in this paragraph is authorized by existing law. It is also shown that it was appropriated for in a previous act, now current law. The question now is whether the present paragraph is a deficiency item appropriate to be included in a deficiency bill.

It is clear to the Chair that an estimate having been brought in by a department of the Government, the estimate having been considered by the Appropriations Committee, and it having been found by that committee to be necessary to add to the appropriations heretofore made an additional sum to carry on the activities of this particular department to the end of the present fiscal year, it was properly included in this bill as a deficiency item. The Chair therefore overrules the point of order.

1119. Items which do not supply deficiencies are not in order in the deficiency appropriation bills.

Appropriations “immediately available,” formerly ruled out of supply bills as deficiency appropriations, are no longer subject to points of order as such (footnote).

On May 23, 1921,¹ while the deficiency appropriation bill was being read for amendment in the Committee of the Whole House on the state of the Union, an item providing an appropriation for salaries in the Treasury Department at annual rates for the next fiscal year was reached.

Mr. Otis Wingo, of Arkansas, made a point of order against the item on the ground that it did not provide for a deficiency and therefore was not in order in a deficiency bill.

In the course of the discussion Mr. James R. Mann, of Illinois, said:

It was ruled only recently, as it has been ruled many times before, that the sundry civil appropriation bill or any other appropriating bill which the Committee on Appropriations had jurisdiction of, could have included within it the term “to be immediately available,” because the same committee had jurisdiction over deficiencies. That was ruled at the last session of Congress, and it has been ruled many times since I have been a Member of this House. The identical reason applies to this case, because if a deficiency is in order on a sundry civil appropriation bill, or other appropriating bill, then an appropriation for the next fiscal year would be in order on this bill. The only point of order that ever was made was one of jurisdiction. I have made the point of order against the words “to be immediately available”² 500 times or more in this House and have been sustained, but that was where some other committee than the Committee on Appropriations was trying to make a deficiency appropriation, as, for instance, the Committee on Naval Affairs or the Committee on Military Affairs. On the other hand, it has been ruled ever since I have been a Member of the House that the Committee on Appropriations could provide a deficiency item in one of its regular appropriating bills.

¹First session Sixty-seventh Congress, Record, p. 1642.

²As a provision making an appropriation “immediately available” amounts to a deficiency appropriation, and prior to the concentration of authority to report appropriations in the Committee on Appropriations that committee exercised exclusive jurisdiction over deficiencies, such items when reported by other committees were formerly subject to a point of order. But under the present rule, the Committee on Appropriations, having jurisdiction over all appropriations, including deficiencies, may report items to become immediately available in any general supply bill.

The Chairman¹ ruled:

The Chair is ready to rule. If this question were raised for the first time in the House, the Chair would be disposed to say that the rules of the House were made for the convenience of the House and to enable it to expedite its business, and would probably overrule the point of order; but the question is one that has been before the House many times. The orderly procedure of making appropriations has been that certain bills are brought into the House in which appropriations are made for certain activities of the Government in a systematic way. Toward the close of the Congress it has always been the custom to bring in deficiency appropriation bills to provide for deficiencies. In the consideration of deficiency bills it has been invariably the ruling of the Chair to rule out of order amendments offered from the floor which were not strictly deficiency items, and also to rule provisions of the bill which were not strictly deficiency items were out of order. Such a ruling occurred on the 2d of February, 1920, when the then Chairman held that an item that was not a deficiency item was not in order on a deficiency appropriation bill. As the Chair stated in the beginning, if it were an original proposition the Chair would be disposed to consider the matter in the light of the argument made by those who contend that the matter being within the jurisdiction of the Committee on Appropriations that committee could appropriate for an activity of the Government in any bill. But the last decision on the question, rendered in February, 1920, in a very well considered opinion after argument, held that an item was not in order on a deficiency appropriation bill that appropriated for the ensuing fiscal year. Therefore the Chair sustains the point of order.²

1120. Under the modern practice the provision that an appropriation be “immediately available” is not subject to a point of order.—On January 9, 1929,³ the War Department appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, when a paragraph providing for the construction of a new mess hall at the United States Military Academy was read.

Mr. Cassius C. Dowell, of Iowa, made a point of order against the item on the ground that the appropriation was to be “immediately available.”

The Chairman⁴ overruled the point of order and said:

As the Chair recalls, this particular point has been ruled upon a number of times since the adoption of our present system of appropriating. A point of order made on account of the words “immediately available” has been overruled.

Such items were formerly ruled out on account of jurisdiction, but since the Committee on Appropriations now has exclusive jurisdiction of all general appropriation bills, the point of order is no longer valid.

The Chair recalls a number of instances that have been ruled in this way. The Chair, therefore, overrules that point of order.

1121. Decision as to what constitutes a deficiency appropriation.

An additional appropriation for a purpose authorized by law and already appropriated for was treated as a deficiency appropriation when submitted by the department and reported by the committee as such.

¹ Philip P. Campbell, of Kansas, Chairman.

