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file HR 7130

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(Continued from p. 1584)

and Interior and Insular Affairs Committees until July 19, with instructions to consider an amendment authorizing a permanent agency to deal with shortages which would have a national resource and material information system and authority to collect the information. He said it was a mistake to establish a commission to study the need for such an agency when it was already "clear that we do...." The motion to recommit failed, 34-56. (Vote 241, p. 1588)

By voice votes, the Senate approved a modified amendment offered by Robert Taft Jr. (R Ohio) authorizing the commission to consider the impact of shortages on con-

sumers, and an amendment offered by Hubert H. Humphrey (D Minn.) that would require the commission to set up an advisory commission with an authorization of \$75,000 to consider shortages in light of national growth and development.

House Outlook

The House Interior and Insular Affairs Subcommittee on Mines and Mining held hearings in March and April on shortages of minerals, but had not considered any legislation similar to the Senate bill.

CONFEREES APPROVE BUDGET PROCEDURES REFORM

Conference Action—House and Senate conferees June 12 filed a conference report (S Rept 93-294) on HR 7130, reforming congressional budget procedures.

Setting the framework for reasserting congressional control over government spending, House and Senate conferees reached agreement on legislation that would revise and elaborate the procedures by which Congress considers the federal budget.

If faithfully implemented when its provisions fully take effect in 1976, the budget-reform bill would force Congress into more measured and timely action on budgetary legislation, tying its separate spending decisions together with fiscal policy objectives in a congressionally determined budget package.

Following a budget reform format prepared in 1973 by a joint study committee, the bill would require Congress before acting on appropriations and spending measures to adopt a budget resolution setting target figures for total appropriations, total spending and appropriate tax and debt levels. The measure would create new House and Senate committees to analyze budget options and prepare the budget resolutions.

While building on the existing committee structure in considering authorization and appropriations bills, HR 7130 would establish a detailed timetable setting deadlines for floor action on various spending measures. To fit the expanded budget-making procedures into the yearly congressional session schedule, the bill would shift the federal government onto an Oct. 1-Sept. 30 fiscal year, giving Congress an additional three months to wrap up its budget review. Before the fiscal year began, Congress would have to reconsider its budget targets and reconcile its spending actions.

Correcting existing practices that foiled congressional control over how much the federal government spent, the bill would provide procedures for putting limits on backdoor spending programs and for forcing the President to spend impounded funds.

Since the conference version would allow a waiver of its procedural and deadline requirements at several stages, how well the new budget process worked would depend, of course, on how determined Congress was in disciplining its spending decisions.

Conference Action

In general outline, the conference version established procedures that had been approved in basically similar

Congressional Budget Timetable

The conference agreement on HR 7130 would establish the following deadlines for consideration of budget legislation by Congress:

Nov. 10	Current services budget submitted
15 days after Congress convenes	President's budget submitted
March 15	Committees submit budget reports to Budget Committees
April 1	Congressional Budget Office sends report to Budget Committees
April 15	Budget Committees report first budget resolution to House and Senate
May 15	All authorization bills reported
May 15	Final action on first budget resolution
7 days after Labor Day	Final action on appropriations bills
Sept. 15	Final action on second budget resolution
Sept. 25	Final action on budget reconciliation measure
Oct. 1	Fiscal year begins

form by both the House and Senate. (House action, 1973 Almanac p. 243; Senate action, Weekly Report p. 785, 679)

The product of intense staff negotiations both during Senate consideration and in conference, the final version tended to follow more detailed Senate provisions where the two versions differed. In setting the timetable, for instance, the conference agreement generally applied deadlines to the expanded list of actions subjected to time limits in the Senate bill.

In prescribing the content of congressional budget resolutions, on the other hand, the conference agreement followed the less specific House bill's provisions requiring allocation of appropriation and spending totals among functional budget categories. It dropped from the final bill further appropriation and spending breakdowns required by the Senate version between existing and proposed programs, regular and permanent appropriations and controllable and uncontrollable spending.

As under the Senate bill, the budget resolution proposed in the bill could recommend increases or decreases in federal revenues and in the federal debt.

Following a less rigid Senate approach, the conferees dropped a House provision allowing cleared appropriations

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bills to be sent to the President only if the total funds provided fell within budget resolution allocations. Instead, the final version allowed Congress to specify in its initial budget resolution that appropriations and other spending bills be held up after final congressional action until the budget reconciliation process had been completed.

