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B-37398 October 26, 1943

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Date: 1943-10-26

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The Honorable, The Secretary of Agriculture.

My dear Mr. Secretary:

I have your letter of October 4, 1943, requesting decision whether the appropriation of the Emergency Rubber Project as made by the act of July 12, 1943, Public Law 129, may be considered available until expended.

The said appropriation for the Emergency Rubber Project provides:

"For all expenses necessary to enable the Secretary to carry into effect the Act of March 5, 1942, as amended (56 Stat. 126-128, 796-797), including personal services in the District of Columbia and elsewhere; printing and binding without regard to section 11 of the Act of March 1, 1919 (44 U.S.C. 111); purchase of books of reference and periodicals; purchase of passenger-carrying vehicles; erection of necessary buildings; procurement of medical supplies or services for emergency use in the field; and the acceptance of donations of land and rubber-bearing plants, and furnishing to employees daily transportation between points of assembly and work projects, $13,048,000: Provided, That any proceeds from the sales of guayule, rubber processed from guayule, or other rubber-bearing plants, or from other sales, rentals, and fees resulting from operations under such Act of March 5, 1942, as amended, shall be covered into the Treasury as miscellaneous receipts."

While this appropriation is contained in a regular annual appropriation act for the Department of Agriculture and in the absence of other statutory provision, would be subject to the provisions of section 7 of the act of August 24, 1912, as amended, 31 U.S.C. 718, which prohibits the construing of such an appropriation as permanent or available continuously without reference to a fiscal year, it is to be noted that said appropriation is made to enable the Secretary of Agriculture "to carry into effect the Act of March 5, 1942", 56 Stat. 126-128, and that section 3 of said act provides:

"There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act. Any amounts so appropriated, and any funds received by the Secretary under this Act, shall remain permanently available for the purposes of this Act without regard to the provisions of any other laws relating to the availability and disposition of appropriated funds and the disposition of funds collected by officers or agencies of the United States."

Thus the act authorizing the appropriation here involved specifically provides

that funds appropriated for the purpose of the act shall remain "permanently available" without regard to the provisions of any other laws relating to the availability of appropriated funds.

Accordingly, instructions are being issued to revise the symbol and title of the appropriation involved to indicate a no-year appropriation available until expended, or until otherwise limited by act of Congress.

Respectfully,

Comptroller General of the United States