Text as published on gao.gov, https://www.gao.gov/products/b-57539, archived 2026-10-06. GAO published no original file for this decision. Rendered by Comptroller Desk.

B-57539 May 3, 1946

Number: B-57539

Date: 1946-05-03

B-57539 May 3, 1946

Honorable Clarence Cannon, Chairman, Committee on Appropriations, House of Representatives.

My dear Mr. Chairman:

I have your letter of May 2, 1946, requesting my opinion as to whether the provision in the Legislative Branch Appropriation Act, 1946, 59 Stat. 244 for an expense allowance of $2,500 per annual to each Representative and Delegate, is permanent legislation. The language in question reads as follows:

"There shall be paid to each Representative and Delegate, and to the President Commissioner from Puerto Rico, after January 2, 1945, an expense allowance of $2,500 per anum to assist in defraying expenses related to or resulting from the discharge of his official duties, to be paid in equal monthly installments. For making such payments through June 30, 1946, $1,642,500, of which so much as is required to make such payments for the period from January 3, 1945, both inclusive, shall be immediately available."

The provision that the expense allowance shall be paid "after January 2, 1945" shows that the payment of such allowance is to extend indefinitely into the future, and I think the legislative intent to provide a permanent expense allowance is thus so clearly expressed that any extended discussion of the matter is wholly unnecessary. However, there is set forth below for the convenience of your committee a brief statement of matters which may be deemed pertinent to the question.

In determining whether language in appropriation sets all be deemed temporary or permanent in character, the accounting officers of the Government have followed the simple rule that the use of the word "hereafter" or similar words indicating futurity denotes permanent legislation. 10 Comp. Gen. 120; 5 id. 810. The language referred to in the proceeding paragraph hereof , requiring payment of the expense allowance for an indefinite period after a specified date, clearly falls within the rule.

Consideration of the debate in the House of Representatives which preceded the adoption of the provision in question leaves no room for doubt that both the proponents and the opponents of the provision believed that it constituted permanent legislation. The following excerpts from the Congressional Record for May 10, 1945, clearly establish this point:

"Mr. Hope: Mr. Chairman, I rise in opposition to the pro forma amendment."

"Mr. Chairman, I am opposed to the provision in this bill which seeks to give each member an additional compensation of $2,500 each year * * *." (Underscoring supplied.) (91 Cong. Rec. 4525)

"Mr. Case of South Dakota. Even without my amendment, if this legislation should be approved in the form in which it here appears, would it not be in effect from now on, including the year 1947 and thereafter?"

"Mr. O'Neal. It becomes permanent law: that is correct"

"Mr. Case of South Dakota. That is correct. That is my understanding of it.?

"Mr. O'Neal. It becomes permanent law. * * *" (Underscoring supplied.) (91 Cong. Rec. 4532)

As will be apparent from the foregoing, I am entirely in agreement with your view that the above quoted provision of the Legislative Branch Appropriation Act, 1946, constitutes permanent legislation.

Sincerely yours,

(Signed) Lindsay C. Warren Comptroller General of the United States