

**QUESTION 6 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK II**

In 2006, the United States Congress passed the Shrimp Industry Relief Act (SIRA), which the President signed into law. This act provided in part:

"The shrimp industry having been crippled by Hurricane Katrina, the United States shall subsidize this industry at a rate of fifty million dollars annually for up to 10 years. Congress shall annually appropriate the funds for such subsidy only to the extent needed. These funds shall be made available to entities engaged in the harvesting of shrimp from the Gulf of Mexico. Distribution of funds shall be administered through the Office of the Secretary of Agriculture."

Congress appropriated fifty million dollars pursuant to the act each year thereafter. The day after the 2010 appropriation became law, the President declared that the gulf coast shrimp industry was fully recovered from the effects of Hurricane Katrina. Consequently, the President signed the following Executive Order:

"The shrimp industry in the Gulf of Mexico having fully recovered from the devastation of Hurricane Katrina, the Agriculture Secretary shall cease allocating subsidies available under the Shrimp Industry Relief Act. In order to promote the consumption of healthier food, the Agriculture Secretary shall hereafter use the funds made available under said act to subsidize businesses engaged in the harvesting and sale of organic vegetables."

The Shrimp Association filed suit against the Agriculture Secretary, demanding that the funds allocated under the SIRA continue to benefit its members.

**Assume the plaintiff has standing and the doctrine of sovereign immunity does not bar this suit.**

**Describe and discuss the legal arguments relating to the President's authority to order the Agriculture Secretary to cease allocating subsidies available under the SIRA.**

**Describe and discuss the legal arguments relating to the President's authority to order that funds appropriated under the SIRA be used to subsidize the organic vegetable industry.**

**\*\*\*\*\*THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK II\*\*\*\*\***