9-18-1973

The President's 2nd State of the Union Address

Mike Mansfield 1903-2001

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THE RECORD OF THE SENATE AND
THE PRESIDENT'S SECOND STATE
OF THE UNION MESSAGE—II

Mr. MANSFIELD. Mr. President, in
addition to the report made to the Sen­
ate on Monday, September 17, 1973, I
wish to add also a letter received from
the Honorable Roy L. Ash, Director of
the Office of Management and Budget,
which was taken up with the Democratic
committee chairmen and which they
unanimously approved. The same letter
was sent to the distinguished Republtcan
leader, Senator HUGH
SCOTT,
and he took
it up at the Republican Policy Committee
where it was also approved.

I ask unanimous consent to place in the
RECORD
at
this
point
a
letter addressed to
me by Mr. Ash, a similar one was sent to
Senator Scott, and Senator Scott's
and my reply.

There being no objection, the letters
were ordered to be printed in the RECORD,
as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
Hon. MIKE MANSFIELD,
Majority Leader of the Senate, S 308 Capitol,
Washington, D.C.

DEAR SENATOR MANSFIELD: Following up our
discussion Thursday afternoon, we in the
Office of Management and Budget propose a
series of meetings over the next six weeks
with key members of the substantive Senate
committees to discuss in broad terms next
year's budget outlook and the implications
this will have in developing legislation.

Our thought is that in the process of for­
mulating the budget it would be mutually
advantageous to obtain the Congressional
sense of priorities for next year. We recog­
nize that your chairmen look to the Cabinet
secretaries as their primary contact on de­
velopment of legislation; these meetings
would hopefully supplement, not supplant,
this process.

To make the discussions as fruitful as pos­
sible, it would seem that each chairman
should limit his participants to his ranking
Republican (and perhaps several other mem­
bers) plus key staff aides. OMB would be
represented by me and/or my Deputy Di­
rector, Mr. Fred Malek, and the Assistant
Director(s) relevant to the legislative area
of the committee concerned.

I would appreciate your bringing this pro­
posal to the attention of your chairmen
and letting me know if you and they approve.
If so, we would contact them shortly there­
after to begin scheduling meetings.

With highest regards,
Sincerely yours,
ROY L. ASH, Director.

Hon. ROY L. ASH,
Director, Office of Management and Budget,
Executive Office of the President, Wash­
ington, D.C.

DEAR ROY: Your proposal to meet with the
Chairman and Ranking member of appro­
priate committees to discuss the fiscal '75
budget has been conveyed to the Chairmen
at their meeting and presented at the Repub­
lican Policy Committee meeting of Tuesday.

It is the opinion of those contacted that
this is extremely desirable and will be most
helpful. Therefore, we, as the joint leaders
in the Senate, approve wholeheartedly your
proposal and hope that the meetings can be­
gin shortly.

Sincerely,
MIKE MANSFIELD,
Majority Leader.
HUGH SCOTT,
Republican Leader.
THE RECORD OF THE SENATE AND
THE PRESIDENT'S SECOND STATE
OF THE UNION MESSAGE

Mr. MANSFIELD. Mr. President, on
Wednesday, September 6, 1973, the joint
majority leadership of the Congress met
to discuss the business for the remainder
of the session. On Thursday, September
7, I met with the President at breakfast to
discuss, in general, the legislative sched­
ule confronting the Congress at that time.
On Sunday, September 9, the President
made a radio address to the Nation which
formed the basis for the second state of
the Union message which he sent up to
the Congress on Monday, September 10.
On the afternoon of that day, I met with
the Senate Democratic committee chair­
men to discuss the President's message.
On Tuesday, September 11, there was a
meeting of the Democratic Policy Com­
mittee, at which time there was further
discussion of the President's message, and
that afternoon, a second meeting was
held with the Senate committee chair­
men, covering the same subject. On
Wednesday, September 12, there was a
second meeting of the joint congressional
Democratic leadership and, on Thursday,
September 13, there was a Democratic
caucus called for the purpose of report­
ing to the Members of the majority on
developments since the reconvening of
Congress and to lay before the confer­
ence tentative plans for the remaining
weeks of the session.