With some modifications, the conference agreement followed the Senate approach to backdoor spending control, exempting existing programs and providing special procedures applying limits to entitlement programs only in certain circumstances.

The conferees substantially rewrote both versions of impoundment control provisions, devising different procedures for Congress to use to overrule presidential actions deferring spending or permanently cutting programs.

In some cases, the conference agreement went beyond either version, adding provisions that would move Congress toward consideration of authorizing legislation at least one year in advance.

Budget-Making Process

Budget Committees

To give Congress a more expert perspective on budget totals and on fiscal policy requirements, the budget reform bill would establish House and Senate budget committees to study and recommend changes in the President's budget.

As under the House-passed bill, the conference agreement would create a 23-member House Budget Committee. Assuring that existing House committees concerned with budgetary matters would be represented on the Budget Committee, the bill assigned five seats to Ways and Means Committee members and five to Appropriations Committee members. The remaining seats would be occupied by one member from each of the eleven legislative committees, and by one member from the majority leadership and one from the minority leadership.

The bill would rotate House Budget Committee membership by prohibiting any member from serving for more than four years out of a 10-year period. Members on the committee would have to serve for a full Congress (two-year period).

Following the Senate-passed version, the conference agreement would create a 15-member Senate Budget Committee picked by normal Senate committee selection procedures. No rotation would be required, but after 1976 any member holding seats on two other major committees would have to drop one.

The conference agreement included a Senate floor amendment requiring that most Senate Budget Committee meetings be open to the public unless the committee voted for a secret session in circumstances prescribed by the budget reform legislation.

Budget Submission

In moving to an Oct. 1-Sept. 30 fiscal year, the conference report on HR 7130 would establish a timetable to assure orderly action on spending measures before the fiscal year began.

To give Congress a quicker start in shaping the budget, the final version, like the Senate bill, would require the executive branch to submit a "current services" budget by Nov. 10 for the fiscal year that would start the following Oct. 1.

Building on the programs and funding levels in effect for the ongoing fiscal year that had started the month

before, the November current services budget would project the spending required to maintain those programs at existing commitment levels without policy changes through the following fiscal year. The Joint Economic Committee would review the current services budget outlook and report its evaluation to Congress by Dec. 31.

As under existing law, the president would submit his revised federal budget to Congress about Jan. 20. In addition to the customary budget totals and breakdowns, however, the conference report would require the budget document to include a list of existing tax expenditures—revenues lost to the Treasury through preferential tax treatment of certain activities and income—as well as any proposed changes.

The measure also would require that the budget include estimates of costs for programs whose funds were required to be appropriated one year in advance before they were obligated. Thus the budget would include projections for spending during fiscal 1980, for example, of funds provided under an advance appropriation requested from Congress for fiscal 1979.

Other provisions directed that the budget figures be presented in terms of national needs, agency missions and basic federal programs. The budget also would include five-year projections of expected spending under federal programs.

Budget Office

The final version of HR 7130, like both the House and Senate bills, would establish an office within Congress to provide the experts and the computers needed to absorb and analyze the volume of information and data that accompanied the president's budget.

Under the conference agreement, the Congressional Budget Office would make its staff and resources available to all congressional committees and members, but with priority given to work for the House and Senate budget committees. The House-passed bill would have assigned the budget office to serve as a joint staff for the budget committees, making only limited services available for the rest of Congress.

The bill would abolish the existing Joint Committee on Reduction of Federal Expenditures and transfer its functions and staff to the Congressional Budget Office.

The office would be run by a director appointed for four-year terms by the speaker of the House and the president pro tempore of the Senate. The office would go into existence with the appointment of a director.

Budget Resolution

After reviewing the president's budget proposals—and considering the advice of the budget office and other committees—the House and Senate budget committees would draw up a concurrent resolution outlining a tentative alternative congressional budget.

Under the conference report timetable, congressional committees would have until March 15 to report their budget recommendations to the budget committees. The budget office report would be due on April 1.

By April 15, the budget committees would report concurrent resolutions to the House and Senate floors. By May 15, Congress would have to clear the initial budget resolution.

