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S 6/27/75

APPROVED

JUN 27 1975

THE WHITE HOUSE

WASHINGTON

June 26, 1975

ACTION

Last Day: July 4

MEMORANDUM FOR THE PRESIDENT

FROM:

JIM CANNON

SUBJECT:

Enrolled Resolution H.J. Res. 499
Continuing Appropriations for FY 76

Attached for your consideration is H.J. Res. 499, sponsored by Representative Mahon, which provides continuing appropriations for activities of the Federal Government until the sine die adjournment of the first session of the 94th Congress or the date of earlier enactment of pending annual appropriation bills.

Jim Lynn recommends veto of the Continuing Resolution for the reasons set forth in his enrolled bill report at Tab A.

Jack Marsh, Bill Seidman, Max Friedersdorf, Phil Buchen (Lazarus), and I recommend you approve the Continuing Resolution for the reasons outlined in Jim Lynn's cover memorandum, also at Tab A. Bob Hartmann recommends approval "if it does not leave John Rhodes out on a limb with his troops."

RECOMMENDATION

That you sign H.J. Res. 499 at Tab B.

Approve

RCF

Disapprove

(OMB has prepared a draft veto message at Tab C, in the event you decide to veto the Continuing Resolution)

Posted 6/27/75
+ to the White

To ARCHIVES
6/30/75



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

June 25, 1975

MEMORANDUM FOR THE PRESIDENT

FROM: JAMES T. LYNN

SUBJECT: Continuing Resolution Action

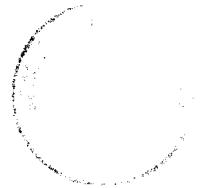
As you will recall, when we talked about Congressional action on the continuing resolution, we agreed that I would tell John Rhodes that, if he needed to do so, he could tell his colleagues I would recommend a veto of the continuing resolution, if they failed to remove the \$375 million EDA item.

Accordingly, I have recommended that you do veto the resolution in the attached enrolled bill memo.

For the reasons indicated below, I could understand how you could come to a different decision on this bill.

1. The likelihood of sustaining a veto on this bill is very slim because the EDA item is one that is strongly supported by many of our own people (Howard Baker, Pete Domenici, et al.)
2. If you were to veto the bill it would antagonize the Congress because they would probably have to postpone their recess to deal with the issue.
3. A loss on this bill could reverse the momentum you have built on other vetoes.
4. The amount of money involved, while significant, is small by comparison to other recent veto issues and therefore would be difficult to sell to the public as a breach of your spending line.
5. Even with this added spending we cannot claim, today, that this item brings the budget deficit to more than \$60 billion.

Attachment



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

June 25, 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Resolution H.J. Res. 499 - Continuing appropriations for
fiscal year 1976
Sponsor - Representative Mahon (D), Texas

Last Day for Action: July 4, 1975 - Friday

Immediate veto of the enrolled resolution is recommended to allow the maximum time possible for the Congress to take further action on this measure.

Highlights:

- This year--for the first time--the Congress has used the continuing resolution as a vehicle for making regular appropriations, a practice we oppose on procedural grounds.
- Five of the seven regular fiscal year 1976 appropriations contained in the enrolled resolution are within your budget requests. The other two, the Job Opportunities Program and Employment for Older Americans, are unrequested and would add a total of \$405 million to your 1976 budget requests.
- The outlay effect of regular appropriations contained in the bill is to add \$245 million in 1976, \$60 million in the transition quarter, and \$150 million in 1977.

Recommendation:

I recommend that you veto the enrolled joint resolution on the following grounds:

- The enrolled joint resolution would increase your fiscal year 1976 budget request by \$405 million.
- The inclusion of seven regular fiscal year 1976 appropriations in the continuing resolution is undesirable from a procedural standpoint. While it would be logical, on this basis, to seek deletion of all the specific appropriations, elimination of the \$1,625 million for public service jobs is not proposed. Funding for that program will run out on June 30, and it would be undesirable to await passage of another appropriation act for that purpose.


James T. Lynn
Director





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

June 25, 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Resolution H.J. Res. 499 - Continuing
appropriations for fiscal year 1976
Sponsor - Representative Mahon (D), Texas

Last Day for Action

July 4, 1975 - Friday

Immediate veto of the enrolled resolution is recommended to allow the maximum time possible for the Congress to take further action on this measure.

Purpose

Effective July 1, 1975, this resolution provides continuing appropriations for activities of the Federal Government until the sine die adjournment of the first session of the Ninety-fourth Congress or the date of earlier enactment of pending annual appropriation bills.

Agency Recommendations

Office of Management and Budget

Disapproval
(veto statement
attached)

Discussion

All activities of the Federal Government in fiscal year 1976 are dependent upon this joint resolution for temporary appropriations until their annual appropriation bills are enacted or until the sine die adjournment of the first session of the Ninety-fourth Congress, whichever date occurs first.

As in past years, sections 101(a) and (b) of the resolution provide that agencies may continue activities and programs currently being conducted at a level of operations not exceeding the lower of (1) the current rate, (2) the budget

estimate if no bill has passed either House providing for the activities, or (3) the rate provided in the pending appropriation bill. In addition, each year it is necessary to provide special language for activities which would not be adequately funded by the standard language in these sections of the Continuing Resolution. The special language included this year would cover, for example, items initially funded in supplemental appropriations, items deleted from the House version of 1976 appropriation bills (generally for lack of authorizing legislation), items for which budget requests have not been made, and items for which the current rate would be inadequate.

New to the resolution this year is section 101(f) which provides, for certain entitlement-like programs, a rate of spending as mandated by the particular law governing the program's operation. Covered by this new "mandated rate" section are programs such as food stamps, public assistance, railroad retirement, and supplemental security income.

This year--for the first time--the Congress has used the continuing resolution as a vehicle for making regular appropriations. Procedurally, this practice is objectionable since the continuing resolution, by purpose, was never intended to serve as a vehicle for providing new fiscal year funding. The resolution includes seven regular appropriations. The following compares these appropriations with the budget requests (in millions of dollars):

	<u>Requested</u>	<u>Provided</u>
Public service jobs.....	\$1,625.0	\$1,625.0
Employment for older Americans...	--	30.0
Youth Conservation Corps.....	10.4	10.0
Work incentive program.....	330.0	70.0
Rural water and waste disposal...	150.0	150.0
College work-study program.....	250.0	119.8
Job Opportunities Program.....	--	375.0
Total.....	\$2,365.4	\$2,379.8

With the exception of Employment for Older Americans and the Job Opportunities Program, the amounts included in the enrolled resolution for these programs are within your 1976 budget requests. These two items add \$405 million to your requests.

A Senate floor amendment added the \$375 million for the Job Opportunities Program. You have consistently maintained that this program is not an effective solution to the unemployment problem and have opposed further funding of it.

The effect on outlays of the fiscal year 1976 appropriations included in this resolution is to add \$245 million in fiscal year 1976, \$60 million in the transition quarter, and \$150 million in fiscal year 1977.

Since seven specific appropriations are separate from the regular, continuing authority contained in the bill, any amounts included in the regular annual appropriation bills will be additive.

In addition to the provisions of the enrolled resolution discussed above, the following sections also warrant attention:

- Section 101(a)(4) contains new language which continues for the duration of the continuing resolution restrictive provisions and conditions contained in the 1975 appropriation bills for items included in the following 1976 appropriation bills:

HUD and Independent Agencies
Labor-HEW
Public Works
State, Justice, Commerce, the Judiciary

The ban on the Environmental Protection Agency's issuing parking lot regulations, for example, is continued by this language.

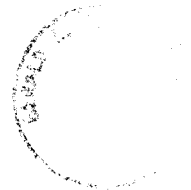


- Section 101(e) provides for a \$20 million funding level for aid to Soviet refugees. Congressional appropriation action may, however, increase that amount nearer to the \$40 million appropriated for fiscal year 1975.
- Section 109 prohibits the use of 1976 funds directly or indirectly for assistance to any government in Indochina. The 1976 budget has not yet been amended to eliminate requests for these countries. While this step reduces the Administration's flexibility regarding the ongoing phaseout of assistance to Laos, no serious problems are foreseen unless it should be decided to continue a small scale assistance effort there.
- Section 111 continues the availability of \$25 million appropriated late in fiscal year 1975 for economic assistance to Portugal and its African colonies for which no 1976 appropriation was requested.

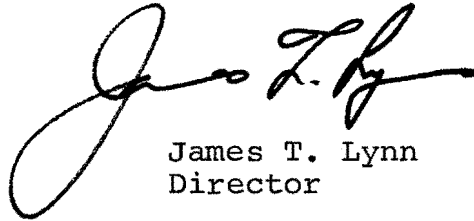
Recommendation

I recommend that you veto the enrolled joint resolution on the following grounds:

- The enrolled joint resolution would increase your fiscal year 1976 budget requests by \$405 million.
- The inclusion of seven regular fiscal year 1976 appropriations in the continuing resolution is undesirable from a procedural standpoint. While it would be logical, on this basis, to seek deletion of all the specific appropriations, elimination of the \$1,625 million for public service jobs is not proposed. Funding for that program will run out on June 30, and it would be undesirable to await passage of another appropriation act for that purpose.



A veto message for your signature, developed around these two points, is attached to this analysis.

A handwritten signature in black ink, appearing to read "James T. Lynn". The signature is fluid and cursive, with a large initial "J" and a stylized "L".

James T. Lynn
Director

Attachment

B

C

TO THE HOUSE OF REPRESENTATIVES

I return herewith, without my approval, H.J. Res. 499, the Continuing Resolution for fiscal year 1976.

As presented to me, this joint resolution includes appropriations that would authorize spending of \$405 million above my budget requests. Most of this increased spending--\$375 million--is associated with the Job Opportunities Program of the Department of Commerce, a program I strongly oppose because I do not believe that it is an effective solution to our unemployment problem.

A total of \$125 million was appropriated for this program last December. It has already taken six months to allocate funds to the affected agencies because of the complex procedures required by the law. We know, also, that previous efforts to use similar public works projects to create jobs for the unemployed were not timely, did not benefit areas most in need, and cost too much.

The Congress has also appropriated \$30 million to extend Title IX of the Older Americans Comprehensive Services Amendments of 1973. Authority and adequate funding for activities covered under this program are available under the Comprehensive Employment and Training Act, and I oppose further extension of the program under the terms set forth in this resolution.

