Department is effectively supplanting its policy judgment for the will of Congress. And, at this very moment, important projects of the National Center for Manufacturing Sciences are being scaled back, and personnel are being laid off.

To clear up the interpretation of this important language, I have written to my colleagues, Mr. LIVINGSTON and Mr. OBEY, and have asked for their opinions on the meaning of these terms. I ask that the Justice Department take note of the opinions of the Chairman and the ranking minority member of the Committee on Appropriations when defining these terms. At this point I ask unanimous consent to enter into the RECORD this letter and a section from the GAO's review of appropriations law.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 19, 1995.

Hon. JOE KNOLLENBERG,
U.S. House of Representatives,
Washington, DC.

DEAR JOE: Your letter regarding a Justice Department interpretation of legislative earmark appropriations bill language is interesting. It points out the strains that occur when we legislate and the Executive branch searches out loopholes.

The Committee would expect, when using the language you cited ''not less than $X of the funds appropriated shall be made available only for * * *'', that the agency to which the appropriation was made would use at least that much money solely for the specified purposes in the language.

After reading your letter, a review was made of the GAO Principles of Federal Appropriations Law. I have attached chapter 6(B), Types of Appropriation Language and the Concept of Earmarking. In this chapter there is a paragraph on ''not less than'' earmarks. You may find some of these citations useful.

I hope this will be helpful.

Sincerely,

BOB LIVINGSTON,
Chairman.

DAVE OBEY,
Ranking Minority Member.

CHAPTER 6.—AVAILABILITY OF APPROPRIATIONS: AMOUNT

B. TYPES OF APPROPRIATION LANGUAGE AND THE CONCEPT OF EARMARKING

Congress has been making appropriations since the beginning of the Republic. Over the course of this time, certain forms of appropriation language have become standard. This section will point out the more commonly used language with respect to amount.

Congress may wish to specifically designate, or ''earmark,'' part of a more general lump-sum appropriation for a particular object, as either a maximum, a minimum, or both.[1] For simplicity of illustration, let us assume that we have a lump-sum appropriation of $1,000 for ''smoking materials'' and a particular object within that appropriation is ''Cuban cigars.''

If the appropriation specifies ''not to exceed'' $100 for Cuban cigars or ''not more than'' $100 for Cuban cigars, then $100 is the maximum available for Cuban cigars. 64 Comp. Gen. 263 (1985).[2] A specifically earmarked maximum may not be augmented with funds for the general appropriation.

Statutory transfer authority will permit the augmentation of a ''not to exceed'' earmark in many, but not all, cases. In 12 Comp. Gen. 168 (1932), it was held that general transfer authority could be used to increase maximum earmarks for personal services, subject to the percentage limitations specified in the transfer statute.

[1] We use the term ''earmarking'' here to mean a specific statutory designation of a portion of a lump-sum appropriation or authorization. The term is also used to refer to the statutory designation of revenues for particular uses. For a brief but nevertheless useful discussion of earmarking in this latter sense, see GAO report entitled *Budget Issues: Earmarking in the Federal Government,* GAO/AFMD–90–8FS (January 1990).

[2] A ''not to exceed'' earmark was held not to constitute a maximum in 19 Comp. Gen. 61 (1939), where the earmarking language was inconsistent with other language in the general appropriation.

AIRLINE AMBASSADOR PROGRAM: WORKING TO PROMOTE GOOD WILL THROUGH TRAVEL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 5, 1996

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in recognizing the Airline Ambassador Program. Initiated by an outstanding young woman, Nancy Larson, this program has already succeeded in extending help and compassion to the underprivileged children of the world, in teaching care and concern for the environment and in promoting a sense of community among the diverse ethnic groups of our planet.

The Airline Ambassador Program has created a network of airline personnel who volunteer their time to humanitarian service in their own communities and abroad. Since 1993, airline ambassadors have volunteered in a wide variety of highly effective activities throughout the world. They have participated in nine international conferences, hosted five interactive global tea parties which promote intercultural sharing, sponsored four humanitarian missions to former Yugoslavia, Ecuador, Mexico and Bolivia, and coordinated donations of hospital supplies, food, toys, and baby items for orphanages and needy children. Airline personnel have escorted hundreds of orphans and children in need of medical care.

The unique ability of airline personnel to span the globe at a moment's notice allows them to assist in ways others cannot. They are creating an example by these activities of sharing and caring for the travelling public at large. Inflight articles and videos will further reinforce this idea of travelling to make a positive impact on the world.

I am confident that as the Airline Ambassador Program gains the support and momentum it deserves, it will be able to accomplish even more through expansion of its many excellent programs. Please join me in expressing appreciation for the unique way in which airline ambassadors and Nancy Larson are making this world a better place for all of us to live.