

The original documents are located in Box 34, folder “12/20/75 HJR733 Extension of Continuing Appropriations for FY76” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

Exact duplicates within this folder were not digitized.

APPROVED

DEC 20 1975

Signed
12/20/75

THE WHITE HOUSE

ACTION

WASHINGTON

December 19, 1975

Posted
12/22
To Archives
12/22

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON

SUBJECT: H.J. Res. 733 - Extension of Continuing Appropriations for Fiscal Year 1976

Attached for your consideration is H.J. Res. 733, sponsored by Representative Mahon, which extends until March 31, 1976 the authority provided in Public Law 94-41 for continuing appropriations in 1976.

This extension is needed for on-going Federal activities for which 1976 appropriations have not been enacted.

Additional information is provided in OMB's enrolled bill report at Tab A.

Since the funding authority provided by the existing continuing resolution will expire with the sine die adjournment of the current session of the Congress, OMB recommends you approve the resolution in advance of the adjournment. Max Friedersdorf, NSC, Counsel's Office (Lazarus) and I concur.

RECOMMENDATION

That you sign H.J. Res. 733 at Tab B.



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 19 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Resolution H.J. Res. 733 - Extension of
continuing appropriations for fiscal year 1976
Sponsor - Rep. Mahon (D), Texas

Last Day for Action

December 26, 1976 - Friday

Since the funding authority provided by the extant continuing resolution will expire with the sine die adjournment of the current session of the Congress, your approval of the enrolled resolution in advance of the adjournment is recommended.

Purpose

Extends--until March 31, 1976, and under the same terms--the authority provided in Public Law 94-41 (approved June 27, 1975) for continuing appropriations in 1976.

Agency Recommendations

Office of Management and Budget	Approval
Affected agencies	Approval (informally)

Discussion

The extension of continuing appropriations authority provided by the enrolled resolution is needed for on-going Federal activities for which 1976 appropriations have not been enacted. Among the activities presently dependent upon this authority are those covered in:

- the Labor-HEW appropriations bill.
- the Defense appropriations bill.
- two regular 1976 appropriations bills now enrolled and awaiting your action: Public Works and Interior.

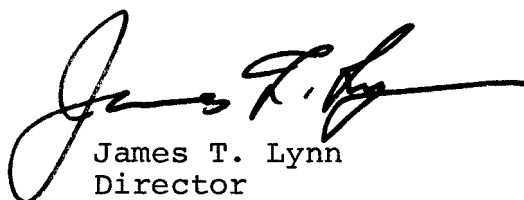


- two regular 1976 appropriations bills the Congress has not yet considered: Foreign Assistance and the District of Columbia.

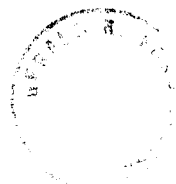
Several other activities were deferred from regular 1976 appropriation bills--generally because they lacked authorizing legislation--and are dependent upon this extension of the continuing resolution for funding authority.

Recommendation

I recommend that you sign the enrolled resolution before the Congress adjourns.



James T. Lynn
Director



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: December 19

Time: 130pm

FOR ACTION: NSC/S
Max Friedersdorf
Ken Lazarus

cc (for information): Jack Marsh
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: December 19

Time: 530pm

SUBJECT:

H.R. Res. 733-Extension of continuing appropriations
for FY 76

ACTION REQUESTED:

___ For Necessary Action

___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

^x
___ 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: December 19

Time: 130pm

FOR ACTION: NSC/S
Max Friedersdorf
Ken Lazarus

cc (for information): Jack Marsh
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: December 19

Time: 530pm

SUBJECT:

H.J. Res. 733-Extension of continuing appropriations
for FY 76

ACTION REQUESTED:

___ For Necessary Action

___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

^x___ 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.



...
...
...
...
...

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

DEC 19 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Resolution H.J. Res. 733 - Extension of continuing appropriations for fiscal year 1976
Sponsor - Rep. Mahon (D), Texas

Last Day for Action

December 26, 1976 - Friday

Since the funding authority provided by the extant continuing resolution will expire with the sine die adjournment of the current session of the Congress, your approval of the enrolled resolution in advance of the adjournment is recommended.

