

ITEMS FOR MR. CARY FOR THE DCI 9:00 MEETING ON: 21 May 1975
Date

FROM: Don
Name

not used *of*

SUBJECT: S. 1762

Senator Proxmire introduced S. 1762 on Monday, May 19th. His statement in the RECORD indicates he may submit the same proposal as an amendment to the State Department Authorization bill. The bill has three major provisions:

1. It prohibits the purchase of gifts for foreign citizens with appropriated funds in excess of \$50. The same applies to the receipt of gifts by U. S. officials.

[Redacted]

2. The bill requires the President to report to Congress each year describing any gifts provided with nonappropriated funds, or from private sources passing through the government to any person of any foreign country.

3. GAO could audit the State Department account from which funds are drawn to purchase gifts.

Attached is his statement ^{including the language} ~~and a copy~~ of the bill.

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REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 4109. An act to amend the Grand Canyon National Park Enlargement Act (88 Stat. 2089) (Rept. No. 94-143).

By Mr. JOHNSTON, from the Committee on Interior and Insular Affairs, with an amendment to the title:

S. 1123. A bill to establish the Indian Nations Scenic Trail (Rept. No. 94-144).

By Mr. JOHNSTON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 288. A bill to amend the Land and Water Conservation Fund Act of 1965 so as to authorize the development of indoor recreation facilities in certain areas (Rept. No. 94-145).

By Mr. STENNIS, from the Committee on Armed Services, with an amendment:

S. 920. A bill to authorize appropriations during the fiscal year 1976, and the period of July 1, 1976, through September 30, 1976, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loans, and for other purposes (Rept. No. 94-146).

By Mr. ALLEN (for himself and Mr. SPARKMAN):

S. 1767. A bill to amend section 2004 of title 10, United States Code, to provide that in computing the 6-year maximum active duty service of any member of the Armed Forces for purposes of qualifying for being detailed as a student to a law school, any period of time such member was a prisoner of war shall be disregarded. Referred to the Committee on Armed Services.

By Mr. HOLLINGS (for himself and Mr. MAGNUSON):

S. 1768. A bill to amend the Act of August 16, 1971, which established the National Advisory Committee on Oceans and Atmosphere, to provide that appointments thereto be made, in part, by the President of the Senate and the Speaker of the House of Representatives, and for other purposes. Referred to the Committee on Commerce.

By Mr. GRAVEL:

S. 1769. A bill to authorize the Administrator of General Services to provide space in the Old Post Office Building to tenants approved by the Chairman of the National Endowment for the Arts, and for other purposes. Referred to the Committee on Public Works.

By Mr. McGOVERN:

S. 1770. A bill to regulate commerce and promote the general welfare, by providing incentives and assistance, based on detailed data and information, that will increase the amount of transportation by railroad rather than by less energy-efficient modes in order to conserve limited resources of energy and will alleviate unemployment, and for other purposes. Referred to the Committee on Commerce.

the President make a report to Congress each year describing any gifts provided with nonappropriated funds or from private sources, passing through the Government to any person of any foreign country. The report would be submitted to the Speaker of the House of Representatives and the Senate Foreign Relations Committee.

Third, the foreign gift-giving amendment would grant authority to the General Accounting Office to audit annually the Diplomatic and Consular Service Fund at the State Department—a catch-all slush fund that has been used for everything from jewelry to disaster relief emergencies.

Mr. President, on October 2, 1974, I presented amendment 1873 to the Foreign Assistance Act of 1961, requiring the President to report all properties of \$50 or more purchased with appropriated funds which were given by him or any officer in the Federal Government to any person of any foreign country. That amendment passed but died when the foreign aid bill was subsequently recommittees to the Senate Appropriations Committee for further consideration.

On December 3, 1974, I introduced another amendment to S. 3394, the Foreign Assistance Act, that would have prohibited the expenditure of taxpayer funds for the giving of gifts costing more than \$50 to foreign heads of state or other foreign dignitaries. Also contained in that amendment was the understanding that the receipt of gifts from these foreign officials would also be eliminated. With assurances from my distinguished colleague, Senator McGEE of the Foreign Relations Committee, I withdrew my amendment with the understanding that subsequent comprehensive, corrective legislation on gift-giving would receive careful committee consideration. Senator McGEE has been most cooperative and has been of great assistance to me in gathering information from the Department of State. In the meantime, I have continued my own investigation of the magnitude of this activity in the Federal Government.

Let us briefly review some of the gift-giving activities of our Federal officials over the past few years.

Gift-giving by American diplomatic officials has grown way out of proportion. In fact the State Department, which spends nearly \$1,000,000 annually to administer Federal gift-giving, admits that gift-giving has quadrupled over the last 25 years.

One slap in the face of the American taxpayer came in the form of the unprecedented gift of a \$3 million VH3A Sikorsky helicopter to Egyptian President Sadat by former President Nixon. The State Department defended this lavish expenditure of tax dollars as being "essential to the national interest of the United States." The General Accounting Office had a different point of view and said that "although not strictly illegal, the gift of a \$3 million helicopter to President Anwar Sadat of Egypt was contrary to the intent of Congress,"—GAO Report No. B-181244, October 31, 1974.

On President Nixon's journey to the

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, May 19, 1975, he presented to the President of the United States the enrolled bill (S. 326) to amend section 2 of the act of June 30, 1951, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PROXMIRE:

S. 1762. A bill to prohibit the giving of appropriated funds or property purchased therewith to any person of any foreign country, to prohibit the acceptance of foreign gifts by Federal employees, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. ROTH:

S. 1763. A bill to limit certain fees which may be charged or accepted by an attorney for services performed in connection with certain civil actions brought in Federal courts. Referred to the Committee on the Judiciary.

By Mr. ROTH:

S. 1764. A bill to establish a national cemetery in the State of Delaware. Referred to the Committee on Veterans' Affairs.

By Mr. KENNEDY:

S. 1765. A bill to amend the Internal Revenue Code by limiting tax shelters, and for other purposes. Referred to the Committee on Finance.

By Mr. TAFT:

S. 1766. A bill to authorize the establishment of the Edison Birthplace National Historic Site. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE:

S. 1762. A bill to prohibit the giving of appropriated funds or property purchased therewith to any person of any foreign country, to prohibit the acceptance of foreign gifts by Federal employees, and for other purposes. Referred to the Committee on Foreign Relations.

FOREIGN GIFT-GIVING AMENDMENT TO THE STATE, JUSTICE AUTHORIZATION BILL

Mr. PROXMIRE. Mr. President, with our economy in precarious condition, it is up to the Congress to redouble our efforts to monitor national spending priorities. With unemployment looming dangerously close to 9 percent—20 percent in some industries—and talk of a \$70 billion deficit reverberating across the country, it is essential that we assure the American taxpayer that his dollars are being spent only to address our most pressing national needs. The giving and receiving of expensive gifts as part of our international diplomacy is not a priority item and should be seriously curtailed—now.

Today I am introducing an amendment that would virtually eliminate extravagant gift-giving and gift-receiving among U.S. Government officials and foreign dignitaries. My amendment to the State Department authorization bill would provide three controls over the giving and receiving of gifts among U.S. and foreign officials.

First, the amendment prohibits the purchase of gifts for persons of foreign countries with appropriated funds in excess of \$50. The same applies to the receipt of gifts by U.S. officials.

Second, the amendment requires that

Near East, 76 other personal gifts—ranging from expensive crystal to gold jewelry—were presented to various foreign dignitaries at taxpayers' expense. In looking over the 76 gifts—from six Winslow Homer plates in a velvet-lined mahogany case to Steuben crystal—it is evident that this extravagant give-away program is costing the American taxpayer a bundle. The funds for these gifts came out of the \$2.1 million slush fund called emergencies in the diplomatic and consular services account at the State Department.

And who can forget the \$10 million in Egyptian pounds donated to Mrs. Sadat's favorite charity—the Loyalty and Hope Society—an organization that helps give medical treatment to several Arab nations' civilian and military personnel? To make this example of wasteful spending all the more ludicrous, the United States received no guarantees as to how this money would be spent?

I asked the GAO to gather cost information on these and other gifts, but the State Department has refused to fully disclose the purpose of the expenditures and the names of foreign diplomats receiving gifts courtesy of the American taxpayer. My investigation and those of the General Accounting Office were met with strong resistance. The State Department continues to secretly operate its Federal version of the "Spiegel catalogue."

Mr. President, it is time to stop this waste of tax dollars. What did the \$3 million helicopter buy us? What good did the \$10 million charity donation do for the United States? And why do we need to give out hundreds of personal gifts, wasting thousands of dollars annually?

Loyalty and diplomatic support cannot be bought. We should stop trying.

Mr. President, I hope my colleagues will see fit to support this amendment, thus laying to rest this extravagant practice and injecting a small but significant breath of confidence into our fiscal responsibility to the beleaguered American taxpayer.

I ask unanimous consent that the full text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, is amended by adding at the end thereof the following new section:

Sec. 17 (a) No property purchased with appropriated funds in excess of fifty dollars (\$50) and no appropriated funds in excess of fifty dollars (\$50) may be given to any person of any foreign country.

"(b) Not later than 30 days following the end of each fiscal year, the President shall transmit a report to the Speaker of the House of Representatives and Committee on Foreign Relations of the Senate describing fully and completely—

"(1) any gift given on behalf of any person, by, or with the assistance of, any officer or employee of the United States to any person of any foreign country; and

"(2) the activities of such officer or employee with respect to the giving of such gift.

"(c) Any financial transaction involving any funds made available to meet unforeseen emergencies arising in the Diplomatic and Consular Service shall be audited by the Comptroller General and reports hereon made to the Congress to such extent and at such times as he may determine necessary. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property pertaining to such financial transaction and necessary to facilitate the audit."

