suggest that other universities begin to compete, so that a candidate for Congress can say, "If you give me a chance to serve, I'll go to Harvard"—or Yale or Wisconsin or Columbia or Berkeley or whatever; and the voters, in their delight at the prospect of having an educated Congressman, are likely to be impressed.

AN END AND A BEGINNING

Mr. HUGH SCOTT. Mr. President, this week, we are marking an end and a beginning: hopefully the end of the session in which this body has certainly labored very hard and has produced a good amount of substantive legislation, in which work has been done in cooperation, and we will leave for a sufficient time to enable a period of refreshment to be enjoyed prior to our return for what certainly will be a long and laborious session; a beginning, because it is the season of Advent and of Hanukkah. Therefore, we are thinking in terms of the newness of existence, of the challenges which contemplation of the Advent offers us. I hope that from the ending we will take satisfaction and in the beginning, hope.

SUPPLEMENTAL APPROPRIATIONS, 1975—CONFERENCE REPORT

The Senate resumed consideration of the conference report on the bill (H.R. 16900) making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 1 hour of debate before the vote on cloture on the Scott amendment to House amendment No. 17. The time is to be equally divided between and controlled by the distinguished Senator from Alabama (Mr. ALLEN) and the distinguished Senator from Pennsylvania (Mr. HUGH SCOTT).

Who yields time?

Mr. ALLEN. I yield myself 5 minutes.

Mr. President, I favor the supplemental appropriations bill, and my efforts and the efforts of those who are opposing the Scott amendment are directed toward saving this bill. I feel that if the Scott amendment is adopted, this measure will have to go back to the House and in all likelihood back to conference. The House having voted twice in favor of the Holt amendment, or a modification of the Holt amendment in the second instance, it is entirely likely that the conferees will be adamant and that they will not give in and yield to the language of the Scott amendment.

Mr. President, while we have before the Senate at this time amendment No. 17 in disagreement, the entire conference report and all the other amendments are, in effect, still before the Senate; because even though the conference report has been adopted, and even though all the other amendments of the Senate have been agreed to or are part of the conference report, yet, they are in a state of suspended animation until some agreement it reached on amendment No. 17 in disagreement.

As long as the distinguished Senator from Pennsylvania (Mr. HUGH SCOTT) insists on having his amendment acted upon, that is delaying the passage of this supplemental appropriations bill, appropriating some $8 billion to the various agencies of Government, including more than $4 billion to the public schools of this Nation.

Mr. President, the situation presented here is entirely opposite from the situation presented on the cloture motion yesterday with regard to the trade bill. There, a cloture motion and the imposition of cloture served to expedite the passage of the bill. But, Mr. President, the situation is entirely different here, because a cloture vote, a vote for cloture, endangers the passage of the bill, and a vote for cloture will delay the passage of the bill.

Mr. President, it would be possible in the matter of just a few seconds, less than a minute, to pass this bill if the amendment of the Senator from Pennsylvania (Mr. HUGH SCOTT) should be withdrawn. Then the Senate would be allowed to act on, not my motion, but the motion of the distinguished Senator from Arkansas (Mr. MCCLELLAN), chairman of the Senate Committee on Appropriations, the floor manager of the bill, chairman of the conference, who made a motion, as instructed by the conference, that the Senate concur in the action of the House modifying and reinserting the language of the Holt amendment.

Mr. President, even though amendments that come back for action in connection with a conference report are referred to as amendments in technical disagreement, actually, they are not in substantive disagreement. They are not in basic disagreement, because agreement has been reached, but, because of rules of germaneness on the part of the House, they are not able to agree to the language and put it in the conference report. So what they do is what they did in this case, agree on what was to be done, and prepare the blueprint for action by the House and action by the Senate to resolve the differences.

Mr. President, there were 16 members of the conference committee representing the Senate. Fourteen of them signed the report recommending that the Senate concur in the action of the House. But this matter was agreed to by the conferees, and if we can defeat the cloture motion today, I should feel that the Senator from Pennsylvania, rather than run further risk of defeating this bill by insisting on his amendment, would withdraw the amendment and let the motion of the Senator from Arkansas (Mr. MCCLELLAN) come to a vote.

The Senator from Alabama is not preventing a vote on the one motion that will send this bill to the President. That is the motion of the Senator from Arkansas. The Senator from Alabama is for that motion. He wants to see it passed, and if we can defeat this cloture motion today, I hope that sometime during the day, the distinguished Senator from Pennsylvania will recede from his position of insisting on action on his amendment and allow the Senate to vote on the motion of the Senator from Arkansas.

Mr. HUGH SCOTT. Will the distinguished Senator from Alabama yield?

The ACTING PRESIDENT pro tempore. The Senator from Alabama has consumed 7 minutes.

Mr. ALLEN. Then I shall be delighted to yield on the time of the Senator from Pennsylvania.

Mr. HUGH SCOTT. If the Senator needs time, he may use my time. I simply rise to make a point.

While the Senator from Alabama states that the supplemental is being delayed by the amendment——

Mr. ALLEN. That is correct.

Mr. HUGH SCOTT. I point out that the supplemental is being delayed by the opposition of the Senator from Alabama to the amendment, because the amendments, if not opposed, could pass in a matter of a few minutes. The right of each side to offer an amendment is unquestioned. The right of debate is unquestioned. The Senator from Alabama is exercising his rights, but the Senator from Pennsylvania has used virtually no time on the amendment, and does not intend to use much time. He is so confident of the rectitude of his position that he does not feel that a further extension of remarks would be necessarily contributory to the processes of ratiocination involved in our consideration.

