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8 10/11/76

**APPROVED**  
OCT 11 1976

THE WHITE HOUSE

ACTION

WASHINGTON

October 1, 1976

Last Day: October 18

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *JDC*

SUBJECT:

H.J. Res. 1105 - Continuing Appropriations for FY 1977

Attached for your consideration is H.J. Res. 1105, sponsored by Representative Mahon.

The resolution provides: continuing appropriations for certain health and education programs traditionally funded under the Labor-HEW Appropriations bill but which were enacted too late to be included; language to allow programs of ERDA to operate at their 1977 appropriated level despite a current lack of authorizing legislation; and three 1977 supplemental appropriations, two of which represent Administration requests.

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

OMB, Max Friedersdorf, Counsel's Office (Kilberg), Bill Seidman (Porter) and I recommend approval of the enrolled resolution.

RECOMMENDATION

That you sign H.J. Res. 1105 at Tab B.

*fasted*  
*10/12/76*  
*Archives*  
*10/12/76*





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

OCT 1 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Resolution H.J. Res. 1105 - Continuing  
Appropriations for Fiscal Year 1977  
Sponsor - Rep. Mahon (D), Texas

Last Day for Action

October 18, 1976 -

Immediate signature is recommended in order to avoid disrupting agency operations dependent on the authority and appropriations contained in the enrolled resolution.

Purpose

Effective October 1, 1976, this resolution provides continuing appropriations for certain activities of the Federal Government until enactment into law of an appropriation for the projects and activities provided for in this joint resolution or until March 31, 1977, whichever occurs first.

In addition, the enrolled resolution provides supplemental 1977 appropriations for certain activities.

Agency Recommendations

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

Discussion

Even though the 94th Congress completed action on all regular 1977 appropriation bills prior to its sine die adjournment, it is necessary to have this continuing resolution to provide interim financing authority for certain health and education programs traditionally funded under the appropriation bill for the Departments of Labor and Health, Education, and Welfare and related agencies. This is required because certain authorizations were not enacted in time for these programs to be included in the regular Labor-HEW bill.

Under the authorities of this resolution, these programs would continue operations into fiscal year 1977 at the "current rate," that is, a rate based on the 1976 or transition quarter appropriation. It is expected that regular 1977 funding for these programs will be included in a spring supplemental appropriations bill.

In addition to providing temporary funding for deferred items, special language has been included in the resolution to allow programs of the Energy Research and Development Administration to operate at their 1977 appropriated level despite a current lack of authorizing legislation.

The Congress has also used this continuing resolution as a vehicle for making three 1977 supplemental appropriations. Procedurally, this practice is objectionable since the continuing resolution, by purpose, was never intended to serve as a means of providing new fiscal year funding, and you are on record as objecting to this practice. However, two of the three supplemental appropriations represent Administration requests. When these requests reached the Congress, this joint resolution was the only vehicle available—short of a separate bill—through which the Congress could act to provide these supplemental funds prior to adjourning. Thus, the exigencies of pre-adjournment Congressional action and the need for the funds you requested ameliorate our objections.

Supplemental 1977 funding is provided as follows:

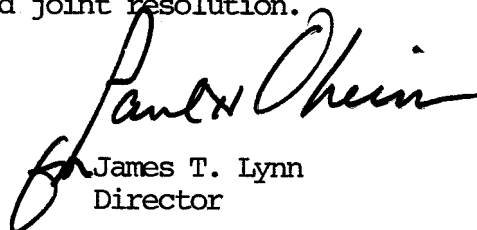
	(in thousands of dollars)	
	<u>Requested</u>	<u>Provided</u>
Department of Agriculture:		
Soil Conservation Service.....	---	12,000
Federal Crop Insurance Corporation.....	40,000	30,000
Department of the Treasury:		
Claims and judgments.....	5,148	5,148
	-----	-----
Total.....	45,148	47,148

The unrequested \$12 million supplemental appropriation for the Soil Conservation Service would be used for watershed and flood prevention operations. No formal explanation for the inclusion of these funds in this resolution is apparent. We believe your budget provided sufficient funding for this program.

The outlay effect of Congressional action on these supplemental appropriations is to add \$12 million in 1977.

Recommendation

I recommend that you sign the enrolled joint resolution.