² The practice of restricting deficiency bills to provisions for deficits in appropriations previously made for the current and prior fiscal years only, has been superseded and items and amendments for ensuing years are now admitted. (Cannon's Procedure, second edition, p. 25).

³ Second session Seventieth Congress, Record, p. 1446.

⁴ John Q. Tilson, of Connecticut, Chairman.

On June 2, 1920,¹ the deficiency appropriation bill for the fiscal year ending June 30, 1920, being under consideration in the Committee of the Whole House on the state of the Union, Mr. James C. McLaughlin, of Michigan, raised the question of order that a paragraph read by the Clerk did not constitute a deficiency appropriation.

The Chairman² said:

The gentleman from Michigan makes the point of order against the paragraph under the Bureau of Biological Survey, general expenses, that it is not a deficiency.

“General expenses, Bureau of Biological Survey, including the same objects specified under this head in the agricultural appropriation act for the fiscal year 1920, \$36,271.50.”

On turning to the agricultural appropriation act for the current year the Chair finds that under the Bureau of Biological Survey there was an appropriation made of \$686,300. The point of order made by the gentleman from Michigan is that this item, making an appropriation for the same objects specified under this head is not a deficiency. The Chair is unable to rule that it is not a deficiency. Where there has been an appropriation for a particular item in the current law, where the committee comes in with an additional sum submitted upon an estimate of the department and states that it is a deficiency, how is the Chair to find that it is not? It is impossible in such circumstances for the Chair to determine whether or not it is an actual deficiency. In the view of the Chair it is a deficiency in a parliamentary sense, and the Chair therefore overrules the point of order.

1122. A bill making supplemental appropriation for emergency construction on public works is not a general appropriation bill.—On December 9, 1930,³ Mr. William R. Wood, of Indiana, from the Committee on Appropriations, asked unanimous consent for the consideration of the bill (H. R. 14804) making supplemental appropriation to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30, 1931, with a view to increasing employment.

The bill provided appropriations for the construction of highways under the jurisdiction of the Department of Agriculture, for roads and trails under the Department of the Interior, and for river and harbor expenditures under the War Department.

Mr. Fiorello H. LaGuardia, of New York, on a parliamentary inquiry, took the position that the bill was a general appropriation bill and therefore privileged.

The Speaker⁴ ruled that the bill was without privilege and could be accorded immediate consideration only by unanimous consent.

1123. A deficiency appropriation bill is a general appropriation bill. Consideration of a general appropriation bill was held to be in order on District of Columbia Monday.

On Monday, February 26, 1923,⁵ a day designated by the rules for the consideration of business reported by the Committee on the District of Columbia, Mr. Martin B. Madden, of Illinois, moved that the House resolve itself into the Com-

¹ Second session of Sixty-sixth Congress, Record, p. 8298.

² John Q. Tilson, of Connecticut, Chairman.

³ Third session Seventy-first Congress, Record, p. 432.

⁴ Nicholas Longworth, of Ohio, Speaker.

⁵ Fourth session Sixty-seventh Congress, Journal, p. 274; Record, p. 4678.

mittee of the Whole House on the state of the Union for the consideration of the third deficiency appropriation bill.

Mr. Thomas L. Blanton, of Texas, made the point of order that the motion was not in order on this day.

The Speaker pro tempore¹ said:

The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the deficiency bill, and the gentleman from Texas makes the point of order that the gentleman from Illinois may not make that motion today, for the reason that it is the fourth Monday in the month. The rules specifically provide that it is in order to move on this day to go into Committee of the Whole House on the state of the Union for the consideration of a general appropriation bill, and it has always been held that a deficiency appropriation bill is a general appropriation bill. Therefore the Chair overrules the point of order.

An appeal by Mr. Blanton from the decision of the Chair was, on motion of Mr. Frank W. Mondell, of Wyoming, laid on the table—yeas 103, nays 14.

1124. The statutes prescribe the method of submission to Congress of estimates of appropriations for support of the Government.

Only such estimates as are transmitted through channels provided by law are considered in preparation of the annual supply bills.

The Speaker declines to refer to the Committee on Appropriations estimates or requests relating to appropriations transmitted through other than official channels.

On November 9, 1921, the Speaker² transmitted to the Secretary of War the following communication:

NOVEMBER 9, 1921.

Hon. JOHN W. WEEKS,

Secretary of War, Washington, D. C.

DEAR SIR: Receipt is acknowledged of your letter of November 7, 1921, requesting the transfer of appropriations by appropriate legislation from "Arming, equipping, and training the National Guard," etc., to "Transportation of supplies," etc. In effect this letter is an estimate for a deficiency appropriation, and since it is not transmitted through the channels prescribed by the Budget law,³ may not form the basis for an official estimate for the purposes of referring it to the Committee on Appropriations or including the item in an appropriation bill reported from the committee.

Yours respectfully,

FREDERICK H. GILLETT.

¹ Philip P. Campbell, of Kansas, Speaker pro tempore.

² Frederick H. Gillett, of Massachusetts, Speaker.

³ 31 U. S. C. I.