Mr. ROBERT C. BYRD. Mr. President, I enjoy listening to these learned discussions, but I should like to be able to understand them.

Mr. HUGH SCOTT. I do appreciate that, but the Senator——

Mr. ALLEN. It might be difficult to understand what the distinguished Senator from Pennsylvania is trying to get across. I find it somewhat difficult.

Mr. HUGH SCOTT. I wished to show to both Senators, that I never indulge in obfuscation. Logorrhea, yes, perhaps; obfuscation, no.

Mr. ALLEN. I thank the distinguished Senator for his comments, but the Senator from Alabama does not object to the Senator from Pennsylvania offering his amendment. He recognizes that right, but still, the Senator from Alabama has the right to draw his conclusions as to the effect of this amendment.

The Senator from Alabama pointed out that if the Senator from Pennsylvania would withdraw his amendment, we could send this bill to the President in a matter of 4 or 5 seconds. But if the Senator prevails in seeking the adoption of his amendment and it gets adopted, the bill has a very uncertain fate, because it has to go back to the House, which has acted on this very same question two times, contrary to the position of the Senator from Pennsylvania, and there is no assurance whatsoever that agreement can be reached with the House.

The Senator from Alabama is pointing out further that until agreement is reached on amendment No. 17, all of the action that the Senate has taken up to this point with respect to the bill will be nullified, because the conference report and all of its amendments are in a state of suspended animation, waiting on the

Continuation of the Senate Proceedings of December 13, 1974, Appear in This Issue After Today's Senate Proceedings

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 93d CONGRESS, SECOND SESSION

Vol. 120 WASHINGTON, SATURDAY, DECEMBER 14, 1974 *No. 175*

House of Representatives

The House was not in session today. Its next meeting will be held on Monday, December 16, 1974, at 12 o'clock noon.

Senate

SATURDAY, DECEMBER 14, 1974

The Senate met at 9 a.m. and was called to order by Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, grant that whatever happens in this Chamber on this day, we, Thy servants, may be kept under the shelter of Thy grace. If we have hard problems to solve, help us to ask for Thy light upon them, that we may see the way clearly. If we have difficult tasks to perform, help us to seek Thy strength that we may do that which we could not do ourselves. If we have temptations, help us to remember the One who was tempted as we are tempted, but yielded not, and is now ready to help others who are tempted. As we exert extra efforts, may we produce extraordinary results so that when we come to the day's end we may have no regrets. Bring us to the rest and worship of the Advent Sabbath, that we may rejoice in the light which shines from Bethlehem. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 14, 1974.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. HOLLINGS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, December 13, 1974, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations will be stated.

DEPARTMENT OF STATE

The assistant legislative clerk proceeded to read nominations in the Department of State.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—COAST GUARD

The assistant legislative clerk proceeded to read sundry nominations in the Coast Guard which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations and that the President also be notified of the confirmation of the nominations earlier this week.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

COLLEGE FOR CONGRESSMEN

Mr. HUGH SCOTT. Mr. President, I see that some of the new Members of Congress are going to Harvard before they go to Congress. This suggests a new campaign slogan: "If you elect me to Congress, I'll go to Harvard." I do not know the appeal of the slogan. I am in favor of education.

In all seriousness, I think this opportunity is a good one. The members of both parties who are going to go to Harvard for a crash course in how to legislate should be commended. It is very much to their credit that they are taking this time to learn something about legislation. As one who has been here a while, I think there is nothing which beats on-the-job training.

I believe that those Members of the Senate and the House who are already here will always be willing to help the new Members, generous in their advice when solicited—and possibly at times when unsolicited. This is the tradition of both bodies of Congress.

I am glad that another fringe benefit has been added to membership, and I

Senator from Pennsylvania to withdraw his amendment so that we can act upon the motion of the Senator from Arkansas, the chairman of the Committee on Appropriations and the chairman of the conference. That is what it will take to send the bill to the President today.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HUGH SCOTT. Mr. President, does the Senator from Massachusetts wish time at this point?

Mr. BROOKE. No.

Mr. HUGH SCOTT. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time for the quorum call be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I yield myself 7 minutes.

The ACTING PRESIDENT pro tempore. Without objection, the order for the quorum call will be rescinded, and the Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, the Holt amendment, which the House of Representatives is insisting on and which was agreed to in conference, was recommended to the two bodies—the modification of the Holt amendment, that is—was recommended by the conferees from the House and the conferees from the Senate, and now the House has taken action approving that language, and all that remains is for the Senate to concur in the action of the House of Representatives, and that will constitute passage of the bill.

Mr. President, there has been a lot of argument here on the Senate floor that what the Holt amendment seeks to do is not to stop forced mass busing of schoolchildren, that the Holt amendment is not an antibusing measure. In the debate which took place on the floor of the House of Representatives, Mrs. GREEN made inquiry, as shown in the debate on December 4, appearing at page H11280 of the RECORD:

What is the Holt amendment? First, the Holt amendment is an effective antibusing amendment.

Mrs. GREEN also said:

I do not consider the Holt amendment as either destructive or evil or an abomination as previous speakers have suggested; and I am in agreement with those who just spoke, that we have passed in this House innumerable antibusing amendments; on one occasion we even instructed the House conferees three times not to abandon the House position on antibusing; in spite of the instructions on those three different occasions, the conference report came back watered down so that the antibusing amendment was absolutely meaningless and there were loopholes that anyone could drive 1,000 schoolbuses through.

