

McJamerson



Public Law 94-41
94th Congress, H. J. Res. 499
June 27, 1975

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—

- 88 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. 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";
 Federal Metal and Nonmetallic Mine Safety Board of Review, funds, prohibition. Repeals.
 30 USC 721, 729, 730.
 30 USC 731.
- 88 Stat. 2179. activities for which provision was made in the Military Construction Appropriation Act, 1975;
- 88 Stat. 1212. activities for which provision was made in the Department of Defense Appropriation Act, 1975;
- Ante, p. 17. 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;
 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.

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:

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

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;

42 USC 234,
246, 247b-
247d, 254b,
289¹⁻¹, 292,
296, 300.

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;

42 USC 3011,
3021, 3035.
21 USC 1176,
1177.

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

activities for grants for the developmentally disabled;

42 USC 1313.
42 USC 4801.

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.

40 USC app.
201.

(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;

42 USC 246.
42 USC 3031.
42 USC 3061.

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;

29 USC 871.
42 USC 3065.
12 USC 1904
note.

activities under the Council on Wage and Price Stability Act;

- activities of the Commission on Federal Paperwork;
 activities of the Office of Federal Procurement Policy;
 for activities under title VI of the Comprehensive Employment and Training Act, \$1,625,000,000, to remain available until June 30, 1976;
- 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. 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;
- 42 USC 603. 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
- 20 USC 1087a.
 87 Stat. 746.
 88 Stat. 1634.
- 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;

48 Stat. 1283.

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

42 USC 1381.

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;

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.

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

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