

April 5, 1978

**78-20 MEMORANDUM OPINION FOR THE  
GENERAL COUNSEL, NATIONAL  
COMMISSION ON THE OBSERVANCE OF  
INTERNATIONAL WOMEN'S YEAR**

**National Commission on Observance of  
International Women's Year—Transfer of  
Funds—Authority (Public Law 94-107 (1975),  
89 Stat. 1003)**

This opinion confirms our earlier advice to you on whether the balance of funds of the National Commission on the Observance of International Women's Year (IWY) can be transferred to the Committee of the National Women's Conference prior to the termination of the Commission on March 31, 1978. It is our opinion that the Commission's funds may not properly be transferred to the Committee by grant, contract, or other means.

Section 8 of Public Law 94-167, 89 Stat. 1003 (1975), which continued the IWY Commission established by Executive Order No. 11832, as amended, 3 CFR 937 (1971-1975 Compilation), provides that the Commission shall continue in operation until 30 days after submitting its report to the President and the Congress, "at which time it shall terminate, but the life of the Commission shall in no case extend beyond March 31, 1978." As you know, appropriations may be used only for the purposes for which they are made and unobligated balances of funds must revert to the Treasury, 31 U.S.C. §§ 628, 701, 718. Section 9 of the statute provides that funds are available for obligation until expended without fiscal year limitation, but, of course, does not make the funds available for expenditure beyond the life of the Commission.

The Commission's grant-making authority (§ 4(6) of the Act) is limited to facilitating the organization and conduct of State and regional meetings in preparation for the National Women's Conference held in Houston last year. The function of the Committee of the Conference, established by the Conference pursuant to § 3(a)(7) of the Act, is "to take steps to provide for the convening of a second National Women's Conference."

The legislative history clearly indicates that the statutory functions of the Commission and the Committee of the Conference were to be completed no later than March 31, 1978. During the House debate on December 10, 1975, Representative Abzug explained:

I wish to make it entirely clear that this bill in no way authorizes a second conference. Should such a Conference be thought appropriate, it would have to be provided for by separate legislation. [121 Cong. Rec. H. 39713 (1975)]

The bill originally provided that the second Conference would be held in 1985, to evaluate steps taken to improve the status of women "during the 'Decade of Women,' 1975-85." Representative Steiger expressed concern that the staff for the second Conference would continue for 10 years. Representative Abzug explained:

All that the bill provides in that regard is that there will be a committee established after the Conference which will be responsible for making some continuing efforts so that the reports and the recommendations and all of those things that we are required under the bill to provide will have some implementation in the next period of time. [*Id.* at H. 39727]

Representative Steiger proposed an amendment to eliminate the language in order "to eliminate the 10-year life of the committee." [*Id.* at H. 39727], explaining:

All I am asking is that if indeed these people want to get together to see how they are doing for the next 10 years, God love them, let them get together and do it, but let them do it with their own money and not with tax money.

A substitute amendment offered by Representative Conyers to simply strike out reference to 1985 as the date of the second Conference and the reference to the Decade of Women, 1975-1985, was adopted. [*Id.* at H. 39728]

Representative Bauman proposed adding language in § 8, relating to the termination of the Commission, to provide "but in no event shall the Commission continue in operation beyond March 31, 1977," and explained:

My amendment will give the Commission time to write its report, have all the State conferences, a national conference, dismiss the bureaucracy and then make plans for another Conference, but this all would have to be done before March 31, 1977. [*Id.*]

Representative Abzug's amendment, substituting March 31, 1978, as the termination date, was adopted instead. She explained that the reason for extending the date to 1978 "was just to make sure that we could clean up, get our report in to the Congress and to the President, and be done with it." [*Id.* at H. 39729]

Because financing of the second Conference planning function of the Committee of the Conference beyond March 31, 1978, was not contemplated by the Act, neither transfer of funds nor a contract with the Committee of the Conference to finance such planning functions is authorized.

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