The distinguished Senator from Massachusetts (Mr. BROOKE), in argument earlier this week, talked about this being something having to do with integration by sex, and that the rights of women were involved here. Let us see what Mrs. GREEN says about that:

As you know, I believe forced busing has accelerated the deterioration of quality education in many schools. As I said, this is an antibusing amendment. The overwhelming majority of the American people are opposed to busing because it has not accomplished anything. Now HEW claims to have authority to say that we are going to integrate classes on the basis of sex. For heaven's sake, let us have some commonsense in the administration of the legislation that we enact. I would hope that we would overwhelmingly support the Holt amendment.

Now, Mr. President, let us consider the language that has the distinguished Senator from Pennsylvania so worked up that he has offered an amendment and is insisting on it, to the detriment of the likelihood of the passage of this bill.

After making appropriations of more than $4 billion to the schools, this amendment No. 17 ends with this language:

Provided further, That none of the funds contained herein shall be used to carry out section 821 of Public Law 93-380 [to compel any school system, as a condition for receiving grants and other benefits from the appropriations above, to classify teachers or students by race, religion, sex, or national origin, or to assign teachers or students to schools, classes, or courses for reasons of race, religion, sex, or national origin].

All it says, then, is that HEW cannot say to a school system, "You are eligible for a grant from the Federal Government to give quality education to the pupils in your school system, but you are not going to get that grant unless you classify teachers or students by race, religion, sex, or national origin."

Why should they have that authority, to withhold funds to force local school systems to make such a classification, or—and here is the busing feature—to force the local system to assign teachers or students to schools, classes, or courses for reasons of race, religion, sex, or national origin?

If students are assigned by race—which HEW seeks to force local systems to do—and they assign pupils to schools far from their neighborhoods, how are they going to get there except by busing? That is what makes this Holt amendment an antibusing amendment.

Mr. President, to say that HEW cannot see to it that quality education, equal opportunity for an education, is afforded all of our children unless they have power to withhold funds to club local systems into submission into taking action that HEW thinks that they should take, let me ask how often has this withholding of funds taken place in areas outside of the South?

Well, there was a recent study, as shown by the CONGRESSIONAL RECORD, page S16091, a recent study by the Center for National Policy Review, and it is pointed out that since 1965 there has been only one instance where Federal funds were withheld from local school systems in an area outside of the South—only one instance.

Well, if they could not find a use for it in areas outside of the South but one time, and it does not say what they were trying to get them to do—it might not even have been in this area, and that was in a small Detroit suburb, Ferndale, Mich., the only place outside the South HEW has ever withheld funds, according to the Center for National Policy Review—and if this is just an implement to club Southern school districts into submission, I do not see that that is equal application of the law.

Mr. Weinberger has had some strange things to say about why segregation continues in areas outside of the South, whereas it has been wiped out, to all intents and purposes, in the South. He said in the North—Weinberger said:

Federal civil rights enforcers often can achieve better results by convincing local school boards to design plans with necessary public support than be going in with a blunderbus taking away their Federal funds—

This is in the North—

And put them in a frame of mind and attitude in which they would make no effort to try to comply with the law.

This same item that I am reading from here, quoting Mr. Weinberger, comments, according to a government policy research organization:

The Office of Civil Rights, Department of HEW, has generally failed to use its powers to require desegregation in Northern and Western school districts.

Why does it say that that is the case? Why have they not forced desegregation of schools outside of the South?

This is a direct quote from Mr. Weinberger, according to the Philadelphia Inquirer, I might say to the distinguished Senator from Pennsylvania, commenting on or reporting Mr. Weinberger's statement. This is Mr. Weinberger, the head of HEW, speaking:

I think we have to face the fact that we are dealing with a very fierce public opposition to desegregation in many Northern cities.

That is the reason why they do not have——

The ACTING PRESIDENT pro tempore. The Senator's 7 minutes have expired.

Mr. ALLEN. I yield myself an additional 3 minutes.

That is the reason they do not have any desegregation in areas outside of the South. People do not want it. It makes them mad, and they cannot run the risk of making people mad in areas outside the South.

Well, here they want a tool apparently for use only in the South, because withholding of Federal funds has taken place, as I have stated, according to this study, on only one occasion in an area outside of the South.

So, Mr. President, I think the time has come to have equal application of our laws, and not to have a provision that HEW enforces in the South and does not enforce in areas outside of the South.

Mr. President, I hope that cloture will not be invoked. I feel that a vote of "no" on the cloture motion is a vote for expediting the passage of this bill. It is a vote that will move in the direction of a uniform policy by HEW throughout the country.

I might say to those Members of the Senate who are seeking to continue to

give HEW this power to withhold funds in the South that almost every school system that I know of in the South is already under a court order to segregate. So the very aims that HEW would achieve by withholding funds are already required under court order, and the question is fast becoming a moot question in the South. But in years to come, it is not going to be a moot question in areas outside the South, because somewhere down the line the Federal courts and HEW are going to start desegregating schools in the Northern and Western States.

So, as was stated in a conference out in Topeka, Kans., just a few weeks ago celebrating the 20th anniversary of the Brown against Board of Education decision, this conference, as shown by a newspaper clipping from the Birmingham News, inserted in the RECORD of December 3, 1974, appearing at page 20357——

The ACTING PRESIDENT pro tempore. The Senator's 3 minutes have expired.

Mr. ALLEN. I yield myself 2 more minutes.

The result of that conference, attended by representatives from 32 States, the conclusion was:

The South is getting a passing grade—indeed, high marks, in some instances—but the North is flunking the test of school desegregation.

"Miss Simmons"—who is connected with the NAACP—said "The North did not believe that the 1954 decision applied to it, and Northerners have been acting on that premise."

