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APPROVED
MAR 31 1976

83/31/76

THE WHITE HOUSE
WASHINGTON
March 30, 1976

ACTION

Last Day: April 9

Post 4/1/76
To A2 4/1/76
4/1/76

MEMORANDUM FOR	THE PRESIDENT
FROM:	JIM CANNON
SUBJECT:	H.J. Res. 857 - Further Extension of Continuing Appropriations for FY 1976 and the Transition Quarter

Attached for your consideration is H.J. Res. 857, sponsored by Representative Mahon, which extends until September 30, 1976 the authority provided in P.L. 94-41 for continuing appropriations for on-going Federal activities for which 1976 and transition quarter appropriations have not been enacted. The enrolled resolution also provides a regular 1976 appropriation of \$175,000 for the National Commission on Water Quality.

Additional discussion of the provisions of the enrolled resolution is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus), NSC and I recommend approval of the enrolled resolution.

RECOMMENDATION

That you sign H.J. Res. 857 at Tab B.

Since Funding authority expires March 31,
signature is requested today.





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

MAR 27 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled H.J. Res. 857 - Further extension of
continuing appropriations for fiscal year 1976
and the transition quarter
Sponsor - Rep. Mahon (D), Texas

Last Day for Action

April 9, 1976 -

Since the funding authority provided by the extant continuing resolution will expire March 31, 1976, your approval of the enrolled resolution on or before that date is recommended.

Purpose

Extends--until September 30, 1976--the authority provided in Public Law 94-41 (approved June 27, 1975) for continuing appropriations.

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 and transition quarter appropriations have not been enacted. These include:

- activities contained in the District of Columbia and Foreign Assistance appropriation acts. A District of Columbia bill has not yet been reported to the House. While the Congress may complete action on the Foreign Assistance Appropriations Act by March 31, it is unlikely that the necessary authorizing legislation--currently in conference--will be passed by then.

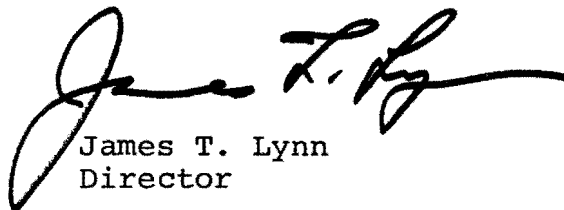
- activities which were deferred from regular 1976 appropriation bills--generally because they lacked authorizing legislation--and are dependent upon this extension of the continuing resolution for funding authority.

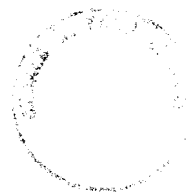
The enrolled resolution also modifies the language of the existing continuing resolution to allow the continuation of certain health training programs which would otherwise terminate. Your 1976 budget proposed terminating these activities which have total outlays of about \$7 million in 1976 and \$7 million in the transition quarter.

In addition, the enrolled resolution provides a regular 1976 appropriation in the amount of \$175,000 for the National Commission on Water Quality. The Vice President and several members of the Congress who are also members of this Commission have requested that these additional funds be made available immediately so that the Commission can complete its work and to avoid placing the small staff on leave without pay. While we object--on procedural grounds--to the inclusion of regular appropriations in the continuing resolution, this is the most expedient method of providing the funds that, we agree, are needed.

Recommendation

I recommend that you sign the enrolled resolution on or before March 31, 1976.


James T. Lynn
Director



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

MAR 27 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled H.J. Res. 857 - Further extension of
continuing appropriations for fiscal year 1976
and the transition quarter
Sponsor - Rep. Mahon (D), Texas

Last Day for Action

April 9, 1976 -

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Agency Recommendations

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

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The extension of continuing appropriations authority provided by the enrolled resolution is needed for on-going Federal activities for which 1976 and transition quarter appropriations have not been enacted. These include:

- activities contained in the District of Columbia and Foreign Assistance appropriation acts. A District of Columbia bill has not yet been reported to the House. While the Congress may complete action on the Foreign Assistance Appropriations Act by March 31, it is unlikely that the necessary authorizing legislation--currently in conference--will be passed by then.