Mr. President, I ask unanimous con­
sent that a joint statement of the major­
ity leadership of the Congress dated Sep­
tember 6, a joint statement of the major­
ity leadership of the Congress dated Sep­
tember 12, the remarks of the Senate
majority leader before the Senate Demo­
ocratic conference on September 13, and
the record of the Senate relating to the
President's message, as compiled by the
distinguished assistant majority leader,
Senator ROBERT C. BYRD, all be incorpo­
rated at this point in the RECORD.

There being no objection, the material
was ordered to be printed in the RECORD,
as follows:

JOINT STATEMENT OF THE MAJORITY
LEADERSHIP OF THE CONGRESS

(MIKE MANSFIELD, majority leader of the
Senate, ROBERT C. BYRD, majority whip of
the Senate, CARL ALBERT, Speaker of the
House, THOMAS P. O'NEILL, majority leader
of the House, JOHN J. McFALL, majority
whip of the House)

The President on yesterday chose to pass
judgment on the 93rd Congress. He described
its work as "a very disappointing perform­
ance." The Joint Leadership notes that the
Congress does not "perform" at the behest
of this President or any President. The Con­
gress acts in accord with its independent
judgment of what is best for the nation and
the people.

There are no apologies to make for this
Congress. It has done, it is doing and it will
continue to do the people's business.

A vigorous Congress has already addressed
itself to a wide range of legislative activity
and has a full schedule in the weeks ahead.
We are looking ahead to action on such important legislation as pension reform, manpower, including a public employment program to relieve areas of high unemployment—elementary and secondary education, health maintenance organizations, campaign reform and other equally important measures.

A real spirit of cooperation will give us the Republican votes essential to put these programs into law.

Both Houses of Congress have demonstrated their commitment to fiscal responsibility by passing 1974 spending ceilings on all the bills are passed. The remaining bills, including the big defense and foreign aid bills, remain in the legislative mill. The Congress intends to carry out its commitment to fiscal responsibility in the development of these bills; if the President has suggestions for ways to cut these more costly appropriations measures, we would be glad to hear them.

The 93rd Congress has already enacted three hundred and six public laws for this year. Included is an act giving the President full authority for wage-price controls and other economic stabilization measures to combat inflation. Other important new laws passed by this Congress are an increase in social security benefits, an expansion of services for the elderly, an extension of twelve health care programs the Administration wanted to terminate, a four-year farm bill, a pace-setting highway bill which for the first time makes trust funds available for urban mass transit and an extension of the Law Enforcement Assistance programs.

Congress has also passed a far-reaching minimum wage bill which would grant coverage to seven million additional workers and which would bring farm workers up to their industrial counterparts and the Emergency Medical Service System Act.

In the final stages of the legislative process are important bills to set a fiscal 1974 spending ceiling and to restrict the President’s practice of impounding appropriated funds, to limit the President’s war making powers and to authorize the Trans-Alaska oil pipeline.

The Congress is working hard. We want to get the job done. But we cannot do it alone. We welcome help from any source, including specifically the White House. As the elected representatives of the people, we will continue to pursue the legislative needs of the people and the nation.

JOINT CONGRESSIONAL DEMOCRATIC LEADERSHIP STATEMENT OF SPEAKER CARL ALBERT AND MAJORITY LEADER MIKE MANSFIELD

We expect to pass about fifty significant bills before adjournment. Some are on the President’s list, some are not.

The principal legislative complication for the remainder of this session as we see it involves Foreign Aid and Defense.

The tentative adjournment target for the first session remains October.

REMARKS OF SENATOR MIKE MANSFIELD BEFORE THE SENATE DEMOCRATIC CONFERENCE

This Conference has been called for two principal purposes: (1) to report to the Members of the Majority Conference on developments since the reconvening of Congress; and (2) to lay before you tentative plans for the remaining weeks of the session.

The record, to date, speaks well of the Senators of both parties—Democrats and Republicans. It is exceptional. I refer to the legislative output of the initial months of the session no less than to the results of the Senate’s oversight and investigative functions. In the latter connection, I wish to note, in particular, the work of the Watergate and the Armed Services Committees and of Members of the Appropriations Committee who have been trying to come to grips with the problems of waste and excess in the Pentagon and elsewhere in the Executive Branch.