(b) (1) Section 7342 of title 5, United States Code, is amended—

(A) by striking out the section caption and inserting in lieu thereof the following: § 7342. Foreign gifts and decorations"; and

(B) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) Congress does not consent to the accepting or retaining by an employee of any gift in excess of fifty dollars (\$50). No gift may be accepted by an employee."

(2) Item 7342 in the analysis of subchapter IV of chapter 73 of such title 5 is amended to read as follows:

"7342. Foreign gifts and decorations."

(c) The amendments made by this section shall apply only with respect to gifts tendered on or after the date of enactment of this Act.

By Mr. ROTH:

S. 1763. A bill to limit certain fees which may be charged or accepted by an attorney for services performed in connection with certain civil actions brought in Federal courts. Referred to the Committee on the Judiciary.

Mr. ROTH. Mr. President, as I am sure most of my colleagues are aware, on May 1 physicians in northern California refused to perform all but emergency operations in protest to the high cost of malpractice insurance premiums. The Washington Post reported on May 12 that the strike has spread from the San Francisco Bay area to Sacramento and San Jose, and that doctors in Los Angeles and San Diego are also considering walkouts. The strike has emptied half of the hospital beds in the San Francisco Bay area, hospitals have laid off 30 percent of the nonmedical staff, and losses are estimated at about \$200,000 a day. The Department of Health, Education, and Welfare expects the crisis to hit the States of Florida, Louisiana, Maryland, Michigan, New York, and New Jersey soon.

Today, I am introducing legislation that I hope will provide the States with a good model and will encourage them to adopt similar legislation to deal with the malpractice problem. This legislation will limit the fee that an attorney may charge or collect for his services in the prosecution of any medical malpractice case filed in any Federal court or brought before any Federal agency.

The malpractice crisis is a result of the rapidly increasing cost to the few insurance companies which carry medical liability insurance. This increased cost to the insurance companies has led to increased insurance premiums for physicians and hospitals, and the threat of the unavailability of medical liability insurance at any price.

Several factors are responsible for the

current medical malpractice insurance crisis, including the increasing number of medical malpractice claims that are filed, the very large awards given to the claimants, the high cost of expert witnesses, prolonged deliberations, and above all, the somewhat exorbitant contingency fees many attorneys receive for malpractice cases. The Secretary's Commission on Medical Malpractice found that almost all plaintiff attorneys use a contingent fee in medical malpractice cases. The most common fee rate is 33 1/3 percent of the recovery, and there are reports of attorneys charging 50 percent and more of the award to the injured person.

In the past 10 years the amount of medical malpractice claims has increased significantly. Ten years ago 6,000 claims were filed for negligence against a health professional or health care institution which in 1974, 12,500 claims were filed. Juries are currently making awards for individual claims for hundreds of thousands and even millions of dollars.

In my own State of Delaware, the Delaware Medical Society has a 5-year guaranteed medical malpractice insurance policy with Aetna Life & Casualty Co. Aetna has guaranteed to insure the Delaware Medical Society members until 1976, however, the rates are not guaranteed, and are reviewed annually. In 1971, the class I physician who performed no surgery, paid an annual premium of \$395; last year the same physician paid a premium of \$710. The increase in premiums for specialists during the same period was even greater. In 1971, a thoracic or vascular surgeon in Delaware paid a liability premium of \$1,843, and last year the premium was increased to \$6,213 for the year. Although rates have not been determined for 1976, the Delaware Medical Society anticipates an increase of 100 percent.

I do not believe that the number of claims made against the medical profession represents a deterioration of the quality of medical care in the United States. Our country has the finest and best qualified physicians and allied health professionals in the world, and it is our most competent, most highly skilled specialists who are experiencing the greatest number of suits against them, who are paying the highest insurance premiums, and who are threatened most by the increasing unavailability of liability insurance.

Many experts state that the contingent fee is an incentive for plaintiff's attorney, and contributes to the large number of claims and the high awards that are made. It is stated that juries who are aware of the costs of a law suit, and who consider the contingent fee that the attorney is charging the injured claimant, tend to increase the amount of the award to compensate for these legal fees.

According to studies of the medical malpractice system, the victim receives between 17 and 38 percent of the total malpractice insurance premium dollar as benefits. By contrast, social security beneficiaries receive 97 percent and tort automobile liability claimants receive 44 percent of the premium dollar.

The bill that I am introducing today

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aid to Turkey, including defense cash sales and licensing of commercial transactions. A 6-week grace period was provided to encourage further negotiations, but on December 10, 1974, the cutoff took effect and remained in effect until December 31.

On that date the amended terms of the Foreign Assistance Act reinstated the cutoff but suspended its effect until February 5, 1975. It took effect on that date and no military deliveries have been made to Turkey since then.

Specifically, under the existing law no military assistance, including sales, may be provided to Turkey unless the President first certifies that two conditions exist, these being first, Turkey must be in compliance with all agreements entered into under the requirements of U.S. military aid legislation, and second, substantial progress must have been made toward an agreement regarding military forces in Cyprus.

I believe that this restriction is far too rigid and ironclad and deprives the President of the flexibility that he needs and must have in order to enter into meaningful negotiations in an effort to solve the vexing and troublesome Cyprus problem. I believe we made a mistake when we tied the President's hands in this fashion. I believe that this mistake should be corrected as soon as possible and that is why I sponsored and support S. 846.

S. 846 provides that the President is authorized to suspend the mandatory cutoff provisions of the Foreign Assistance Act of 1961, as amended, and the Foreign Military Sales Act:

If he determines that such suspension will further negotiations for a peaceful solution of the Cyprus conflict.

It also provides that any suspension shall be effective only:

If during such suspension Turkey shall observe the cease-fire and shall neither increase its forces on Cyprus nor transfer to Cyprus any U.S.-supplied implements of war

Identical power is given to the President to suspend the cutoff provisions of Public Law 93-570 which provided the continuing appropriations for fiscal year 1975.

The bill also provides that the President shall submit to the Congress within 30 days after the passage of the bill, and at the end of each 30-day period, a report on progress made during such periods toward the conclusion of a negotiated solution of the Cyprus conflict.

Mr. President, I think this is a reasonable bill and one which will give needed elbow room for the President to make a real effort to solve the critical problems which have arisen. The President needs and must have the freedom to negotiate, particularly when two members of NATO are in conflict. We should not place such restrictions on the President that force him to sit idly by and see conditions deteriorate to the extent that NATO itself may come apart at the seams.

There are some lessons we should have learned—the hard way—about how foreign policy matters should be handled. Under our Constitution, the President

and the Congress have a shared and mutual responsibility in this field. However, of necessity, it is the President who is the center and hub of action in foreign affairs. In this area crises follow crises in rapid succession, and it is often necessary to plan for developments and to act to meet crises even before they occur.

The President should be allowed to speak for and personify the force of this Nation without undue restrictions. Of course, there are exceptions to this in matters involving treaties, acts or declarations of war, or other like matters of grave importance. However, if the President is not allowed to act, and act promptly, in the day-to-day handling of foreign affairs, then the Nation cannot move ahead and give the image of vitality, forcefulness, and strength to the other nations of the world.

We have just had this vividly illustrated in the instance of the act of piracy by the Cambodians in capturing the U.S. merchant ship on the high seas. The President had the freedom to act and to use diplomacy and our military power, or both, as he saw fit and circumstances required. This crisis forcefully illustrates the imprudence of not allowing the President sufficient elbow room and flexibility in foreign policy matters.

We cannot, of course, continuously enforce and carry out our foreign policy in all cases with guns and military forces alone. The President must have the power and the freedom to make the necessary diplomatic moves as well without being hamstrung. I am strongly in favor of the constitutional power of the Congress in foreign affairs. It must be upheld. That is why I cosponsored the War Powers Act of 1973. I strongly supported that act and followed it all the way through for 2½ years.

On the other hand, I support just as strongly the power and freedom of the President to act on foreign policy matters which do not impinge on the constitutional prerogatives of the Congress.

I say, therefore, that in matters such as a suspension of military assistance to Turkey—and other countries as well, for that matter—we should give the President sufficient leeway so that he can act and move ahead without undue obstacles or hindrances. The necessity for this has become more and more obvious each decade since we became a world power and it is perhaps more important today than ever before. I feel certain that if the Congress keeps imposing airtight restrictions such as this which deny the President freedom to negotiate in world affairs, then the effectiveness of the NATO Alliance will be undermined and our position as the leader of the free world will gradually deteriorate.

I firmly believe, Mr. President, that we should view this matter in its proper perspective. The Cyprus problem cries for a solution, and I believe that our best hope in finding a solution is to remove the handcuffs from the President and give him the ability to maneuver as circumstances dictate. S. 846 will do this, and accordingly I urge its passage by the Senate.

Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. STENNIS. Mr. President, there are very important and very sensitive matters, highly important and highly sensitive matters that are related to this question pending here today.

It is almost unthinkable that we should take a position that may lead to the losing of certain advantages that we have with reference to Turkey, being an active member of the NATO alliance. I mean benefits and advantages to the alliance and to us beyond the manpower, beyond the contribution they make in a military way directly and beyond the contributions they make because of geography as to where they are located.

Mr. President, it is not a personal matter when I refer to the fact that it happens that I am one of the few Members of the Senate who was here when this NATO alliance was adopted.

I remember how, in the beginning of its consideration, it was almost unthinkable to a very large segment of this body that we go into this alliance. There were many obstacles to overcome. It was recognized then, and it has been recognized since, that there would come up situations between fellow members of the alliance where there would be a conflict of interest between those two members, considering them as two nations, and a conflict also between them and NATO itself or the alliance, but each in a different way.