Purpose

Extends--until March 31, 1976, and under the same terms--the authority provided in Public Law 94-41 (approved June 27, 1975) for continuing appropriations in 1976.

Agency Recommendations

Office of Management and Budget	Approval
Affected agencies	Approval (informally)

Discussion

The extension of continuing appropriations authority provided by the enrolled resolution is needed for on-going Federal activities for which 1976 appropriations have not been enacted. Among the activities presently dependent upon this authority are those covered in:

- the Labor-HEW appropriations bill.
- the Defense appropriations bill.
- two regular 1976 appropriations bills now enrolled and awaiting your action: Public Works and Interior.



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: December 19

Time: 130pm

FOR ACTION: NSC/S
 Max Friedersdorf
 Ken Lazarus ✓

cc (for information): Jack Marsh
 Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: December 19

Time: 530pm

SUBJECT:

H.J. Res. 733-Extension of 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

No objection. -- Ken Lazarus 12/19/75

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a

delay in submitting this required material, please

advise me so that I may be notified.



MAX,

this bill must be passed
before Congress adjourns.

P/S. give comment - ASAP.

J O.K. mb

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 19 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Resolution H.J. Res. 733 - Extension of continuing appropriations for fiscal year 1976
Sponsor - Rep. Mahon (D), Texas

Last Day for Action

December 26, 1976 - Friday

Since the funding authority provided by the extant continuing resolution will expire with the sine die adjournment of the current session of the Congress, your approval of the enrolled resolution in advance of the adjournment is recommended.

Purpose

Extends--until March 31, 1976, and under the same terms--the authority provided in Public Law 94-41 (approved June 27, 1975) for continuing appropriations in 1976.

Agency Recommendations

Office of Management and Budget	Approval
Affected agencies	Approval (informally)

Discussion

The extension of continuing appropriations authority provided by the enrolled resolution is needed for on-going Federal activities for which 1976 appropriations have not been enacted. Among the activities presently dependent upon this authority are those covered in:

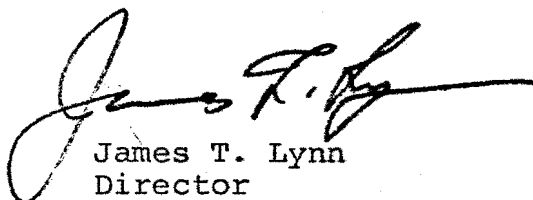
- the Labor-HEW appropriations bill.
- the Defense appropriations bill.
- two regular 1976 appropriations bills now enrolled and awaiting your action: Public Works and Interior.

- two regular 1976 appropriations bills the Congress has not yet considered: Foreign Assistance and the District of Columbia.

Several other activities were deferred from regular 1976 appropriation bills--generally because they lacked authorizing legislation--and are dependent upon this extension of the continuing resolution for funding authority.

Recommendation

I recommend that you sign the enrolled resolution before the Congress adjourns.

A handwritten signature in black ink, appearing to read "James T. Lynn", with a long horizontal flourish extending to the right.

James T. Lynn
Director

NATIONAL SECURITY COUNCIL

December 19, 1975

MEMORANDUM FOR: JAMES CAVANAUGH
FROM: *fn* Jeanne W. Davis ~~MIN~~
SUBJECT: H. J. Res. 733 - Extension of
Continuing Appropriations for FY 76

The NSC Staff concurs in the proposed Enrolled Bill H. J. Res. 733 -
Extension of Continuing Appropriations for FY 76.



Calendar No. 499

94TH CONGRESS }
1st Session }

SENATE }

REPORT
No. 94-517

FURTHER CONTINUING APPROPRIATIONS, 1976

DECEMBER 9, 1975.—Ordered to be printed

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

REPORT

[To accompany H.J. Res. 733]

The Committee on Appropriations, to which was referred House Joint Resolution 733, making further continuing appropriations for the fiscal year 1976, and for other purposes, reports the same to the Senate without amendment and with the recommendation that the joint resolution be passed.

EFFECTIVE DATE OF THE RESOLUTION

Extension of the current continuing resolution which expires with the sine die adjournment of the first session of the Ninety-fourth Congress is necessary to continue certain governmental functions for which appropriations will not or may not be enacted by adjournment. This resolution simply extends the current resolution until March 31, 1976. No other changes are made.

