

Public Law 96-369
96th Congress

Joint Resolution

Making continuing appropriations for the fiscal year 1981, and for other purposes.

Oct. 1, 1980

[H.J. Res. 610]

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 1981, and for other purposes, namely:

Continuing
appropriations,
FY 1981.

SEC. 101. (a)(1) Such amounts as may be necessary for projects or activities (not otherwise specifically provided for in this joint resolution) for which appropriations, funds, or other authority would be available in the following appropriation Acts:

Agriculture, Rural Development, and Related Agencies Appropriation Act, 1981;

District of Columbia Appropriation Act, 1981;

Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1981;

Department of the Interior and Related Agencies Appropriation Act, 1981;

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981;

Military Construction Appropriation Act, 1981;

Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1981;

Department of Transportation and Related Agencies Appropriation Act, 1981; and

Treasury, Postal Service, and General Government Appropriation Act, 1981.

(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 October 1, 1980, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1980, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided*, That where an item is included in only one version of an Act as passed by both Houses as of October 1, 1980, 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 1980.

(4) Whenever an Act listed in this subsection has been passed by only the House as of October 1, 1980, the pertinent project or activity

shall be continued under the appropriation, fund, or authority granted by the House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1980, except section 201 of title II of the Departments of Labor, and Health, Education, and Welfare and Related Agencies Appropriations Act, 1980 (H.R. 4389) as adopted by the House of Representatives on August 2, 1979, and except for title III of the Agriculture, Rural Development, and Related Agencies Appropriations Act, the programs in which shall continue at the rate of operations as provided for in the House-passed appropriation bill for fiscal year 1981.

(5) No provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act of 1980, 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 the joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

22 USC 2412.

22 USC 2680.

(b) 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, such amounts as may be necessary for continuing projects or activities which were conducted in fiscal year 1980 and would be provided for in H.R. 7854, the Foreign Assistance and Related Programs Appropriation Act, 1981, as reported July 29, 1980, at a rate of operations not in excess of the rate which would have been provided under the terms of the conference report (House Report 96-787), and in accordance with associated agreements stated in the Joint Explanatory Statement of the Committee of Conference, accompanying H.R. 4473, except that for Operating Expenses of the Agency for International Development the rate for operations shall be at an annual rate of \$280,000,000: *Provided*, That not more than \$105,700,000 of this amount shall be for AID/Washington Operating Expenses.

(c) Such amounts as may be necessary for continuing projects and activities under all the conditions and to the extent and in the manner as provided in H.R. 7593, entitled the Legislative Branch Appropriation Act, 1981, as passed the House of Representatives, July 21, 1980, except section 309 of H.R. 7593 shall be deemed not to be applicable to the General Accounting Office; and the provisions of section 306 of H.R. 7593 shall apply to any appropriation, fund or authority made available for the period October 1, 1980, through December 15, 1980, by this or any other Act. Notwithstanding any other provision of this joint resolution except section 102, and notwithstanding section 110 of this joint resolution, none of the funds made available by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981, as passed the House of Representatives on August 27, 1980, shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape has within seventy-two hours been reported to a law enforcement agency or public health service; nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy:

Abortions.
Funding
restrictions.

Provided, however, That the several States are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate.

(d) Such amounts as may be necessary for continuing the following activities not otherwise provided for, which were conducted in fiscal year 1980, but at a rate for operations not in excess of the current rate: *Provided,* That no appropriation or fund made available or authority granted pursuant to this subsection shall be used to initiate or resume any project or activity for which appropriations, funds, or authority were not available during fiscal year 1980:

- activities of the Council on Wage and Price Stability;
- activities of the Attorney General in connection with assistance for Joint State and Joint State and Local Law Enforcement Agencies;

- activities of the Economic Development Administration including salaries and expenses;

- activities of the Regional Action Planning Commissions;

- activities of the United States Travel Service including the Assistant Secretary for Tourism;

- activities of the Judiciary under the heading "Pretrial Services Agencies";

- activities of the Department of Housing and Urban Development under the heading "Annual contributions for assisted housing";

- activities of the National Aeronautics and Space Administration under the heading "Research and development";

- activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol;

- activities for support of nursing research under section 301 of the Public Health Service Act;

42 USC 241.

- activities for support of health professions education and nurse training under titles VII and VIII of the Public Health Service Act;

42 USC 292, 296.

- activities under the Community Mental Health Centers Act;

42 USC 2689
note.

- activities under title IV, part A, subparts 2 and 3, title III and title VII of the Comprehensive Employment and Training Act, except that activities under title VIII shall be conducted at not to exceed an annual rate for new obligations of \$200,000,000; and

29 USC 899, 907,
871, 981.
29 USC 991.

- activities for support of State Medicaid Fraud Control Units at the matching rate specified in section 1903(a)(6) of the Social Security Act, notwithstanding the limitations on eligible quarters contained therein.