The initial resolution, a tentative budget, would set target totals for appropriations, spending, taxes, the budget surplus or deficit and the federal debt.

Congressional Travel Secrecy

Rep. Gilbert Gude (R Md.) is seeking congressional support for a measure he plans to introduce June 18 that would once again require records on foreign travel by members of Congress to be made public through publication in the *Congressional Record*.

"Foreign travel by members, despite the suspicion with which it is viewed, can be an important and useful part of congressional responsibilities," said Gude. "Hiding the record of it only serves to increase the suspicion about all travel."

Travel details were published by law until Congress in 1973 added to a routine State Department authorization bill (HR 7645—PL 93-126) an amendment eliminating the disclosure requirement. The change was engineered by Rep. Wayne L. Hays (D Ohio) who said he wanted to reduce the size and cost of publishing the Record. (*Details, Weekly Report p. 1289*)

As of June 11, Gude had 30 cosponsors for his measure. He also plans to ask a member of the Foreign Affairs Committee to introduce his proposal as an amendment to the fiscal 1975 State Department authorization bill when the committee takes it up. According to an aide to Gude, William A. Reinsch, this procedure is necessary because a separate bill "probably won't go any place." The committee has not yet scheduled any meetings on the State Department bill.

Among the early cosponsors of the bill were two members of the Foreign Affairs Committee, Michael J. Harrington (D Mass.) and Pierre S. (Pete) du Pont (R Del.). However, the authorization bill must be considered by the Foreign Affairs Subcommittee on State Department Organization and Foreign Operations, chaired by Hays. Other members of the subcommittee are Democrats Clement J. Zablocki (Wis.), Donald M. Fraser (Minn.), Dante B. Fascell (Fla.), Abraham Kazen Jr. (Texas), John C. Culver (Iowa) and Charles C. Diggs Jr. (Mich.) and Republicans Vernon W. Thomson (Wis.), John Buchanan (Ala.), Peter H.B. Frelinghuysen (N.J.), Edward J. Derwinski (Ill.) and Tennyson Guyer (Ohio).

A similar bill (HR 15143) was introduced May 30 by Joel Pritchard (R Wash.).

Within those over-all targets, the resolution would break down appropriations and spending among the functional categories—defense, health, income security and so forth—used in the president's budget document.

The resolution also would include any recommended changes in tax revenues and in the level of the federal debt ceiling. If Congress so chose, the first resolution also could direct that appropriations bills and bills creating federal entitlement programs when cleared by Congress be withheld from the president until Congress had completed its budget reconciliation process in September.

The budget targets would be broken down in another way reflecting the congressional committee structure once House and Senate conferees reached agreement on the final version of the first budget resolution. In their statement on the conference agreement, the conferees would allocate the targets among committees in Congress that would consider

legislation providing the funds to be spent within the total and functional category targets.

The Appropriations Committees, which would be considering the bulk of spending proposals requiring appropriations, would further subdivide their allocations among the 13 subcommittees that handle appropriations for different departments and agencies.

Each committee also would allocate its share of the spending targets between controllable spending and spending that was beyond immediate congressional control.

Appropriations Process

Once enacted, the budget resolution would guide but not bind Congress as it acted on appropriations bills and other measures providing budget authority for spending on federal programs.

No measure appropriating funds, changing taxes or the public debt level or creating a new entitlement program committing the government to pay certain benefits could be considered on the floor before adoption of the first budget resolution. In the Senate, however, that prohibition could be waived by majority vote.

To clear the way for prompt action on appropriations before the fiscal year began, the conference report would require that all bills authorizing appropriations be reported by May 15, the deadline for enactment of the budget resolution. That requirement could be waived, however, by majority vote in both the House and the Senate.

There would be two exemptions from the May 15 deadline for reporting authorizing legislation: for social security legislation, dealing with a variety of trust funds and welfare programs, and for entitlement legislation that could not be considered on the floor until the budget resolution had been cleared.

Starting with programs for fiscal 1977, the conference agreement would require the administration to make requests for authorizing legislation a year in advance.

Under its terms, the administration would have to submit its requests by May 15 for the fiscal year following the fiscal year that would start on Oct. 1. That would give congressional committees a full year to study the requests before the following May 15 deadline for reporting authorization bills for the fiscal year in question.