It was understood then and it has been understood ever since then, and I hope it is understood now, that there has to be some tendency on the part of all members to give a little, give a little here, give a little there, for the sake of the alliance itself.

Now, when these conferences are coming up which President Ford is going to be attending in a few days—my point is that in the face of these conferences that are coming up at which we have so much at stake, the SALT talks, the success of the SALT agreements, the prospect of greater agreements, other matters are pending in the Middle East, matters pending with reference to the mutual reduction of armaments, and a great number of other highly important and related questions. It is almost imposing self-inflicting wound on us to have the one who is chosen to represent us operating under these restrictions.

By way of closing, Mr. President, it makes no difference what we may think of the alliances we have had in the Pacific, which certainly have not been successful, but NATO, as a whole, has been highly successful, I think, and it has been of tremendous advantage to the United States.

I hope now that in a sober moment we can see fit to pass this legislation so that it becomes law and will make better the chances for a continuation of the effective operation of the NATO alliance.

So it is on this ground that I urge the passage of this proposal.

Mr. EAGLETON. Mr. President, I yield 10 minutes of my time to the distinguished Senator from Illinois (Mr. STEVENSON).

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phases of the invasion. But far more damaging to its position was its record for supplying illegal armaments to the aggressor.

Mr. President, there are certain facts that the American people and Congress have to face.

We cannot close our eyes to the fact that Turkey was using military equipment supplied by the United States to bomb and invade the sovereign, independent nation of Cyprus.

We cannot close our eyes to the fact that our own Government continued to ship military supplies—and in sharply increased volume—after the Turkish invasion expanded, and after cease-fire agreements were repeatedly ignored.

We cannot close our eyes to the fact that our Government was deliberately breaking the law.

The shipment of arms to an aggressor nation is specifically prohibited under the U.S. Foreign Assistance and Military Sales Act. It was the clear obligation of the U.S. Government to cease all military aid to Turkey the moment we received news of the invasion. But what was the administration's response? Its response was to accelerate shipments, claiming—incredibly—that such shipments were within the law.

The administration's failure to cut off military aid from an aggressor nation was a final failure in our foreign policy in the Mediterranean. It was a betrayal of the trust of the American people, who are not willingly paying taxes to support a foreign war of aggression, and who expect their Government to obey the laws of the land.

Mr. President, in my opinion, Congress had no choice but to vote the cutoff of military aid to Turkey, under the circumstances. It is regrettable that this action had to be taken to force the administration to act within the law. But I believe the action of Congress was in tune with the will of the American people, who are sometimes ahead of the administration in perceiving the rights and wrongs of our foreign policy. And I hope that this body will reaffirm its insistence on the rule of law by resisting administration efforts to invalidate Congress' withholding military shipments from Turkey until it complies with our bilateral agreements of 1947 and 1960.

Many of us have been shocked to learn that, even when Congress was voting for the cutoff of aid, the administration was giving Turkey private assurances that the arms flow would soon be resumed. And it was shocking to learn, in the course of our deliberations on the measure, that during the most critical phase of the Cyprus negotiations, our State Department and the Department of Defense were negotiating with Turkey a \$229 million deal to modernize Turkish tank forces. Only after others in Congress joined me in protesting this proposed sale as defying the spirit if not the letter of the law did the administration back off.

Mr. President, we have had enough of private assurances and secret deals.

The American people are entitled to know what and whom they are supporting with their tax dollars. And Congress

has the obligation to assert its constitutional authority in determining the direction of foreign policy.

It would be a grave error—after a long succession of errors—to remove the ban on arms shipments to Turkey, especially at this particular time, when such a move could undermine the new round of negotiations on Cyprus in June. Those negotiations should continue unhampered until a reasonable, humane solution is effected. And this country should attempt once more to correct its course in the Mediterranean.

We have contributed to the anguish of hundreds of thousands of Cypriots and their relatives in other lands, including the United States.

We have alienated the Greeks who are friends of democracy.

We have given encouragement to aggression.

We have jeopardized the NATO alliance and weakened the security of the Eastern Mediterranean, which is one of the keys to world peace and stability.

Mr. President, we are at a crossroads in international affairs. It is time for a thorough reassessment of our entire foreign policy. Nothing demonstrates this move vividly than our tragic errors in the Cyprus situation.

History does not always offer second chances. We have before us another opportunity to redeem the blunders our Government has committed in the name of the American people, and to reassert our moral and political leadership in that corner of the world.

Let us not miss that opportunity.

Mr. EAGLETON. Mr. President, I yield myself such time as I may consume.

I thank my distinguished colleague from Texas for his eloquent and accurate remarks. The Senator made two statements in his presentation, two in particular that I wish to emphasize by repeating: No. 1, that any sound foreign policy of the United States has to be predicated on the rule of law. There has to be a moral fiber, recognizing the rule of law, if we are to have a rational foreign policy.

The second point I think he made very tellingly is that our Secretary of State, Dr. Kissinger, very much tends to overpersonalize foreign policy. The word going around the Senate Office Buildings, Mr. President, sounds very much like the story of Knute Rockne and George Gipp. They have to "win this one for the Gipper." They have to win this one for Secretary Kissinger. Henry has had some bad times, Mr. President. Henry may have to give back his Nobel Peace Prize and he has had some difficulty with his shuttle flights. It is almost as if it were more important to turn Congress around for Henry Kissinger than to have a peaceful settlement on Cyprus and a resolution to this problem.

I thank the Senator from Texas for pointing out that morality is important in foreign policy and that our policies have been tremendously overpersonalized by the Secretary of State.

Mr. BENTSEN. I thank the distinguished Senator.

Mr. EAGLETON. Mr. President, I reserve the remainder of my time. I suggest the absence of a quorum, the time to be charged equally to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, on behalf of the Senator from Missouri, I yield to the Senator from Mississippi 16 minutes.

Mr. STENNIS. Mr. President, I thank the Senator from New Jersey. As I understood, my time was yielded by the proponents of the bill.

Mr. CASE. Then I shall do it in behalf of the Senator from Alabama (Mr. SPARKMAN).

THE QUESTION OF THE SURVIVAL OF THE FULL OPERATION OF NATO

Mr. STENNIS. I thank the Senator.

Mr. President, I have given as a title to my remarks here: "The Question of the Survival of the Full Operations of NATO." This, to me, is not a contest between Turkey and the United States and not a contest between Greece and the United States, nor between Cyprus and any of these members of NATO—Greece, Turkey, or the United States. It has a very practical application, particularly under present conditions for the operation of NATO.

Mr. President, I think there is a principle involved here, too, with reference to conditions that we might impose upon our military aid. But at the same time, surveillance has already been had considerably in that field and in view of the forthcoming conferences, which could be quite serious indeed, I think it is highly important that we at least lift this prohibition but, at the same time, keep a string, so to speak, on the situation with reference to the continuation of military assistance to Turkey.

I strongly support the pending measure, S. 846. In fact, I am one of the sponsors. The primary purpose of this bill is to make possible, on a contingent basis, the resumption of military assistance to Turkey and to provide that the President shall make monthly reports to Congress on progress toward the conclusion of a negotiated settlement of the Cyprus conflict.

It will be recalled, Mr. President, that after the Geneva talks on the Cyprus situation by Greece, Turkey, and the United Kingdom broke down last August, Turkey immediately thereafter reinforced its troops and expanded its holdings on the island. Many Members of Congress viewed this second round of armed intervention by Turkey as violation of the terms of the law set forth in the Foreign Assistance Act of 1961 relating to the use of defense arms and defense services furnished under the provisions of that act.

Therefore, in October of 1974, the Congress, in adopting the continuing resolution for foreign aid appropriations, included a provision cutting off all military

people; but, after careful consideration, that interest leads me to oppose the cutoff, not to favor it.

If we continue to ban defense shipments to Turkey, we risk, first of all, severe and lasting damage to NATO, particularly in south Europe. Now, I would point out that Greece rightly believes NATO to be vital to her own security. NATO was key in rescuing Greece from Communist attack, not too many years ago. Greece is a member of NATO not as a favor to the United States, but because the Greek people know that NATO is absolutely vital to the survival and freedom of Greece. Therefore, any action which would damage, or conceivably even destroy, NATO in south Europe, is an immediate threat to Greece. My interest in the well-being of Greece forces me to recognize this fact.

I would point out that responsible persons in the present Greek Government are very much aware of the truth of this. The Greek Government knows that NATO is vital to Greece, and that a NATO without Turkey is no NATO at all, as far as south Europe is concerned. Accordingly, the Greek Government is by no means violently opposed to our resuming defense shipments to Turkey, subject to the conditions in this bill: That is, that American-supplied equipment not be transferred to Cyprus, and that Turkey continue to observe the cease-fire on Cyprus.

I would note, Mr. President, that it is only under these conditions—which I expect to be strictly applied—that I support resuming defense aid to Turkey. These conditions insure that the aid will be related only to the needs of NATO.

There are other important reasons also why my concern for the people of Greece and of Cyprus leads me to oppose the continuation of the aid cutoff. If the United States is perceived by Turkey as being totally alined in this dispute, we will no longer be able to work as a mediator. In turn, the absence of effective mediation would create a real danger of full-scale war between Greece and Turkey.

The Greeks are a vallant people, and I know and respect their military abilities. But weight of numbers of men make it virtually certain that Turkey would win such a war. I do not want to see this happen. I do not want to see Greece defeated by Turkey. I do not want to see the Greek Government fall. I do not want to see the tragedy and suffering that such a war and defeat would bring to the people of Greece and of Cyprus. I thus think it is of critical importance to the Greek people that we be able to continue our mediation efforts. Again, I have been assured that the Greek Government understands this fact.