STATUS OF APPROPRIATIONS BILLS

Although the Senate has passed 12 of the 14 regular appropriations bills for fiscal year 1976, only 8 have become law. The other four are pending at some stage of conference action.

Two appropriations bills—Foreign Assistance and District of Columbia—have not yet been considered by the House. As yet there is no authorization for the foreign assistance programs. The District



of Columbia budget was not submitted until November 5—and consequently hearings are not yet complete. It appears certain that neither bill will be reported to the House before adjournment.

The status of appropriation bills as of this date is reflected in the following schedule:

	House ap- proved	Senate ap- proved	Became law
Enacted:			
Agriculture.....	July 14	July 25	Oct. 21
Education.....	Apr. 16	June 27	Sept. 10
HUD-Independent agencies.....	June 24	July 26	Oct. 17
Legislative.....	May 21	July 9	July 25
Military construction.....	Oct. 8	Nov. 6	Nov. 28
State, Justice, Commerce, Judiciary.....	June 26	Sept. 3	Oct. 21
Transportation.....	July 10	July 25	Nov. 24
Treasury-Postal Service.....	July 17	July 26	Aug. 9
Pending:			
Defense.....	Oct. 2	Nov. 18
Interior.....	July 23	Nov. 20
Labor-HEW.....	June 25	Sept. 26
Public works.....	June 24	Dec. 5
District of Columbia.....			
Foreign assistance.....			

As can be seen from the foregoing, the continuing resolution extension will provide further interim authority and appropriations until March 31, 1976 for programs funded under the Foreign Assistance and District of Columbia bills. Depending on the outcome of conference and Presidential action, the continuing resolution would also be the vehicle to provide interim continuing appropriations for programs and activities under four other major bills including: Labor-Health, Education, and Welfare; Defense; Public Works; and Interior. It appears that the Defense, Interior, Labor-HEW, and Public Works bills will be sent to the President before adjournment.

Additionally, the continuing resolution will provide for certain programs especially in the health field which still lack legislative authorization and which therefore have not yet received appropriations for the current fiscal year.

FUNDING LEVELS PROVIDED BY EXTENSION OF THE RESOLUTION

As has been the practice over a number of years, the continuing resolution provides an appropriate rate of funding for the Departments and agencies until the respective regular appropriation bills can be enacted by Congress. The extension of the effective date of the resolution continues the rates established by the original continuing resolution (Public Law 94-41 of June 27, 1975) which are based on the status of each particular bill as of July 1, 1975. The categories of funding levels which will continue are as follows:

(1) Where the applicable bill had *passed only one House* as of July 1, 1975, the rate for operations shall not exceed the current rate (the fiscal 1975 rate) or the rate permitted by the action of the one House, whichever is lower, as set forth in section 101(a)(4) of Public Law 94-41. If such appropriations are not finalized by adjournment, this section would apply to the Public Works Appropriation bill, and the appropriation bill for the Departments of Labor, and Health, Education, and Welfare.

(2) Where the applicable bill *had not been passed by either House* as of July 1, 1975, the rate for operations shall not exceed the current rate (the fiscal 1975 rate) or the rate provided in the budget estimate, whichever is lower as set forth in section 101(b) of Public Law 94-41. If such appropriations are not finalized, this section would apply to the Defense, Interior, Foreign Assistance, and District of Columbia Appropriation bills. It would also continue to apply to a limited number of other individual programs.

COMPLIANCE WITH RESOLUTION

The Committee continues to feel it is essential that officials responsible for administering programs during the further 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 for operation for projects, activities, programs and other operations under the extension of the resolution are to be interpreted as ceilings only. This is necessary in order to preserve Congressional prerogatives in the course of the regular authorization and appropriation process.

To this end departments and agencies operating under the resolution should undertake rates for operation which are well within the annual rate. Similarly, they should carefully avoid the obligation of funding levels for projects, activities, programs or other operations on which Congressional committees have raised substantial questions or subjected to strong criticism and thereby impinge upon discretionary decisions otherwise available to the Congress.

FOREIGN ASSISTANCE AND RELATED PROGRAMS

It is the intent 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, the Foreign Assistance and Related Programs Appropriation Act, 1975.