I think that is the premise on which many are operating who are seeking to scuttle the Hold amendment with the Scott amendment, that the 1954 decision did not apply in areas outside the South. But I believe people are waking up. The people in Michigan, the people in Boston, the people in Denver are waking up to the fact that this rule of law obtains throughout the country, and since this power of HEW to withhold funds from school systems to force them to comply with some dictate of HEW is a policy that has not been followed in the North—in only one instance, in a small community—so why have it here as an implement to use in the South?

I say again that if we want to pass this bill, if we want to pass it today, there is a possibility by voting "no" against cloture, to prevent the invoking of cloture, if the distinguished Senator from Pennsylvania would then withdraw his amendment, we would concur in the motion of the Senator from Arkansas (Mr. MCCLELLAN) and we can send this bill to the President today and, hopefully, obtain his signature at an early time.

Mr. HUGH SCOTT. Mr. President, I yield myself such time as I may require.

I fear if the RECORD is left in this state that those who read it will wonder what we are talking about. My amendment simply says, it adds the phrase, "except as may be necessary to enforce nondiscrimination provisions of Federal law."

What does that mean?

It means we will abide by the law. It means we would enforce nondiscrimination provisions in Federal law. It means we are against discrimination. It means we recognize the rule of law, and it does not mean anything else.

As the distinguished Senator from Alabama has said, the question is largely moot.

In most of the South and in most of the Southern States, court orders apply. This has never been equitable and I am the first to admit it. I admitted it during the debate and in colloquy with the distinguished Senator from Mississippi (Mr. STENNIS).

The particular evils of segregation largely flourish as far as school systems are concerned in the North.

The fanning of the flames of hatred is particularly noted in the big industrial cities of the North, in Detroit, in Boston, and in other cities.

We are aware of the fact that the attempt to avoid discrimination has been met, on the part of many people in the North, with the feeling that this was a Southern question.

It was not. It ought not to be so regarded. It is not.

But if the question is largely moot in the South, why does the Senator from Alabama fear the effect of the amendment since the purpose of the amendment is to make sure that discrimination is abolished everywhere, and if it exists largely outside of the South, why not help us do whatever is necessary to abolish the discrimination?

I can thoroughly sympathize with the feelings of the Senator from Alabama that it is, in itself, discriminatory for the Federal Government to have regarded this as a Southern question. It always was discriminatory. But I assure the Senator that all we are trying to do is make sure that the right to enforce nondiscrimination on the basis of Federal law may be applied equally and everywhere.

Mr. ALLEN. Will the Senator yield for a moment?

Mr. HUGH SCOTT. I am glad to yield to the Senator.

Mr. ALLEN. The Senator asks, I assume, an actual question rather than just a rhetorical question as to why the Senator from Alabama would be concerned.

Well, the Senator from Alabama does not want to see HEW have this power anywhere to club local school districts into submission. So he wants to protect the entire country, he wants the policy to be uniform throughout the country.

It is not only a Southern question, but a national question, as well.

Mr. HUGH SCOTT. Well, I do thank the distinguished Senator.

My wording in the amendment would apply anyplace and should apply anyplace.

Mr. BROOKE. Will the Senator yield?

Mr. HUGH SCOTT. I yield the floor, I understand that the Senator from Massachusetts wishes to be recognized.

Mr. BROOKE. I thank my distinguished leader.

Mr. President, I have on my desk a letter from the National Caucus on the Black Aged, Inc., which was written December 12, 1974, addressed to Hon. MARK O. HATFIELD. It is from the office of Senator HUGH SCOTT, the Republican leader.

The letter reads:

A portion of Amendment 17 of the Labor-HEW Supplemental Appropriations bill—which has come to be known as the Holt Amendment—threatens a return to racially resegregated education in America.

This fact alone would be reason enough to oppose the Holt Amendment. However, we at the National Caucus on the Black Aged, Inc., foresee other problems as well.

The language of the Holt Amendment refers to "school systems." Although Representative Holt's office indicated that the Amendment was not designed to affect post-secondary education, we are not reassured.

The National Caucus on the Black Aged, Inc., represents a constituency which depends upon qualified black professionals to render services to this nation's almost two million aged blacks. The language of the Holt Amendment is sufficiently ambiguous so that the recruiting and training of qualified blacks in the nation's institutions of higher learning could also be threatened.

Both Dr. Arthur S. Flemming, Chairman of the U.S. Commission on Civil Rights, and Caspar Weinberger, Secretary, Department of Health, Education and Welfare, in their letters to Senator James Eastland and Senator Warren Magnuson, respectively, expressed the fear that the language of the Holt Amendment would render inoperative Title VI of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972.

The economic situation has already taken, and continues to take, its toll on black Americans. We urge you not to allow an already abhorrent situation to become worse by threatening the educational opportunities and the civil rights of the country's minorities.

We are encouraged by the actions of those Senators who have voted against the Allen Amendment, the Helms-Thurmond Amendment and the Beall Amendment.

We urge you to vote tomorrow in favor of cloture and for the Scott-Mansfield Amendment without further amendment.

Now, Mr. President, I ask unanimous consent that the entire letter may be printed in the RECORD.

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

THE NATIONAL CAUCUS ON
THE BLACK AGED, INC.,
Philadelphia, Pa., December 12, 1974.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: A portion of Amendment 17 of the Labor-HEW Supplemental Appropriations bill—which has come to be known as the Holt Amendment—threatens a return to racially segregated education in America.

This fact alone would be reason enough to oppose the Holt Amendment. However, we at the National Caucus on the Black Aged, Inc., foresee other problems as well.

The language of the Holt Amendment refers to "school systems." Although Representative Holt's office indicated that the Amendment was not designed to affect post-secondary education, we are not reassured.