10-
J. Cannon
3-29-76
5:00 P.M.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: March 29

Time: 545pm

FOR ACTION: Margo Boyle *MB*
NSC7S *OK*
George Humphreys *GH*
Max Friedersdorf *MF*
Ken Lazarus *KL*

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: March 30

Time: noon

SUBJECT:

H.J. Res. 857 - Further extension of continuing appropriations for FY 76 and the transition quarter.

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: March 29

Time:

545pm

FOR ACTION: Margo Boyle ✓
NSC/S
George Humphreys
Max Friedersdorf
Ken Lazarus

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: March 30

Time: noon

SUBJECT:

H.J. Res. 857 - Further extension of continuing appropriations for FY 76 and the transition quarter.

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

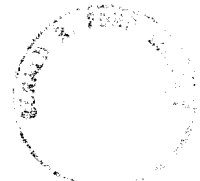
Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

+ President should approve

MTB



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 M. Cannon
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: March 29

Time:

545pm

FOR ACTION: Margo Boyle
 NSC/S
 George Humphreys
 Max Friedersdorf
 Ken Lazarus

cc (for information): Jack Marsh
 Jim Cavanaugh
 Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: March 30

Time: noon

SUBJECT:

H.J. Res. 857 - Further extension of continuing appropriations for FY 76 and the transition quarter.

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

March 30, 1976

MEMO TO JUDY JOHNSTON

FROM: GEORGE W. HUMPHREYS *GW/H*

No problems with H.J. Res. 857.



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.

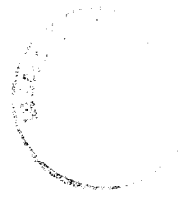
James M. Cannon
 For the President

NATIONAL SECURITY COUNCIL

March 30, 1976

MEMORANDUM FOR: JAMES CANNON
FROM: Jeanne W. Davis *JW*
SUBJECT: H. J. Res. 857

The NSC Staff concurs in H. J. Res. 857 - Further extension of continuing appropriations for FY 76 and the transition quarter.





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 1701q.

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—

85 Stat. 1822.

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

88 Stat. 822.

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

88 Stat. 803.
Federal Metal and Nonmetallic Mine Safety Board of Review, funds, prohibition. Repeals.

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";

30 USC 721, 729, 730.

30 USC 731.

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

88 Stat. 2179.

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

88 Stat. 1212.

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;

Ante, p. 17.

84 Stat. 2055.

22 USC 2680.

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

88 Stat. 768.

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";

88 Stat. 613.

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

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,
289i-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.

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

89 STAT. 228

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;

42 USC 3181.

88 Stat. 1822.

16 USC 1301 note.

7 USC 612c.
7 USC 1431.

22 USC 2680.
22 USC 2412.

48 Stat. 1283.

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".

(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.

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.

Approved June 27, 1975.

Southeast Asia,
 assistance, pro-
 hibition of
 funds.

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.

Union Calendar No. 450

94TH CONGRESS
2D SESSION

H. J. RES. 857

[Report No. 94-893]

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 1976

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

MARCH 11, 1976

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

[Insert the part printed in italic]

JOINT RESOLUTION

Making further continuing appropriations for the fiscal year 1976, and the period ending September 30, 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 clause (c) of section 102 of the joint resolution of
4 June 27, 1975 (Public Law 94-41, as amended by Public
5 Law 94-159), is hereby further amended by striking out
6 "March 31, 1976" and inserting in lieu thereof "Septem-
7 ber 30, 1976".

8 SEC. 2. The first section of the tenth unnumbered clause
9 of section 101 (b) of such joint resolution is amended by

1 inserting after "VII", the following "(except sections 792,
2 793, and 794 (a))".

3 SEC. 3. The first unnumbered clause of section 101 (e)
4 of such joint resolution is amended by striking out "section
5 314 (d)" and inserting in lieu thereof "sections 312, 313,
6 792, 793, and 794(a)".

Union Calendar No. 450

94TH CONGRESS
2^D SESSION

H. J. RES. 857

[Report No. 94-893]

JOINT RESOLUTION

Making further continuing appropriations for
the fiscal year 1976, and the period ending
September 30, 1976, and for other purposes.