I also strongly object to the form this year's continuing resolution has assumed. This resolution, traditionally, has been designed to allow use of funds in a new fiscal year

until annual appropriation bills are enacted. The continuing resolution was never intended as a vehicle for providing new fiscal year funding. Yet this resolution, as presented to me, would provide over \$2 billion in appropriations outside the regular annual appropriation acts.

The funds provided for five of the seven programs that would receive fiscal year 1976 funds through this resolution are within my budget requests for fiscal year 1976. Nonetheless, the probability that increases will be voted for these programs when the Congress considers them in their regular 1976 appropriation bills constitutes a serious threat to our ability to maintain control over the budget now and in the future.

A specific example will serve to illustrate and explain my serious concern. In this resolution, the College Work-Study Program would receive a direct appropriation for fiscal year 1976 of nearly \$120 million. My budget request for this program for fiscal year 1976 is \$250 million. The House of Representatives has passed the Education Bill for 1976, recommending an appropriation of \$360 million for the College Work-Study Program. The Senate Appropriations Committee has recently reported the same bill, recommending \$420 million for the College Work-Study Program. If the Senate Committee recommendation is followed, fiscal year 1976 funding could exceed my requests by \$290 million.

It is imperative that a continuing resolution be enacted by July 1, 1975, so that activities of the Federal Government can legally continue operation. Therefore, I ask the Congress to present to me, before June 30, 1975, a joint resolution without specific appropriations except for \$1,625 million urgently needed for public service jobs.

THE WHITE HOUSE

June , 1975

Please advise Mrs Walker
on any action.

*For J. Garvey
6-25-75
8:00 p.m.*



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

June 25, 1975

MEMORANDUM FOR THE PRESIDENT

FROM: JAMES T. LYNN

SUBJECT: Continuing Resolution Action

As you will recall, when we talked about Congressional action on the continuing resolution, we agreed that I would tell John Rhodes that, if he needed to do so, he could tell his colleagues I would recommend a veto of the continuing resolution, if they failed to remove the \$375 million EDA item.

Accordingly, I have recommended that you do veto the resolution in the attached enrolled bill memo.

For the reasons indicated below, I could understand how you could come to a different decision on this bill.

1. The likelihood of sustaining a veto on this bill is very slim because the EDA item is one that is strongly supported by many of our own people (Howard Baker, Pete Domenici, et al.)
2. If you were to veto the bill it would antagonize the Congress because they would probably have to postpone their recess to deal with the issue.
3. A loss on this bill could reverse the momentum you have built on other vetoes.
4. The amount of money involved, while significant, is small by comparison to other recent veto issues and therefore would be difficult to sell to the public as a breach of your spending line.
5. Even with this added spending we cannot claim, today, that this item brings the budget deficit to more than \$60 billion.

Attachment

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 25, 1975

Time: 10:30am

FOR ACTION:

Max Friedersdorf
Phil Buchen *sign*
Bill Seidman
Jack Marsh *sign*
Robert Hartmann

cc (for information): Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date:

June 26

Time:

100pm

SUBJECT:

Enrolled Resolution H.J. Res. 499 - Continuing
Appropriations for FY 76

ACTION REQUESTED:

☐ For Necessary Action☒ For Your Recommendations☐ Prepare Agenda and Brief☐ Draft Reply☒ For Your Comments☐ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 26, 1975

Time: 10:30am

FOR ACTION: Max Friedersdorf
Phil Buchen
Bill Seidman
Jack Marsh
Robert Hartmann

cc (for information): Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: June 26

Time: 100pm

SUBJECT:

*Rec. 10:58 am
6/26/75*

Enrolled Resolution H.J. Res. 499 - Continuing
Appropriations for FY 76

ACTION REQUESTED:

___ For Necessary Action

☒ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

☒ For Your Comments

___ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

Sorry about the short turn-around but OMB recommends veto and if this is to be vetoed it must be done today before the Congress leaves.

*I recommend signing if it
does not leave John Rhodes way
out on a limb with his troops x*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please

AA

Date: June 29, 1975

Time: 10:30am

FOR ACTION: Max Friedersdorf
Phil Buchen
Bill Seidman
Jack Marsh
Robert Hartmann

cc (for information): Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: June 26

Time: 100pm

SUBJECT:

Enrolled Resolution H.J. Res. 499 - Continuing
Appropriations for FY 76

ACTION REQUESTED:

☐ For Necessary Action☒ For Your Recommendations☐ Prepare Agenda and Brief☐ Draft Reply☒ For Your Comments☐ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

Sorry about the short turn-around but OMB recommends veto and if this is to be vetoed it must be done today before the Congress leaves.

For the reason given in Lynn's cover memo re a different decision" I would recommend signing.

JWS

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James H. Cavanaugh
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 26, 1975

Time: 10:30am

FOR ACTION: Max Friedersdorf
Phil Buchen
Bill Seidman
Jack Marsh
Robert Hartmann

cc (for information): Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: June 26

Time: 100pm

SUBJECT:

Enrolled Resolution H.J. Res. 499 - Continuing
Appropriations for FY 76

ACTION REQUESTED:

☐ For Necessary Action☒ For Your Recommendations☐ Prepare Agenda and Brief☐ Draft Reply☒ For Your Comments☐ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

Sorry about the short turn-around but OMB recommends veto and if this is to be vetoed it must be done today before the Congress leaves.

I recommend approval for the reasons set forth in Jim Lynn's cover memo to the President.

Ken Lazarus 6/26/75

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

1 James H. Cavanaugh
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

JUN 26 1975
10:55ul

Date: June 26, 1975

Time: 10:30am

FOR ACTION: Max Friedersdorf
Phil Buchen
Bill Seidman
Jack Marsh
Robert Hartmann

cc (for information): Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: June 26

Time: 100pm

SUBJECT:

Enrolled Resolution H.J. Res. 499 - Continuing
Appropriations for FY 76

ACTION REQUESTED:

☐ For Necessary Action☒ For Your Recommendations☐ Prepare Agenda and Brief☐ Draft Reply☒ For Your Comments☐ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

Sorry about the short turn-around but OMB recommends veto
and if this is to be vetoed it must be done today before
the Congress leaves.

Sign the bill
jm

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.

James H. Cavanaugh
For the President

THE WHITE HOUSE
WASHINGTON

Date: 6-26-75

TO:

Staff Secy

FROM: Max L. Friedersdorf

For Your Information _____

Please Handle _____

Please See Me _____

Comments, Please _____

Other

I strongly

oppose a veto &

recommend the

President sign H.R. 499

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 26, 1975

Time: 10:30am

FOR ACTION: Max Friedersdorf
Phil Buchen
Bill Seidman
Jack Marsh
Robert Hartmann

cc (for information): Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: June 26

Time: 100pm

SUBJECT:

Enrolled Resolution H.J. Res. 499 - Continuing
Appropriations for FY 76

ACTION REQUESTED:

___ For Necessary Action

☒ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

☒ For Your Comments

___ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

Sorry about the short turn-around but OMB recommends veto
and if this is to be vetoed it must be done today before
the Congress leaves.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.

James H. Cavanaugh
For the President

CONTINUING APPROPRIATIONS, 1976

JUNE 12, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MAHON, from the Committee on Appropriations,
submitted the following

REPORT

[To accompany H.J. Res. 499]

The Committee on Appropriations, to whom was referred House Joint Resolution 499, making continuing appropriations for the fiscal year 1976, and for other purposes, report the same to the House with amendments and with the recommendation that the joint resolution as amended be passed.

The amendments are as follows:

On page 7, lines 22 through 24, strike "activities under title IX of the Older Americans Comprehensive Services Amendments of 1973 at an annual rate of not to exceed \$42,000,000" and insert in lieu thereof "for activities under title IX of the Older Americans Comprehensive Service Amendments of 1973, \$30,000,000".

On page 8, strike lines 9 through 11 and insert in lieu thereof "for activities under title VI of the Comprehensive Employment and Training Act, \$1,625,000,000, to remain available until June 30, 1976;"

On page 11, line 23, after the word "amended", add ", and section 10 of Public Law 91-672".

This resolution is required to avoid interruption of continuing government functions. The authority conveyed by the resolution is necessary to provide for the interim between June 30 and final approval of the applicable annual appropriation acts for the fiscal year 1976. With a few exceptions, the resolution follows the basic form and concept of similar resolutions of past years. It is effective until the *sine die* adjournment of the first session of the Ninety-fourth Congress.

LEVELS OF FUNDING PROVIDED UNDER THE RESOLUTION

As indicated and has been the practice over a period of years, the continuing resolution establishes an appropriate rate of funding for the Departments and agencies until the respective regular annual appropriation bills can be enacted by Congress.

In summary, the operating levels which obtain under the resolution and which are based on the status of each particular bill as of July 1, 1975, are as follows:

(1) Where the applicable bill has *passed both Houses* but has not cleared conference, and the amount as passed by the House is different from that passed by the Senate, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority (Sec. 101(a)(3));

(2) Where the applicable bill has *passed only one House*, the rate for operations shall not exceed the current rate or the rate permitted by the action of one House, whichever is lower. (Sec. 101(a)(4));

(3) Where the applicable bill has *not been passed by either House*, the rate for operations for continuing projects or activities shall not exceed the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority (Sec. 101(b));

(4) Because of special circumstances involved in certain instances, provision is made to base the rate of operations on the budget estimate (Sec. 101(d));

(5) In certain instances where there is *no budget estimate or if the budget request has been deferred* for later consideration or other special circumstances obtain, projects or activities are continued at the current rate or as specifically provided (Sec. 101(e));

(6) Because of the mechanics of basic legislation, certain programs are provided for at a rate to permit payments to beneficiaries and recipients as mandated by law (Sec. 101(f));

(7) The rates of operation for programs and activities which prevail under the continuing resolution are hinged to the status of the applicable appropriation bill as of July 1, 1975, or the level otherwise specifically provided for therein. The rates do not change until the conditions set forth in Section 102 occur.

(8) Except for certain instances in section 101(e); the resolution does not augment the appropriation for a given project or activity in the regular bills for fiscal year 1976. Sec. 105 provides that expenditures pursuant to the resolution shall be charged to the applicable appropriation, fund, or authorization whenever the subject bill is enacted into law.

(9) Funds provided in the resolution may not be used to initiate any new project or activity or to resume any for which appropriations, funds, or other authority were not available in fiscal year 1975 (Sec. 106).

