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CONTINUING APPROPRIATIONS, 1980

SEPTEMBER 20, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

REPORT

[To accompany H.J. Res. 404]

The Committee on Appropriations, to whom was referred House Joint Resolution 404, making continuing appropriations for the first three months of fiscal year 1980, and for other purposes, reports the same to the House without and with the recommendation that the joint resolution be passed.

PROGRAMS COVERED BY THE RESOLUTION

While eleven of the thirteen regular annual appropriation bills were reported by the Committee in June and another in July, circumstances are such that it is necessary to provide temporary continuing authority for programs and activities funded in ten major appropriation bills including Agriculture, Defense, District of Columbia, Foreign Assistance, Interior, Labor-HEW, Legislative, Military Construction, Transportation, and Treasury-Postal Service. Additionally the accompanying resolution makes provision for certain programs which were not included in the regular bills at the time they were considered, primarily due to lack of legislative authorization.

It appears that perhaps twelve appropriation bills will have passed the House by the beginning of the new fiscal year on October 1 and that perhaps three will have been sent to the President for signature. Other bills have progressed to the stage of conference, and the Committee believes that the majority of the appropriations bills will be enacted soon after the new fiscal year begins. Nonetheless, this resolution is essential to the operation of the various activities of the Federal Government.

LEVELS OF FUNDING PROVIDED UNDER THE RESOLUTION

This resolution is necessary in order to provide continuing authority for existing Federal activities for which regular annual appropriation bills will not be enacted when the new fiscal year begins on October 1, 1979. The authority conveyed by the resolution is necessary to provide for the period between September 30 and the time when the applicable appropriation acts for the fiscal year 1980 are signed into law.

The resolution follows the basic form and concept of similar resolutions in prior years. It is generally effective until December 31, 1979, but its applicability to the various Federal programs ceases as the regular appropriation bills are signed by the President.

In summary, the operating levels which obtain under the resolution are as follows:

1. Sec. 101(a) provides continuing authority for the Agriculture, District of Columbia, Foreign Assistance, Interior, Military Construction, and Treasury-Postal Service bills. Under this section, where the particular appropriation bill has passed both Houses, and the amount as passed by the House is different than that as passed by the Senate, the project or activity is continued under the lesser amount or more restrictive authority. Where the particular appropriation bill has passed only the House or where provision is made for a program in only one version of a bill as passed both the House and the Senate, the rate of operation shall not exceed the current rate or the rate provided by the one House, whichever is lower.

2. Sec. 101(b) provides continuing authority for the Labor-HEW bill at the rate of the conference agreement.

3. Sec. 101(c) provides continuing authority for the Defense bill at the current rate or the rate of the budget estimate, whichever is lower.

4. Sec. 101(d) provides continuing authority for the Legislative Branch at the rate provided for in H.R. 4390 as reported June 7, 1979.

5. Sec. 101(f) provides continuing authority at the current rate for certain programs not included in regular bills primarily due to the lack of authorizing legislation.

6. Sec. 101(h) provides continuing authority for the Transportation bill at the current rate or the rate of the budget estimate, whichever is lower.

7. Section 101(i) provides continuing authority for the Federal Inspector for the Alaska Gas Pipeline at a rate not in excess of 35 per centum of the budget estimate.

8. The resolution does not augment appropriations contained in the regular bills for fiscal year 1980. Sec. 105 provides that expenditures made pursuant to the continuing resolution shall be charged to the applicable appropriation or fund when the regular bill is enacted into law.

9. Sec. 106 contains a prohibition against initiating or resuming any project or activity for which funds were not available during fiscal year 1979.

COMPLIANCE WITH RESOLUTION

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

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

UNAUTHORIZED LABOR-HEW PROGRAMS

The joint resolution makes special provisions for certain ongoing programs for which funds would normally be included in the fiscal year 1980 Labor-HEW appropriation bill, but which were not included because of expiring authorizing legislation. Bills authorizing 1980 appropriations for these programs had not been enacted when the Labor-HEW appropriation bill passed the House in June. Most of the expiring authorizing legislation has still not been extended. The joint resolution permits the affected programs to continue in operation at the current level until 1980 authorizations and appropriations are enacted. The Labor-HEW programs covered by section 101(f) of the resolution, which account for approximately \$821 million in budget estimates for fiscal year 1980, are as follows:

Department of Health, Education, and Welfare:

Health Services Administration:

Emergency Medical Services.