On the legislative front, the Senate has passed all but nine of the 30 or so items which were pocket-vetoed by the President or which had come close to enactment last year. These are the measures to which this Conference gave prority last January. One hundred and six measures have become public law since the first of the year. Included in these new laws are acts to increase Social Security Benefits, an expansion of services for the elderly, an extension of twelve health care programs the Administration wanted to termi-
nate, an innovative farm program, a highway bill which for the first time makes trust funds available for urban mass transit and an extension of the Law Enforcement Assistance programs. I mention only a few.

We have also disposed of a great many of the items which the President included in his most recent State of the Union message. Indeed, many were acted on by the Senate on its own initiative before making an appearance on any list. By any reasonable yardstick, there is no basis for disappointment in the Senate’s “performance.” To be sure, the Administration’s program has not been accepted wholesale and without question. It has not been signed, sealed and delivered intact to the White House. If that was the expectation, then the Administration has grounds for disappointment.

But the President never asked for a rubber stamp. On the contrary, he has spoken out for a strong Congress. He has stressed his support for the exercise of independent Constitutional responsibilities at this end of the avenue.

The President is to be commended for that position. The nation needs a functioning Congress no less than a functioning Presidency in an era when too many Congresses throughout the world are falling beneath the heel of Executive absolutism. Insofar as the Leadership is concerned, the nation will have a functioning Congress worthy of the trust of the people of the nation.

At the same time, a decent respect will be shown at all times for the office and prerogatives of the Presidency. In that vein, the Leadership has given careful consideration to the President’s State of the Union messages to date, including the most recent. We will pay the same respectful attention to any others which he may dispatch in the future. I want to stress to this Conference that the Senate Majority Leadership seeks not confrontation with the Presidency but cooperation and mutual consideration. We have pursued that course in the past because it is essential to the nation’s well-being; we will continue to pursue that course in the future.

During the past ten days, the substance of the latest Presidential message has been explored at great length, in a personal meeting with the President, in meetings with the Majority Policy Committee, with the Senate Committee Chairmen and with the House Leaders. On the basis of these meetings and our understanding of the legislative situation in the Congress, a tentative listing of bills which have reasonable expectation of enactment during this session has been prepared. Some adjustment of House and Senate concepts must still be made so I shall not enumerate the specific items. I will say, however, that the list contains at this point, many but not all of the measures suggested by the President and some which were not. It includes the remaining general authorizations and appropriations bills. It includes bills involving the gathering energy crisis and environmental problems, certain consumer bills, crime bills, the school lunch program, vocational rehabilitation and health measures, the War Powers Act, and an anti-hijacking bill.

In all, about 50 pieces of significant legislation should be enacted before adjournment, assuming, of course, restraint by the Administration in the use of the veto. Most of these measures have already passed the Senate; a number of them are in Conference with the House. On still others, notably appropriations bills, prior action by the House is awaited.

While the Leadership believes it is reasonable to seek an adjournment in October, I am frank to state that we may well encounter protracted difficulties with regard to Foreign Aid as well as with Defense authorizations and appropriations. The Foreign Aid program has been operating under this Administration for two years on a frail and dubious legislative base which consists largely of “continuing resolutions.” Proper authorizing and appropriating acts have all but disappeared. As a result, Congress is voting billions of dollars, at the behest of the Administration, for programs and policies abroad which are at best only vaguely understood.
It may well be that the Congress should blow the whistle on these inexecusable practices. That may take time but this slovenly legislating which has been encouraged by the Executive Branch has forestalled year after year the kind of thorough-going revision of what has become, in part, a worse than useless program. Nevertheless, the Administration insists, year after year, on its unchanged continuance, notwithstanding billions in annual cost to the people of the nation and the dissipating effect of these expenditures on the international value of the dollar. In my judgment, we are reaching the point where the Congress may find that the nation’s interests are better served by no foreign aid at all rather than by the mish-mash which is now served up in this program.

With regard to Defense legislation, I can only suggest that the Senate and its Committee of responsibility—the Armed Services and Appropriations Committees, proceed as rapidly as possible with their responsibilities. Hopefully, the House and its Committees will do the same. Together, the two Houses of Congress can then send to the President for his disposition, a combination of their best judgment of the defense needs of the nation. I must say in all candor, however, that this process may well involve delays between the two Houses and the possibility of vetoes on the part of an Administration which apparently is concerned with excessive government expenditures everywhere except in the Pentagon.