We must also ask—those of us who are longtime friends of the people of Greece—what instability in the region would mean to Greece internally. Either a collapse of NATO in South Europe or a defeat of Greece by Turkey in war would gravely endanger the present Greek Government. Personally, I fear that the current Government in Greece—a Government which has brought de-

mocracy and progress to Greece—would fall, and that it would be replaced by a government of the extreme left. I think that would be a tragedy for Greece. Greece could become another Portugal, and the Greek people could suffer a leftist dictatorship—the very thing they fought hard to avoid in the 1940's. This is, to me, something any friend of Greece and the Greek people must work to avoid; and working to avoid it means ending the cutoff of aid to Turkey, so as not to destroy NATO or bring about a war between Greece and Turkey.

Mr. President, I thus believe that true friends of Greece and Cyprus—and true friends of peace—must act to choose a course of moderation, a course which will preserve NATO, enable the United States to continue to mediate the Cyprus dispute, and prevent a leftist dictatorship in Greece. That means ending the aid cutoff. Again, responsible leaders in the Government of Greece understand the truth of this position. I think we must understand it also.

Mr. MUSKIE. Mr. President, I will vote for S. 846 which suspends the prohibitions now in effect against military assistance to Turkey. I have decided to vote for this bill after long and careful thought, and I do so with some continued misgivings. This is not an easy issue, and my support of this legislation is based only on the hope that a resumption of military assistance to Turkey will be a constructive step toward a satisfactory resolution of the Cyprus problem.

I am aware that such a hope may ultimately prove unjustified. But if the impact of restored military assistance is not constructive, I am prepared to support a future move once again to end military assistance to Turkey in accordance with the provisions of the Foreign Assistance Act. I believe the Congress would in fact act once again to terminate such aid if progress toward a peaceful settlement on Cyprus is not satisfactory.

The bill before us today allows the President to suspend the prohibition against military aid to Turkey if he determines that such suspension will further negotiations for a peaceful solution of the Cyprus conflict. Turkey, however, must observe the cease-fire on Cyprus and neither increase its forces there nor transfer to Cyprus any American-supplied military hardware. Moreover, the President is required by the bill to report to Congress after each 30-day interval concerning progress made toward a negotiated settlement on Cyprus. Clearly, the Congress will have an opportunity to review its action, under this bill, in light of the President's periodic reports.

Mr. President, I was among those who originally supported a suspension of military assistance to Turkey. The invasion of Cyprus by Turkish forces seemed to me to be a clear-cut violation of The Foreign Military Sales Act, the Foreign Assistance Act, and the agreement under which Turkey accepted the Arms. When Turkey invaded Cyprus, the suspension of military aid should have been automatic. Congress acted simply to enforce the law. In this sense, the action of Congress was justified and understandable.

In another sense, however, I have had

serious doubts about the limits of our ability to conduct our nation's foreign policy through the legislative process. The Cyprus problem is enormously complex, and the action of the Congress most certainly had the effect of reducing the administration's flexibility in dealing with the crisis. We have no way of knowing for sure whether continued American military assistance to Turkey would have strengthened our influence over Turkish policy on Cyprus. What is clear, however, is that the termination of aid to Turkey was followed by further unilateral Turkish actions which were most detrimental to a constructive international solution. The timing of the congressional action, therefore, may have contributed to a worsening of the diplomatic situation.

The law which the Congress demanded be enforced is a sound one: Nations which receive our military aid should understand that such aid will be revoked when it is used contrary to American interests and for purposes which have nothing to do with legitimate self-defense. The law is the law—and it should be revised only when warranted by our most vital national interests.

The administration believes that our most vital national interests are at stake now on the issue of Turkish military aid. The administration has requested this bill, and they are supporting it in the strongest possible terms. What is involved here is a matter of judgment: will an aid resumption in fact be constructive? Will the Turks become more flexible, or will they instead feel that a resumption of aid reduces the pressure on them to negotiate constructively over Cyprus? Will it contribute to a solution of the Cyprus problem—which depends upon Turkish concessions?

On balance, however, I believe that the President and the Secretary of State should be given the flexibility to deal with these questions. The responsibility for conducting the day-to-day business of foreign policy is theirs. They will be negotiating with the Turkish government in the near future. They believe this bill is of critical importance.

So I will vote for S. 846 in the hope that it will provide the added flexibility which the administration so strongly feels is necessary. If our hopes are misplaced, Congress will have to face this issue again in the months ahead.

Mr. BUCKLEY. Mr. President, the subject of Turkish aid has been one of the most difficult issues this Congress has had to resolve. It is difficult particularly because restoring aid to Turkey involves a breach of the strong support which the United States has always given for the rule of law. In this case, military assistance to Turkey has been used for purposes other than those which the Congress intended under the terms of the Foreign Assistance Act of 1961, and restoration of aid would involve, in effect, a breach of the spirit if not the letter of this act.

In Cyprus, however, we are dealing with an immense human tragedy; displaced as a consequence of the attack by Turkish troops and consequent occupation of a substantial portion of Cyprus.

Susley

The overwhelming military presence of Turkey on the soil of Cyprus, and the reality of the fact that the United States will not intervene militarily to end his occupation, makes negotiation the only feasible route to mitigate further suffering of the people of Cyprus. I have had an opportunity to discuss this subject with the President who has made it clear that his information supports the view that it is highly unlikely that the present Turkish Government will negotiate for a change in the situation in Cyprus when they are "under the gun" of a cutoff of U.S. military assistance. The President will be meeting with the Turkish Government in the near future, and he believes strongly that he can work most effectively for the opening of serious negotiations in Cyprus if this obstacle is removed. As the President has the responsibility for the conduct of foreign policy, I am reluctant to deny him the leverage he believes he needs.

It is also significant to note that there are several extremely sensitive military installations in Turkey whose existence is of the greatest importance to the security of not only the United States, but all the nations of the West. They are intelligence-gathering facilities that rely on their proximity to the Soviet Union. They cannot be moved elsewhere without great sacrifice to their effectiveness.

It is, therefore, with reluctance that I am casting my vote to restore aid to Turkey in the hopes that negotiations can begin in earnest. Should these negotiations fail to produce results in a reasonable period of time, I will give serious consideration to reimposition of the embargo.

Mr. BAYH. Mr. President, today we will vote on S. 846, a very important piece of legislation, which will have serious short- and long-term ramifications for the conduct of American foreign policy. The issues this bill raises are complex and have caused me to review and reconsider the events which led to the cutoff of military assistance to Turkey as well as subsequent developments. After thorough study, I have concluded that passage would be a mistake and that we must continue to withhold military assistance from Turkey.

In reaching this decision, I have been mindful of the strategic importance of our alliance with Turkey and the close relationship this country has had with Turkey in the past. I have not forgotten that brave Turkish soldiers fought and died with American troops in Korea. Thus, the vote I cast today is not cast lightly. Nevertheless, I believe that the principles we can clearly establish in rejecting this bill are controlling.

Mr. President, foreign aid has become an important element of modern American foreign policy, and a large portion of foreign aid has consisted of military assistance to a multitude of countries. A consequence of our liberal practice in giving arms—a practice which has, in my opinion, been far too liberal—is that a large portion of the world's nations are armed with American weapons, and that an outbreak in hostilities between nations so armed indirectly, but very

clearly, involves the United States in the conflict.

To its credit, Congress enacted restrictions on the use of arms supplied by the United States and provided that aid to a country which employed American weapons to further aggression should be immediately terminated. It is this principle which we will vote on today, Mr. President, and I do not believe that the exigencies of the present situation should lead us to violate it.

It is extremely important that we demonstrate our determination to uphold a sound principle designed to further peace. It would be tragic if through our military assistance program and our failure to place proper limitations upon it, America became identified with aggressive and repressive forces now and in the future. We must stand up, and let the world know exactly what our position is, painful though it may be.

Mr. President, I am sympathetic with the desire of the Turkish Government to protect the Turkish minority on Cyprus. The abuses this minority has suffered are part of history and cannot be ignored. Yet, Mr. President, in looking at the Cyprus situation, I am forced to ask if refusal to negotiate, violations of a cease-fire, occupation of 40 percent of the island, and forcing 180,000 Greek Cypriots from their homes, is consistent with the objective of protecting the Turkish minority. Clearly it is not.

When Turkish representatives walked out of peace talks in Geneva and Turkey resumed military action last August, Turkish actions became far more than protective reaction and can be classified only as aggression. At present, Turkish forces occupy the bulk of the most habitable land on Cyprus. Turkish Cypriots have declared this territory a separate state for those of Turkish heritage, only 18 percent of the population, and Greek Cypriots have been forced to flee. Negotiations to date have brought no real progress toward a fair solution of Cypriot problems.

Mr. President, I do not believe that the United States should condone Turkish conduct by resuming military assistance. We must stand by the sound principle that military supplies provided by this country shall not be used for aggression.

Further, I believe that our determination will provide an incentive for Turkey to resolve Cypriot problems in an equitable manner. Until such a settlement is reached on Cyprus, Mr. President, there will be no stability on the southern flank of NATO, no matter how much we try to appease our Turkish allies. Those who believe this bill will heal all wounds are fooling themselves. Its passage would indicate approval of the status quo and serve only to encourage further Turkish inflexibility.

I hope that a majority of my colleagues will join with me in rejecting this well-intentioned but misguided legislation. Our vote today will have an impact on this country for years to come.