Center for Disease Control:

Health education.

Alcohol, Drug Abuse, and Mental Health Administration:

Drug abuse community programs;

Alcoholism programs;

Mental health financial distress; and

Mental health consultation and education.

Health Resources Administration:

Emergency medical training;

Health planning;

Nursing institutional assistance;

Nursing student assistance; and

Nursing research.

Assistant Secretary for Health:

Smoking and health.

Social Security Administration:

Indochinese refugee assistance.

Related agencies:

Action—Domestic volunteer programs (except older Americans programs).

PAYMENTS FOR ABORTION

With respect to payments for abortions, the resolution would apply the same provision to the Labor-HEW appropriation bill as that con-

tained in the House-passed version of that bill and reaffirmed by the House on August 2, 1979. The language is as follows:

None of the funds provided for in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

EXECUTIVE PAY

The Committee notes that in the last two years since Federal executive pay has been frozen, that the consumer price index has risen by about 23 percent and that the purchasing power of the dollar has decreased by about 50 percent since 1967. The Committee also recognizes the necessity to take steps to achieve a balanced budget as well as the necessity to slow down and control inflation, which unless controlled will lead to financial disaster.

A balanced budget means a balance of income and outgo. Present conditions are such that it appears that this balance depends on keeping income up while reducing expenditures, particularly that part of expenditures within the annual review and appropriating process of the Congress. Approximately 58 percent of the budget is for programs which have built-in automatic increases to offset inflation, which itself is additional inflation. Our problem is that our rate of inflation is so great that we must take immediate steps to moderate increases and help move toward stability.

One of these places where such laws have taken over is that of Federal executive pay, which under existing law would increase by 12.9 percent.

In an effort to help deal with these problems, the Committee is providing that for the fiscal year 1980, funds available for payment to executive employees, which includes Members of Congress, who under existing law are entitled to approximately 12.9-percent increase in pay, shall not be used to pay any such employee or elected or appointed official any sum in excess of 5.5-percent increase in existing pay and such sum if accepted shall be in lieu of the 12.9 percent due for such fiscal year. This action, sharply decreasing such automatic increases, is taken in an effort to contribute toward the objective of immediately slowing and over a period eventually stopping further inflation. The limitation of 5.5 percent represents a significantly sharp decrease and amounts to only about one-fourth to one-third of the actual rate of inflation during this period. It is hoped that this example will be followed by other parts of the Federal Government, private industry, and State and local government. Unless we slow down, we face disastrous inflation which has wrecked the economy of other nations.

DEPARTMENT OF ENERGY

The Committee recommendation contained in Sec. 101(e) of the accompanying joint resolution provides such amounts as may be necessary for fiscal year 1980 for Department of Energy, Operating Expenses, Energy Supply, Research and Development Activities to carry out the breeder reactor demonstration project or project alternative

approved by Congress in authorizing legislation. No funds were included in the regular bill for this activity in recognition of the ongoing efforts to resolve the differences between the Congress and the Administration with regard to the scope and timing of the breeder reactor program. On July 26, 1979, the House voted 182 to 237 to reject an amendment to the fiscal year 1980 Department of Energy authorization act (H.R. 3000) which would have discontinued the Clinch River Breeder Reactor demonstration project authorized by Public Law 91-273, as amended, and substituted an alternative program. The Senate has not acted on this legislation. Recognizing the importance and potential of a viable breeder reactor as an energy option for this Nation, as well as the continuing efforts to resolve the various issues, the Committee has provided the funding necessary to carry out the Clinch River project or a project alternative approved by Congress in authorizing legislation at the rate of operations provided in fiscal year 1979.

AMTRAK

Pending the enactment of the Amtrak Reorganization Act of 1979 or similar legislation, the Committee directs that the funds made available to the National Railroad Passenger Corporation shall only be used to operate trains which are eligible for operation under the terms and conditions of H.R. 3996 as passed by the House or the Senate.