The submission of Congressional presentation documents containing the Administration's entire fiscal year 1976 program is not acceptable as the notice required under the foregoing provisions of law.

COMPLIANCE WITH PARAGRAPH 4, RULE XXIX, STANDING RULES
OF THE SENATE

The following is submitted in compliance with clause 4 of rule XXIX:

The accompanying House joint resolution would amend section 102 of Public Law 94-41 by striking out (per brackets) and inserting (*per italicized matter*), as follows:

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] *March 31, 1976*, whichever first occurs.

()

FURTHER CONTINUING APPROPRIATIONS, 1976

DECEMBER 2, 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. 733]

The Committee on Appropriations, to whom was referred House Joint Resolution 733, making further continuing appropriations for the fiscal year 1976, and for other purposes, report the same to the House without amendment and with the recommendation that the joint resolution be passed.

EFFECTIVE DATE OF THE RESOLUTION

Extension of the current continuing resolution which expires with the sine die adjournment of the first session of the Ninety-fourth Congress is necessary to continue certain governmental functions for which appropriations will not or may not be enacted by adjournment. This resolution simply extends the current resolution until March 31, 1976. No other changes are made.

STATUS OF APPROPRIATIONS BILLS

Although the House has passed 12 of the 14 regular appropriations bills for fiscal year 1976, only 8 have become law. The other four are either pending in the Senate or pending at some stage of conference action.

Two appropriations bills—Foreign Assistance and District of Columbia—have not yet been considered by the House. As yet there is no authorization for the foreign assistance programs. The District

of Columbia budget was not submitted to the House until November 5—and consequently hearings are not yet complete. It appears certain that neither bill will be presented to the House before adjournment.

The status of appropriation bills as of this date is reflected in the following schedule:

	House ap- proved	Senate ap- proved	Became law
Enacted:			
Agriculture.....	July 14	July 25	Oct. 21
Education.....	Apr. 16	June 27	Sept. 10
HUD-Independent agencies.....	June 24	July 26	Oct. 17
Legislative.....	May 21	July 9	July 25
Military construction.....	Oct. 8	Nov. 6	Nov. 28
State, Justice, Commerce, Judiciary.....	June 26	Sept. 3	Oct. 21
Transportation.....	July 10	July 25	Nov. 24
Treasury-Postal Service.....	July 17	July 26	Aug. 9
Pending:			
Defense.....	Oct. 2	Nov. 18	-----
Interior.....	July 23	Nov. 20	-----
Labor-HEW.....	June 25	Sept. 26	-----
Public works.....	June 24		-----
District of Columbia.....			-----
Foreign assistance.....			-----

As can be seen from the foregoing, the continuing resolution extension will provide further interim authority and appropriations until March 31, 1976 for programs funded under the Foreign Assistance and District of Columbia bills. Depending on the outcome of conference and Presidential action, the continuing resolution would also be the vehicle to provide interim continuing appropriations for programs and activities under four other major bills including: Labor-Health, Education, and Welfare; Defense; Public Works; and Interior. It appears that the Defense, Interior, and Public Works bills will be sent to the President before adjournment. The outlook for the Labor-HEW bill is less certain.

Additionally, the continuing resolution will provide for certain programs especially in the health field which still lack legislative authorization and which therefore have not yet received appropriations for the current fiscal year.

FUNDING LEVELS PROVIDED BY EXTENSION OF THE RESOLUTION

As has been the practice over a number of years, the continuing resolution provides an appropriate rate of funding for the Departments and agencies until the respective regular appropriation bills can be enacted by Congress. The extension of the effective date of the resolution continues the rates established by the original continuing resolution (Public Law 94-41 of June 27, 1975) which are based on the status of each particular bill as of July 1, 1975. The categories of funding levels which will continue are as follows:

(1) Where the applicable bill had *passed only one House* as of July 1, 1975, the rate for operations shall not exceed the current rate (the fiscal 1975 rate) or the rate permitted by the action of the one House, whichever is lower, as set forth in section 101(a)(4) of Public Law 94-41. If such appropriations are not finalized by adjournment, this section would apply to the Public Works Appropriation bill, and the appropriation bill for the Departments of Labor, and Health, Education, and Welfare.