In any event, we are delighted to have the Senator from Mississippi (John Stennis), back with us. His return will help us to find a judicious route through the labyrinth of what is by far the largest source of Federal expenditures, and, as such, a primary source of the nation’s inflation, high prices and depreciating currency—the Defense Department budget.

The Senate Leadership, of course, will do whatever can be done to expedite the disposition of Foreign Aid legislation and Defense expenditures, once the legislation comes out of Committee. In this connection, I want to express my thanks to the Senator from West Virginia (Mr. Byrd), the Majority Whip, for what he has done already in moving the Senate’s program. His work in floor scheduling throughout the session has been eminently fair, considerate and highly effective. I also want to reiterate that the “performance” of all Senators—Republicans and Democrats alike—has not been disappointing but exceptional. In all my years here, I have never seen the Senate more attentive to the needs of the people and more perceptive of the totality of the requirements of the nation’s security and well-being.

The Senate has made, it is making, and will continue to make, a difference in this government. It is a constructive difference—a margin of security and stability as the nation moves through a period of grave uncertainty and difficulty.

The Record of the Senate Related to the President’s Message

Mr. Robert C. Byrd. Mr. President, on September 10, the President sent to the Congress a second state of the Union message, in which he was reported to have asked for passage of 50 measures. A careful reading of his message will not reveal a clear identification of 50 bills. Some measures are clearly identified, while others must be determined by reading between the lines, so to speak, and must be extrapolated from an analysis of the subject matter of certain paragraphs in the President’s message. In any event, as of September 10, the date on which the President sent up his message, the following record had been established by the Senate:
Days in session ____________________________ 121
Hours in session ____________________________ 685:41
Total measures passed ______________________ 417
Public laws ________________________________ 106
Treaties ________________________________ 10
Confirmations ____________________________ 37,638
Record votes ____________________________ 376

As to the 417 measures passed by the Senate, they are broken down as follows:

Senate bills passed ________________________ 179
House bills passed __________________________ 65
Senate joint resolutions passed ____________ 23
House joint resolutions passed ____________ 21
Senate concurrent resolutions passed ________ 15
House concurrent resolutions passed ________ 19
Senate resolutions passed ________________ 95

Of the 50 measures which can be identified by a careful reading of the President's message, the Senate as of September 10, had already passed 16 measures clearly identified as those enumerated by the President. Seven additional measures had been passed by the Senate in subject areas mentioned in the message. The Senate had passed 23 measures—or 46 percent—out of the list of 50 items contained in the President's message.

In addition to these 23 measures, one measure—pension reform—was on the Senate Calendar and will be taken up next Tuesday, September 18. Twelve other bills alluded to in the President's message were either undergoing markup in committee on September 10, or hearings had been completed or were in progress thereon.

In summary, 36 out of the 50 measures—72 percent—asked for by the President on September 10, had already been passed by the Senate or were on the Senate Calendar or hearings thereon had been either completed or were in progress.

Now, something ought to be said by way of putting this part of the legislative picture in its larger Senate context. I mentioned a little bit ago that, as of September 10, the Senate had passed 417 measures already this year. Twenty-three of those measures, as I have already indicated, can be identified in the President's message. To put it another way, the Senate, as of September 10, had passed 394 measures in addition to those 23 measures asked for by the President and already passed by the Senate. Of these 394 measures, I would like to mention just a few so as to further indicate the fine record the Senate has established during the first 8 months of this first session of the 93d Congress. Keep in mind that the following bills enacted by the Senate—not included in the President's request—do not comprise the whole record thus far:

1. Extension of Economic Stabilization Act (providing authority to the President to combat inflation).
2. Increase in Social Security Benefits.
3. Farm Bill.
4. Highway Bill.
5. Campaign Reform.
8. Rivers and Harbors—Flood Control.
10. August 15 cutoff of Cambodian bombing.
11. Legislation dealing with Impoundments.
12. Confirmation of OMB Director.
13. Reconfirmation of Cabinet Officers.
14. 3 Supplemental Appropriation Bills.
15. 8 Regular Appropriation Bills.
17. Anti-hijacking of Aircraft.
20. Lead-Based Paint Poisoning.
22. Voter Registration.