FLOOD CONTROL

According to the Corps of Engineers, deficiencies in the Corps of Engineers design of the Arkabutla, Enid, Grenada, and Sardis Lakes Flood Control Projects, Miss., resulted in inaccurate prediction of the 100-year flood level in the reservoir pool as shown by the 1973 flood. The Corps has tried to make up for this discrepancy by acquiring additional land and easements in the area. The Committee questions this action and has so indicated in the reports accompanying H.R. 4388 making appropriations for Energy and Water Development for 1980. The Corps simply cannot remedy its errors by taking additional land off of tax rolls little by little, without consideration of the local citizens, and the interest of local governmental units, nor without pursuing possible alternative solutions. A case in point is the town of Coffeeville, Miss. Grenada Lake at flood stage floods might affect part of the town. The Corps in deciding that additional land acquisition or easements is the solution to the problem, has never submitted to Congress its proposed action for review by the Congress nor has it reviewed possible alternatives to the problem.

Language is included in the resolution directing a delay in further acquisitions of easements or title to property except on the voluntary agreement of the owner, and to provide plans for an alternative to the Corps' present policies, including modification of present procedures for regulation of flow as set out in language on page 60 of House Report 96-388, and a proposal for the protection of the town of Coffeeville which shall be presented to the Congress prior to June, 1980.

These studies, reports and changes should be funded within available funds.

DISPOSAL OF SURPLUS PROPERTY

Because of recent allegations in the press regarding usable personal property held by the Department of Agriculture, the Committee will expect the General Accounting Office to report to the Committee on the property management practices concerning such Department as well as other departments and agencies.

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 generally extends the availability of funds and authorities for ongoing programs of the Federal Government for which fiscal year 1980 appropriations will not be enacted by October 1. The philosophy of the continuing resolution is to provide minimum funding for the orderly continuation of existing programs for the interim period until regular appropriation bills are enacted. By definition, such programs have previously been authorized and funded by the Congress previously and signed into law.

In view of the fact that this resolution merely represents a temporary extension for the most part of existing and previously approved programs, and considering the levels of funding which obtain under the mechanics of the resolution, it is the judgment of the Committee that its enactment will not have an additional inflationary impact on prices and costs in the operation of the national economy.

CHANGES IN THE APPLICATION OF EXISTING LAW

Pursuant to clause 3 of 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.

1. The Committee has included in section 103 of the resolution language which sets aside the time requirements for apportionment of appropriations contained in 31 U.S.C. 665(d) (2). The funding authority conveyed in continuing resolutions is not fully compatible with the apportionment requirements for regular annual appropriations. Previous continuing resolutions have carried identical provisions and the procedures established by the Treasury Department for obtaining funds under continuing resolutions provide adequate safeguards against excessive obligational rates.

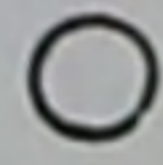
2. The Committee has included language in section 107 of the resolution which permits apportionment of appropriated funds on a deficiency basis indicating the need for a supplemental appropriation to the extent necessary to permit payment of pay increases as granted pursuant to law. Identical provisions have been carried in prior continuing resolutions in order to accommodate payment of comparability pay adjustments.

3. Sec. 101(d) reduces Federal executive pay increases from the mandatory entitlement of 12.9 per centum to 5.5 per centum.

4. Sec. 108 provides that none of the funds available to the Department of Defense-Civil, Department of the Army, Corps of Engineers in fiscal year 1980 shall be available for the acquisition of land or easements at certain sites, pending the submission to Congress of a plan specified in the conference report accompanying H.R. 4388 which has been adopted by both Houses of Congress.

5. Sec. 101(h) provides that the Panama Canal Commission may incur obligations at the rate and manner provided for in H.R. 4440 as reported on June 13, 1979 in conformance with applicable legislation and the Panama Canal Treaty of 1977.

6. Sec. 110 provides that funds for the Appalachian Regional Commission shall be used by the Commission in accordance with the provisions of the applicable Appropriation Act and pursuant to the Appalachian Regional Development Act of 1965 notwithstanding the provision of Section 405 of that Act.



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