



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON

A-89279

AR

October 26, 1937

The Acting Director,
Bureau of the Budget.

Sir:

Your letter of October 18, 1937, is as follows:

"Receipt is acknowledged of your letter of September 30 calling attention to the fact that in the appropriation for salaries and expenses, Bureau of Customs, Treasury Department, 1938, there appeared the following:

"Provided further, That section 3648 of the Revised Statutes (U. S. C. title 31, sec. 529b) shall not apply to payments made for the Bureau of Customs in foreign countries."

and that the citation 'sec. 529b' was misleading.

"In this connection your opinion is requested as to whether it is necessary to repeat the inclusion of the above quoted proviso clause in the 1939 Appropriation Act in order to continue the benefit thereof. In other words, can the proviso clause appearing in the 1938 Appropriation Act be considered as permanent legislation?"

It is a well established rule that a provision contained in an annual appropriation act may not be construed to be permanent legislation unless the language used therein or the nature of the provision renders it clear that such was the intention of the Congress. Usually the word "hereafter" or other words indicating futurity are used in the enactment of a permanent provision. The proviso in question contains no words indicating futurity and the fact that the provision has been repeated in the annual appropriation acts since the fiscal year 1936 would indicate that the Congress did not consider it permanent legislation. 5 Comp. Gen. 810; 10 id. 120.

Accordingly, if it be desired to make the provision permanent, it may be repeated in the appropriation act for 1939 with the word "hereafter" inserted before "section 3648".

Respectfully,

Acting Comptroller General
of the United States.

Y. J. K.
10/26/37