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The economic situation has already taken, and continues to take, its toll on black Americans. We urge you not to allow an already abhorrent situation to become worse by threatening the educational opportunities and the civil rights of the country's minorities.

We are encouraged by the actions of those Senators who have voted against the Allen Amendment, the Helms-Thurmond Amendment and the Beall Amendment.

We urge you to vote tomorrow in favor of cloture and for the Scott-Mansfield Amendment without further amendment.

Sincerely,

STEVEN R. BAER,
Director, Legislative Division for Hobart C. Jackson, Chairman, National Caucus on the Black Aged, Inc.

Mr. BROOKE. Mr. President, my distinguished colleague from Alabama has made two points.

The first is that the Holt amendment is an antibusing amendment; and he has quoted me as saying that it is not an antibusing amendment. But I reiterate my position, Mr. President; this is not an antibusing amendment.

We are concerned here with the ability of the Federal Government to enforce title VI of the Civil Rights Act of 1964 and title IX of the Education Amendments of 1972.

We are concerned with the enforcement of the fundamental civil rights laws of our country—not busing. The Federal courts order busing to overcome the effects of State-imposed segregation. And we are not talking about the courts here.

We are talking about HEW's authority, pursuant to title VI and title IX, to enforce our civil rights laws. This amendment goes far beyond anything that the distinguished Senator from Alabama has said, far beyond anything that Representative HOLT has said about Anne Arundel County.

This is a national problem. It is a problem affecting equal educational opportunities for minorities throughout this Nation, and equal educational opportunities for women throughout this Nation.

Now, the second point that the Senator from Alabama has made is that title VI affects only the South. He said that the law ought to apply to the North and to the East and to the West as well as to the South, and I cannot agree with him more wholeheartedly.

I have said the same thing to the Senator in debate on the floor, and to Senator HELM and to Senator BEALL. And I firmly believe it. I do not believe we ought to establish and enforce one standard upon the South and another upon the North.

I compliment the Senator for raising this issue. I have complimented the South on what it has done, for in many instances the South has accomplished far more than the North has in the desegregation of public schools.

I am embarrassed again by what is happening in my own city of Boston, in my own State of Massachusetts, as compared to what has been happening in Alabama, the Senator's own State, and in Georgia and Mississippi and other States in the South.

So I agree with the Senator wholeheartedly that we ought to have this law apply equally across this Nation and not restrict it to the South.

Now, Mr. President, I would like to discuss what the Senate has already done in this matter.

No. 1, on November 19, we had the Helms amendment before the Senate for the first time. The Helms amendment was identical at that time to the Holt amendment which had been introduced in the House of Representatives and passed by the House of Representatives.

We voted on it after a very lengthy debate. I think the Senator from Alabama engaged in that debate. I know I engaged in that debate, together with the Senator from North Carolina (Mr. HELMS).

The Senate knew what it was voting on. It was a very well organized and executed debate. I think all the facts were brought to the forefront.

The Senate voted, and the Senate voted 43 to 36 to reject the Helms amendment.

Then we on Wednesday, December 11, after a supposed compromise, we returned to the Holt amendment. We had a time agreement of 2 hours of debate on the motion made by the distinguished Senator from Alabama (Mr. ALLEN) to table the Scott-Mansfield amendment to the Holt amendment.

We voted on the Allen tabling motion after a lengthy debate between the distinguished Senator from Alabama and myself. And the Senate defeated the tabling motion by the overwhelming margin of 60 to 33. It could have been reasonably expected at that time to proceed with and vote on the Scott-Mansfield language. But a Helms amendment to the Scott-Mansfield had already been introduced. The Helms amendment would have substantially altered the Scott-Mansfield language.

I believed, and I think obviously and ultimately the Senate believed, that the Helms amendment would have taken us back practically to the Holt amendment.

After a 30 minute debate on that between Senator HELMS and myself, the Senate voted once again. The vote was 58 to 37 to reject the Helms amendment. So this was the third time that the U.S. Senate had voted on this matter. The Senate had voted clearly and, I think, without question, as to what its feelings were and how strongly it felt about the language contained in the Holt and the Helms amendments.

Then after we had practically spent a whole legislative day on the question, we had our fourth vote, and third of the day, at approximately 6 o'clock in the evening.

It was on an amendment by Senator BEALL, after a 30 minute debate between Senator BEALL and myself.

The Senate rejected the Beall amendment by a vote of 62 to 30, the largest vote we have had on this issue.

So obviously, Mr. President, the Senate has demonstrated its will and its determination. It has voted on four different occasions to reject the Holt amendment or variations of the Holt amendment.

Now we have before us the Scott-Mansfield language. In order to get a vote up and down on it, we have to go through a vote on cloture.

The distinguished Senator from Alabama has said today that all we had to do to end this debate was to have Senator SCOTT withdraw his amendment. Then we could concur in this amendment on disagreement and send this supplemental appropriations bill to the President of the United States for his signature.

In effect, he said that Senator SCOTT was delaying a Senate vote on the matter. I respectfully submit to my distinguished colleague that it is not Senator SCOTT—and the Senator from Alabama knows it is not Senator SCOTT—who is delaying this bill, but it is the distinguished Senator from Alabama who is delaying it, because the distinguished Senator from Alabama does not want the Senate to vote on the Scott-Mansfield language.

Why? Because he knows that the Senate has already indicated that it would support the Scott-Mansfield language and send it back to the House of Representatives, saying to the House of Representatives, "This is where the U.S. Senate stands, and it stands firmly and clearly. It has voted four times. The Senate will not accept the Holt language."