A handwritten signature in black ink, appearing to read "Paul H. Chern". The signature is written in a cursive style with a large initial "P".

for James T. Lynn  
Director

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 1

Time: 830am

FOR ACTION: Max Friedersdorf  
Bobbie Kilberg  
David Sidman

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

FROM THE STAFF SECRETARY

DUE: Date: October 2

Time: 1030am

SUBJECT:

H.J. Res. 1105-Continuing Appropriations for FY 77

ACTION REQUESTED:

\_\_\_ For Necessary Action

\_\_\_ For Your Recommendations

\_\_\_ Prepare Agenda and Brief

\_\_\_ Draft Reply

<sup>x</sup>  
\_\_\_ For Your Comments

\_\_\_ Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Note: Although the bill has not yet arrived at the White House it is important that it be signed as soon as it arrives.

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

Date: October 1

Time: 830pm

FOR ACTION: Max Friedersdorf  
 Bobbie Kilberg ✓  
 Bill Seidman

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

FROM THE STAFF SECRETARY

DUE: Date: October 2

Time: 1030am

SUBJECT:

H.J. Res. 1105-Continuing Appropriations for FY 77

## 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

Note: Although the bill has not yet arrived at the White House it is important that it be signed as soon as it arrives.

10/2/76  
 No objection.

B. Roth

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.

Date: October 1

Time: 830pm

FOR ACTION: Max Friedersdorf  
Bobbie Kilberg  
Bill Seidmancc (for information): Jack Marsh  
Jim Connor  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 2

Time: 1030am

SUBJECT:

H.J. Res. 1105-Continuing Appropriations for FY 77

## 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

Note: Although the bill has not yet arrived at the White House it is important that it be signed as soon as it arrives.

*RECOMMEND SIGNING ENROLLED JOINT RESOLUTION**Roger B. Porter*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.



Date: October 1

Time: 830pm

FOR ACTION: Max Friedersdorf  
Bobbie Kilberg  
Bill Seidmancc (for information): Jack Marsh  
Jim Connor  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 2

Time: 1030am

SUBJECT:

H.J. Res. 1105-Continuing Appropriations for FY 77

## 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

Note: Although the bill has not yet arrived at the White House it is important that it be signed as soon as it arrives.

*Recommended Approval.**MB*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.

## CONTINUING APPROPRIATIONS, 1977

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SEPTEMBER 23, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

### REPORT

[To accompany H.J. Res 1105]

The Committee on Appropriations, to whom was referred House Joint Resolution 1105, making continuing appropriations for the fiscal year 1977, 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 is as follows:

On page 4, after line 14, insert:

SEC. 109. For an additional amount for the Soil Conservation Service for Watershed and Flood Prevention Operations for emergency measures for runoff retardation and soil erosion prevention, as provided by section 216 of the Flood Control Act of 1950 (33 U.S.C. 701b-1) in addition to funds provided elsewhere, \$12,000,000, to remain available until expended.

#### NEED FOR CONTINUING RESOLUTION

Although the House and Senate have passed all thirteen of the regular annual appropriation bills for fiscal year 1977—and it is anticipated that all will have been enacted into law by the beginning of the new fiscal year on October 1, 1976—it is necessary to have a modified continuing resolution to provide interim financing authority for certain programs traditionally funded under the appropriation bill for the Departments of Labor and Health, Education, and Welfare and related agencies. This is required because certain authorizations were not completed in time for inclusion in the regular Labor-HEW bill which cleared the Congress on September 17.

## PROGRAMS COVERED BY THE RESOLUTION

The accompanying resolution provides continuing authority for on-going programs not otherwise provided for until March 31, 1977. Although action to extend the pertinent authorizations is nearing completion—or in some cases action has been recently completed—it is not practicable to enact an appropriation bill for these programs during the little time remaining in the current session of Congress. Unless provision is made for continuing appropriations, no funds will be available for these programs when the new fiscal year begins on October 1.

The programs covered by the accompanying resolution are contained in the following authorization bills:

H.R. 12987—Emergency Jobs Programs.

H.R. 12664—Emergency Medical Services Amendments.

H.R. 9019—Health Maintenance Organization Amendments.

H.R. 12677 (S. 3184)—Alcohol Abuse and Alcoholism Prevention Treatment and Rehabilitation (P.L. 94-371).

H.R. 5546—Health Manpower.

