



COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON 25

2-102971

August 24, 1951.

The Honorable  
The Attorney General

My dear Mr. Attorney General:

As a result of a recent survey of the appropriation limitation control practices and procedures of your office, it was disclosed that in the appropriation Salaries and Expenses, Antitrust Division, the limitation for activities in connection with railroad reparations cases (\$125,000) had been obligated in the amount of \$143,254.96 as of March 31, 1951.

The appropriation for the Antitrust Division of the Department of Justice as set forth in Public Law 759, 81st Congress, Appropriation Act for 1951, reads as follows:

"For expenses necessary for the enforcement of antitrust and kindred laws, including personal services in the District of Columbia and services as authorized by section 15 of the Act of August 2, 1946, (5 USC 55a), \$3,750,000, of which \$125,000 shall be available exclusively for activities in connection with railroad reparations cases: Provided, That none of this appropriation shall be expended for the establishment and maintenance of permanent regional offices of the Antitrust Division."

At the time of the survey, a representative of my Office was advised by members of the staff of your Accounts Branch that the above appropriation language had been interpreted as a minimum amount that may be expended for railroad reparations activities but that it was not a maximum and that therefore more than the specified amount could be expended for this purpose. There is no record that this question has been referred at any time to this Office for a decision.

The language "\$125,000 shall be available exclusively for activities in connection with railroad reparations cases" earmarks a specific amount of money for a specific purpose and under the general rule that there is a specific appropriation for a purpose, a general appropriation which otherwise might be charged, is not available therefor in whole or in part. 18 Comp. Gen. 1013; 19 id 892.

Applying the general rule, the amount of \$125,000 is the maximum amount which may be expended for railroad reparations activities. Further intent of the Congress is found in statement in the House Report No. 336, 80th Congress, on H.R. 3311 (State, Justice, Commerce and the Judiciary Appropriation Bill, fiscal year 1948) that while the Committee was not fully convinced that the railroad reparations proceedings would reach such proportions as to necessitate the expenditure of \$250,000 during the fiscal year 1948, it was, nonetheless, including that amount in the appropriation recommended for the reason that it did not in any way want to hamper or retard just recoveries to the United States Treasury and that language had been inserted in the bill to insure that amount for the purpose for which it was requested. It is clear that the Committee thought that to reduce the amount might retard the recoveries. In other words, the Committee definitely regarded the \$250,000 as the maximum.

The direction by the Congress that of the amount appropriated "\$125,000 shall be available exclusively for activities in connection with railroad reparations cases" is a mandatory one and precludes the application of said amount to any other purpose. B-68524, August 12, 1947. Hence, any portion thereof not expended for the purpose specified will lapse as provided by other law.

The inclusion of the \$125,000 here in question in the total amount appropriated to the Antitrust Division contemplates an accounting therefor within the framework of the whole appropriation and the earmarking of such sum solely for the particular purpose requires segregation of expenditures thereof in the same manner as so-called subappropriations customarily are accounted for.

In view of the language contained in the above referred to statute, it is apparent from the accounts of your Department that there is an over-obligation of this limitation by \$18,254.96 as of March 31, 1951.

I will appreciate your early advice as to any justification for the existence of the over-obligation as well as to the action you intend to take to avoid a recurrence of such a situation since similar language is contained in the appropriation bill for fiscal year 1952.

Sincerely yours,

Comptroller General  
of the United States