STATUS OF APPROPRIATION BILLS FOR FISCAL YEAR 1976

The resolution assumes passage by the House by June 30 of five of the regular annual appropriation bills for fiscal year 1976 plus the education appropriation bill. It anticipates that only the Legislative bill and the education bill will have been cleared for the President's signature by that date.

Present plans call for the passage by the House of six more appropriation bills in July contingent upon the availability of authorizing legislation and other factors. This would mean that two regular annual appropriation bills—District of Columbia and Foreign Assistance—would remain for consideration by the House after the August recess.

The budget for the District of Columbia has not yet been transmitted to Congress and although the Committee on Appropriations has begun hearings on the Foreign Assistance bill, the outlook for authorizing legislation is uncertain.

It is anticipated that the following appropriation bills for fiscal year 1976 will be passed by the House by June 30:

- Education.
- Legislative.
- HUD-Independent Agencies.
- Labor-HEW.
- State, Justice, Commerce, and Judiciary.
- Public Works.

Contingent upon the availability of certain authorizing legislation and other factors, it is presently planned that the following bills will be considered by the House in July:

- Transportation.
- Agriculture.
- Interior.
- Treasury-Postal Service.
- Defense.
- Military Construction.

AREAS OF SPECIAL INTEREST

Section 101(f) of the resolution makes special provision for certain Federal programs for which payments are mandated by law. Because of such factors as the uncertainty of the magnitude of participation and recent legislative changes, the current rate for these programs is inadequate. Further, the budget estimates for some programs are or may be inadequate. Some budget estimates are grossly understated and others are of questionable adequacy. To insure that the Federal commitment may be honored, the Committee has recommended language that will permit these payments as mandated by law. Included in this category are the food stamp, school lunch, and child nutrition programs, payments to beneficiaries under the Federal Coal Mine Health and Safety Act and the Railroad Retirement Act, retirement pay and medical benefits for commissioned officers of the Public Health Service, and grants to States for public assistance.

Also, section 101(e) of the continuing resolution provides the same funding level that would have obtained with the Emergency Employment Appropriations bill vetoed by the President by making appropriations for the following programs:

Public Service jobs, \$1,625,000,000, which will remain available for the entire fiscal year 1976 and sustain the operating level of approximately 310,000 jobs; the Older Americans program, \$30,000,000; College-Work Study grants, \$119,800,000; the Work Incentive (WIN) program, \$70,000,000; Youth Conservation Corps, \$10,000,000; and Rural Water and Sewer Grants, \$150,000,000.

COMPLIANCE WITH RESOLUTION

It is essential that officials responsible for administering programs during the interim period covered by the resolution take only the limited action necessary for orderly continuation of projects and

activities, preserving to the maximum extent possible the flexibility of Congress in arriving at final decisions. Accordingly, the rates of operation for programs and activities under the resolution are to be interpreted as ceilings and not as mandatory spending levels. This is absolutely necessary in order to preserve Congressional prerogatives in the course of the regular authorization and appropriation process.

Without laying down any hard and fast rules and short of encumbering administrative processes with detailed fiscal controls, the Committee expects that departments and agencies will carefully avoid the obligation of funds for specific budget line items or program allocations, on which congressional committees may have expressed strong criticism, at rates which unduly impinge upon discretionary decisions otherwise available to the Congress.

INFLATIONARY IMPACT STATEMENT

Clause 2(l)(4) of rule XI of the House of Representatives requires that each committee report on a bill or resolution shall contain a statement as to whether enactment of such bill or resolution may have an inflationary impact on prices and costs in the operation of the national economy.

The accompanying resolution simply extends the availability of funds and authorities for ongoing programs of the federal government for which fiscal year 1976 appropriations will not be enacted by July 1. The philosophy of the continuing resolution is generally to provide minimum funding for the orderly continuation of existing programs for the interim period until the annual appropriation bills are enacted. By definition, such programs have previously been authorized and funded by the Congress and previously signed into law.

It is a matter of conjecture whether or not any appropriation of money might be inflationary. In view of the fact that this resolution merely represents a temporary extension of existing and previously approved programs; and in view of the fact that Congress will have ample opportunity through the normal authorization and appropriations process to work its will with respect to the final amounts to be provided for programs; and considering the levels of funding which obtain under the mechanics of the resolution, it is the judgment of the Committee that its enactment will not have an additional inflationary impact on prices and costs in the operation of the national economy.

CHANGES IN EXISTING LAW

Pursuant to Clause 3, Rule XXI of the House of Representatives, the following statements are submitted describing the effect of provisions in the accompanying bill which directly or indirectly change the application of existing law.

1. The Committee has included language on pages 2 and 11 of the bill pertaining to the Department of State and on page 2 to the United States Information Agency which will permit these agencies to incur obligations and make expenditures in the absence of legislation which authorizes appropriations for their operation.

2. The Committee has included language on page 5 of the bill pertaining to activities funded in the Foreign Assistance and Related

Programs Appropriation Act, 1975, which will permit the agencies administering these activities to incur obligations and make expenditures in the absence of legislation which authorizes appropriations for these activities.

3. The Committee has included language beginning on page 7 of the bill which sets aside Section 906 of the Older Americans Comprehensive Services Amendments of 1973 (Public Law 93-29) so that the fund allocation to States used will continue and each State will continue to receive at least as much as they now receive.

4. The Committee has included language on pages 9 and 10 of the bill which provides that funds for the college work-study program may be reallocated among institutions.

5. The Committee has included language (section 101(g)) on page 12 of the bill which provides that appropriations made by this resolution shall not be available for payment to the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

6. The Committee has included a general provision (Sec. 103) on page 13 of the bill which sets aside the time requirements for apportionment of appropriations contained in 31 U.S.C. 665(d)(2). The procedures established by the Treasury under continuing resolutions provide adequate and satisfactory safeguards against an excessive obligation rate.

7. The Committee has included a general provision (Sec. 107) on page 14 of the bill which permits apportionment of appropriated funds on a basis indicating the need for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel.

8. The Committee has included language on page 15 of the bill (Sec. 110) which has been carried in prior fiscal years which provides that any provision of law which requires unexpended funds to return to the general fund shall not be held to affect the status of any lawsuit or right of action involving the right to those funds.

○

CONTINUING APPROPRIATIONS, 1976

JUNE 18 (legislative day JUNE 6), 1975.—Ordered to be printed

MR. MCCLELLAN, from the Committee on Appropriations,
submitted the following

REPORT

[To accompany H.J. Res. 499]

The Committee on Appropriations, to which was referred House Joint Resolution 499, making continuing appropriations for the fiscal year 1976, and for other purposes, reports the same to the Senate with amendments and with the recommendation that the joint resolution be passed.

This resolution is required to avoid interruption of continuing government functions. The authority conveyed by the resolution is necessary to provide for the interim between June 30 and final approval of the applicable annual appropriation acts for the fiscal year 1976. With a few exceptions, the resolution follows the basic form and concept of similar resolutions of past years. It is effective until the *sine die* adjournment of the first session of the Ninety-fourth Congress.

LEVELS OF FUNDING PROVIDED UNDER THE RESOLUTION

As indicated and has been the practice over a period of years, the continuing resolution establishes an appropriate rate of funding for the Departments and agencies until the respective regular annual appropriation bills can be enacted by Congress.

In summary, the operating levels which obtain under the resolution and which are based on the status of each particular bill as of July 1, 1975, are as follows:

(1) Where the applicable bill has *passed both Houses* but has not cleared conference, and the amount as passed by the House is different from that passed by the Senate, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority (Sec. 101(a)(3));

(2) Where the applicable bill has *passed only one House*, the rate for operations shall not exceed the current rate or the rate permitted by the action of one House, whichever is lower. (Sec. 101(a)(4));

(3) Where the applicable bill has *not been passed by either House*, the rate for operations for continuing projects or activities shall not exceed the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority (Sec. 101(b));

(4) Because of special circumstances involved in certain instances, provision is made to base the rate of operations on the budget estimate (Sec. 101(d));

(5) In certain instances where there is *no budget estimate or if the budget request has been deferred* for later consideration or other special circumstances obtain, projects or activities are continued at the current rate or as specifically provided (Sec. 101(e));

(6) Because of the mechanics of basic legislation, certain programs are provided for at a rate to permit payments to beneficiaries and recipients as mandated by law (Sec. 101(f));

(7) The rates of operation for programs and activities which prevail under the continuing resolution are hinged to the status of the applicable appropriation bill as of July 1, 1975, or the level otherwise specifically provided for therein. The rates do not change until the conditions set forth in Section 102 occur.

(8) Except for certain instances in section 101(e); the resolution does not augment the appropriation for a given project or activity in the regular bills for fiscal year 1976. Sec. 105 provides that expenditures pursuant to the resolution shall be charged to the applicable appropriation, fund, or authorization whenever the subject bill is enacted into law.

(9) Funds provided in the resolution may not be used to initiate any new project or activity or to resume any for which appropriations, funds, or other authority were not available in fiscal year 1975 (Sec. 106).

STATUS OF APPROPRIATION BILLS FOR FISCAL YEAR 1976

The resolution assumes passage by the House by June 30 of five of the regular annual appropriation bills for fiscal year 1976 plus the education appropriation bill. It anticipates that only the Legislative bill and the Education bill will have been cleared for the President's signature by that date.

Present plans call for the passage by the House of six more appropriation bills in July contingent upon the availability of authorizing legislation and other factors. This would mean that two regular annual appropriation bills—District of Columbia and Foreign Assistance—would remain for consideration by the House after the August recess. The budget for the District of Columbia has not yet been transmitted to Congress and although the Committee on Appropriations has begun hearings on the Foreign Assistance bill, the outlook for authorizing legislation is uncertain inasmuch as the Administration has not submitted its proposed programs for foreign military assistance, military credit sales, or supporting assistance for the Middle East.

It is anticipated that the following appropriation bills for fiscal year 1976 will be passed by the House by June 30:

Education.
Legislative.
HUD-Independent Agencies.

Labor-HEW.

State, Justice, Commerce, and Judiciary.

Public Works.

Contingent upon the availability of certain authorizing legislation and other factors, it is presently planned that the following bills will be considered by the House in July:

Transportation.

Agriculture.

Interior.

Treasury-Postal Service.

Defense.

Military Construction.