By Mr. MAHON

MARCH 9, 1976

Referred to the Committee on Appropriations

MARCH 11, 1976

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

Calendar No. 672

94TH CONGRESS
2^D SESSION

H. J. RES. 857

[Report No. 94-702]

IN THE SENATE OF THE UNITED STATES

MARCH 17, 1976

Read twice and referred to the Committee on Appropriations

MARCH 17, 1976

Reported by Mr. McCLELLAN, without amendment

JOINT RESOLUTION

Making further continuing appropriations for the fiscal year 1976, and the period ending September 30, 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 clause (c) of section 102 of the joint resolution of
4 June 27, 1975 (Public Law 94-41, as amended by Public
5 Law 94-159), is hereby further amended by striking out
6 "March 31, 1976" and inserting in lieu thereof "Septem-
7 ber 30, 1976".

8 SEC. 2. The first section of the tenth unnumbered clause
9 of section 101 (b) of such joint resolution is amended by

1 inserting after "VII", the following "(except section 792,
2 793, and 794 (a))".

3 SEC. 3. The first unnumbered clause of section 101 (e)
4 of such joint resolution is amended by striking out "section
5 314 (d)" and inserting in lieu thereof "sections 312, 313,
6 792, 793, and 794 (a)".

7 SEC. 4. There is hereby appropriated, out of any money
8 in the Treasury not otherwise appropriated, an additional
9 amount of \$175,000 for the National Commission on Water
10 Quality, authorized by section 315 of the Federal Water Pol-
11 lution Control Act, as amended, to complete the work of the
12 Commission.

Passed the House of Representatives March 16, 1976.

Attest: EDMUND L. HENSHAW, JR.,

Clerk.

Calendar No. 672

94TH CONGRESS
2D SESSION

H. J. RES. 857

[Report No. 94-702]

JOINT RESOLUTION

Making further continuing appropriations for
the fiscal year 1976, and the period ending
September 30, 1976, and for other purposes.

MARCH 17, 1976

Read twice and referred to the Committee on
Appropriations

MARCH 17, 1976

Reported by Mr. McCLELLAN without amendment

FURTHER CONTINUING APPROPRIATIONS, 1976

MARCH 11, 1976.—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. 857]

The Committee on Appropriations, to whom was referred House Joint Resolution 857, making further continuing appropriations for the fiscal year 1976, and the period ending September 30, 1976, and for other purposes, report the same to the House with an amendment and with the recommendation that the joint resolution as amended be passed.

The amendment follows:

Page 2, line 6, after "794" insert "(a)".

EFFECTIVE DATE OF THE RESOLUTION

The original continuing resolution was extended in December and now expires March 31, 1976. A further extension is required in order to continue certain governmental functions for which appropriations will not or may not be enacted by that date. The accompanying resolution provides continuing authority for activities funded under the Foreign Assistance and District of Columbia Appropriation Acts until September 30, 1976. It also extends authority for certain programs of the Department of Health, Education, and Welfare and the Corporation for Public Broadcasting until such date.

The September 30 date represents the last day of the transition period—the special fiscal period designed to achieve the change of the fiscal year as required by the Congressional Budget and Impoundment Control Act of 1974 (P.L. 93-344).

In recommending extension of the continuing resolution through the transition quarter, it is not the intention of the Committee to create 15-month appropriations. Obligations and expenditures figures for fiscal 1976 and the transition quarter will be accounted for and displayed separately for the two periods in the same manner as for programs funded in regular appropriation bills.

FOREIGN ASSISTANCE

Although the Committee concluded the bulk of the hearings on fiscal year 1976 foreign assistance appropriations last June, applicable authorizations have been long delayed.

On Wednesday of last week, the House passed the International Security Assistance Bill. Although the House passed the Foreign Assistance Appropriation bill the following day, there is no certainty that Senate and conference actions can be accomplished and the bill sent to the White House before the existing continuing resolution expires on the last day of this month.

DISTRICT OF COLUMBIA

The budget for the District of Columbia for fiscal year 1976 was not submitted to Congress until November 5, 1975. Although the Committee concluded hearings before adjournment of the last Session of Congress on December 19, 1975, reporting of the District of Columbia bill has been delayed since that time pending receipt of amendments to the budget and enactment of revenue measures by the city government necessary to produce a balanced budget as required by law. Such an amendment still has not been transmitted to Congress and it is evident that the appropriation bill will not clear Congress and be sent to the President before the expiration of the existing continuing resolution on March 31.