I think it is a good day, not only for the U.S. Senate, not only for Anne Arundel County, but also for the Nation, that the Senate believes that, and that the Senate has said that.

So I hope, Mr. President, that when the vote is taken today, there will be sufficient votes to invoke cloture on this matter. I am sorry it had to be done on a Saturday morning because many Senators had made arrangements to do other things, to go elsewhere, and did not know that this vote would come up.

I hope, however, that there will be sufficient votes in the Senate to obtain a two-thirds vote so that we will have cloture and we can get on with the Senate's business and adopt the Scott-Mansfield language.

But if we do not, Mr. President, let there be no doubt that we will file another cloture motion, and another if necessary. And even if we have to stay here until the next Congress, we will not accept the Holt language.

So I urge my colleagues to vote today, to vote clearly, and to give us the two-thirds majority that we need in order to bring about cloture.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ALLEN. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Alabama has 8 minutes remaining.

Mr. ALLEN. I yield myself such time as I may require.

Mr. President, I appreciate the remarks of the distinguished Senator from Mas-

sachusetts (Mr. BROOKE) as to the attitude of the people of the South, and the accomplishments of the people in the South in the area of school desegregation. The statistics show it—it is open to the world—that the South has complied with the edicts of the Supreme Court, the edicts of HEW, and we have desegregated our schools in the South.

We do feel that we should have a uniform school policy. I am delighted that the distinguished Senator from Massachusetts supports a uniform school policy.

Mr. BROOKE. Will the Senator yield at that point?

Mr. ALLEN. Yes.

Mr. BROOKE. There is one statement I would like to make along those lines.

One thing further I would like to say about the South in comparison to the North—and my distinguished colleague from South Carolina is presiding now—and that is the distinction that may be made between the actions of the North as compared to the actions of the South. The South has fought for what it believed in. It believes in antibusing, and in the past it has believed in the separation of races, in segregation, and in some instances discrimination.

But when a law has been passed, when Congress has acted and the President has signed the law, the South has obeyed the law. They will contest the law, but they will obey that law and work within the law.

In the North, on the other hand, we are getting disobedience of the law. We have had hypocrisy in the North. We have had many instances where people in the North have stated: "Well, all the problems are really in the South and not in the North." They have pointed the finger at the South.

But when the problems of desegregation occur in the North, and they have to live with the law, then they have sometimes disobeyed that law. A prime example of this is what we are seeing—and I am embarrassed to say this—in my own capital city in the great Commonwealth of Massachusetts, which says it is the cradle of liberty and the hub of the universe.

I believe the South has a point, and I am the first to admit it. I wanted to point out that distinction.

Mr. ALLEN. I thank the distinguished Senator from Massachusetts for his comment. I appreciate his statement, and I appreciate the things he has had to say about the attitude of Southern people. I have always found the distinguished Senator from Massachusetts to be most reasonable as we discuss these problems that affect our Nation.

Mr. President, my contention is that there is no valid reason for empowering HEW with the right to withhold educational grants that may be sorely needed by local systems to force local systems to take certain actions with respect to the assignment of students and the assignment of teachers.

The distinguished Senator from Massachusetts spoke about recordkeeping. I might say that that was dropped in the conference.

He has told of the adamant position of the Senate. The House position is just as adamant.

I might say that the conferees, in an effort to compromise this issue, cut the Holt amendment half in two. They kept only the provisions saying they could not withhold funds to force assignment of teachers and students, or classify teachers or students by race, religion, sex, or national origin.

The Holt amendment, as introduced and as originally passed, went on to say further they could not require them to maintain and prepare any records, files, reports, or statistics pertaining to the race, religion, sex, or national origin of teachers or students. The prohibition relating to classification of students and teachers was left intact. But this provision about the keeping of statistics was dropped in the conference, in an effort to compose the differences between the two Houses. The compromise that was reached by the conference was endorsed by 14 of the 16 conferees on the part of the Senate.

So our conferees come back and tell us that this is the best settlement that can be obtained with the House conferees, and they recommend the acceptance of half a Holt amendment, half a loaf being better than none. And that is what is left in the bill.

So, in the interest of comity between the two bodies of Congress, it would seem that the time has now come for the Senate to recede in this area. The House has already accepted only half of what it originally enacted. Why, then, could not the Senate accept the half that remains?

If we do defeat the cloture motion today and we are able to defeat the Scott amendment, or if the Senator from Pennsylvania withdraws it in the interest of the speedy passage of the bill, we can send this important bill, which will mean so much to our schools, so much to many areas of governmental operations, to the President for his signature.

What is the alternative to that? The invoking of cloture, the passage of the Scott amendment. What happens then? It goes back to the House of Representatives for, I assume, a further conference; and if the members of the House conference are as adamant as is the distinguished Senator from Massachusetts, we will not have any bill.

So the best way, it seems to me, is to defeat the cloture motion, accept the motion offered by the distinguished Senator from Arkansas (Mr. MCCLELLAN), to concur in the action of the House, cutting the Holt amendment in two, and leaving, certainly less objectionable as viewed by the proponents of the Scott amendment, half of the amendment.

I feel that both portions of the Holt amendment should have been retained, but I am not asking to add the other half of the Holt amendment to this amendment. I am willing to accept the compromise offered by the conferees.

So a vote of "no" on the cloture motion is a vote for speedy passage of the bill. It is a vote to back up the action of the Senate conferees who, by a vote of 14 to 2, ratified the half of the Holt amendment remaining.