Mr. MATHIAS. Mr. President, before closing I would like to seek clarification for the record of one final aspect of this legislation which might be subject to

some confusion or ambiguity. To this end, I would like to engage the managers of S. 846 in a brief colloquy on the question of the effect of this bill on existing restrictions under the Foreign Assistance Act of 1961 or the Foreign Military Sales Act with respect to actions by the Government of Turkey not directly related to the Cyprus conflict.

It is my understanding that under the terms of S. 846, the President is authorized to resume military assistance and sales to Turkey as long as Turkey meets three conditions: First, observes the cease-fire; second, refrains from increasing its forces on Cyprus; and third, refrains from transferring to Cyprus any U.S. supplied implements of war.

My concern springs from the problem of what would happen should the Government of Turkey meet these three conditions regarding Cyprus, but at the same time undertake some other kind of aggressive military activity against Greece, or any other nation, in violation of the agreements entered into under the Foreign Assistance Act of 1961 or the Foreign Military Sales Act.

Therefore, my question is this: Is it the intention of the manager and principal sponsors of S. 846 that the enactment of this bill should in no way be construed as a derogation of the provisions of either the Foreign Assistance or Military Sales Acts which would require the President to suspend arms shipments to any nation which uses U.S. supplied weapons for other than defensive purposes?

Mr. SPARKMAN. The Senator from Maryland is absolutely correct.

Mr. MATHIAS. In other words, the enactment of this bill would not only require the Government of Turkey to respect the three Cyprus-related conditions contained therein in order to avoid another arms cutoff, but would also leave intact the existing statutory requirement that U.S. arms shipments be halted if Turkey or any other nation undertakes offensive military activity of any kind with U.S. supplied weapons. Is that the floor manager's understanding?

Mr. SPARKMAN. It most certainly is.

Mr. MATHIAS. I thank the Senator from Alabama. I hope that this brief exchange will be helpful in establishing clear legislative history to the effect that passage of the bill before us today, S. 846, will in no way increase the incentives of any nation in that troubled part of the world to pursue a course of military action without regard to the consequences in terms of U.S. policy.

The PRESIDING OFFICER. The hour of 4 o'clock having arrived, under the previous order the Senate will now proceed to vote on the bill.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Iowa (Mr. CLARK), the Senator from Mississippi (Mr. EASTLAND), the Senator from Colorado (Mr. HASKELL), the Senator from Maine (Mr. HATHAWAY), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUE), the Senator from

Vermont (Mr. LEAHY), the Senator from Louisiana (Mr. LONG) the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from North Carolina (Mr. MORGAN), the Senator from Utah (Mr. MOSS), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent on official business.

On this vote, the Senator from Wyoming (Mr. MCGEE) is paired with the Senator from Utah (Mr. MOSS). If present and voting, the Senator from Wyoming would vote "yea" and the Senator from Utah would vote "nay."

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK), the Senator from West Virginia (Mr. RANDOLPH), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Colorado (Mr. HASKELL) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

* I also announce that the Senator from Tennessee (Mr. BAKER) is absent on official business.

The result was announced—yeas 41, nays 40, as follows:

[Rollcall Vote No. 190 Leg.]

YEAS—41

Bartlett	Garn	Muskie
Bellmon	Goldwater	Nunn
Brock	Grimm	Packwood
Buckley	Hansen	Fearson
Bumpers	Hart, Philip A.	Scott, Hugh
Byrd, Robert C.	Hatfield	Sparkman
Cannon	Helms	Stafford
Casse	Hruska	Stennis
Chiles	Huddleston	Symington
Curtis	Johnston	Taft
Domenici	Mansfield	Thurmond
Fannin	Mathias	Tower
Fong	McClellan	Young
Ford	McClure	

NAYS—40

Abourezk	Eagleton	Nelson
Allen	Glenn	Pastore
Bayh	Gravel	Pell
Beall	Hart, Gary W.	Percy
Bentsen	Hartke	Proxmire
Biden	Hollings	Ribicoff
Brooke	Jackson	Roth
Burdick	Javits	Schweiker
Byrd	Kennedy	Scott,
Harry F., Jr.	Laxalt	William L.
Church	Magnuson	Stevenson
Cranston	McGovern	Stone
Culver	McIntyre	Tunney
Dole	Montoya	Weicker

NOT VOTING—18

Baker	Inouye	Morgan
Clark	Leahy	Moss
Eastland	Long	Randolph
Haskell	McGee	Stevens
Hathaway	Metcalfe	Talmadge
Humphrey	Mondale	Williams

So the bill (S. 846) was passed, as follows:

S. 846

An act to authorize the further suspension of prohibitions against military assistance to Turkey, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 620(x) of the Foreign Assistance Act of 1961 and section 6 of the joint resolution of October 17, 1974 (Public Law 93-448, as amended by Public Law 93-570) are each amended by

striking out "until February 5, 1975, and only if, during that time," and inserting in lieu thereof "if during such suspension".

Sec. 2. Section 620(x) of the Foreign Assistance Act of 1961 is further amended by designating the present subsection as paragraph (1) and by adding at the end thereof the following new paragraph:

"(2) The President shall submit to the Congress within thirty days after the enactment of this paragraph, and at the end of each succeeding thirty-day period, a report on progress made during such period toward the conclusion of a negotiated solution of the Cyprus conflict."

Mr. TOWER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. CASE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TUNNEY. Mr. President, today I was regrettably forced to cast my vote against the bill to renew American arms assistance to Turkey. I say regrettably because Turkey has been an old and reliable ally, whose friendship and mutual interest with the United States have been demonstrated many times over the past three decades.

Turkish forces have participated proudly alongside the forces of the United States, Great Britain, France, and Germany, and other alliance partners in preserving the security of Western Europe and the Mediterranean. With approximately half a million men in arms, Turkey has NATO's second largest land force. In addition, it occupies the strategically vital position between the Middle East and the Soviet Union. There is no doubt that any withdrawal of Turkey from the NATO would seriously damage its effectiveness.

Nevertheless, I feel compelled to object to the restoration of American arms assistance because I feel the requirements set forth when the embargo was first passed that there be "substantial progress" in the negotiations and a partial withdrawal of Turkish troops from Cyprus have not been met. The mandate of the Foreign Assistance Act of 1961 is clear—American arms are not to be used by allies in aggressive actions. The reason for that law was equally obvious—it was meant to encourage self-defense, not the imposition of foreign policy views by military fiat. That reasoning is as vital today as it was 14 years ago. No alliance can long endure if one ally is free to use indiscriminate force to settle its disputes with another ally.

I had hoped that progress on the Cyprus problem would have come more quickly. However, while it is true that today negotiations are again underway, it seems as though we are no closer to a resolution to the problem than we were 6 months ago. The U.S. Government has not even received private assurances that Turkish withdrawal would proceed once aid was renewed. This situation can hardly be described as representing substantial progress.

Under the circumstances, I feel that the arms embargo must be continued until the talks on Cyprus progress or until, as a minimum, we have received assurances from the Turkish Government

that if arms assistance is renewed there will be a new flexibility on the part of Turkey.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I seek recognition.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. STENNIS. Mr. President, may the Senate be in order?

The PRESIDING OFFICER. The Senators will keep order in the Chamber.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, there will be no further votes this evening. We will, of course, take up the supplemental appropriation bill, which will be laid down this evening for tomorrow, plus the Butterfield nomination tomorrow.

SENATE RESOLUTION 160—RESOLUTION DISAPPROVING CONSTRUCTION PROJECTS ON THE ISLAND OF DIEGO GARCIA

(Referred to the Committee on Armed Services.)

Mr. MANSFIELD. Mr. President, on May 12, 1975, the President of the United States, by letter, certified to the Congress that the construction of naval facilities on the island of Diego Garcia in the Indian Ocean is vital to the national interests of the Government of the United States. The text of the President's letter to the Congress reads as follows:

To the Congress of the United States:

In accordance with section 613(a)(1)(A) of the Military Construction Authorization Act, 1975 (Public Law 93-552), I have evaluated all the military and foreign policy implications regarding the need for United States facilities at Diego Garcia. On the basis of this evaluation and in accordance with section 613(a)(1)(B), I hereby certify that the construction of such facilities is essential to the national interest of the United States.

GERALD R. FORD.

THE WHITE HOUSE, May 12, 1975.

Mr. NELSON. Mr. President, may we have order? I cannot hear the Senator's remarks.

The PRESIDING OFFICER. The Senate will be in order.

The Senate may proceed.

Mr. MANSFIELD. Under the provisions of Public Law 93-552, 93d Congress, 2d session, section 613, I am laying before the Senate a resolution of disapproval in accordance with the provisions of section 613. I ask unanimous consent that at the conclusion of my remarks section 613 from the public law be printed in order that Senators may have an opportunity to read this section of law and know exactly how this resolution of disapproval will be handled in the Committee of the Armed Services and on the floor of the Senate.

THE PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, I was very surprised that the President of the United States would send this resolution to the Congress at this time in view that we have been told by the administration that the President is in the midst of a reappraisal of our foreign policy because of the debacle of Vietnam, Cambodia, and Southeast Asia.

I think in the debate of this resolution, when it is returned from the Armed Services Committee, a number of very important questions should be examined during the debate.

Why in the face of the fact that all the nations bordering on the Indian Ocean have asked the United States and the Soviet Union not to escalate the arms race in the Indian Ocean area, has the administration forwarded this letter of certification? At a meeting in New Delhi on November 17, 1974, 30 nations issued a policy statement opposing the United States building a naval facility on the island of Diego Garcia.

Why does this administration persist in the face of a staggering deficit in our budget insist on building a naval facility that will cost approximately \$175 million? I contend that the money that the administration is requesting to start building naval facilities on Diego Garcia amounting to \$14 million for the Navy and \$3.3 million for the Air Force, is only a downpayment. Already in the fiscal year 1976 budget, the Navy is asking for an additional \$13 million for operational facilities on Diego Garcia.