H.R. 12132—D.C. Medical and Dental Manpower (P.L. 94-308).

H.R. 12851—Higher Education Amendments.

H.R. 12835—Vocational Education and National Institute of Education.

H.R. 14070—Guaranteed Student Loan Amendments.

The accompanying resolution will continue all programs deferred in the regular Labor-HEW appropriation bill at the current rate. The current rate in this case is based on the rate for operations during fiscal year 1976 and the transition period July 1 through September 30, 1976. The resolution is effective through March 31, 1977, which is the end of the second quarter of fiscal year 1977. It is expected that a supplemental appropriations bill can be enacted before that date for all deferred programs so that a further continuing resolution should not be necessary.

The resolution would provide for the continuation of 260,000 public service jobs under title VI of the Comprehensive Employment and Training Act. The fiscal year 1976 appropriation was \$1,625,000,000. The Committee wishes to make clear that the intention is to maintain the level of 260,000 title VI jobs and that sufficient funds should be obligated by the Labor Department as soon as possible to ensure that there are no layoffs. It should be noted that an additional 50,000 public service jobs are funded in the Labor-HEW bill for 1977 under title II of the Comprehensive Employment and Training Act. The total program level for public service jobs under both titles of the act would thus be 310,000 jobs.

The Committee wishes to again call the attention of the Department of Labor to section 710 of the Comprehensive Employment and Training Act which prohibits the use of funds appropriated under the Act for any political activities. The Committee again directs the Department of Labor to assure that this section of the law is enforced, particularly with respect to titles II and VI of the Act. The Committee

H.R. 1678

further directs the Department to submit a quarterly report, beginning on January 1, 1977, on its efforts to enforce section 710 as it applies to enrollees in the public service jobs programs.

The Committee is aware that funds available for the basic educational opportunity grants program are insufficient to meet the full costs expected to be incurred under the payment schedule which is in effect during the current academic year. The shortfall is estimated in the range of \$150-200 million. At this late date, the Committee has little choice but to allow the use of funds available for the basic grants program, as provided in the accompanying resolution, in order to cover the expected shortfall. A supplemental appropriation will be required to make up this deficiency when estimates for fiscal year 1977 are considered.

Authority is also provided to continue activities of the Commission on Federal Paperwork. A significant amount of the fiscal year 1976 appropriation to this commission will lapse on September 30, 1976, due to unavoidable delays in the establishment of the commission.

## DEPARTMENT OF AGRICULTURE

The resolution also provides for an appropriation of \$12,000,000 for the Soil Conservation Service for emergency assistance to repair damage to watersheds as a result of major storms or forest fires which have occurred during 1976 as provided by section 216 of the Flood Control Act of 1950, which were not covered by the regular appropriations act for fiscal year 1977 (P.L. 94-351). The amount recommended is sufficient to fund all emergency work that can be carried out prior to next spring. Remaining requirements will be reviewed by the Committee in connection with a supplemental appropriation bill.

Estimated damages as of September 23, 1976 are \$19,828,000 which is about \$3,000,000 less than the September 1, 1976 estimate due to revised damage estimates for the state of Colorado.

The latest estimates, by state, are as follows:

Alabama	\$351,000
California	389,000
Colorado	1,887,000
Florida	190,000
Georgia	8,024,000
Idaho	3,060,000
Kansas	171,000
New Jersey	301,000
New York	1,928,000
Puerto Rico	1,228,000
South Dakota	1,076,000
Vermont	960,000
Wyoming	263,000
<b>Total</b>	<b>19,828,000</b>

## COMPLIANCE WITH RESOLUTION

It is essential that officials responsible for administering programs during the interim period covered by the resolution take only that 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

H.R. 1678

operation for programs and activities under the resolution are to be interpreted as ceilings and not as mandatory spending levels. This is absolutely necessary in order to preserve Congressional prerogatives in the course of the regular authorization and appropriation process.

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

#### INFLATIONARY IMPACT STATEMENT

Clause 2(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 principally extends the availability of funds and authorities for ongoing programs of the federal government for which fiscal year 1977 appropriations will not be enacted by October 1. The philosophy of the continuing resolution is generally to provide minimum funding for the orderly continuation of existing programs for the interim period until the annual appropriation bills are enacted. By definition, such programs have previously been authorized and funded.