The Committee plans to report these annual appropriation bills to the Senate as expeditiously as possible after the bills are passed by the House and received and referred in the Senate. Undoubtedly, several of these bills will be delayed due to the lack of authorization legislation and because of other problems over which the Committee has no direct control. Other than the education and legislative bills, it is not anticipated that the Senate will receive any of the annual bills from the House until only two or three days before the July 4th recess.

AREAS OF SPECIAL INTEREST

Section 101(f) of the resolution makes special provision for certain Federal programs for which payments are mandated by law. Because of such factors as the uncertainty of the magnitude of participation and recent legislative changes, the current rate for these programs is inadequate. Further, the budget estimates for some programs are or may be inadequate. Some budget estimates are grossly understated and others are of questionable adequacy. To insure that the Federal commitment may be honored, the Committee has recommended language that will permit these payments as mandated by law. Included in this category are the food stamp, school lunch, and child nutrition programs, payments to beneficiaries under the Federal Coal Mine Health and Safety Act and the Railroad Retirement Act, retirement pay and medical benefits for commissioned officers of the Public Health Service, and grants to States for public assistance.

Also, section 101(e) of the continuing resolution provides the same funding level that would have obtained with the Emergency Employment Appropriations bill vetoed by the President by making appropriations for the following programs:

Public Service jobs, \$1,625,000,000, which will remain available for the entire fiscal year 1976 and sustain the operating level of approximately 310,000 jobs; the Older Americans program, \$30,000,000; College-Work Study grants, \$119,800,000; the Work Incentive (WIN) program, \$70,000,000; Youth Conservation Corps, \$10,000,000; \$375,000,000 for Job Opportunities program; and Rural Water and Sewer Grants, \$150,000,000.

PUBLIC SERVICE JOBS

The additional \$1,625,000,000 over and above the amounts already appropriated for fiscal year 1975 for public service jobs, together with carryover and funds expected to be available in the fiscal year 1976

appropriation should extend for another year the current level of about 310,000 persons enrolled under several legislative authorities, including the Emergency Employment Act and titles II and VI of the Comprehensive Employment and Training Act.

It is the intent of this Committee that the \$1,625,000,000 for the public service jobs program and the \$42,000,000 (including the \$12,000,000 previously appropriated) for the Older Americans program be obligated as expeditiously as possible to insure that the program levels are maintained in the fiscal year.

JOB OPPORTUNITIES PROGRAM

The amendment would provide \$375 million for the Job Opportunities Program under the Department of Commerce. This amount, together with the \$125 million already appropriated, will provide a total of \$500 million to accelerate public works programs authorized by existing law. This funding level is consistent with the Congressional Program of Economic Recovery and Energy Sufficiency which was transmitted to the President in February. The purpose of this jobs program is to provide short-term employment opportunities while constructing facilities of lasting value to the community.

There is no doubt the funds can be used. The Secretary of Commerce has on hand 18,000 proposals from 43 Federal agencies worth \$3.3 billion. The funds made available under this program will be sufficient to support approximately 15% of the highest priority proposals. Priority in allocation of the funds will be given to those labor intensive projects which can be initiated promptly and which can be substantially completed in 12 months. About 50,000 jobs will be created by the \$375 million in the bill and the \$125 million already provided.

This amount of \$375 million was included in both the House and Senate versions of the recently vetoed Emergency Employment Appropriations Act. The language also provides \$1 million for the Mountain Plains Education and Economic Development as was agreed to in conference on the vetoed bill.

The Committee feels strongly that as long as the \$2 billion Labor-HEW Chapter of the vetoed Jobs bill is being included in this resolution, the money for the Job Opportunities Program should also be included.

HEALTH RELATED PROGRAMS

The Committee wishes to call attention to the fact that a number of health related programs have now been operating for two years or more without authorizing legislation. These programs were continued throughout fiscal year 1975 under the terms of the continuing resolution (PL 93-324, as amended). The programs in question are provided for in Section 101(b) of this bill. The Committee does not view the continuing resolution as a proper vehicle for long-term funding support, nor should it be considered a substitute for timely action on legislation. The Committee trusts that the appropriate committees will undertake a concerted effort to promptly enact legislation for these high priority programs.

FOREIGN ASSISTANCE AND RELATED PROGRAMS

It is the opinion of the Committee that the affirmative grant of authority contained in section 101(b)

Such amounts as may be necessary for continuing projects or activities * * * which were conducted in the fiscal year 1975 and are listed in this subsection at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority

and the restriction in section 106

No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1975.

limit obligations under the Continuing Resolution to those operations carried on in fiscal year 1975 and at an annual rate for operations not in excess of the fiscal year 1975 rate unless the Congress is advised fifteen days in advance, pursuant to Section 113 of Public Law 94-11.

SCHOOL BREAKFAST PROGRAM

The Committee has added a provision to include the School Breakfast program in Section 101(e) of the bill.

COMPLIANCE WITH RESOLUTIONS

The Committee directs that the rates of operation for programs and activities under the continuing resolution be interpreted as mandatory spending levels, just as would be the case in a regular appropriations bill.

The Committee and the Congress will continue to entertain rescission and deferral messages, should the Administration have proposals to spend at rates of operation below the levels specified by the continuing resolution.

CHANGES IN EXISTING LAW

The following statements are submitted describing the effect of provisions in the accompanying resolution which directly or indirectly change the application of existing law.

1. The resolution includes language on pages 2 and 11 of the bill pertaining to the Department of State and on page 2 of the United States Information Agency which will permit these agencies to incur obligations and make expenditures in the absence of legislation which authorizes appropriations for their operation.

2. The resolution includes language on page 5 of the bill pertaining to activities funded in the Foreign Assistance and Related Programs Appropriation Act, 1975, which will permit the agencies administering these activities to incur obligations and make expenditures in the

absence of legislation which authorizes appropriations for these activities.

3. The resolution includes language beginning on page 8 of the bill which sets aside Section 906 of the Older Americans Comprehensive Services Amendments of 1973 (Public Law 93-29) so that the fund allocation to States used will continue and each State will continue to receive at least as much as they now receive.

4. The resolution includes language on pages 9 and 10 of the bill which provides that funds for the college work-study program may be reallocated among institutions.

5. The resolution includes language (section 101(g)) on page 12 of the bill which provides that appropriations made by this resolution shall not be available for payment to the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

6. The resolution includes a general provision (Sec. 103) on page 13 of the bill which sets aside the time requirements for apportionment of appropriations contained in 31 U.S.C. 665(d)(2). The procedures established by the Treasury under continuing resolutions provide adequate and satisfactory safeguards against an excessive obligation rate.

7. The resolution includes a general provision (Sec. 107) on page 14 of the bill which permits apportionment of appropriated funds on a basis indicating the need for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel.

8. The resolution includes language on page 15 of the bill (Sec. 110) which has been carried in prior fiscal years which provides that any provision of law which requires unexpended funds to return to the general fund shall not be held to affect the status of any lawsuit or right of action involving the right to those funds.

9. The resolution includes language on page 11 of the bill which provides funds for the Job Opportunities Program.

10. The resolution includes language on page 12 of the bill to include the School Breakfast Program.



Calendar No. 198

94TH CONGRESS
1ST SESSION

H. J. RES. 499

[Report No. 94-201]

IN THE SENATE OF THE UNITED STATES

JUNE 17, 1975

Read twice and referred to the Committee on Appropriations

JUNE 18 (legislative day, JUNE 6), 1975

Reported by Mr. McCLELLAN, with amendments

[Omit the part struck through and insert the part printed in italic]

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1976, and
for other purposes.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That the following sums are appropriated out of any money
4 in the Treasury not otherwise appropriated, and out of ap-
5 plicable corporate or other revenues, receipts, and funds, for
6 the several departments agencies, corporations, and other
7 organizational units of the Government for the fiscal year
8 1976, namely:

9 SEC. 101. (a) (1) Such amounts as may be necessary
10 for continuing projects or activities (not otherwise specifi-
11 cally provided for in this joint resolution) which were con-

1 ducted in the fiscal year 1975 and for which appropriations,
 2 funds, or other authority would be available in the following
 3 appropriation Acts for the fiscal year 1976:

4 Education Division and Related Agencies Appro-
 5 priations Act;

6 Department of Housing and Urban Development-
 7 Independent Agencies Appropriation Act, including
 8 the limitation on aggregate loans that may be made
 9 under section 202 of the Housing Act of 1959, as
 10 amended;

11 Departments of Labor, and Health, Education, and
 12 Welfare, and Related Agencies Appropriation Act;

13 Legislative Branch Appropriation Act;

14 Public Works for Water and Power Development
 15 and Energy Research Appropriation Act; and

16 Departments of State, Justice, and Commerce, the
 17 Judiciary, and Related Agencies Appropriation Act,
 18 notwithstanding section 15 (a) of the Act entitled, "An
 19 Act to provide certain basic authority for the Depart-
 20 ment of State", approved August 1, 1956, as amended,
 21 and section 701 of the United States Information and
 22 Educational Exchange Act of 1948, as amended.

23 (2) Appropriations made by this subsection shall be
 24 available to the extent and in the manner which would be
 25 provided by the pertinent appropriation Act.

1 (3) Whenever the amount which would be made avail-
 2 able or the authority which would be granted under an Act
 3 listed in this subsection as passed by the House as of July 1,
 4 1975, is different from that which would be available or
 5 granted under such Act as passed by the Senate as of July 1,
 6 1975, the pertinent project or activity shall be continued
 7 under the lesser amount or the more restrictive authority:
 8 *Provided*, That no provision in any appropriation Act for
 9 the fiscal year 1976, which makes the availability of any
 10 appropriation provided therein dependent upon the enact-
 11 ment of additional authorizing or other legislation, shall be
 12 effective before the date set forth in section 102 (c) of this
 13 joint resolution.

14 (4) Whenever an Act listed in this subsection has been
 15 passed by only one House as of July 1, 1975, or where an
 16 item is included in only one version of an Act as passed by
 17 both Houses as of July 1, 1975, the pertinent project or
 18 activity shall be continued under the appropriation, fund, or
 19 authority granted by the one House, but at a rate for opera-
 20 tions not exceeding the current rate or the rate permitted by
 21 the action of the one House, whichever is lower, and under
 22 the authority and conditions provided in applicable appropri-
 23 ation acts for the fiscal year 1975: *Provided*, That no provi-
 24 sion which is included in an appropriation Act enumerated in
 25 this subsection but which was not included in the applicable

1 appropriation Act for 1975, and which by its terms is appli-
 2 cable to more than one appropriation, fund, or authority shall
 3 be applicable to any appropriation, fund, or authority pro-
 4 vided in this joint resolution unless such provision shall have
 5 been included in identical form in such bill as enacted by both
 6 the House and the Senate.

