

Sec. 9—Powers Denied to Congress

Cl. 7—Public Money Appropriations

the power that the First Congress had exercised¹⁸⁸⁴ in sanctioning the continued supervision and regulation of pilots by the states.¹⁸⁸⁵

Clause 7. No Money shall be drawn from the Treasury but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

APPROPRIATIONS

The restriction on drawing money from the Treasury “was intended as a restriction upon the disbursing authority of the Executive department,” and “means simply that no money can be paid out of the Treasury unless it has been appropriated by an act of Congress.”¹⁸⁸⁶ Congress may recognize and pay a claim of an equitable, moral, or honorary nature. When it directs a specific sum to be paid to a certain person, neither the Secretary of the Treasury nor any court has discretion to determine whether the person is entitled to receive it.¹⁸⁸⁷ In making appropriations to pay claims arising out of the Civil War, Congress could, the Court held, provide that certain persons, *i.e.*, those who had participated in the rebellion, should not be paid out of the funds made available by the general appropriation, but that such persons should seek relief from Congress.¹⁸⁸⁸

The Court has also recognized that Congress has wide discretion with regard to the extent to which it may prescribe details of expenditures for which it appropriates funds, and has approved the frequent practice of making “lump sum” appropriations, *i.e.*, general appropriations of large amounts to be allotted and expended as directed by designated government agencies. As an example, the Court cited the act of June 17, 1902,¹⁸⁸⁹ “where all moneys received from the sale and disposal of public lands in a large number of states and territories [were] set aside as a special fund to be expended for the reclamation of arid and semi-arid lands within those states and territories,” and “[t]he expenditures [were] to be made under the direction of the Secretary of the Interior upon such projects as he determined to be practicable and advisable.” The Court

¹⁸⁸⁴ 1 Stat. 53, 54, § 4 (1789).

¹⁸⁸⁵ *Thompson v. Darden*, 198 U.S. 310 (1905).

¹⁸⁸⁶ *Cincinnati Soap Co. v. United States*, 301 U.S. 308, 321 (1937); *Knote v. United States*, 95 U.S. 149, 154 (1877).

¹⁸⁸⁷ *United States v. Price*, 116 U.S. 43 (1885); *United States v. Realty Co.*, 163 U.S. 427, 439 (1896); *Allen v. Smith*, 173 U.S. 389, 393 (1899).

¹⁸⁸⁸ *Hart v. United States*, 118 U.S. 62, 67 (1886).

¹⁸⁸⁹ 32 Stat. 388 (1902).