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

#### CHANGES IN EXISTING LAW

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

The Committee has included a general provision (Sec. 103) on page 3 of the resolution which sets aside the time requirements for apportionment of appropriations contained in 31 U.S.C. 665 (d) (2).

The Committee has included a general provision (Sec. 107) on page 4 of the resolution which permits apportionment of appropriated funds on a basis indicating the need for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees.

94TH CONGRESS  
2D SESSION

# H. J. RES. 1105

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28 (legislative day, SEPTEMBER 24), 1976

Read twice and referred to the Committee on Appropriations

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## JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1977, and  
for other purposes.

1        *Resolved by the Senate and House of Representatives*  
2        *of the United States of America in Congress assembled,*  
3        That the following sums are appropriated out of any money  
4        in the Treasury not otherwise appropriated, and out of ap-  
5        plicable corporate or other revenues, receipts, and funds, for  
6        the several departments, agencies, corporations, and other  
7        organizational units of the Government for the fiscal year  
8        1977, namely:

9        SEC. 101. Such amounts as may be necessary for con-  
10        tinuing the following activities, not otherwise provided for,  
11        which were conducted in the fiscal year 1976 or the period

1 ending September 30, 1976, but at a rate for operations  
2 not in excess of the current rate:

3 activities under the Public Health Service Act;

4 activities under the Comprehensive Alcohol Abuse  
5 and Alcoholism Prevention, Treatment, and Rehabili-  
6 tation Act of 1970;

7 activities under the District of Columbia Medical and  
8 Dental Manpower Act of 1970;

9 activities under section 602 of Public Law 94-63;

10 activities under the Higher Education Act;

11 activities under the Vocational Education Act;

12 activities under the National Defense Education  
13 Act;

14 activities under the General Education Provisions  
15 Act;

16 activities under title VI of the Comprehensive Em-  
17 ployment and Training Act; and

18 activities of the Commission on Federal Paperwork.

19 → Pres' Comm. on Olympic Sports  
SEC. 102. Appropriations and funds made available and

20 authority granted pursuant to this joint resolution shall be  
21 available from October 1, 1976, and shall remain available  
22 until (a) enactment into law of an appropriation for any  
23 project or activity provided for in this joint resolution, or (b)  
24 enactment of the applicable appropriation Act by both

1 Houses without any provision for such project or activity, or

2 (c) March 31, 1977, whichever first occurs.

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

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

15 SEC. 105. Expenditures made pursuant to this joint res-  
16 olution shall be charged to the applicable appropriation,  
17 fund, or authorization whenever a bill in which such ap-  
18 plicable appropriation, fund, or authorization is contained  
19 is enacted into law.

20 SEC. 106. No appropriation or fund made available to  
21 authority granted pursuant to this joint resolution shall be  
22 used to initiate or resume any project or activity for which  
23 appropriations, funds, or other authority were not available

1 during either the fiscal year 1976 or the transition period  
2 ending September 30, 1976.

3 SEC. 107. Any appropriation for the fiscal year 1977  
4 required to be apportioned pursuant to 31 U.S.C. 665, may  
5 be apportioned on a basis indicating the need (to the extent  
6 any such increases cannot be absorbed within available  
7 appropriations) for a supplemental or deficiency estimate  
8 of appropriation to the extent necessary to permit payment  
9 of such pay increases as may be granted pursuant to law  
10 to civilian officers and employees and to active and retired  
11 military personnel. Each such appropriation shall otherwise  
12 be subject to the requirements of 31 U.S.C. 665.

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

17 SEC. 109. For an additional amount for the Soil Con-  
18 servation Service for watershed and Flood Prevention Op-  
19 erations for emergency measures for runoff retardation and  
20 soil erosion prevention, as provided by section 216 of the

1 Flood Control Act of 1950 (33 U.S.C. 701b-1) in addi-  
2 tion to funds provided elsewhere, \$12,000,000, to remain  
3 available until expended.

Passed the House of Representatives September 27,  
1976.

Attest: EDMUND L. HENSHAW, JR.,  
*Clerk.*

94TH CONGRESS  
2D SESSION

# H. J. RES. 1105

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## JOINT RESOLUTION

Making continuing appropriations for the fiscal  
year 1977, and for other purposes.

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SEPTEMBER 28 (legislative day, SEPTEMBER 24), 1976

Read twice and referred to the Committee on  
Appropriations