7 (b) Such amounts as may be necessary for continuing
 8 projects or activities (not otherwise provided for in this
 9 joint resolution) which were conducted in the fiscal year
 10 1975 and are listed in this subsection at a rate for opera-
 11 tions not in excess of the current rate or the rate provided
 12 for in the budget estimate, whichever is lower, and under the
 13 more restrictive authority—

14 activities for which provision was made in the
 15 Agriculture-Environmental and Consumer Protection
 16 Appropriation Act, 1975;

17 activities for which provision was made in the
 18 District of Columbia Appropriation Act, 1975;

19 activities for which provision was made in the
 20 Department of Interior and Related Agencies Approp-
 21 riation Act, 1975: *Provided*, That none of the funds
 22 made available by this joint resolution shall be obligated
 23 or expended to finance directly or indirectly any activ-
 24 ities or operations of the Federal Metal and Nonmetallic
 25 Mine Safety Board of Review: *Provided further*, That

1 sections 2 (e) , 10, and 11 of the Federal Metal and Non-
 2 metallic Mine Safety Act creating the Board are hereby
 3 repealed and section 12 of said Act is hereby amended
 4 by striking therein all references to "the Board" and in-
 5 serting in lieu thereof "the Secretary of the Interior";

6 activities for which provision was made in the
 7 Military Construction Appropriation Act, 1975;

8 activities for which provision was made in the
 9 Department of Defense Appropriation Act, 1975;

10 activities for which provision was made in the For-
 11 eign Assistance and Related Programs Appropriations
 12 Act, 1975, notwithstanding section 10 of Public Law
 13 91-672, and section 15 (a) of the Act entitled, "An Act
 14 to provide certain basic authority for the Department of
 15 State", approved August 1, 1956, as amended;

16 activities for which provision was made in the De-
 17 partment of Transportation and Related Agencies Ap-
 18 propriation Act, 1975;

19 activities for which provision was made in the
 20 Treasury, Postal Service, and General Government Ap-
 21 propriation Act, 1975, including payment to the Postal
 22 Service Fund at a rate for each quarter of the fiscal year
 23 1976 not to exceed one-quarter of the budget estimate
 24 for fiscal year 1976 for the appropriation "Payment to
 25 the Postal Service Fund"; and

activities for which provision was made in the Special Energy Research and Development Appropriation Act, ~~1975~~ 1975;

The *the* following activities for which provision was made in the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1975, the Supplemental Appropriations Act, 1975, the Second Supplemental Appropriations Act, 1975, or Public Law 93-324, and amendments thereto:

activities under sections 225, 314 (e), 317, 318, 319, 329, 472 (d), and titles VII, VIII, and X of the Public Health Service Act, as amended;

activities under titles II, III, and IV (part B) of the Older Americans Act;

activities under sections 409 and 410 of the Drug Abuse Office and Treatment Act of 1972;

activities under section 1113 of the Social Security Act, as amended;

activities for grants for the developmentally disabled;

activities under the Lead Based Paint Poisoning Prevention Act of 1973;

activities of the Corporation for Public Broadcasting;

activities of the United States Railway Association; and

activities of the Appalachian Regional Commission, other than those under section 201 of the Appalachian Regional Development Act of 1965, as amended.

(c) Such amounts as may be necessary for continuing projects or activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol, to the extent and in the manner which would be provided for in the budget estimates for fiscal year 1976.

(d) Such amounts as may be necessary for continuing the following activities, but at a rate for operations not in excess of the budget estimate—

activities of the Menominee Indian restoration programs;

activities necessary for studies related to oil and gas leasing on the Outer Continental Shelf;

activities necessary for Indian contract support;

activities of the Federal Elections Commission; and

activities of the Commodity Futures Trading Commission.

(e) Such amounts as may be necessary for continuing

1 the following activities, but at a rate for operations not in
 2 excess of the current rate unless otherwise provided specifi-
 3 cally in this subsection: *Provided*, That the parenthetical
 4 clauses of sections 101 (a) and 101 (b) and the provisions
 5 of sections 102, 103, and 105 shall not apply to the third,
 6 seventh, eighth, ninth, tenth, and eleventh unnumbered para-
 7 graphs of this subsection—

8 activities under section 314 (d) of the Public Health
 9 Service Act, as amended;

10 activities under title IV, part A of the Older Ameri-
 11 cans Act;

12 for activities under title IX of the Older Americans
 13 Comprehensive Services Amendments of 1973, \$30,-
 14 000,000: *Provided*, That no State receiving funds un-
 15 der this program will receive less than the amount re-
 16 ceived in fiscal year 1975 under title III of Public Law
 17 93-203, notwithstanding the provisions of section 906
 18 of Public Law 93-29;

19 activities under the Council on Wage and Price
 20 Stability Act;

21 activities of the Commission on Federal Paperwork;

22 activities of the Office of Federal Procurement
 23 Policy;

24 for activities under title VI of the Comprehensive

1 Employment and Training Act, \$1,625,000,000, to re-
 2 main available until June 30, 1976;

3 for activities of the Youth Conservation Corps, in
 4 addition to amounts made available elsewhere in this
 5 joint resolution and otherwise, an amount of \$10,000,-
 6 000, to remain available until the end of the fiscal year
 7 following the fiscal year for which appropriated: *Pro-*
 8 *vided*, That \$5,000,000 shall be available to the Secre-
 9 tary of the Interior and \$5,000,000 shall be available to
 10 the Secretary of Agriculture;

11 for activities under title IV, part C, of the Social
 12 Security Act, in addition to amounts made available else-
 13 where in this joint resolution and otherwise, an amount
 14 of \$70,000,000 for fiscal year 1976 for carrying out a
 15 work incentives program including registration of indi-
 16 viduals for such program, and for related child care
 17 and supportive services, as authorized by section 402 (a)
 18 (19) (G) of the Act, including transfer to the Secretary
 19 of Labor, as authorized by section 431 of the Act, which
 20 together with the previously authorized appropriation
 21 for fiscal year 1975, shall be the maximum amount avail-
 22 able for transfer to the Secretary of Labor and to which
 23 States may become entitled, pursuant to section 403 (d)
 24 of such Act, for these purposes, for the fiscal year 1975

1 and for any period in the prior fiscal year provided the
 2 prior fiscal year expenditures were claimed on quarterly
 3 statements of expenditures received by the Secretary of
 4 Health, Education, and Welfare prior to February 1,
 5 1975;

6 for activities under title IV, part C of the Higher
 7 Education Act to carry out work-study programs, in
 8 addition to amounts made available elsewhere in this
 9 joint resolution and otherwise, an amount of \$119,-
 10 800,000, of which \$60,000,000 shall remain available
 11 through September 30, 1975, and \$59,800,000 shall
 12 remain available through June 30, 1976: *Provided*,
 13 That funds appropriated in the Departments of Labor,
 14 and Health, Education, and Welfare Appropriations Acts
 15 for the fiscal years ending June 30, 1974, and June 30,
 16 1975 (Public Laws 93-192 and 93-517), for the work-
 17 study program under part C of title IV of the Higher
 18 Education Act of 1965, which have been granted to an
 19 eligible institution whose allocation exceeds the amount
 20 needed to operate a work-study program during the pe-
 21 riod for which those funds are available, shall remain
 22 available to the Commissioner for making grants to other
 23 eligible institutions until the end of the fiscal year suc-
 24 ceeding the fiscal year for which such funds are appro-
 25 priated: *Provided further*, That any amounts appropri-

1 ated for basic opportunity grants for the fiscal year
 2 ending June 30, 1974, which are in excess of the
 3 amount required to meet the payment schedule an-
 4 nounced for the academic year 1974-75, shall remain
 5 available for payments under the payment schedule
 6 announced for the academic year 1975-76;

7 for activities under the heading *Job Opportunities*
 8 *program pursuant to title X of the Public Works and*
 9 *Economic Development Act (Public Law 93-567, De-*
 10 *cember 31, 1974), in addition to amounts made available*
 11 *elsewhere in this joint resolution and otherwise, an amount*
 12 *of \$375,000,000, to remain available until December 31,*
 13 *1975: Provided, That not to exceed \$1,120,000 may be*
 14 *used for administrative expenses: Provided further, That*
 15 *\$1,000,000 shall be available until expended, and shall*
 16 *be transferred to "Regional Development Programs",*
 17 *Regional Action Planning Commissions, to carry out*
 18 *programs authorized by title V of the Public Works and*
 19 *Economic Development Act of 1965, as amended;*

20 for activities under the heading Rural Water and
 21 Waste Disposal Grants pursuant to sections 306 (a) (2)
 22 and 306 (a) (6) of the Consolidated Farm and Rural
 23 Development Act, as amended (7 U.S.C. 1926), in
 24 addition to amounts made available elsewhere in this
 25 joint resolution and otherwise, an amount of \$150,000,-

000 to remain available until expended, pursuant to section 306 (d) of the above Act;

The following activities for which provision was made in the Agriculture-Environmental and Consumer Protection Appropriation Act, 1975:

payments to States and Possessions by the Agricultural Marketing Service;

activities of the agricultural conservation program, the forestry incentives program, and the Water Bank Act program;

activities of the Farmers Home Administration pertaining to rural housing for domestic farm labor, and mutual and self-help housing;

food programs under section 32 of the Act of August 24, 1935, and section 416 of the Agricultural Act of 1949, as amended, including cost-of-living increases mandated by law *and the School Breakfast program*;

activities of the Federal Energy Administration as they relate to the petroleum allocation program;

activities of the legal services program; and

notwithstanding the sixth clause of subsection (b) of this section, activities of the Department of State for assistance to refugees from the Soviet Union shall be funded at not to exceed an annual

rate for obligations of \$20,000,000, notwithstanding section 15 (a) of the Act entitled, "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, and section 10 of Public Law 91-672; notwithstanding the sixth clause of subsection (b) of this section, activities of the Department of Health, Education, and Welfare for assistance to refugees in the United States (Cuban Program) shall be funded at not to exceed the annual rate for obligations of \$90,000,000.