Mr. President, are we going to engage in an adventure of Southeast Asia and Vietnam all over again? Is there an extension of a policy of the United States trying to be policeman for the world in the face of our bitter experience in Vietnam?

Are we not scattered throughout the world enough by having military personnel on all five continents—perhaps, if Antarctica is considered a continent, on all six continents—and naval ships on all the oceans of the world and on a good many seas?

In voting the naval base on the island of Diego Garcia, are we going to vote a three-ocean Navy? The Navy contends that they will be able to operate carriers in the Indian Ocean with only a 12-airplane carrier force. However, will it really have to be 15 carriers to fulfill our commitment in the Atlantic, Pacific, and the Indian Ocean?

I believe that the role of the carrier in sea warfare should be a part of the debate on the island of Diego Garcia. I submit that the aircraft carrier is now obsolete with the technical advancement of the new cruise missiles. I submit that in the Mediterranean Sea, the Soviets always know exactly within a few hundred yards where our carriers are operating. Can a carrier task force adequately protect itself in its operations in the Indian Ocean?

What are our so-called vital interests in the Indian Ocean? Certainly, having a task force in the Indian Ocean

had no effect on the oil situation during the Yom Kippur war in October 1973. In fact, our naval vessels were completely cut off from Arab oil and the United States could do nothing about the Arab action.

Incidentally, I understand that there is an interesting article in this week's U.S. News & World Report, which once again raises the specter of war in case of another oil embargo. I hope that that does not come to pass.

Mr. President, the question of Diego Garcia and allowing the Navy to build a naval operating facility on this island some 1,200 miles south of the tip of India is a vital policy question. I urge upon my colleagues to take due notice of this action and to study all of the facts that are available. I urge my colleagues to give serious consideration as to whether this Nation should support a naval base thousands of miles from our shores which will amount to nothing more than "showing the flag" in an area of the world where the nations have requested that we not have our Navy there in force.

For the information of my colleagues, on December 5, 1974, CONGRESSIONAL RECORD, S20742, I delivered a speech setting forth reasons for my opposition to the building of naval operating facilities on the island of Diego Garcia:

I ask unanimous consent that that speech be printed in the Record at an appropriate point.

THE PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MANSFIELD. Finally, I point out that the Senate has 60 legislative days to act upon this resolution and the Armed Services Committee should report it back to the floor of the Senate within 20 days with its recommendation. I urge the Armed Services Committee to report this resolution of disapproval favorably in order that the United States will not embark upon another adventure in the southern part of Asia.

Mr. President, I send to the desk the resolution of disapproval and ask that it be read.

THE PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

S. Res. 160

Resolved, That the Senate does not approve the proposed construction project on the island of Diego Garcia, the need for which was certified to by the President and the certification with respect to which was received by the Senate on May 12, 1975.

EXHIBIT 1

Sec. 613. (a) None of the funds authorized to be appropriated by this Act with respect to any construction project at Diego Garcia may be obligated unless—

(1) the President has (A) advised the Congress in writing that all military and foreign policy implications regarding the need for United States facilities at Diego Garcia have been evaluated by him, and (B) certified to the Congress in writing that the construction of any such project is essential to the national interest of the United States;

(2) 60 days of continuous session of the Congress have expired following the date on which certification with respect to such project is received by the Congress, and

(3) neither House of Congress has adopted, within such 60-day period, a resolution disapproving such project,

(b) (1) For purposes of this section, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such 60-day period.

(2) For purposes of this section, "resolution" means a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the Senate does not approve the proposed construction project on the island of Diego Garcia, the need for which was certified to by the President and the certification with respect to which was received by the Senate on May 12.", the first and second blanks being filled with the name of the resolving House and the third blank being filled with the appropriate date.

(c) Subsections (d), (e), and (f) of this section are enacted by Congress—

(1) as an exercise of the rule-making power of the Senate and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of resolutions described by subsection (b)(2) of this section; and they supersede other rules of the Senate only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

(d) A resolution with respect to a proposed construction project of the island of Diego Garcia shall be referred to the Committee on Armed Services of the Senate.

(e) (1) If the Committee on Armed Services of the Senate to which a resolution with respect to a proposed construction project on the island of Diego Garcia has been referred has not reported such resolution at the end of 20 calendar days after its introduction, not counting any day which is excluded under subsection (b)(1) of this section, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution introduced with respect to the same proposed construction project which has been referred to the committee, except that no motion to discharge shall be in order after the committee has reported a resolution of disapproval with respect to the same proposed construction project.

(2) A motion to discharge under paragraph (1) of this subsection may be made only by a Senator favoring the resolution, is privileged, and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution, the time to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(f) (1) A motion in the Senate to proceed to the consideration of a resolution shall be privileged. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate in the Senate on a resolution, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable

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LEGISLATIVE COUNSEL
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94TH CONGRESS
1ST SESSION

S. 846

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 1975

Referred to the Committee on International Relations

AN ACT

To authorize the further suspension of prohibitions against military assistance to Turkey, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 620 (x) of the Foreign Assistance Act of 1961
4 and section 6 of the joint resolution of October 17, 1974
5 (Public Law 93-448, as amended by Public Law 93-570)
6 are each amended by striking out "until February 5, 1975,
7 and only if, during that time," and inserting in lieu thereof
8 "if during such suspension".

9 SEC. 2. Section 620 (x) of the Foreign Assistance Act
10 of 1961 is further amended by designating the present sub-

1 section as paragraph (1) and by adding at the end thereof
2 the following new paragraph:

3 “(2) The President shall submit to the Congress within
4 thirty days after the enactment of this paragraph, and at
5 the end of each succeeding thirty-day period, a report on
6 progress made during such period toward the conclusion of
7 a negotiated solution of the Cyprus conflict.”.

Passed the Senate May 19, 1975.

Attest:

FRANCIS R. VALEO,

Secretary.

94TH CONGRESS
1ST SESSION

S. 846

AN ACT

To authorize the further suspension of prohibitions against military assistance to Turkey, and for other purposes.

May 20, 1975

Referred to the Committee on International Relations

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ments therein limited to 5 minutes.
The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INDOCHINA MIGRATION AND REFUGEE ASSISTANCE ACT OF 1975—CONFERENCE REPORT

Mr. HUDDLESTON. Mr. President, I would like to take a few minutes to commend the distinguished chairman of the Committee on Foreign Relations, the Senator from Alabama (Mr. SPARKMAN), and all of the conferees who met with their House counterparts to resolve the differences in the refugee aid bill that the Senate completed action on yesterday.

As the Senate knows, there were amendments to that bill accepted by the Senate, one of which I presented to require a report to the appropriate congressional committees within 30 days and each 90 days thereafter. To be included in the report were an inventory of the refugees and a resettlement plan, developed according to specified guidelines.

I felt that this was extremely important, because of the nature of the evacuation itself, and because of the number of refugees, who were here.

I felt, too, that a definite plan of resettlement would be in the best interest of the refugees and certainly the best interest of this country, as we undertook to spend a considerable amount of money, in order to make the best possible arrangements for those who had fled South Vietnam and Cambodia.

I know that the conferees worked very diligently with the House conferees. I know the difficulties that we have many times in resolving differences, when we have amendments here in the Senate.

Therefore, I wish to express my appreciation to the distinguished chairman, and all of the conferees, for the manner in which they conducted the conference, and for their efforts which enabled us to keep in the bill language to substantially achieve the objectives that we had set forth in our amendment.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. HUDDLESTON. I yield.

**PRIVILEGE OF THE FLOOR—
S. RES. 167**

Mr. TOWER. Mr. President, I ask unanimous consent that during the consideration of the resolution authorizing the select committee to study governmental operations with respect to intelligence activities, to inspect tax returns, and to obtain names from the Internal Revenue Service, the minority counsel for the select committee, Mr. Curtis Smothers, and Elizabeth Smith, a member of the staff, be permitted the privilege of the floor.

SENATE RESOLUTION 167—AUTHORIZING THE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES TO INSPECT TAX RETURNS AND OBTAIN INFORMATION FROM THE INTERNAL REVENUE SERVICE

Mr. CHURCH. Mr. President, on behalf of the Senator from Texas (Mr. Tower) and myself, I intend in a moment to send to the desk a resolution for immediate consideration. The resolution has been modified in such a way that, to avoid any possible mistake in transcription, I think it may be wise for me to read it into the Record in its modified form.

The resolution which I propose to send to the desk, as modified, would read as follows:

Whereas, in order to conduct effectively the study and investigation authorized by Senate Resolution 21 (94th Congress, 1st session), it may become necessary for the Select Committee of the Senate to Study Governmental Operations With Respect to Intelligence Activities to obtain data contained in tax returns; and

Whereas, under section 6103 (d) of the Internal Revenue Code of 1954, a select committee of either House of Congress has the right to obtain data contained in tax returns if such select committee is specially authorized to investigate tax returns by resolution of its House, and the Secretary of the Treasury and other officers and employees of the Treasury Department are required to furnish data contained in or shown by tax returns to such a select committee: Now, therefore, be it

Resolved, That in conducting the study and investigation authorized by Senate Resolution 21 (94th Congress, 1st session), the Select Committee to Study Governmental Operations With Respect to Intelligence Activities is specially authorized, consistent with such resolution, to obtain data contained in tax returns.

Names, addresses, and personal identifications shall be presented in such form as not to identify the individual tax returns from which such data may be derived.