For fiscal 1977, which would start on Oct. 1, 1976, authorization requests would be submitted by May 15, 1975, and authorization bills reported by May 15, 1976.

The requirement was included, the conference report said, "to develop a pattern for the enactment of authorizing legislation at least one year in advance of the fiscal year to which it first applies." It had not been contained in either the House or Senate version of HR 7130.

After enactment of the budget resolution, Congress would start processing the 13 regular appropriations bills for the upcoming fiscal year through its customary appropriations process: House Appropriations subcommittee and full committee action, House floor action, Senate Appropriations subcommittee and full committee action, Senate floor action and conference action.

Adapting a provision in the House-passed bill, the conference agreement would direct the House Appropriations Committee to try to complete action on all appropriations measures and submit a report summarizing its decisions before reporting the first bill for floor action.

Under the conference agreement, all appropriations bills would have to be cleared by the middle of

September—no later than the seventh day after Labor Day. That deadline also would apply to final action on entitlement bills.

The deadline could be waived, however, for any appropriation bill whose consideration was delayed because Congress had not acted promptly on necessary authorizing legislation.

If Congress had so provided in its initial budget resolution, appropriations and entitlement bills could be held up after final action on conference reports. Under that procedure, no appropriations bills would be sent to the president until Congress had completed a September reconciliation of its initial budget targets with its separate spending measures.

Reconciliation

In mid-September, after finishing action on all appropriations and other spending bills, Congress under the conference agreement would take another over-all look at its work on the budget.

By Sept. 15, Congress would have to adopt a second budget resolution that could either affirm or revise the budget targets set by the initial resolution. If separate congressional decisions taken during the appropriations process did not fit the final budget resolution totals, the resolution could dictate changes in appropriations (both for the upcoming fiscal year or carried over from previous fiscal years), entitlements, revenues and the public debt limit.

The resolution would direct the committees that had jurisdiction over those matters to report legislation making the required changes.

If all the required changes fell within the jurisdiction of one committee in each house—appropriations changes that the Appropriations Committees would consider, for example—those committees then would report a reconciliation bill to the floor.

If the changes involved two committees—appropriations changes by the Appropriations Committees and tax changes by the House Ways and Means and Senate Finance Committees, for example—those committees would submit recommendations to the budget committees. The Budget Committees then would combine the recommendations without substantial change and report them to the floor as a reconciliation bill.

If Congress had withheld all appropriations and entitlement bills from the president, reconciliation could be accomplished by passage of a resolution directing the House clerk and secretary of the Senate to make necessary changes in the bills previously cleared. A reconciliation bill still could be needed, however, to change tax levels or other provisions already enacted into law.

Backdoor Spending

Following closely the Senate-passed bill's approach, the conference report would bring most forms of new backdoor spending programs under the appropriations process.

In significant departures from the House provisions on backdoor spending, the conference version would leave existing backdoor programs outside the appropriations process and create special procedures for limiting spending under new entitlement programs.

As did both the House and Senate bills, the final version required annual appropriations of funds for spending from new contract authority or borrowing authority

Legal Services Delay

Senate sponsors of legislation (HR 7824) to set up an independent legal services corporation for the poor have been holding up final action on the bill since May 16, fearing that President Nixon might veto it to shore up his support among conservatives before possible impeachment proceedings.

The House approved a conference report on the bill May 16 by a 227-143 vote, but narrowly defeated—183-190—an attempt to send the bill back to conference. The recommittal move was an effort to kill provisions of the bill providing support for poverty law research centers; many House members also felt the conference version did not crack down hard enough on the activities of legal services lawyers. (*Conference action, Weekly Report p. 1276; recommittal vote, vote 149, Weekly Report p. 1318*)

After the House action, Republican critics of the bill predicted that it would be vetoed in its present form. But supporters have stressed that the conference version would meet all of the President's objections to previous versions of the legislation.

Gaylord Nelson (D Wis.) and Jacob K. Javits (R N.Y.), chief Senate sponsors of the bill, have held up final Senate approval because of the veto possibility, however. Rather than put the bill to the veto test, they have considered whether it should be sent back to conference for changes designed to appease conservatives.