(f) Such amounts as may be necessary to permit payments and assistance mandated by law for the following activities which were conducted in fiscal year 1975—

activities under the Railroad Retirement Act, as amended;

activities under title XVI of the Social Security Act, as amended;

activities under the Food Stamp Act, the Child Nutrition Act, and the School Lunch Act, as amended, except for section 17 (b) of the Child Nutrition Act of 1966;

retirement pay and medical benefits for commissioned officers of the Public Health Service;

grants to States for public assistance;

activities under the Federal Coal Mine Health and Safety Act of 1969, as amended; and

activities funded from the fiscal year 1975 appropriation to the Department of Labor, Employment Standards Administration, for "special benefits".

(g) Applicable appropriations made by this joint resolution shall not be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from July 1, 1975, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) sine die adjournment of the first session of the Ninety-fourth Congress, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in 31 U.S.C. 665

(d) (2), but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1975.

SEC. 107. Any appropriation for the fiscal year 1976 required to be apportioned pursuant to 31 U.S.C. 665, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and

1 retired military personnel. Each such appropriation shall
2 otherwise be subject to the requirements of 31 U.S.C. 665.

3 SEC. 108. All obligations incurred in anticipation of
4 the appropriations and authority provided in this joint reso-
5 lution are hereby ratified and confirmed if otherwise in ac-
6 cordance with the provisions of this joint resolution.

7 SEC. 109. None of the funds herein made available shall
8 be obligated or expended to finance directly or indirectly any
9 assistance to North Vietnam, South Vietnam, Cambodia,
10 or Laos, nor shall any funds herein made available be
11 channeled through or administered by international organi-
12 zations, United Nations organizations, multilateral organiza-
13 tions, voluntary agencies, or any other comparable organiza-
14 tions or agencies in order to finance any assistance to North
15 Vietnam, South Vietnam, Cambodia, or Laos.

16 SEC. 110. Any provision of law which requires unex-
17 pended funds to return to the general fund of the Treasury
18 at the end of the fiscal year shall not be held to affect the
19 status of any lawsuit or right of action involving the right
20 to those funds.

1 SEC. 111. Unobligated balances as of June 30, 1975, of
2 funds heretofore made available under the authority of Chap-
3 ter X of Part I of the Foreign Assistance Act of 1961, as
4 amended, are hereby continued available for the same general
5 purposes for which appropriated.

Passed the House of Representatives June 17, 1975.

Attest:

W. PAT JENNINGS,

Clerk.

Calendar No. 198

94TH CONGRESS
1ST SESSION

H. J. RES. 499

[Report No. 94-201]

JOINT RESOLUTION

Making continuing appropriations for the fiscal
year 1976, and for other purposes.

JUNE 17, 1975

Read twice and referred to the Committee on
Appropriations

JUNE 18 (legislative day, JUNE 6), 1975

Reported with amendments

94TH CONGRESS
1ST SESSION

H. J. RES. 499

[Report No. 94-289]

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 1975

Mr. MAHON introduced the following joint resolution; which was referred to the Committee on Appropriations

JUNE 12, 1975

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1976, and
for other purposes.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That the following sums are appropriated out of any money
4 in the Treasury not otherwise appropriated, and out of ap-
5 plicable corporate or other revenues, receipts, and funds, for
6 the several departments agencies, corporations, and other
7 organizational units of the Government for the fiscal year
8 1976, namely:

9 SEC. 101. (a) (1) Such amounts as may be necessary
10 for continuing projects or activities (not otherwise specifi-
11 cally provided for in this joint resolution) which were con-

1 ducted in the fiscal year 1975 and for which appropriations,
2 funds, or other authority would be available in the following
3 appropriation Acts for the fiscal year 1976:

4 Education Division and Related Agencies Appro-
5 priations Act;

6 Department of Housing and Urban Development-
7 Independent Agencies Appropriation Act, including
8 the limitation on aggregate loans that may be made
9 under section 202 of the Housing Act of 1959, as
10 amended;

11 Departments of Labor, and Health, Education, and
12 Welfare, and Related Agencies Appropriation Act;

13 Legislative Branch Appropriation Act;

14 Public Works for Water and Power Development
15 and Energy Research Appropriation Act; and

16 Departments of State, Justice, and Commerce, the
17 Judiciary, and Related Agencies Appropriation Act,
18 notwithstanding section 15 (a) of the Act entitled, "An
19 Act to provide certain basic authority for the Depart-
20 ment of State", approved August 1, 1956, as amended,
21 and section 701 of the United States Information and
22 Educational Exchange Act of 1948, as amended.

23 (2) Appropriations made by this subsection shall be
24 available to the extent and in the manner which would be
25 provided by the pertinent appropriation Act.

1 (3) Whenever the amount which would be made avail-
2 able or the authority which would be granted under an Act
3 listed in this subsection as passed by the House as of July 1,
4 1975, is different from that which would be available or
5 granted under such Act as passed by the Senate as of July 1,
6 1975, the pertinent project or activity shall be continued
7 under the lesser amount or the more restrictive authority:
8 *Provided*, That no provision in any appropriation Act for
9 the fiscal year 1976, which makes the availability of any
10 appropriation provided therein dependent upon the enact-
11 ment of additional authorizing or other legislation, shall be
12 effective before the date set forth in section 102 (c) of this
13 joint resolution.

14 (4) Whenever an Act listed in this subsection has been
15 passed by only one House as of July 1, 1975, or where an
16 item is included in only one version of an Act as passed by
17 both Houses as of July 1, 1975, the pertinent project or
18 activity shall be continued under the appropriation, fund, or
19 authority granted by the one House, but at a rate for opera-
20 tions not exceeding the current rate or the rate permitted by
21 the action of the one House, whichever is lower, and under
22 the authority and conditions provided in applicable appropri-
23 ation acts for the fiscal year 1975: *Provided*, That no provi-
24 sion which is included in an appropriation Act enumerated in
25 this subsection but which was not included in the applicable

1 appropriation Act for 1975, and which by its terms is appli-
 2 cable to more than one appropriation, fund, or authority shall
 3 be applicable to any appropriation, fund, or authority pro-
 4 vided in this joint resolution unless such provision shall have
 5 been included in identical form in such bill as enacted by both
 6 the House and the Senate.

7 (b) Such amounts as may be necessary for continuing
 8 projects or activities (not otherwise provided for in this
 9 joint resolution) which were conducted in the fiscal year
 10 1975 and are listed in this subsection at a rate for opera-
 11 tions not in excess of the current rate or the rate provided
 12 for in the budget estimate, whichever is lower, and under the
 13 more restrictive authority—

14 activities for which provision was made in the
 15 Agriculture-Environmental and Consumer Protection
 16 Appropriation Act, 1975;

17 activities for which provision was made in the
 18 District of Columbia Appropriation Act, 1975;

19 activities for which provision was made in the
 20 Department of Interior and Related Agencies Approp-
 21 riation Act, 1975;

22 activities for which provision was made in the
 23 Military Construction Appropriation Act, 1975;

24 activities for which provision was made in the
 25 Department of Defense Appropriation Act, 1975;

1 activities for which provision was made in the For-
 2 eign Assistance and Related Programs Appropriations
 3 Act, 1975, notwithstanding section 10 of Public Law
 4 91-672, and section 15 (a) of the Act entitled, "An Act
 5 to provide certain basic authority for the Department of
 6 State", approved August 1, 1956, as amended;

7 activities for which provision was made in the De-
 8 partment of Transportation and Related Agencies Ap-
 9 propriation Act, 1975;

10 activities for which provision was made in the Treas-
 11 ury, Postal Service, and General Government Appro-
 12 priation Act, 1975, including payment to the Postal
 13 Service Fund at a rate for each quarter of the fiscal year
 14 1976 not to exceed one-quarter of the budget estimate
 15 for fiscal year 1976 for the appropriation "Payment to
 16 the Postal Service Fund"; and

17 activities for which provision was made in the Spe-
 18 cial Energy Research and Development Appropriation
 19 Act, 1975.

20 The following activities for which provision was
 21 made in the Departments of Labor, and Health, Edu-
 22 cation, and Welfare Appropriation Act, 1975, the
 23 Supplemental Appropriations Act, 1975, the Second
 24 Supplemental Appropriations Act, 1975, or Public Law
 25 93-324, and amendments thereto:

1 activities under sections 225, 314 (e), 317, 318,
 2 319, 329, 472 (d), and titles VII, VIII, and X
 3 of the Public Health Service Act, as amended;
 4 activities under titles II, III, and IV (part B)
 5 of the Older Americans Act;
 6 activities under sections 409 and 410 of the
 7 Drug Abuse Office and Treatment Act of 1972;
 8 activities under section 1113 of the Social Se-
 9 curity Act, as amended;
 10 activities for grants for the developmentally
 11 disabled;
 12 activities under the Lead Based Paint Poison-
 13 ing Prevention Act of 1973;
 14 activities of the Corporation for Public Broad-
 15 casting;
 16 activities of the United States Railway Associa-
 17 tion; and
 18 activities of the Appalachian Regional Commis-
 19 sion, other than those under section 201 of the
 20 Appalachian Regional Development Act of 1965, as
 21 amended.
 22 (c) Such amounts as may be necessary for continuing
 23 projects or activities for which disbursements are made by
 24 the Secretary of the Senate, and the Senate items under the
 25 Architect of the Capitol, to the extent and in the manner

1 which would be provided for in the budget estimates for
 2 fiscal year 1976.
 3 (d) Such amounts as may be necessary for continu-
 4 ing the following activities, but at a rate for operations not
 5 in excess of the budget estimate—
 6 activities of the Menominee Indian restoration
 7 program;
 8 activities necessary for studies related to oil and gas
 9 leasing on the Outer Continental Shelf;
 10 activities necessary for Indian contract support;
 11 activities of the Federal Elections Commission; and
 12 activities of the Commodity Futures Trading Com-
 13 mission.
 14 (e) Such amounts as may be necessary for continuing
 15 the following activities, but at a rate for operations not in
 16 excess of the current rate unless otherwise provided specifi-
 17 cally in this subsection—
 18 activities under section 314 (d) of the Public Health
 19 Service Act, as amended;
 20 activities under title IV, part A of the Older Ameri-
 21 cans Act;
 22 ~~activities under title IX of the Older Americans~~
 23 ~~Comprehensive Services Amendments of 1973 at an~~
 24 ~~annual rate of not to exceed \$12,000,000 for activities~~
 25 ~~under title IX of the Older Americans Comprehensive~~