I hope that the Senate will reject the cloture motion.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. BROOKE. Mr. President, the Senator from Alabama and I have discussed the merits of the Holt amendment and what the effects of that amendment would be across the Nation. But there are some practical matters which I think, in the closing moments of this debate, should be brought to the attention of the Senate, and they involve the parliamentary situation.

First, and it has been mentioned before, the Holt amendment is legislation on an appropriation bill. For this reason alone, the Senate should reject the Holt amendment.

Second, there is a sense of urgency, in that we are in the closing days of the 93d Congress; and it has been suggested that we will conclude our legislative matters by the close of business on Friday, December 20.

If we do not get cloture today, it means that we will have a vote on another cloture motion—which has already been filed, this being another legislative day—on Monday. If we do not get cloture on Monday, we will have yet another cloture motion, which means that after the legislative day of Monday, we will have a vote on Tuesday. If we do get cloture today and we can vote on the Scott-Mansfield language, this matter will go back to the House of Representatives immediately.

The Senator has said that the House will never accept it. But I do want to point out that the last vote in the House was 212 to 176, which is an improvement over the first vote the House had on this issue. There has been a shift in the sentiment and in the voting in the House, which indicates that the House is moving further away from the Holt language.

Third, statements have been made to the effect that the President will veto the supplemental appropriations bill. If that is going to be the case, it seems to me that we would want to get this matter decided by the Senate, sent to the House of Representatives, and if the House agrees, sent to the President as soon as possible. If the President is going to veto it, not for this reason, but for money reasons, the bill will then come back to us, and we will have some legislative days left in which to work out some compromise with the President, because this is important legislation. Many people are awaiting the money that will be appropriated under this supplemental appropriations bill. Many programs are dependent upon it.

So we do have, in short, some very practical reasons for voting for cloture this morning and getting on with an up-and-down vote on the Scott-Mansfield language.

I think that the distinguished Senator from Alabama is absolutely within his rights to debate this matter just as fully as he has. He has done an outstanding

job with what I think is a bad case, but I am sure he thinks it is a good case, as he thinks my case is bad. Now that the Senate has had it fully debated, he should be ready and willing to have an up-and-down vote on the Scott-Mansfield language and let us get this very important legislation on its way, so that it can be resolved ultimately and we can have a supplemental appropriations bill passed.

Mr. President, I do not have any more to say on the matter. If the Senator from Alabama has a question or if he has something further to say on my remaining time, I will be more than pleased to yield that time to him. If he does not, Mr. President, I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, will the Senator withhold that request,

Mr. BROOKE. Yes.

Mr. BEALL. Mr. President, this debate presents many of us with a dilemma. On the one hand, it is agreed that the adoption of the Holt amendment would repeal the civil rights acts. The vast majority of our citizens support the civil rights acts and are proud of the progress that this Nation has made to remove discrimination from our society.

On the other hand, many of us believe, and the majority of our citizens oppose certain actions on the part of HEW—and the courts—such as forced busing, and the kind of abuse and harassment that Anne Arundel County has been subject to.

Now, this Congress, we are told, is on the brink of repealing the civil rights laws and obliterating a decade of progress in civil rights.

I believe the Holt amendment goes too far; but I also believe that HEW has been going too far.

If, as it is claimed that the Holt amendment would repeal the Civil Rights Act, it would indicate that one House has voted just that. This should be a warning to the proponents of civil rights that reason and reasonable approaches must be fashioned.

While some believe that the opposition to busing stems from racial prejudices, I do not accept that view.

While obviously some who oppose busing harbor racial prejudices, I believe this is not the case for the vast majority of our citizens.

To illustrate this point, it is my understanding that in Montgomery County, Md., public hearings were recently held regarding a proposal that would bus students from the upper part of the county to the lower county rather than construct new schools in the upper county. The testimony was overwhelmingly opposed to busing students to the lower county and for neighborhood schools near their community.

Mr. President, poll after poll has revealed strong public opposition to busing. This opposition to busing has remained in Gallup's words "surprisingly constant." The latest Gallup poll showed that 72 percent oppose busing to achieve racial integration and only 18 percent favoring such busing. Of course, other surveys show the public favors integration.

Similarly, a poll taken of the merit scholars, the Nation's outstanding high school students, indicated they share the adult community's opposition to busing. In response to the question: "Would you move into an integrated neighborhood?", 90 percent said "yes"; and only 7 percent replied in the negative.

Then, in response to the question, "Do you favor busing of children to achieve integrated school system?", 68 percent said "no"; 26 percent replied in the affirmative.

Polls have also revealed that the black community is also very divided on this issue, although busing is narrowly favored in the black community.

It could be that the public, as is often the case, is ahead of the Congress on this issue. Yet, one can understand, the frustrations and feelings of the public on the busing issue.

Most oppose and yet they cannot get a reversal of busing decisions. Even the proponents of busing seem to recognize busing as not a very satisfactory solution, but believe there is no alternative.

One can also understand the feelings of minority citizens who naturally want the best possible education for their children and knowing that in many cases they are not receiving now.

Congress must do what to date has not been done; namely, find the alternative and alternatives which is sound educationally and which will be supported by the public.

On Monday the Education Subcommittee held hearing on a bill introduced by Senator CHILES, S. 503, Neighborhood School Act.

I commend Senator CHILES for his initiative and I am hopeful that the dialog begun will be a high priority matter in the next Congress. It is amazing to this Senator that on education bills and appropriation bill, funding our education programs we spend all the time debating busing issues.

I believe this issue has so inflamed and divided our country and diverted our attention from improving education that we should consider establishing a national commission to examine the busing issue and alternatives that might focus and unite our country in a concerted effort to remove educational deficiencies and improve education for all of our children.