LABOR-HEW APPROPRIATIONS

Late enactment of authorizing legislation makes it necessary to provide continuing authority for certain activities normally funded in the Labor-HEW Appropriation Act. Appropriations for some of these activities, i.e., those authorized by the Older Americans Amendments of 1975 (P.L. 94-135) and the Public Broadcasting Financing Act of 1975 (P.L. 94-192) will be incorporated in the Second Supplemental Appropriation Bill. A number of ongoing health programs still lack legislative authorization for the current fiscal year. These include grants for biomedical research training, venereal disease control, immunization, lead based paint poisoning prevention and control, drug abuse prevention, and health professions educational assistance. The outlook for enactment of authorizations and appropriations for these programs before the beginning of fiscal year 1977 is uncertain. If the resolution is not extended, funding for all of these programs will end on March 31. The Committee has also recommended modifications of the language of the existing resolution to permit continuation of the training programs for allied health and public health professions, which would otherwise terminate.

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 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 Foreign Assistance and District of Columbia Appropriation bills. It would also continue to apply to a very limited number of other individual programs.

(2) Because of special circumstances involved in certain instances—particularly the lack of legislative authorization at the time the regular appropriation bills were considered—provision was made to continue a number of programs at either the rate of the budget estimate or the current rate (the 1975 rate). Sections 2 and 3 of the accompanying resolution shift the further continuing authority for several programs from section 101(b) to section 101(e) of the original continuing resolution. This provides that authority for such activities will be extended at the current rate (1975 rate) as explained under the preceding heading in this report.

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 obligations 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 March 31. 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 an extension of existing and previously approved programs; and considering the minimum 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.

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) [March 31, 1976] *September 30, 1976*, whichever first occurs.

SEC. 101(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—

* * * * *

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 (*except sections 792, 793, and 794(a)*), VIII, and X of the Public Health Service Act, as amended;

* * * * *

SEC. 101(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)] *sections 312, 313, 792, 793, and 794(a)* of the Public Health Service Act, as amended;

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 of the accompanying bill which directly or indirectly changes the application of existing law. The following is offered in compliance with such Rule:

Section 1 of the accompanying joint resolution simply extends the termination date of the existing continuing resolution from March 31, 1976 until September 30, 1976.

Sections 2 and 3 of the accompanying resolution change the rates at which certain activities under the Public Health Service Act, as amended, will be continued by shifting them from Section 101(b) of the original continuing resolution to section 101(e). This permits continuation of the training programs of the U.S. Public Health Service for allied health and public health professions.

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FURTHER CONTINUING APPROPRIATIONS, 1976

MARCH 17, 1976.—Ordered to be printed

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

REPORT

[To accompany H.J. Res. 857]

The Committee on Appropriations, to which was referred House Joint Resolution 857, making further continuing appropriations for the fiscal year 1976, and the period ending September 30, 1976, and for other purposes, reports the same to the Senate without amendment and with the recommendation that the joint resolution be passed, and presents herewith information relative to the joint resolution.

EFFECTIVE DATE OF THE RESOLUTION

The original continuing resolution was extended in December and now expires March 31, 1976. A further extension is required in order to continue certain governmental function for which appropriations will not or may not be enacted by that date. The accompanying resolution provides continuing authority for activities funded under the Foreign Assistance and District of Columbia Appropriation Acts until September 30, 1976. It also extends authority for certain programs of the Department of Health, Education, and Welfare and the Corporation for Public Broadcasting until such date. It also provides an appropriation of \$175,000 to complete the work of the National Commission on Water Quality.

The September 30 date represents the last day of the transition period—the special fiscal period designed to achieve the change of the fiscal year as required by the Congressional Budget and Impoundment Control Act of 1974 (P.L. 93-344).

In recommending extension of the continuing resolution through the transition quarter, the Committee concurs with the House Committee that it is not the intention to create 15-month appropriations. Obligations and expenditures figures for fiscal 1976 and the transition quarter will be accounted for and displayed separately for the two periods in the same manner as for programs funded in regular appropriation bills.

FOREIGN ASSISTANCE

Although the Committee concluded the bulk of the hearings on the annual fiscal year 1976 foreign assistance appropriations last July, applicable authorizations have been long delayed.