The chances for a veto override dimmed after the extent of opposition to the conference version became clear in the House May 16. And Senate sponsors failed twice in 1973 to get the two-thirds majority—the same margin required to override a veto—they needed to shut off a filibuster against the measure led by Republicans Bill Brock (Tenn.) and Jesse A. Helms (N.C.). (*1973 Almanac p. 581*)

programs. Contract authority permitted federal officials to enter into contracts obligating the federal government to make certain payments before the money was appropriated; borrowing authority permitted federal officials to incur indebtedness in advance of appropriations to pay back the money.

Entitlement programs commit the federal government to pay benefits to all eligible recipients. Since the government could not control the number of eligible recipients—at least without tinkering with eligibility standards—it had little control under existing procedures over total spending on these programs. And Congress had no choice but to appropriate the funds required to meet the obligations.

In devising special procedures for entitlement programs, the conference agreement would rely on the initial budget resolution's allocations of spending limits for guidelines on how much spending would be permissible on new programs in the upcoming fiscal year.

Under the conference agreement's procedures, a bill reported by an authorizing committee to establish a new entitlement program would be referred to the Appropriations Committee if the amount of the appropriations provided by the bill exceeded the authorizing committee's allocation set out after adoption of the congressional budget resolution.

The Appropriations Committee then would have 15 days to consider the bill and report an amendment

putting a limit on appropriations for the new program. If the Appropriations Committee did not act within 15 days, the measure would go on the calendar as reported.

The Senate bill would have sent all entitlement bills to the Appropriations Committee, regardless of budget allocations.

To tie consideration of entitlement bills closely to the budget-making process, the conference agreement would prohibit floor action on entitlement bills before adoption of the first budget resolution. And no entitlement legislation could go into effect before the start of the fiscal year, making the spending it provided subject to revision in the reconciliation stage.

The House bill would have subjected existing backdoor spending to annual appropriations approval by Congress after Oct. 1, 1978, but the conference agreement like the Senate bill applied only to new programs.

Following similar House and Senate provisions, the conference agreement exempted from the bill's backdoor spending procedures all Social Security trust funds, all trust funds that received 90 per cent or more of their financing from designated taxes rather than from general revenues, general revenue sharing funds, insured and guaranteed loans, federal government and independent public corporations and gifts to the government.

Impoundment

In the major conference compromise, the conferees devised hybrid impoundment-control procedures designed to protect the congressional budget decisions from being overruled by a president who refused to spend appropriated funds.

Combining elements from vastly different House and Senate impoundment control provisions, the conference agreement would prescribe two different procedures for Congress to deal with impoundments, one for impoundments that simply delayed the spending of funds and a tougher procedure for impoundments made to cut total spending or to terminate programs.

For impoundments that merely deferred spending, the conference agreement would set up procedures modeled on the House-passed provisions. If the president made such impoundments, Congress could force him to release the funds if either the House or the Senate passed a resolution

calling for their expenditure. No time limit for congressional action was set.

For impoundments that terminated programs or cut total spending for fiscal policy reasons, the conference agreement would require congressional action to rescind the previous appropriations action providing the funds. Unless both the House and Senate had passed a rescission bill within 45 days, the president would have to spend the money.

Neither the House nor the Senate bill had included the rescission requirements, which applied to all impoundments of funds appropriated for a single fiscal year if the delay prevented their use during that year.

To remove language in existing law that had been cited as justification for presidential impoundments, the conference agreement, like the Senate version, would repeal a clause in the Anti-Deficiency Act of 1950 allowing the executive branch to withhold funds from obligation because of "other developments" as well as to save money or take account of changing requirements or improved efficiency.

To keep Congress informed on impoundment actions, the bill would require the president to report deferrals or request rescissions. If the comptroller general found that impoundments had been made without reports to Congress, he could report the impoundments himself and Congress then could act to force release of the funds.

If a president refused to comply with a congressional action overruling an impoundment, the comptroller general could go to court for an order requiring spending of the funds.

Corrections

(Previous corrections, Weekly Report p. 1418)

Page 1363, Col. 1, fifth paragraph—Former State Rep. Millicent Fenwick is a Republican, not a Democrat.

Page 1388, Col. 2, fifth paragraph, fifth line—should read: ...complete the term of Democrat H. Rex Lee who resigned in December 1973 (not March 19).

Page 1489—In the primary results chart for Iowa's 2nd District, Tom Riley should be listed as receiving 12,132 votes, 69 per cent.



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