

DOCUMENT RESUME

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National Park Service Construction Appropriations in Excess of Certain Authorization Ceilings. B-148736. September 15, 1977. 3 pp.

Decision re: Secretary, Department of the Interior; by Robert F. Keller, Deputy Comptroller General.

Issue Area: Facilities and Material Management (700).  
Contact: Office of the General Counsel: General Government Matters.

Budget Function: Natural Resources, Environment, and Energy: Recreational Resources (303).

Organization Concerned: National Park Service.

Authority: Supplemental Appropriations Act (of) 1977 (P.L. 95-26 ; 91 Stat. 61; 91 Stat. 71). Department of Interior and Related Agencies Appropriation Act (P.L. 95-74; 91 Stat. 285 ; 91 Stat. 289). 36 Comp. Gen. 240. 36 Comp. Gen. 242.

The Director of the National Park Service (NPS) requested a decision concerning the availability of lump-sum appropriations to NPS for "planning and construction" and for "construction, improvements, repair or replacement of physical facilities." The NPS may expend the lump-sum appropriations provided for planning and construction in the parks even though the expenditures for specific parks would exceed the amounts authorized to be appropriated for such parks. (Author/SC)



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The NPS notes that expenditure of what it describes as "an unprecedented increase in the level of development funding appropriated to the Park Service in fiscal years 1977 and 1978, totaling about \$200 million over appropriations for development in previous fiscal years," would exceed amounts authorized to be appropriated for three individual park units during fiscal year 1977 and four additional areas in the 1978 fiscal year. These areas and the amount by which the appropriations authorizations would be exceeded are:

<u>Area</u>	<u>Amount of Appropriation Exceeding Limitation Ceiling</u>
Fort Bowie	\$ 503,000
Fort Scott	404,000
Frederick Douglass Home	618,000
Hamilton Grange	15,000
Vicksburg - Gunboat Cairo	3,980,000
Whiskeytown	199,000
San Juan Island	107,000

Should present levels of funding and NPS development priorities be maintained for the remaining phases of the Land Heritage Program, the Service estimates that amounts authorized to be appropriated for an additional 22 park areas will be exceeded.

We are asked to decide whether these lump-sum appropriations in effect supersede the previously enacted appropriation authorizations for development of the individual park units.\*/ The NPS states that:

"\* \* \* where appropriations have included funding for projects in excess of limitation ceilings \* \* \*, the appropriation itself provides congressional authority and takes precedence over the previously authorized limitation ceilings."

The legislative histories of the instant appropriation acts clearly demonstrate that Congress intended the funds appropriated to be available for expenditure for projects listed in, and in accordance with the

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\*/ It is our understanding that all of the so-called "ceilings" apply by their terms only to the authorization of appropriations as such for the projects involved.

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Department justifications, except for specified deferrals and revisions. This represents the most recent expression of congressional purpose and must be given effect. While, as we have previously recognized, the general proposition is that "appropriations to carry out enabling or authorizing laws must be expended in strict accord with the original authorization both as to the amount of funds to be expended and the nature of the work authorized":

"[i]t is fundamental \* \* \* that one Congress cannot bind a future Congress and that the Congress has full power to make an appropriation in excess of a cost limitation contained in the original authorization act. This authority is exercised as an incident to the power of the Congress to appropriate and regulate expenditures of the public money." 36 Comp. Gen. 240, 242 (1958).

Accordingly, it is our opinion that the full amounts of the lump-sum appropriations here involved may be expended in the manner contemplated by Congress in the enactment of such appropriations.

  
Deputy Comptroller General  
of the United States