Mr. President, I send the resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. 167) authorizing the Select Committee To Study Governmental Operations With Respect to Intelligence Activities inspect tax returns and obtain information from the Internal Revenue Service.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution? Without objection, the Senate will proceed to its consideration.

Mr. CHURCH. Mr. President, a word of explanation is in order. Our purpose in asking the Senate to approve the resolu-

tion is not connected in any way with any desire on the part of the committee to inquire into individual tax returns. Our purpose rather is to review the surveillance methods that have been adopted by the Internal Revenue Service in order to ascertain whether they have been lawful, and in order to determine whether, in the judgment of the committee, they have been ethical.

This means that we must secure, in all likelihood, the names of taxpayers who have been the target of this surveillance. It may be that such information will have to be derived from a review of tax returns, and it is for the purpose of enabling the committee to thoroughly do its investigation and review of surveillance practices adopted by the Internal Revenue Service that we ask the Senate for this resolution.

The intent of the language added at the end of the Senate resolution:

Names, addresses, and personal identifications shall be presented in such form as not to identify the individual tax returns from which such data may be derived.

Is that the committee shall not have access to actual tax returns in such form as to permit the identification of the taxpayer. It is not intended to restrict the committee's access to data including names, not actually contained in a tax return, even if the data was derived from a tax return or is of the sort which could be derived from a tax return.

There is a provision in the present internal revenue law which inhibits the Internal Revenue Service from supplying information connected with income tax collection, and the resolution would make it plain that those inhibitions which ordinarily obtain in the law would not operate to restrict this committee in connection with its necessary and legitimate duties relating to surveillance methods employed by the Internal Revenue Service.

Mr. TOWER. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield.

Mr. TOWER. Mr. President, my understanding of the resolution is totally consonant with that of the Senator from Idaho. As a matter of fact, it is my understanding that the Commissioner of Internal Revenue has advised us that if this resolution should pass, it would obviate any proscription that might lie in any existing law.

I, therefore, join with the Senator from Idaho in urging the adoption of the resolution.

Mr. CHURCH. Mr. President, I thank the Senator very much. I would only add that I share fully with the distinguished Senator from Connecticut (Mr. Weicker) the feeling that individual tax returns should be closely kept. As a matter of fact, I am a cosponsor of a bill which the Senator from Connecticut has introduced, which would make the pri-

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determine the medical benefits achieved by WIC in overcoming malnutrition and its resulting disabilities.

II.

The Department of Agriculture decides which applicants will get grants to run programs, based on a state's submission of approved applications. The Department also determines the monthly food package; for infants up to twelve months old there is iron-fortified formula, iron-fortified infant cereal, and canned fruit juice. Nursing mothers and children from one to four years received a daily quart of milk plus eggs, cereal and juice.

State health departments must approve and monitor local sponsors and their operations, and forward records and evaluations to regional Food and Nutrition Service offices. State agencies must also decide how to divide the administrative money (ten percent of incurred food costs) between its own administrative needs and those of local sponsors. The way in which the food is distributed is approved or designed by the State. Methods of food delivery include vouchers or food checks which are redeemed at local grocery stores, or direct distribution of purchased foods from warehouses or delivery trucks.

A local WIC sponsor is responsible for publicizing the program, certifying the eligibility of participants, providing the food or the vouchers, conducting medical tests, keeping records, and reporting to the Department of Agriculture through State agencies. It must also see that local grocers give the correct foods in return for vouchers.

III.

The House of Representatives has passed legislation extending the WIC program through September 30, 1978. There are also pending Senate bills which would extend the program. However, it does not appear that this new legislation will receive final Congressional consideration until late June 1975. Therefore, the bill being reported by the Committee would extend the program for the period July 1, 1975, through September 30, 1975. The House of Representatives has taken similar action.

States must receive their letters of credit containing WIC funds by or near June 1, 1975, or they will have to close down their programs, disrupting the nutrition support and medical supervision of hundreds of thousands of low-income pregnant women, infants, and children. Some States have already sent out the word to terminate programs.

It would not be sound public policy to terminate the program, dismantle the food delivery mechanism, and stop the flow of medical data, only to have the entire program authorized and funded soon thereafter.

In reporting this 90-day extension of the WIC program, the Committee does not intend to prejudice the consideration of changes in the program, such as may be reflected in various legislative proposals pending before the Congress, including the Administration's proposed child assistance block grant program.

COST ESTIMATE

In accordance with Section 252 of the Legislative Reorganization Act of 1970, the Committee estimates about \$30 million would be expended by the Federal Government in carrying out the provisions of the bill. However, based upon an informal and unofficial estimate received from the U.S. Department of Agriculture about \$40 million would be available from Fiscal Year 1975 funds for this program which can be carried forward to finance the WIC program during the period

covered by this bill. Therefore, no additional funds would be required to be appropriated by the Congress to cover the funding needs of this program during the period of July 1, 1975, through September 30, 1975.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed as shown in roman):

CHILD NUTRITION ACT OF 1966

SPECIAL SUPPLEMENTAL FOOD PROGRAM

Sec. 17. (a) During each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, and for the period July 1, 1975, through September 30, 1975, the Secretary shall make cash grants to the health department or comparable agency of each State; Indian tribe, band, or group recognized by the Department of the Interior; or the Indian Health Service of the Department of Health, Education, and Welfare for the purpose of providing funds to local health or welfare agencies or private nonprofit agencies of such State; Indian tribe, band, or group recognized by the Department of the Interior; or the Indian Health Service of the Department of Health, Education, and Welfare serving local health or welfare needs to enable such agencies to carry out a program under which supplemental foods will be made available to pregnant or lactating women and to infants determined by competent professionals to be nutritional risks because of inadequate nutrition and inadequate income. Such program shall be operated for a three-year period and may be carried out in any area of the United States without regard to whether a food stamp program or a direct food distribution program is in effect in such area.

(b) In order to carry out the program provided for under subsection (a) of this section during the fiscal year ending June 30, 1973, the Secretary shall use \$20,000,000 out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)). In order to carry out such program during the fiscal year ending June 30, 1974, there is authorized to be appropriated the sum of \$20,000,000, but in the event that such sum has not been appropriated for such purpose by August 1, 1973, the Secretary shall use \$20,000,000, or, if any amount has been appropriated for such programs, the difference, if any, between the amount directly appropriated for such purpose and \$20,000,000, out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)). In order to carry out such program during the fiscal year ending June 30, 1975, and for the period July 1, 1975, through September 30, 1975, there is authorized to be appropriated the sum of \$100,000,000, but in the event that such sum has not been appropriated for such purpose by August 1, 1974, the Secretary shall use \$100,000,000 or if any amount has been appropriated for such program, the difference, if any, between the amount directly appropriated for such purpose and \$100,000,000, out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)). Any funds expended from such section 32 to carry out the provisions of subsection (a) of this section shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out the provisions of such subsection, and such reimbursements shall be de-

posited into the fund established pursuant to such section 32, to be available for the purpose of such section.

EXTENSION OF THE WIC PROGRAM

Mr. DOLE. Mr. President, I am pleased to support H.R. 7136, the bill to continue for 3 months the special supplemental feeding program for women, infants, and children. Unless we act soon to extend the WIC program, its authorization will expire on June 30. It is therefore essential that those who administer this worthy nutrition program be assured, within the next couple of weeks, of continued authorization.

I have previously introduced legislation, S. 1522, which would continue the WIC program, the special food service program for children, and the school breakfast program until September 10, 1976. Since it is apparent that there is not enough time for consideration of comprehensive child nutrition legislation, this interim bill is necessary in order to assure continued operation of this meritorious program.

Mr. President, every Member of the Congress is interested in assuring that American mothers and children have nutritious diets during the critical formative years. And it has long since been established that the Federal Government shares with the States a major responsibility for achieving this worthy objective. Enactment of H.R. 7136 will demonstrate our unwavering dedication to this goal.

The PRESIDING OFFICER. Without objection, the bill will be considered as having been read twice by title, and the Senate will proceed to its immediate consideration.

The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry be discharged from further consideration of the companion bill, S. 1780, and that that bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. I thank the Senator from Mississippi, and I thank my esteemed friend from New Mexico.

Mr. HUMPHREY subsequently said: Mr. President, I ask unanimous consent that the action taken this morning discharging the Committee on Agriculture and Forestry from the further consideration of S. 1780 be vitiated, and that the bill be shown as having been reported from the committee and the report printed before the bill was indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

FURTHER MORNING BUSINESS

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the Senate return to morning business with state-

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vacy of individual tax returns secure as a matter of law.

So he understands, I believe, that the purposes of this resolution are quite different from attempting to obtain disclosure of individual tax returns, but rather are directed toward enabling the committee to obtain all the information it may need pertaining to surveillance methods employed against taxpayers by the Internal Revenue Service.

I am happy to yield to the distinguished Senator from Connecticut.

Mr. WEICKER. I thank the distinguished Senator from Idaho.

Mr. President, I commend both the distinguished Senator from Idaho (Mr. CHURCH) and the distinguished Senator from Texas (Mr. TOWER) for achieving today on the floor of the Senate a first in the area of tax privacy.

Unlike a similar resolution in behalf of the Watergate committee, which was sweeping and broad and enabled the committee to go after individual returns, this resolution incorporates the lessons that we learned through access, both of the legislative and the executive branches, to IRS tax returns.

I cannot begin to measure the honor I wish to bestow on my colleagues for using this occasion as an exercise in self-discipline. There has been no action anywhere else in the Government to insure the confidentiality of tax reforms. The whole issue of tax privacy still hangs in the air.

We can make all the speeches we want to about the privacy of our constituents and the importance of privacy, but the Senator from Idaho and the Senator from Texas have done something, in connection with this resolution, whereby the committee, the Senate, and the American people are assured that in the course of this investigation their privacy will be absolutely preserved.

