



B-153575

RELEASED

FEB 24 1966

Dear Mr. Chamberlain:

By letter of February 23, 1966, you requested our advice as to whether the provisions of section 116 of the Foreign Assistance and Related Agencies Appropriation Act, 1966, Public Law 89-273, 79 Stat. 1002-1005 would carry over to funds which may be appropriated pursuant to supplemental authorizations currently being considered by the Congress. *OU 2/23/66*

Section 116<sup>x</sup> provides that:

"No assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country that sells, furnishes, or permits any ships under its registry to carry to North Vietnam any of the items mentioned in subsection 107(a) of this Act unless the President determines that the withholding of such assistance would be contrary to the national interest of the United States and reports such determination to the Congress."

The authorizing legislation to which you refer has been introduced in the Senate as S. 2793 and in the House as H.R. 12169. Each of these bills proposes to amend sections 402 and 451(a) of the Foreign Assistance Act of 1961, as amended, to increase the amounts authorized thereunder for supporting assistance and for the contingency fund in fiscal year 1966. The appropriations requested by the Administration are in terms of supplemental requirements for fiscal year 1966. (In addition to items covered in the bills mentioned, an additional amount for military assistance to cover obligations incurred pursuant to authority of section 510 of the act of 1961 is being sought.) *MSC 2/26/66*

The prohibition contained in section 116<sup>x</sup> is directed against the use of funds under authority of the Foreign Assistance Act of 1961, as amended. Clearly any funds appropriated pursuant to the current considerations of the Congress would be subject to such authority. And it is a well-established rule, long followed, that an appropriation specifically supplementing one made by a prior act is subject to the same limitations as the funds under the earlier appropriation. We perceive of no reason to suggest that this general rule would not apply in the circumstances here involved. Cf. B-106323, November 27, 1951; 19 Comp. Gen. 324, id. 832, 20 Comp. Gen. 769, id. 601, id. 96. *MSC 2/15/66*

APPROPRIATIONS  
Limitation  
Applicability to supplemental appropriations

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APPROPRIATIONS  
Foreign aid  
Prohibition  
Applicable to supplemental appropriations

Accordingly, it is our opinion, in the absence of any development showing a contrary intent on the part of the Congress, that the provisions of section 116 would apply to funds provided under the current supplemental authorizations being considered by the Congress.

Sincerely yours,

FRANK H. WEITZEL

Acting Comptroller General  
of the United States

The Honorable Charles E. Chamberlain  
House of Representatives

APPROPRIATIONS  
Supplemental  
Provisions in prior act