42 USC 1396b.

(e) Such amounts as may be necessary to permit payments and assistance mandated by law for the following activities under the terms, conditions and limitations included in the applicable appropriation Act for 1980:

- activities under title IV of the Federal Mine Health and Safety Act of 1977;

30 USC 901.

- activities under the Social Security Act;

42 USC 1305.

- retirement pay and medical benefits for commissioned officers of the Public Health Service;

- activities under title IV, part B, of the Higher Education Act;

20 USC 1071.

- notwithstanding any other provision of this joint resolution except section 102, activities of the Department of Labor, Employment and Training Administration for "Federal unemployment benefits and allowances" and "Advances to the unemployment trust fund and other funds";

activities of the Department of Labor, Employment Standards Administration for "Special benefits" and "Black Lung Disability Trust Fund";

Veterans Administration "Compensation and pensions"; and Veterans Administration "Readjustment benefits".

(f) Such amounts as may be necessary 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, and for no other purpose, at the current rate of operations notwithstanding the provisions of section 102 (a) and (b) of this joint resolution.

(g) 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, activities of the Department of State to process, maintain, return or resettle Cuban and Haitian entrants shall be funded at not to exceed an annual rate provided in the budget estimate.

(h) Notwithstanding section 101(a) of this joint resolution, \$1,850,000,000 shall be available to continue the low income energy assistance program under the State allocations provided for in H.R. 7998 as passed the House of Representatives August 27, 1980, and in House Report 96-1244, except that the sum of \$50,000,000 shall be reserved for payments to any State which would receive under the above formula an amount less than 75 per centum of the amount it would have received under the State allocation formula for low-income energy assistance as provided in the regulations published on May 30, 1980 in volume 45, No. 106, Federal Register, pages 36810-36838, such payments to be the amount necessary for the allocations to those States to be equal to 75 per centum of their allocation under such regulations; the energy assistance program shall be continued under the terms and conditions of such regulations and any non-formula amendments thereto, except that an eligible household shall also include any single person household at or below 125 per centum of poverty: *Provided*, That none of the funds appropriated in this paragraph shall be used to provide assistance either in cash or in kind to any household during fiscal year 1981 which exceeds a value of \$750, except this \$750 limitation may be waived by the Secretary of Health and Human Services upon request of a State.

(i) Such amounts as may be necessary for projects and activities provided for in the Energy and Water Development Appropriation Act, 1981 (H.R. 7590), at a rate of operations, and to the extent and in the manner provided for in such Act as adopted by the House of Representatives and the Senate on September 24, 1980, notwithstanding section 102(c) of this joint resolution: *Provided*, That appropriations and funds made available to the Appalachian Regional Commission, including the Appalachian Regional Development Programs, by this or any other Act 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, as amended, notwithstanding the provisions of section 405 of said Act.

(j) Funds available under the provisions of this section for child nutrition programs of the Department of Agriculture may be used to pay valid claims submitted in fiscal year 1981 for meals served in September, 1980.

(k) Such amounts as may be necessary to continue activities of the National Health Service Corps under section 338(a) of the Public

Cuban and
Haitian
entrants.
22 USC 2680.
22 USC 2412.

Ante, p. 1331.

40 USC app. 1.
40 USC app. 405.

Health Service Act at a rate not to exceed the fiscal year 1981 budget estimate. 42 USC 254k.

(l) Such amounts as provided in H.R. 8105, entitled the Department of Defense Appropriation Act, 1981, as passed the House of Representatives, September 16, 1980, and under the authority and conditions provided in the Department of Defense Appropriation Act, 1980.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from October 1, 1980, 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) December 15, 1980, whichever first occurs.

Appropriations,
availability.

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 section 665(d)(2) of title 31, United States Code, 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 projects 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. Any appropriation for the fiscal year 1981 required to be apportioned pursuant to section 665 of title 31, United States Code, 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 section 665 of title 31, United States Code.