Aside from the impressive Senate record of legislative enactments this year, Senate committees have done a commendable job
in carrying out their oversight responsibilities under the Constitution.

For example, the Senate Judiciary Committee hearing in connection with the confirmation of L. Patrick Gray, and the Senate Judiciary Committee's insistence on the appointment of a special Watergate prosecutor and the laying down of investigative guidelines by the Judiciary Committee to be followed by the special prosecutor in the conduct of the Watergate investigation. All other committees are to be equally commended on the high performance of their duties in carrying out oversight functions. The Select Committee on Presidential Campaign Activities, likewise, has acted notably in this regard.

I think every Member of the Senate should feel proud of the record of the Senate during the first 8 months of this session, and I want to compliment all Senators for the contributions they have made in this important service to the Nation. I think that this record should debunk any suggestion that the Senate has turned in a "disappointing performance," and such a record should also refute any suggestion that the Senate has been tied up in Watergate. Only 7 of the 100 Members of the Senate—and of the 535 Members of Congress—have been involved in carrying out their responsibilities under the Senate mandate, unanimously adopted by both Democrats and Republicans to investigate Watergate. The other 93 Members of the Senate—528 Members of Congress—have been busily engaged in meetings of other committees and subcommittees—numbering over 260 committees and subcommittees, in Senate and House—and have also been active in Senate and House floor debates. Additionally, we should remind ourselves that the seven Members—four Democrats and three Republicans—of the Select Committee on Presidential Campaign Activities have also been active in the other committees to which they are regularly assigned, and they have effectively and responsibly carried out their floor duties meanwhile.

In closing, I shall include a list of the 50 measures identified in the President's second State of the Union Message—the first 16 of which, as heretofore stated, have been passed by the Senate, and the next seven of which measures have been passed by the Senate in subject areas mentioned in the message:

1. Financial Institutions Restructuring
3. Alaskan Pipeline—in conference.
4. Land Use Planning.
5. Toxic Substances Control—in conference.
7. Manpower Revenue Sharing.
8. Vocational Rehabilitation—in conference.
12. ACTION.
13. FHA Mortgage Insurance Extension—contained in HUD Loan Insurance which is in conference.
17. Flood Insurance—Have passed S.J. Res. 26 and 112 and S. 1672 which all have become Public Law.
18. Heroin Trafficking—Have passed S. 800 containing tough provisions re: heroin trafficking.
19. Transportation Improvement—Have passed S. 2060, S. 1925, S. 2120, and S. 386 to improve rail service.
27. Trade Reform—House originales.
28. Export Administration Act. S. 2053 (Banking) hearings held.
29. Tax Reform (property tax relief for elderly)—House originates.
30. Stockpile Disposal, S. 1849 (Armed Services)—Pending in committee.
32. Gas Deregulation (Commerce)—Hearings scheduled.
33. Strip Mining (Interior)—Ordered reported on 9/10/73.
34. Department of Energy and Natural Resources (Govt. Op.)—Hearings in progress.
35. Power Plant Siting (Interior)—Pending in committee.
36. Santa Barbara Energy Reserve (Interior)—Pending in committee.
37. Housing (Banking)—Hearings held but no message yet from President.
38. Better Schools (Labor)—Hearings in progress.
39. School Busing (Labor)—Pending in committee.
40. Welfare Reform (Finance)—Pending in committee.
41. Job Security Assistance—(Finance)—House originates.
42. Pension Reform—Retirement Benefits (Labor and Finance)—On calendar.
43. Legal Services Corp. (Labor)—To be reported early October.
44. Consumer Protection Agency (Commerce and Govt. Ops.)—Hearings completed.
45. Better Communities (Banking)—Hearings in progress.
46. Criminal Code Reform (Judiciary)—Hearings in progress.
47. Capital Punishment (Judiciary)—Hearings held.
48. American Revolution Bicentennial Administration (Judiciary)—F/H; Pending in Senate Committee.
49. Metric Conversion (Commerce).
50. President's Reorganization Authority, S. 2003 (Govt. Ops.)—Pending in committee.