On March 3, the House passed the International Security Assistance Bill. Although the House passed the Foreign Assistance Appropriation bill the following day, there is no certainty that Senate and conference actions can be accomplished and the bill sent to the White House before the existing continuing resolution expires on the last day of the month.

DISTRICT OF COLUMBIA

The budget for the District of Columbia for fiscal year 1976 was not submitted to Congress until November 5, 1975. Although the Committee has concluded hearings on estimates before the Committee, reporting of the District of Columbia bill has been delayed since that time pending receipt of amendments to the budget and enactment of revenue measures by the city government necessary to produce a balanced budget as required by law. Such an amendment still has not been transmitted to Congress and it is evident that the appropriation bill will not clear Congress and be sent to the President before the expiration of the existing continuing resolution on March 31.

LABOR-HEW APPROPRIATIONS

Late enactment of authorizing legislation makes it necessary to provide continuing authority for certain activities normally funded in the Labor-HEW Appropriation Act. Appropriations for some of these activities, i.e., those authorized by the Older Americans Amendments of 1975 (P.L. 94-135) and the Public Broadcasting Financing Act of 1975 (P.L. 94-192) will be incorporated in the Second Supplemental Appropriation Bill. A number of ongoing health programs still lack legislative authorization for the current fiscal year. These include grants for biomedical research training, venereal disease control, immunization, lead based paint poisoning prevention and control, drug abuse prevention, and health professions educational assistance. The outlook for enactment of authorizations and appropriations for these programs before the beginning of fiscal year 1977 is uncertain. If the resolution is not extended, funding for all of these programs will end on March 31. The Committee has also recommended modifications of the language of the existing resolution to permit continuation of the training programs for allied health and public health professions, which would otherwise terminate.

NATIONAL COMMISSION ON WATER QUALITY

The Committee concurs in the action of the House in recommending an appropriation of \$175,000 to permit the National Commission on Water Quality to complete its work and submit its report which is to be filed next month. This appropriation follows the authorization of additional funds which was passed by the House on March 9 and by the Senate on March 10. The Vice President and several Members of the Senate who are also members of this Commission have re-

quested that additional funds be made available immediately so as to complete the Commission work and avoid the necessity of placing the small staff on leave without pay this week. This resolution is the only appropriate vehicle now before the Committee where these funds can be provided.

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 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 Foreign Assistance and District of Columbia Appropriation bills. It would also continue to apply to a very limited number of other individual programs.

(2) Because of special circumstances involved in certain instances—particularly the lack of legislative authorization at the time the regular appropriation bills were considered—provision was made to continue a number of programs at either the rate of the budget estimate or the current rate (the 1975 rate). Sections 2 and 3 of the accompanying resolution shift the further continuing authority for several programs from section 101(b) to section 101(e) of the original continuing resolution. This provides that authority for such activities will be extended at the current rate (1975 rate) as explained under the preceding heading in this report.

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.

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 paragraph 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) [March 31, 1976] *September 30, 1976*, whichever first occurs.

SEC. 101(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—

* * * * *

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 (*except sections 792, 793, and 794(a)*), VIII, and X of the Public Health Service Act, as amended;

* * * * *

SEC. 101(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)] *sections 312, 313, 792, 793, and 794(a)* of the Public Health Service Act, as amended;

○

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

Joint Resolution

Making further continuing appropriations for the fiscal year 1976, and the period ending September 30, 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, as amended by Public Law 94-159), is hereby further amended by striking out "March 31, 1976" and inserting in lieu thereof "September 30, 1976".

SEC. 2. The first section of the tenth unnumbered clause of section 101(b) of such joint resolution is amended by inserting after "VII", the following "(except sections 792, 793, and 794(a))".

SEC. 3. The first unnumbered clause of section 101(e) of such joint resolution is amended by striking out "section 314(d)" and inserting in lieu thereof "sections 312, 313, 792, 793, and 794(a)".

SEC. 4. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, an additional amount of \$175,000 for the National Commission on Water Quality, authorized by section 315 of the Federal Water Pollution Control Act, as amended, to complete the work of the Commission.

Speaker of the House of Representatives.

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

March 29, 1976

Dear Mr. Director:

The following bills were received at the White House on March 29th:

✓ H.J. Res. 857 ✓
H.R. 10624
✓ H.R. 12490 ✓

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.