SEC. 107. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution for the purposes of maintaining the minimum level of essential activities necessary to protect life and property and bringing about orderly termination of other functions are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

SEC. 108. No provision in any appropriation Act for the fiscal year 1981 that 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.

SEC. 109. Notwithstanding any other provision of this joint resolution except section 102, none of the funds made available by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981, as passed the House of Representatives on August 27, 1980, shall be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

Public school
voluntary prayer
and
meditation.

Abortions.
Funding
restrictions.

SEC. 110. Notwithstanding any other provision of this joint resolution except section 102, none of the funds made available by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981, as passed the House of Representatives on August 27, 1980, shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported within forty-eight hours to a law enforcement agency or public health service; nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy: *Provided, however,* That the several States are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate.

Post, p. 1863.

SEC. 111. Such amounts as may be necessary for projects or activities provided for in the Military Construction Appropriation Act, 1981 (H.R. 7592), at a rate of operations and to the extent and in the manner provided for in the conference report (H. Rept. No. 96-1433) filed in the House of Representatives on September 29, 1980, notwithstanding section 102(c) of this joint resolution.

Mount St.
Helens, Wash.,
emergency
activities.
Ante, p. 880.

SEC. 112. Of the additional amount appropriated under Public Law 96-304, to the Department of Agriculture, Forest Service for "Forest Management, Protection and Utilization", \$15,000,000 for emergency activities caused by the eruption of Mount St. Helens in Washington State shall remain available for obligation until expended.

SEC. 113. Notwithstanding any other provision of law, no funds available to the Secretary of Education shall be used to adopt or enforce any final regulations which replace the current "Lau remedies" for use as a guideline concerning the scope or adequacy of services to be provided to students of limited English-language proficiency, or for defining entry and exit criteria for such services, before June 1, 1981.

5 USC 5343 note.

SEC. 114. (a) Notwithstanding any other provision of law, no part of any of the funds appropriated for the fiscal year ending September 30, 1981, by this Act or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code, or an employee covered by section 5348 of that title, in an amount which exceeds—

93 Stat. 576.

(1) for the period from October 1, 1980, until the next applicable wage survey adjustment becomes effective, rate which was payable for the applicable grade and step to such employee under the applicable wage schedule that was in effect and payable on September 30, 1980, plus 75 percent of the difference between that rate and the rate which would be payable were it not for the limitation contained in section 613 of Public Law 96-74; and

5 USC 5332 note.

(2) for the period consisting of the remainder of the fiscal year ending September 30, 1981, a rate which exceeds as a result of a wage survey adjustment the rate payable on September 30, 1980, by more than the overall average percentage of the adjustment in the General Schedule during the fiscal year ending September 30, 1981.

(b) For the purpose of subsection (a) of this section, the rate payable to any employee, who is covered by this section and who is paid from a schedule which was not in existence on September 30, 1980, shall be determined under regulations prescribed by the President.

(c) The provisions of this section shall apply only with respect to pay for services performed by affected employees after the date of enactment of this Act.

(d) For the purpose of administering any provision of law, rule, or regulation which provides premium pay, retirement, life insurance, or any other employee benefit, which requires any deduction or contribution, or which imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

SEC. 115. Notwithstanding the provisions of section 101, activities of the Department of Energy to initiate preimplementation of standby gasoline rationing plans, as authorized by the Emergency Energy Conservation Act of 1979, shall be funded at not to exceed an annual rate for obligations of \$42,677,000.

Standby gasoline rationing plans.

42 USC 8501 note.

SEC. 116. Notwithstanding any other provision of this joint resolution there is appropriated \$1,383,000,000, to remain available until expended, for strategic petroleum reserve petroleum acquisition as authorized by the Energy Policy and Conservation Act of 1975 (Public Law 94-163) and the Energy Security Act (Public Law 96-294).

42 USC 6201 note.
Ante, p. 611.

SEC. 117. Notwithstanding any other provision of this joint resolution, the amount available for the Postal Service shall not exceed \$1,250,000,000.

SEC. 118. Notwithstanding any other provision of law, when the President determines that a State, county, or local unit of general purpose government is significantly affected by a major population change due to a large number of legal immigrants within six months of a regular decennial census date, he may order a special census, pursuant to section 196 of title XIII of the United States Code, or other method of obtaining a revised estimate of the population, of such jurisdiction or subsections of that jurisdiction in which the immigrants are concentrated. If the President decides to conduct a special census, it may be conducted solely at Federal expense.