Services Amendments of 1973, \$30,000,000: Provided,
That no State receiving funds under this program will
receive less than the amount received in fiscal year 1975
under title III of Public Law 93-203, notwithstanding
the provisions of section 906 of Public Law 93-29;

activities under the Council on Wage and Price
Stability Act;

activities of the Commission on Federal Paperwork;

activities of the Office of Federal Procurement

Policy;

~~activities under title VI of the Comprehensive Em-~~
~~ployment and Training Act at an annual rate of not to~~
~~exceed \$1,625,000,000 for activities under title VI of~~
the Comprehensive Employment and Training Act,
\$1,625,000,000, to remain available until June 30,
1976;

for activities of the Youth Conservation Corps, in
addition to amounts made available elsewhere in this joint
resolution and otherwise, an amount of \$10,000,000,
to remain available until the end of the fiscal year follow-
ing the fiscal year for which appropriated: *Provided,*
That \$5,000,000 shall be available to the Secretary of
the Interior and \$5,000,000 shall be available to the
Secretary of Agriculture;

for activities under title IV, part C, of the Social

Security Act, in addition to amounts made available else-
where in this joint resolution and otherwise, an amount
of \$70,000,000 for fiscal year 1976 for carrying out a
work incentives program including registration of indi-
viduals for such program, and for related child care
and supportive services, as authorized by section 402 (a)
(19) (G) of the Act, including transfer to the Secretary
of Labor, as authorized by section 431 of the Act, which
together with the previously authorized appropriation
for fiscal year 1975, shall be the maximum amount avail-
able for transfer to the Secretary of Labor and to which
States may become entitled, pursuant to section 403 (d)
of such Act, for these purposes, for the fiscal year 1975
and for any period in the prior fiscal year provided the
prior fiscal year expenditures were claimed on quarterly
statements of expenditures received by the Secretary of
Health, Education, and Welfare prior to February 1,
1975;

for activities under title IV, part C of the Higher
Education Act to carry out work-study programs, in
addition to amounts made available elsewhere in this
joint resolution and otherwise, an amount of \$119,-
800,000, of which \$60,000,000 shall remain available
through September 30, 1975, and \$59,800,000 shall re-
main available through June 30, 1976: *Provided, That*

1 funds appropriated in the Departments of Labor, and
 2 Health, Education, and Welfare Appropriations Acts for
 3 the fiscal years ending June 30, 1974, and June 30,
 4 1975 (Public Laws 93-192 and 93-517) for the work-
 5 study program under part C of title IV of the Higher
 6 Education Act of 1965, which have been granted to an
 7 eligible institution whose allocation exceeds the amount
 8 needed to operate a work-study program during the pe-
 9 riod for which those funds are available, shall remain
 10 available to the Commissioner for making grants to other
 11 eligible institutions until the end of the fiscal year suc-
 12 ceeding the fiscal year for which such funds are appro-
 13 priated: *Provided further*, That any amounts appropri-
 14 ated for basic opportunity grants for the fiscal year
 15 ending June 30, 1974, which are in excess of the
 16 amount required to meet the payment schedule an-
 17 nounced for the academic year 1974-75, shall remain
 18 available for payments under the payment schedule
 19 announced for the academic year 1975-76;
 20 for activities under the heading Rural Water and
 21 Waste Disposal Grants pursuant to sections 306 (a) (2)
 22 and 306 (a) (6) of the Consolidated Farm and Rural
 23 Development Act, as amended (7 U.S.C. 1926), in
 24 addition to amounts made available elsewhere in this
 25 joint resolution and otherwise, an amount of \$150,000,-

1 000 to remain available until expended, pursuant to
 2 section 306 (d) of the above Act;
 3 The following activities for which provision was
 4 made in the Agriculture-Environmental and Consumer
 5 Protection Appropriation Act, 1975:
 6 payments to States and Possessions by the Agri-
 7 cultural Marketing Service;
 8 activities of the agricultural conservation pro-
 9 gram, the forestry incentives program, and the Wa-
 10 ter Bank Act program;
 11 activities of the Farmers Home Administration
 12 pertaining to rural housing for domestic farm labor,
 13 and mutual and self-help housing;
 14 food programs under section 32 of the Act of
 15 August 24, 1935, and section 416 of the Agricul-
 16 tural Act of 1949, as amended, including cost-of-
 17 living increases mandated by law;
 18 activities of the Federal Energy Administration
 19 as they relate to the petroleum allocation program;
 20 activities of the legal services program; and
 21 notwithstanding the sixth clause of subsection (b)
 22 of this section, activities of the Department of State for
 23 assistance to refugees from the Soviet Union shall be
 24 funded at not to exceed an annual rate for obligations of
 25 \$20,000,000, notwithstanding section 15 (a) of the Act

1 entitled, "An Act to provide certain basic authority
2 for the Department of State", approved August 1,
3 1956, as amended, and section 10 of Public Law 91-672.

4 (f) Such amounts as may be necessary to permit pay-
5 ments and assistance mandated by law for the following
6 activities which were conducted in fiscal year 1975—

7 activities under the Railroad Retirement Act, as
8 amended;

9 activities under title XVI of the Social Security Act,
10 as amended;

11 activities under the Food Stamp Act, the Child
12 Nutrition Act, and the School Lunch Act, as amended,
13 except for section 17 (b) of the Child Nutrition Act of
14 1966;

15 retirement pay and medical benefits for commis-
16 sioned officers of the Public Health Service;

17 grants to States for public assistance;

18 activities under the Federal Coal Mine Health and
19 Safety Act of 1969, as amended; and

20 activities funded from the fiscal year 1975 appropri-
21 ation to the Department of Labor, Employment Stand-
22 ards Administration, for "special benefits".

23 (g) Applicable appropriations made by this joint reso-
24 lution shall not be available for paying to the Administra-
25 tor of the General Services Administration in excess of 90

1 per centum of the standard level user charge established
2 pursuant to section 210 (j) of the Federal Property and
3 Administrative Services Act of 1949, as amended, for space
4 and services.

5 SEC. 102. Appropriations and funds made available and
6 authority granted pursuant to this joint resolution shall be
7 available from July 1, 1975, and shall remain available
8 until (a) enactment into law of an appropriation for any
9 project or activity provided for in this joint resolution, or
10 (b) enactment of the applicable appropriation Act by both
11 Houses without any provision for such project or activity,
12 or (c) sine die adjournment of the first session of the
13 Ninety-fourth Congress, whichever first occurs.

14 SEC. 103. Appropriations and funds made available or
15 authority granted pursuant to this joint resolution may be
16 used without regard to the time limitations for submission
17 and approval of apportionments set forth in 31 U.S.C. 665
18 (d) (2), but nothing herein shall be construed to waive any
19 other provision of law governing the apportionment of funds.

20 SEC. 104. Appropriations made and authority granted
21 pursuant to this joint resolution shall cover all obligations or
22 expenditures incurred for any project or activity during the
23 period for which funds or authority for such project or ac-
24 tivity are available under this joint resolution.

25 SEC. 105. Expenditures made pursuant to this joint

1 resolution shall be charged to the applicable appropriation,
2 fund, or authorization whenever a bill in which such appli-
3 cable appropriation, fund, or authorization is contained is
4 enacted into law.

5 SEC. 106. No appropriation or fund made available or
6 authority granted pursuant to this joint resolution shall be
7 used to initiate or resume any project or activity for which
8 appropriations, funds, or other authority were not available
9 during the fiscal year 1975.

10 SEC. 107. Any appropriation for the fiscal year 1976
11 required to be apportioned pursuant to 31 U.S.C. 665,
12 may be apportioned on a basis indicating the need (to
13 the extent any such increases cannot be absorbed within
14 available appropriations) for a supplemental or deficiency
15 estimate of appropriation to the extent necessary to permit
16 payment of such pay increases as may be granted pursuant
17 to law to civilian officers and employees and to active and
18 retired military personnel. Each such appropriation shall
19 otherwise be subject to the requirements of 31 U.S.C. 665.

20 SEC. 108. All obligations incurred in anticipation of
21 the appropriations and authority provided in this joint reso-
22 lution are hereby ratified and confirmed if otherwise in ac-
23 cordance with the provisions of this joint resolution.

24 SEC. 109. None of the funds herein made available shall
25 be obligated or expended to finance directly or indirectly any

1 assistance to North Vietnam, South Vietnam, Cambodia,
2 or Laos, nor shall any funds herein made available be
3 channeled through or administered by international organi-
4 zations, United Nations organizations, multilateral organiza-
5 tions, voluntary agencies, or any other comparable organiza-
6 tions or agencies in order to finance any assistance to North
7 Vietnam, South Vietnam, Cambodia, or Laos.

8 SEC. 110. Any provision of law which requires unex-
9 pended funds to return to the general fund of the Treasury at
10 the end of the fiscal year shall not be held to affect the status
11 of any lawsuit or right of action involving the right to those
12 funds.

JOINT RESOLUTION

Making continuing appropriations for the fiscal
year 1976, and for other purposes.

By Mr. MAHON

JUNE 11, 1975

Referred to the Committee on Appropriations

JUNE 12, 1975

Reported with amendments, committed to the Com-
mittee of the Whole House on the State of the
Union, and ordered to be printed

Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourteenth day of January,
one thousand nine hundred and seventy-five*

Joint Resolution

Making continuing appropriations for the fiscal year 1976, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments agencies, corporations, and other organizational units of the Government for the fiscal year 1976, namely:

SEC. 101. (a) (1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1975 and for which appropriations, funds, or other authority would be available in the following appropriation Acts for the fiscal year 1976:

Education Division and Related Agencies Appropriations Act;
Department of Housing and Urban Development-Independent Agencies Appropriation Act, including the limitation on aggregate loans that may be made under section 202 of the Housing Act of 1959, as amended;

Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act;

Legislative Branch Appropriation Act;

Public Works for Water and Power Development and Energy Research Appropriation Act; and

Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, notwithstanding section 15(a) of the Act entitled, "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, and section 701 of the United States Information and Educational Exchange Act of 1948, as amended.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House as of July 1, 1975, is different from that which would be available or granted under such Act as passed by the Senate as of July 1, 1975, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided*, That no provision in any appropriation Act for the fiscal year 1976, which makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation, shall be effective before the date set forth in section 102(c) of this joint resolution.

