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APPROPRIATIONS - AVAILABILITY - SPECIFIC V. GENERAL APPROPRIATIONS; AVAILABILITY FOR GRASSHOPPER CONTROL THE SPECIFIC AVAILABILITY OF FUNDS FOR THE CONTROL OF GRASSHOPPERS ON LANDS WITHIN THE VARIOUS STATES, INCLUDING NATIONAL FORESTS, IN THE SUBAPPROPRIATION " PLANT AND ANIMAL DISEASE AND PEST CONTROL" IN THE DEPARTMENT OF AGRICULTURE APPROPRIATION ACT, 1955, PRECLUDES THE USE OF THE GENERAL SUBAPPROPRIATION " NATIONAL FOREST PROTECTION AND MANAGEMENT" IN THE SAME APPROPRIATION ACT FOR THE CONTROL OF GRASSHOPPERS ON NATIONAL FORESTS AND ADJACENT LANDS, EVEN THOUGH THE GENERAL APPROPRIATION MIGHT HAVE BEEN AVAILABLE FOR SUCH USE IN THE ABSENCE OF SPECIFIC APPROPRIATION. THE ENUMERATION IN THE DEPARTMENT OF AGRICULTURE APPROPRIATION ACT OF 1955 THAT THE FUNDS FOR " COOPERATIVE RANGE IMPROVEMENTS" ARE AVAILABLE 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, MUST BE VIEWED AS EXCLUDING OTHER PURPOSES AND THEREFORE, SUCH APPROPRIATION IS NOT AVAILABLE FOR GRASSHOPPER CONTROL WORK ON NATIONAL FOREST RANGES.

ACTING COMPTROLLER GENERAL WEITZEL TO THE SECRETARY OF AGRICULTURE, NOVEMBER 22, 1954:

REFERENCE IS MADE TO LETTER OF JULY 8, 1954, FROM THE UNDER SECRETARY OF AGRICULTURE PRESENTING FOR DECISION THE FOLLOWING QUESTIONS:

YOUR DECISION IS DESIRED AS TO WHETHER THE SPECIFIC PROVISION FOR THE CONTROL OF GRASSHOPPERS IN THE APPROPRIATION FOR THE AGRICULTURE RESEARCH SERVICE--- PLANT AND ANIMAL DISEASE AND PEST CONTROL WOULD PRECLUDE THE USE OF THE FOREST SERVICE APPROPRIATION " SALARIES AND EXPENSES--- NATIONAL FOREST PROTECTION AND MANAGEMENT" FOR THE CONTROL OF GRASSHOPPERS ON THE NATIONAL FORESTS AND LANDS ADJACENT THERETO TO PREVENT THE SPREAD TO NATIONAL FOREST LANDS, EITHER (1) INDEPENDENT OF CONTROL WORK BEING CONDUCTED WITH FUNDS PROVIDED IN THE APPROPRIATIONS " INSECT AND PLANT CONTROL" AND " EMERGENCY OUTBREAKS OF INSECTS AND PLANT DISEASES," OR (2) IN CONJUNCTION WITH CONTROL WORK BEING CONDUCTED WITH FUNDS PROVIDED IN SAID APPROPRIATIONS.

DECISION IS ALSO REQUESTED AS TO WHETHER THE APPROPRIATION " COOPERATIVE RANGE IMPROVEMENTS," AS CONTAINED IN THE SAME APPROPRIATION ACT, IS AVAILABLE FOR GRASSHOPPER CONTROL WORK ON THE NATIONAL FOREST RANGES. THAT APPROPRIATION PROVIDES FUNDS 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 (16 U.S.C. 580 H).

IT IS STATED IN THE UNDER SECRETARY'S LETTER THAT AT THE PRESENT TIME SERIOUS DAMAGE TO NATIONAL FOREST RANGE LANDS IS THREATENED BY AN OUTBREAK OF GRASSHOPPERS ON NATIONAL-FOREST AND ADJACENT LAND; THAT SERIOUS INFESTATIONS HAVE OCCURRED IN SOME OF THE WESTERN STATES WHERE SEVERE DROUGHT HAS AGGRAVATED THE SITUATION, AND THAT THE FOREST SERVICE IS PLANNING GRASSHOPPER CONTROL OPERATIONS ON INFESTED NATIONAL FOREST RANGES, BUT SOME DOUBTS HAVE BEEN EXPRESSED AS TO THE AVAILABILITY OF " NATIONAL FOREST PROTECTION AND MANAGEMENT" FUNDS FOR THAT PURPOSE.