Special census.
13 USC 196 note.

13 USC 196.

SEC. 119. From sums appropriated to the Bureau of Prisons, the Bureau is directed to protect and maintain McNeil Island, Washington, pending disposal of the island by the General Services Administration, and the Bureau is thereby directed (a) to immediately cease dismantling the island's physical facilities, and (b) to develop and implement a plan, which shall be coordinated with the General Services Administration and the Fish and Wildlife Service, to protect and maintain the island's physical facilities, natural resources, and wildlife.

SEC. 120. Should it be necessary, such amounts as may be required for Expenses, Presidential Transition, notwithstanding any other provision of this joint resolution, but at a rate of operations not in excess of the amount contained in H.R. 7583 as passed by the House of Representatives.

Presidential transition.

SEC. 121. Notwithstanding any other provision of this joint resolution, for the purposes of Public Law 96-304 and Public Law 96-126 relating only to cooperative agreements and feasibility studies, the term "alternative fuels" as defined in Public Law 96-126, includes gaseous, liquid, or solid fuels and chemical feedstocks derived from heavy oil resources which cannot technically or economically be produced under applicable price and tax policy using conventional crude oil recovery and refining techniques, and innovative systems for the direct combustion of minerals and organic materials other than petroleum and natural gas for energy production: *Provided*, That obligations for energy feasibility studies and cooperative agree-

42 USC 5915 note.
Ante, p. 857.
93 Stat. 954.

Ante, p. 857.

Ante, p. 611.

Ante, p. 683.

93 Stat. 954.

ments for direct combustion, except for direct combustion of urban waste, shall not exceed \$30,000,000, to be derived from the \$300,000,000 appropriated for energy feasibility studies and cooperative agreements in Public Law 96-304: *Provided further*, That funding made available in the Energy Security Reserve account in Public Law 96-304 shall not exceed \$17,522,000,000 when used for the purposes authorized under title I of the Energy Security Act (Public Law 96-294) and shall not exceed \$1,270,000,000 when used for the purposes authorized under title II of such Act: *Provided further*, That funds obligated for biomass energy feasibility studies and cooperative agreements under the Alternative Fuels Production account in Public Law 96-304 shall apply to the title II limitation, and all other funds obligated for such studies and agreements shall apply to the title I limitation: *Provided further*, That of the \$1,500,000,000 made available for "alternative fuels production" in Public Law 96-126 for purchase commitments and price guarantees, up to \$500,000,000 shall be available instead to supplement the default reserve for loan guarantees established by such law: *Provided further*, That the indebtedness guaranteed or committed to be guaranteed under the supplemented reserve shall not exceed the aggregate of up to \$3,000,000,000.

SEC. 122. Notwithstanding any other provision of this resolution: For temporary employment assistance under title VI of the Comprehensive Employment and Training Act, no more than \$1,229,000,000 of new obligations shall be available.

26 USC 280A.

SEC. 123. No funds appropriated by this Act may be used to implement or enforce provisions of any regulation or ruling with respect to section 280A of the Internal Revenue Code of 1954 which relate to—

- (1) the rental of a dwelling unit to a member of the family of a taxpayer,
- (2) the determination of the principal place of business of the taxpayer, or
- (3) the circumstances under which use of the dwelling unit for repairs and maintenance constitutes personal use by the taxpayer.

42 USC 1397a.

SEC. 124. Notwithstanding any other provision of this joint resolution, none of the funds contained herein may be made available for implementing requirements imposed by section 2002(a)(9) of the Social Security Act or by any regulations promulgated by the department to carry out this section, to the extent that such requirements would not otherwise be applicable under State or local law.

SEC. 125. Notwithstanding any other provisions of this joint resolution, funding for emergency energy conservation services under the Community Services Administration shall be continued at a level not lower than that provided in fiscal year 1980.

Post, p. 3044.

Approved October 1, 1980.

HOUSE REPORTS: No. 96-1327 (Comm. on Appropriations) and No. 96-1443 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 126 (1980):

Sept. 18, considered and passed House.

Sept. 26, 29, considered and passed Senate, amended.

Oct. 1, House and Senate agreed to conference report and resolved amendments in disagreement.