(4) Whenever an Act listed in this subsection has been passed by only one House as of July 1, 1975, or where an item is included in only one version of an Act as passed by both Houses as of July 1, 1975, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate

for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriation acts for the fiscal year 1975: *Provided*, That no provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act for 1975, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(b) Such amounts as may be necessary for continuing projects or activities (not otherwise provided for in this joint resolution) which were conducted in the fiscal year 1975 and are listed in this subsection at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority—

activities for which provision was made in the Agriculture-Environmental and Consumer Protection Appropriation Act, 1975;

activities for which provision was made in the District of Columbia Appropriation Act, 1975;

activities for which provision was made in the Department of Interior and Related Agencies Appropriation Act, 1975: *Provided*, That none of the funds made available by this joint resolution shall be obligated or expended to finance directly or indirectly any activities or operations of the Federal Metal and Nonmetallic Mine Safety Board of Review: *Provided further*, That sections 2(e), 10, and 11 of the Federal Metal and Nonmetallic Mine Safety Act creating the Board are hereby repealed and section 12 of said Act is hereby amended by striking therein all references to "the Board" and inserting in lieu thereof "the Secretary of the Interior";

activities for which provision was made in the Military Construction Appropriation Act, 1975;

activities for which provision was made in the Department of Defense Appropriation Act, 1975;

activities for which provision was made in the Foreign Assistance and Related Programs Appropriations Act, 1975, notwithstanding section 10 of Public Law 91-672, and section 15(a) of the Act entitled, "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended;

activities for which provision was made in the Department of Transportation and Related Agencies Appropriation Act, 1975;

activities for which provision was made in the Treasury, Postal Service, and General Government Appropriation Act, 1975, including payment to the Postal Service Fund at a rate for each quarter of the fiscal year 1976 not to exceed one-quarter of the budget estimate for fiscal year 1976 for the appropriation "Payment to the Postal Service Fund";

activities for which provision was made in the Special Energy Research and Development Appropriation Act, 1975;

the following activities for which provision was made in the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1975, the Supplemental Appropriations Act, 1975, the Second Supplemental Appropriations Act, 1975, or Public Law 93-324, and amendments thereto:

- activities under sections 225, 314(e), 317, 318, 319, 329, 472(d), and titles VII, VIII, and X of the Public Health Service Act, as amended;
- activities under titles II, III, and IV (part B) of the Older Americans Act;
- activities under sections 409 and 410 of the Drug Abuse Office and Treatment Act of 1972;
- activities under section 1113 of the Social Security Act, as amended;
- activities for grants for the developmentally disabled;
- activities under the Lead Based Paint Poisoning Prevention Act of 1973;
- activities of the Corporation for Public Broadcasting;
- activities of the United States Railway Association; and
- activities of the Appalachian Regional Commission, other than those under section 201 of the Appalachian Regional Development Act of 1965, as amended.

(c) Such amounts as may be necessary for continuing projects or activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol, to the extent and in the manner which would be provided for in the budget estimates for fiscal year 1976.

(d) Such amounts as may be necessary for continuing the following activities, but at a rate for operations not in excess of the budget estimate—

- activities of the Menominee Indian restoration program;
- activities necessary for studies related to oil and gas leasing on the Outer Continental Shelf;
- activities necessary for Indian contract support;
- activities of the Federal Elections Commission; and
- activities of the Commodity Futures Trading Commission.

(e) Such amounts as may be necessary for continuing the following activities, but at a rate for operations not in excess of the current rate unless otherwise provided specifically in this subsection: *Provided*, That the parenthetical clauses of sections 101(a) and 101(b), and the provisions of sections 102, 103, and 105 shall not apply to the third, seventh, eighth, ninth, tenth, eleventh, and twelfth unnumbered paragraphs of this subsection—

- activities under section 314(d) of the Public Health Service Act, as amended;
- activities under title IV, part A of the Older Americans Act;
- for activities under title IX of the Older Americans Comprehensive Services Amendments of 1973, \$30,000,000: *Provided*, That no State receiving funds under this program will receive less than the amount received in fiscal year 1975 under title III of Public Law 93-203, notwithstanding the provisions of section 906 of Public Law 93-29;
- activities under the Council on Wage and Price Stability Act;

activities of the Commission on Federal Paperwork;
activities of the Office of Federal Procurement Policy;
for activities under title VI of the Comprehensive Employment and Training Act, \$1,625,000,000, to remain available until June 30, 1976;

for activities of the Youth Conservation Corps, in addition to amounts made available elsewhere in this joint resolution and otherwise, an amount of \$10,000,000, to remain available until the end of the fiscal year following the fiscal year for which appropriated: *Provided*, That \$5,000,000 shall be available to the Secretary of the Interior and \$5,000,000 shall be available to the Secretary of Agriculture;

for activities under title IV, part C, of the Social Security Act, in addition to amounts made available elsewhere in this joint resolution and otherwise, an amount of \$70,000,000 for fiscal year 1976 for carrying out a work incentives program including registration of individuals for such program, and for related child care and supportive services, as authorized by section 402(a)(19)(G) of the Act, including transfer to the Secretary of Labor, as authorized by section 431 of the Act, which together with the previously authorized appropriation for fiscal year 1975, shall be the maximum amount available for transfer to the Secretary of Labor and to which States may become entitled, pursuant to section 403(d) of such Act, for these purposes, for the fiscal year 1975 and for any period in the prior fiscal year provided the prior fiscal year expenditures were claimed on quarterly statements of expenditures received by the Secretary of Health, Education, and Welfare prior to February 1, 1975;

for activities under title IV, part C of the Higher Education Act to carry out work-study programs, in addition to amounts made available elsewhere in this joint resolution and otherwise, an amount of \$119,800,000, of which \$60,000,000 shall remain available through September 30, 1975, and \$59,800,000 shall remain available through June 30, 1976: *Provided*, That funds appropriated in the Departments of Labor, and Health, Education, and Welfare Appropriations Acts for the fiscal years ending June 30, 1974, and June 30, 1975 (Public Laws 93-192 and 93-517) for the work-study program under part C of title IV of the Higher Education Act of 1965, which have been granted to an eligible institution whose allocation exceeds the amount needed to operate a work-study program during the period for which those funds are available, shall remain available to the Commissioner for making grants to other eligible institutions until the end of the fiscal year succeeding the fiscal year for which such funds are appropriated: *Provided further*, That any amounts appropriated for basic opportunity grants for the fiscal year ending June 30, 1974, which are in excess of the amount required to meet the payment schedule announced for the academic year 1974-75, shall remain available for payments under the payment schedule announced for the academic year 1975-76;

for activities under the heading Job Opportunities program pursuant to title X of the Public Works and Economic Development Act (Public Law 93-567, December 31, 1974), in addition

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to amounts made available elsewhere in this joint resolution and otherwise, an amount of \$375,000,000, to remain available until December 31, 1975: *Provided*, That not to exceed \$1,120,000 may be used for administrative expenses: *Provided further*, That \$1,000,000 shall be available until expended, and shall be transferred to "Regional Development Programs", Regional Action Planning Commissions, to carry out programs authorized by title V of the Public Works and Economic Development Act of 1965, as amended;

for activities under the heading Rural Water and Waste Disposal Grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), in addition to amounts made available elsewhere in this joint resolution and otherwise, an amount of \$150,000,000 to remain available until expended, pursuant to section 306(d) of the above Act;

The following activities for which provision was made in the Agriculture-Environmental and Consumer Protection Appropriation Act, 1975:

payments to States and Possessions by the Agricultural Marketing Service;

activities of the agricultural conservation program, the forestry incentives program, and the Water Bank Act program;

activities of the Farmers Home Administration pertaining to rural housing for domestic farm labor, and mutual and self-help housing;

food programs under section 32 of the Act of August 24, 1935, and section 416 of the Agricultural Act of 1949, as amended, including cost-of-living increases mandated by law and the School Breakfast program;

activities of the Federal Energy Administration as they relate to the petroleum allocation program;

activities of the legal services program; and

notwithstanding the sixth clause of subsection (b) of this section, activities of the Department of State for assistance to refugees from the Soviet Union shall be funded at not to exceed an annual rate for obligations of \$20,000,000, notwithstanding section 15(a) of the Act entitled, "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, and section 10 of Public Law 91-672; notwithstanding the sixth clause of subsection (b) of this section, activities of the Department of Health, Education, and Welfare for assistance to refugees in the United States (Cuban Program) shall be funded at not to exceed the annual rate for obligations of \$90,000,000.

(f) Such amounts as may be necessary to permit payments and assistance mandated by law for the following activities which were conducted in fiscal year 1975—

activities under the Railroad Retirement Act, as amended;

activities under title XVI of the Social Security Act, as amended;

activities under the Food Stamp Act, the Child Nutrition Act, and the School Lunch Act, as amended, except for section 17(b) of the Child Nutrition Act of 1966;

retirement pay and medical benefits for commissioned officers of the Public Health Service;
grants to States for public assistance;
activities under the Federal Coal Mine Health and Safety Act of 1969, as amended; and
activities funded from the fiscal year 1975 appropriation to the Department of Labor, Employment Standards Administration, for "special benefits".

(g) Applicable appropriations made by this joint resolution shall not be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from July 1, 1975, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) sine die adjournment of the first session of the Ninety-fourth Congress, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in 31 U.S.C. 665(d)(2), but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1975.

SEC. 107. Any appropriation for the fiscal year 1976 required to be apportioned pursuant to 31 U.S.C. 665, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of 31 U.S.C. 665.

SEC. 108. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

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SEC. 109. None of the funds herein made available shall be obligated or expended to finance directly or indirectly any assistance to North Vietnam, South Vietnam, Cambodia, or Laos, nor shall any funds herein made available be channeled through or administered by international organizations, United Nations organizations, multilateral organizations, voluntary agencies, or any other comparable organizations or agencies in order to finance any assistance to North Vietnam, South Vietnam, Cambodia, or Laos.

SEC. 110. Any provision of law which requires unexpended funds to return to the general fund of the Treasury at the end of the fiscal year shall not be held to affect the status of any lawsuit or right of action involving the right to those funds.

SEC. 111. Unobligated balances as of June 30, 1975, of funds heretofore made available under the authority of Chapter X of Part I of the Foreign Assistance Act of 1961, as amended, are hereby continued available for the same general purposes for which appropriated.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

June 23, 1975

Dear Mr. Director:

The following bills were received at the White House on June 23rd:

H.J. Res. 499
H.R. 37
H.R. 6054
H.R. 6698

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C.