SINCE THE UNDER SECRETARY'S LETTER IS DATED JULY 8, 1954, AND REFERS TO PROPOSED GRASSHOPPER CONTROL OPERATIONS, THE QUESTIONS PRESENTED ARE CONSIDERED AS REFERRING TO THE RESPECTIVE APPROPRIATIONS CONTAINED IN THE DEPARTMENT OF AGRICULTURE AND FARM CREDIT ADMINISTRATION ACT, 1955, PUBLIC LAW 437, 83D CONGRESS, APPROVED JUNE 29, 1954, 68 STAT. 304, AS FOLLOWS:

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

FOR EXPENSES NECESSARY TO PERFORM AGRICULTURAL RESEARCH RELATING TO PRODUCTION AND UTILIZATION, TO CONTROL AND ERADICATE INSECT PESTS AND PLANT AND ANIMAL DISEASES * * *

PLANT AND ANIMAL DISEASE AND PEST CONTROL: FOR OPERATIONS AND MEASURES TO CONTROL AND ERADICATE INSECT PESTS AND PLANT AND ANIMAL DISEASES AND FOR CARRYING OUT ASSIGNED INSPECTION, QUARANTINE AND REGULATORY ACTIVITIES, AS AUTHORIZED BY LAW; $17,689.579, OF WHICH $400,000 SHALL BE APPORTIONED FOR USE PURSUANT TO SECTION 3679 OF THE REVISED STATUTES, AS AMENDED, FOR THE CONTROL OF OUTBREAKS OF INSECTS AND PLANT DISEASES UNDER THE JOINT RESOLUTION APPROVED MAY 9, 1938 (7 U.S.C. 148-148E), TO THE EXTENT NECESSARY TO MEET EMERGENCY CONDITIONS * * *

FOREST SERVICE

SALARIES AND EXPENSES

FOR EXPENSES NECESSARY, INCLUDING NOT TO EXCEED $15,000 FOR EMPLOYMENT PURSUANT TO THE SECOND SENTENCE OF 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), INCLUDING TRAVEL EXPENSE OF ADVISORY COUNCILS OR SIMILAR GROUPS; TO EXPERIMENT AND MAKE INVESTIGATIONS AND REPORT ON FORESTRY, NATIONAL FORESTS, FOREST FIRES, FOREST INSECTS AND DISEASES, AND LUMBERING" TO ADVISE THE OWNERS OF WOODLANDS AS TO THE PROPER CARE OF THE SAME * * * TO PROTECT, ADMINISTER, AND IMPROVE THE NATIONAL FORESTS, INCLUDING TREE PLANTING AND OTHER MEASURES TO PREVENT EROSION, DRIFT, SURFACE WASH, SOIL WASTE, AND THE FORMATION OF FLOODS, AND TO CONSERVE WATER * * * AS FOLLOWS:

NATIONAL FOREST PROTECTION AND MANAGEMENT: FOR THE ADMINISTRATION, PROTECTION, USE, MAINTENANCE, IMPROVEMENT, AND DEVELOPMENT OF THE NATIONAL FORESTS * * *

COOPERATIVE RANGE IMPROVEMENTS

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 (16 U.S.C. 580H), $400,000, TO REMAIN AVAILABLE UNTIL EXPENDED.