(2) Where the applicable bill *had not been passed by either House* as of July 1, 1975, the rate for operations shall not exceed the current rate (the fiscal 1975 rate) or the rate provided in the budget estimate, whichever is lower as set forth in section 101(b) of Public Law 94-41. If such appropriations are not finalized, this section would apply to the Defense, Interior, Foreign Assistance, and District of Columbia Appropriation bills. It would also continue to apply to a limited number of other individual programs.

COMPLIANCE WITH RESOLUTION

The Committee continues to feel it is essential that officials responsible for administering programs during the further 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 extension of the resolution are to be interpreted as ceilings and not as mandatory spending levels. This is 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(1)(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 adjournment. 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 in bills signed into law by the President.

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 minimum levels of funding which obtain under the mechanics of the resolution, the limited duration of the resolution and other factors, 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.

COMPLIANCE WITH RULE XIII—CLAUSE 3

The following is submitted in compliance with clause 3 of rule XIII:

The accompanying House joint resolution would amend section 102 of Public Law 94-41 by striking out (per brackets) and inserting (per italicized matter), as follows

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]* *March 31, 1976*, whichever first occurs.

COMPLIANCE WITH RULE XXI—CLAUSE 3

Clause 3 of rule XXI of the House of Representatives requires a concise statement describing the effect of any provision in the accompanying bill which directly or indirectly changes the application of existing law. The only such change caused by this resolution is the extension of the effective date of the current continuing resolution from the sine die adjournment of the first session of the Ninety-fourth Congress until March 31, 1976 as set forth under the preceding heading in this report.





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:

Continuing
 appropriations,
 1976.

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;

12 USC 1701g

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.

22 USC 2680,
 22 USC 1476.

(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;

88 Stat. 1822.

88 Stat. 822.

88 Stat. 803.
Federal Metal and Nonmetallic Mine Safety Board of Review, funds, prohibition. Repeals.
30 USC 721, 729, 730.
30 USC 731.

88 Stat. 2179.

88 Stat. 1212.

Ante, p. 17.
84 Stat. 2055.

22 USC 2680.

88 Stat. 768.

88 Stat. 613.

88 Stat. 276.

89 STAT. 226

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;

88 Stat. 1634,
88 Stat. 1771;
Ante, p. 173.
88 Stat. 281.

42 USC 234,
246, 247b-
247d, 254b,
289l-1, 292,
296, 300.
42 USC 3011,
3021, 3035.
21 USC 1176,
1177.
42 USC 1313.
42 USC 4801.

40 USC app.
201.

42 USC 246,
42 USC 3031.

42 USC 3061.

29 USC 871,
42 USC 3065.

12 USC 1904
note.

89 STAT. 227

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;

29 USC 981.

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;

42 USC 630.

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;

42 USC 602.

42 USC 631.

42 USC 603.

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;

20 USC 1087a.

87 Stat. 746.

88 Stat. 1634.

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

42 USC 3246.

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;

42 USC 3181.

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:

88 Stat. 1822.

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;

16 USC 1301 note.

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;

7 USC 612c. 7 USC 1431.

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.

22 USC 2680, 22 USC 2412.

(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;

48 Stat. 1283.

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;

42 USC 1381, 7 USC 2011 note, 42 USC 1771 note, 42 USC 1751 note, 42 USC 1786.

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".

30 USC 801.

(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.

40 USC 490.

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.

89 STAT. 230

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.

Southeast Asia,
 assistance, pro-
 hibition of
 funds.

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.

Approved June 27, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-289 (Comm. on Appropriations),
 SENATE REPORT No. 94-201 (Comm. on Appropriations),
 CONGRESSIONAL RECORD, Vol. 121 (1975):
 June 17, considered and passed House,
 June 19, considered and passed Senate, amended,
 June 20, House concurred in Senate amendments.

89 STAT. 231



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 further 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 clause (c) of section 102 of the joint resolution of June 27, 1975 (Public Law 94-41), is hereby amended by striking out "sine die adjournment of the first session of the Ninety-fourth Congress" and inserting in lieu thereof "March 31, 1976".

Speaker of the House of Representatives.

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

2
December 15, 1975

Dear Mr. Director:

The following bills were received at the White House on December 15th:

- ✓ H.J. Res. 733 ✓
- ✓ H.R. 8122
- ✓ H.R. 8674 ✓

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.