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B-152098 January 30, 1970

Number: B-152098

Date: 1970-01-30

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The Honorable George H. Mahen, Chairman Committee on Appropriations House of Representatives

Dear Mr. Chairman:

I have been informally requested to furnish you an opinion as to whether an amendment striking out "January 30, 1970" from section 102 of the joint resolution of November 14, 1969, Public Law 91-117, as amended, entitled "Making further continuing appropriations for the fiscal year 1970, and for other purposes" and inserting in lieu thereof "February 28, 1970" would authorize the activities provided for in the Department of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, 1970 (H.R. 13111) to be continued through February 28, 1970.

The question arises because the Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act (H.E. 13111) was vetoed by the President. The joint resolution of November 14, 1969, which became effective on November 1, 1969, has been extended twice by merely changing the date in section 102, the last amendment (Public Law 91-166) extending it through January 30, 1970. There is no question but that the reference to "Departments of Labor, and Health, Education, and Welfare Appropriation Act" in section 101(b)(1) of the joint resolution refers to H.R. 13111 as it passed the House of Representatives on July 31, 1969, its status on the effective date of the joint resolution, November 1, 1969. The activities include in H.R. 13111 as passed by the House were thus authorized to be continued to the extent and in the manner provided therein, except the Office of Education which was provided not to exceed $8,100,000 for the fiscal year 1970 by the proviso to section 101(b)(1) of the joint resolution. Any of the activities included under section 101(a) of the resolution which were included in the Departments of Labor, and Health, Education, and welfare, and Related Agencies Appropriation Act, 1970, as passed by the Senate on January 21, would continue to operate as provided in section 101(a). See page 2 of House Report No. 91-595, accompanying the resolution, under the heading "Thrust of the Resolution."

The only possible purpose of extending the joint resolution through February 28 is to provide funds for continuation of the above activities to the same extent and in the same manner until that date or enactment into law of an appropriation for any project or activity provided for therein, whichever first occurs. I understand that the legislative history of the amendment changing the date to February 28 will clearly indicate this purpose.

It therefore is my considered opinion that an amendment changing the expiration date in section 102 of the joint resolution to February 28, 1970, would authorize the continuation of such activities through that date.

Sincerely yours,

(SIGNED) ELMER B. STAATS Comptroller General of the United States