THE SUBAPPROPRIATION " PLANT AND ANIMAL DISEASE AND PEST CONTROL" IS AVAILABLE TO CARRY OUT THE PROVISIONS OF THE ACT OF MAY 9, 1938, 52 STAT. 344 (7 U.S.C. 148-148E), WHICH ACT SPECIFICALLY AUTHORIZES AND DIRECTS THE SECRETARY OF AGRICULTURE TO APPLY SUCH METHODS FOR THE CONTROL OF INCIPIENT OR EMERGENCY OUTBREAKS OF INSECT PESTS INCLUDING GRASSHOPPERS AS MAY BE NECESSARY. SUCH ACT MAKES NO DISTINCTION BETWEEN PRIVATELY OWNED, STATE OWNED, OR FEDERALLY OWNED LANDS WITHIN THE STATES AND IT IS UNDERSTOOD THAT AMOUNTS FOR THE CONTROL OF GRASSHOPPERS ON FEDERALLY OWNED LANDS HAVE BEEN INCLUDED IN THE BUDGET ESTIMATES OF APPROPRIATIONS TO CARRY OUT THIS ACT. IN FACT, IT IS STATED IN THE UNDER SECRETARY'S LETTER THAT THE SUBAPPROPRIATION " EMERGENCY OUTBREAKS OF INSECTS AND PLANT DISEASES" FOR THE FISCAL YEAR 1954--- INCLUDED IN THE 1955 SUBAPPROPRIATION " PLANT AND ANIMAL DISEASE AND PEST CONTROL"--- WILL BE USED DURING THE FISCAL YEAR 1954 TO CARRY OUT PLANNED CONTROL PROGRAMS ON FEDERAL LANDS UNDER THE JURISDICTION OF THE FOREST SERVICE, PARK SERVICE, INDIAN AFFAIRS AND THE BUREAU OF LAND MANAGEMENT. WHILE NOT SPECIFICALLY SO STATED, THE LEGISLATIVE HISTORIES OF THE APPROPRIATIONS PURSUANT TO THE 1938 ACT FOR THE FISCAL YEARS 1953, 1954, AND 1955 SEEM TO INDICATE THAT THIS IS THE ONLY FEDERAL PROGRAM FOR THE CONTROL OF GRASSHOPPERS. CERTAINLY, NOTHING HAS BEEN FOUND IN THE LEGISLATIVE HISTORIES OF THE APPROPRIATIONS FOR THE FOREST SERVICE FOR THOSE FISCAL YEARS TO INDICATE THAT ANY FUNDS WOULD BE USED FOR GRASSHOPPER CONTROL.

THE SUBAPPROPRIATION " PLANT AND ANIMAL DISEASE AND PEST CONTROL" UNDER THE APPROPRIATION " SALARIES AND EXPENSES, AGRICULTURAL RESEARCH SERVICE, 1955," IS THEREFORE SPECIFICALLY AVAILABLE FOR THE CONTROL OF GRASSHOPPERS ON ALL LANDS WITHIN THE VARIOUS STATES, INCLUDING NATIONAL FORESTS. VIEW OF THE WELL-ESTABLISHED RULE THAT A SPECIFIC APPROPRIATION FOR A PARTICULAR OBJECT PRECLUDES THE USE OF A MORE GENERAL APPROPRIATION THEREFOR, EVEN THOUGH THE GENERAL APPROPRIATION MIGHT HAVE BEEN AVAILABLE FOR SUCH USE IN THE ABSENCE OF THE SPECIFIC APPROPRIATION (20 COMP. GEN. 739, 743), IN ANSWER TO YOUR FIRST QUESTION, IT MUST BE HELD THAT THE SUBAPPROPRIATION " NATIONAL FOREST PROTECTION AND MANAGEMENT" IS NOT AVAILABLE FOR THE CONTROL OF GRASSHOPPERS.

THE APPROPRIATION "1COOPERATIVE RANGE IMPROVEMENTS" IS AVAILABLE 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, 64 STAT. 85, (16 U.S.C. 580H), WHICH LATTER ACT ENUMERATES THE SAME PURPOSES. SUCH SPECIFIC ENUMERATION OF PURPOSES MUST BE VIEWED AS EXCLUSIVE OF ANY OTHERS. HENCE, IN ANSWER TO YOUR SECOND QUESTION, YOU ARE ADVISED THAT THIS APPROPRIATION CLEARLY IS NOT AVAILABLE FOR GRASSHOPPER CONTROL WORK.