So I cannot begin to say how excited I am over what Senator TOWER, Senator CHURCH, and the others on their committee have done today. When I first went to the chairman about this resolution, and said I was most anxious to see to it that the data provided would be provided without names. Then a very interesting point was raised—"What we are trying to do is protect those people who may have been targets of illegal and unethical activity." So we agreed that the resolution should have the added dimension of being able to provide names without data. That, in essence, is the sense of what has been achieved in this resolution, and it has been well done. I think it is a tremendous first step forward on reform relative to restricting governmental access to individual tax returns. I am proud that it was a Senate select committee which did it.

Mr. CHURCH. I thank the Senator from Connecticut for his remarks.

Of course, it is the purpose of the com-

mittee investigating intelligence activities to safeguard the American people against actions on the part of the Government which we believe either exceed the law or unduly trespass upon the rights of free citizens.

I hope that as a result of the investigation of the committee we can better protect against Big Brother government in this country that is constantly intruding in one way or another upon the legitimate rights of individual citizens. And, therefore, it was natural that both Senator TOWER and I should want to comply with the request made by the Senator from Connecticut to write this resolution in such form as to make it plain that the committee's purpose is not to pry into individual events but rather to determine how the Internal Revenue Service has been conducting surveillance against citizens in connection with its tax-collecting activities.

I thank the Senator, therefore, for his remarks. I think the legislative record is now clear with respect to the purpose of the resolution. I ask that the Senate proceed to vote on it.

Mr. JAVITS. Mr. President, will the Senator yield to me for a unanimous consent request?

Mr. CHURCH. I was about to request a vote.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 167) was agreed to.

The preamble was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. CHURCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHURCH. Mr. President, I yield the floor.

QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2:30 P.M.

Mr. CHURCH. Mr. President, I move that the Senate stand in recess until the hour of 2:30 p.m. this afternoon.

The motion was agreed to; and at 12:34 p.m., the Senate recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HELMS).

THE UNITED STATES AND ISRAEL

Mr. HARRY F. BYRD, JR. Mr. President, the recent debacle in Southeast Asia focuses worldwide attention on American foreign policy—and the current attitude of the American people.

In my judgment, we must not let disillusionment with our role in Southeast Asia cause a withdrawal from the world.

As a great power, America has major responsibilities.

For example, a free Europe is vital to the United States, and we have a genuine stake in the peaceful settlement in the Middle East.

In this latter area, a strong Israel is an asset to the United States.

In addition, Israel is a democracy that shares the basic principles, morality and way of life of the United States.

For many years the United States has been firmly committed to the political independence and territorial integrity of Israel. The United States strongly opposes aggression by anyone in the area.

Secretary Kissinger has made some progress in bringing about a better understanding between the nations of the Middle East, but a lasting peace is not yet in sight.

If peace is to become a reality in the Middle East, direct negotiations between Israel and her Arab neighbors are a necessity.

In preserving the peace and in encouraging direct negotiations—Israel must be in a position to develop adequate strength to deter a renewal of war by Israel's neighbors. Withholding military equipment from Israel would be dangerous, since the Soviet Union continues to supply vast amounts of arms to the Arab states.

As the President reevaluates our country's foreign policy position, and as the Congress assesses related legislative requests, our traditional commitment to a free Israel must remain a primary consideration.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CANNON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 170—SENATE CONSENT TO COMPTROLLER GENERAL TO COMPLY WITH SUBPENA DUCES TECUM

Mr. CANNON. Mr. President, I sent to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. DOLE). The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 170) of the Senate dependent to Comptroller General to comply with subpoena duces tecum.

Mr. CANNON. Mr. President, this resolution has been cleared with the majority and minority leaders. It is reported from the Select Committee on Standards and Conduct. Senator CURTIS is the ranking member of the committee.

The resolution, to assert the privileges of the Senate against the production of any documents of the Senate without its consent, is in the usual form. It responds to a subpoena issued by the prosecuting attorney in the case of the United States versus former Senator Edward J. Gurney demanding the production of a confidential personal financial disclosure on file with the Comptroller General in accordance with Senate rule 44.

The resolution differs from similar ones in the past, however, in that it extends the privileges of the Senate not to one of its employees but to the Comptroller General of the United States. We believe that the Senate is well within its powers in so spreading its cloak, as the Comptroller General has custody of the disclosures as a pure ministerial duty under the express terms of rule 44. He is, in effect, the agent of the Senate for filing purposes under our internal system of disclosure.

I believe, Mr. President, that the sur-render of a disclosure statement made in reliance on a Senate rule which protects its confidentiality will jeopardize the whole system of senatorial disclosure. It may be that before long, Senators will want to change that system, but until that time we have a responsibility to safeguard the disclosures already on file. Rule 42 is directly based on the constitutional provision that permits each House to "punish its Members for disorderly behavior." To permit an impairment of rule 42 by authorities other than the Senate would be to give up our constitutional responsibilities and prerogatives.

Mr. President, we have established a procedure in the Senate for adopting the resolution to protect employees of the Senate from producing documents that are solely within the jurisdiction of the Senate and that was the intent in rule 44, to provide for confidentiality.

We have made the Comptroller General the custodian of those records. There is a subpoena pending and while the Comptroller General is opposing this subpoena, under the provisions of rule 44, it is our feeling that we should specifically, by resolution, give him the same protection that is extended to employees of the Senate.

It simply provides that if the matters that are attempted to be subpoenaed are a matter of the public record or have

been made public by the Senate, then they may have full access to them, but until that time, they are subject to the rule of confidentiality and are within the jurisdiction of the Senate itself.

Mr. CURTIS. Will the Senator yield?

Mr. CANNON. I yield to the distinguished Senator from Nebraska.

Mr. CURTIS. I thank my distinguished friend.

I have gone into this and it seems to me this is the ordinary procedure we have always followed. I am also convinced that this is in accord with the intent of rule 44. I have talked to the minority leader about this and I urge the adoption of the resolution.

Mr. CANNON. Mr. President, rule 42 is directly based on the constitutional provisions that permit each House to punish its Members for disorderly behavior. Under that rule we did provide for certain information to be furnished to the Comptroller General under the rule of confidentiality. If we were to depart from that at this time, it would destroy the confidentiality provision.

Mr. CURTIS. Mr. President, will the Senator yield further?

Mr. CANNON. I am delighted.

Mr. CURTIS. As the chairman has stated, the Comptroller General is the custodian for the committee and for the Senate, and not the one who possesses these records.

The resolution is in accord with the intention of the Senate in reference to the handling of these papers.

The PRESIDING OFFICER (Mr. HELMS). The question is on agreeing to the resolution.

The resolution (S. Res. 170) was agreed to.

The preamble was agreed to.
The resolution, with its preamble, is as follows:

S. RES. 170

Whereas in the case United States of America v. Edward J. Gurney, et al., Criminal Action No. 74-122-CR-JK, United States District Court for the Middle District of Florida, a subpoena duces tecum was issued on May 1, 1975, upon the application of United States Attorney Harvey E. Schlesinger, attorney for the United States, and addressed to the Comptroller General of the United States or his designated representative, directing him to appear as a witness before the said court on the 7th of May 1975 and to bring with him certain papers in his possession and under the control of the Senate of the United States.

And whereas said Comptroller General of the United States has possession of the papers called for in the subpoena duces tecum solely by virtue of his responsibilities as custodian under Rule 44 of the Standing Rules of the Senate. Therefore, be it

Resolved, That by the Privileges of the Senate no evidence of a documentary character under the control of the Senate can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That the Comptroller General of the United States or his designated representative be authorized to appear at the place and before the court named in the subpoena duces tecum before mentioned, but shall not take with him any papers or documents on file in his office or in his possession as Comptroller General of the United States; be it further

Resolved, That when said court determines that any of the papers called for in the subpoena duces tecum have become part of the official transcripts of public proceedings of the Senate by virtue of their inclusion in the official minutes and official transcripts of such proceedings for dissemination to the public upon order of the Senate or pursuant to the Rules of the Senate, and, further, that such papers are material and relevant to the issues pending before said court, then the said court, through any of its officers or agents, have full permission to attend with all proper parties to the proceedings, and then always at any place under the orders and control of the Senate, and take copies of such papers in possession of said Comptroller General which the court has found to be part of the official transcripts of public proceedings of the Senate by virtue of their inclusion in the official minutes and official transcripts of such proceedings for dissemination to the public upon order of the Senate or pursuant to the Rules of the Senate, and, further, that such papers are material and relevant to the issues pending before said court, excepting any other papers, including, but not limited to, minutes and transcripts of executive sessions and any evidence of witnesses in respect thereto which the court or other proper office thereof shall desire as such matters are within the privileges of the Senate; and be it further

Resolved, That a copy of these resolutions be transmitted to the said court as a respectful answer to the subpoena aforementioned.

Mr. CANNON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks made by Mr. JAVITS at this point, and the colloquy pertinent thereto, appear in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CURTIS). Without objection, it is so ordered.

ITEMS FOR MR. CARY FOR THE DCI 9:00 MEETING ON: May 27th
Date

FROM: Don
Name

SUBJECT: S. Res. 167 (attached)

Senators Church and Tower sponsored this resolution which authorizes the Senate Select Committee to obtain data contained in tax returns, with a stipulation that "names, addresses, and personal identifications shall be presented in such form as not to identify the individual tax returns from which such data may be derived." The resolution was the subject of minimal floor debate and was agreed to by a voice vote.

SMD
pls do a quick slip to DCI
(w copy to Knoche) using
above text
gll