Mr. BIDEN. Mr. President, during the last several days the Senate has occupied itself with the merits and demerits of busing to achieve school desegregation. This came about because of the so-called Holt amendment included in Senate-House agreement on a 1975 fiscal year supplemental appropriations bill (H.R. 16900) that we are considering today.

The Holt amendment would have prohibited Federal funds from being withheld from any public school system as a means of compelling the assignment of teachers or students to specific schools on grounds of race, religion, sex, or national origin. In turn, Scott-Mansfield amendment was offered that largely offset the intent of the Holt amendment.

Mr. President, although I have never supported busing as a remedy for our education problems, for the most part I have voted against legislation designed to take away the power of the courts to use busing as one of its remedies to eliminate dejure segregation. But, as I talk to my constituents and read accounts of the troubles in many cities—including most recently Boston—and reflect upon the matter, I have become more and more disenchanted with busing as a remedy even in the single instance stated above. And I shall tell why.

The solidifying of my antibusing feelings reminds me in a general way of Winston Churchill's retort when once asked if it were true that he often had to eat his own words: "Very often," replied Churchill. "And, on the whole, I've found them a rather wholesome diet!"

Mr. President, it is increasingly apparent that busing is a dire step. I have always believed that busing should be undertaken only under extreme circumstances—and even then I would have serious doubts about its effectiveness—about the impact upon students who are assembled in classrooms not to be bused but to be educated.

As a result of this attitude, I had intended to offer an amendment to the Scott-Mansfield amendment. My amendment would have said, in effect, that no agency but a court of competent jurisdiction could order busing for dejure reasons.

The text of my amendment, as drafted, read:

No funds appropriated by this Act may be used (i.e. by the Department of Health, Education and Welfare) for assigning students to schools because of race.

However, I decided not to introduce the amendment at this time for several reasons:

First, the vehicle for my amendment would have been an appropriate bill providing billions of dollars for many worthwhile activities. There are exceptions to any rule, but generally I prefer not to introduce or support a legislative amendment to an appropriation bill;

Second, there were, after consultation with the Parliamentarian and Legislative Counsel's Office, procedural problems involving my amendment, which, in technical terms, would have an amendment in the second degree to the Scott-Mansfield amendment.

Third, my amendment would have been debated in the Senate in the concluding days of this 93d Congress—which is an atmosphere not conducive to reasoned discussion;

Fourth, there obviously had been no committee hearing on my amendment. It does not always apply, but generally I prefer that the full range of discussion, within a legislative committee and in the Senate Chamber, take place on an amendment; and

Fifth, I did not have an opportunity to discuss the purpose of my amendment with constituents and organizations in Delaware who would be opposed to it or supportive of it. I have tried, I think successfully, to notify constituents well in

advance of positions I might take on a variety of issues—positions to which they would object. In this way, there is an opportunity for these constituents to discuss with me their views—fully and frankly.

These were the five principal reasons that deterred me from introducing this amendment in the last few days of this Congress.

However, I do plan to introduce such an amendment in the form of a bill early next year after the new, the 94th Congress, convenes in January. I will ask that hearings be held on the bill. If hearings are not held on my bill after an appropriate lapse of time, I shall feel free to undertake to have the bill added to some bill or other that is before the full Senate.

To summarize, Mr. President, I have become dissuaded that busing accomplishes what it purports to achieve—equal education opportunities for all young Americans, Busing, it seems to me, is a dubious triumph of technique over substance. By and large our children's education suffers and our energies are diverted from finding formulas and ways of achieving the goal of fair and open and equal opportunities for all in our schools. My commitment to this goal is unshaken; my resolve to help bring about equal education opportunities is firm and unyielding. I simply am objecting to a reliance upon one means—one that is becoming discredited it seems to me—to achieve a laudable goal.

The PRESIDING OFFICER (Mr. McINTYRE). All time has expired.

The time for debate having expired, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the pending amendment by the Senator from Pennsylvania (Mr. Scott) to House amendment No. 17 to H.R. 16900, the Supplemental Appropriation Bill for 1975.

Alan Cranston, Jacob Javits, Robert T. Stafford, Robert Taft, Jr., Howard M. Metzenbaum, Quentin N. Burdick, Gaylord Nelson, Ted Stevens, Abraham Ribicoff, Floyd K. Haskell, Pete V. Domenici, Clifford P. Case, Bob Packwood, James Abourezk, Harrison A. Williams, Jr., and Henry M. Jackson.

CALL OF THE ROLL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 539 Leg.]

Aiken	Haskell	Packwood
Allen	Magnuson	Pastore
Brooke	McGee	Pearson
Byrd, Robert C.	McIntyre	Proxmire
Cranston	Muskie	Schweiker
Griffin		

The PRESIDING OFFICER. A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Abourezk	Fulbright	Nunn
Baker	Gravel	Pell
Bartlett	Gurney	Percy
Bayh	Hansen	Randolph
Beall	Hart	Ribicoff
Bennett	Hartke	Roth
Bentsen	Helms	Scott, Hugh
Bible	Hollings	Scott, William L.
Biden	Hruska	Sparkman
Brock	Humphrey	Stafford
Buckley	Inouye	Stennis
Burdick	Jackson	Stevens
Cannon	Javits	Stevenson
Case	Long	Symington
Clark	Mathias	Taft
Curtis	McClellan	Talmadge
Dole	McClure	Thurmond
Domenici	McGovern	Tunney
Dominick	Metcalf	Weicker
Eagleton	Metzenbaum	Williams
Ervin	Mondale	Young
Fannin	Moss	
Fong	Nelson	

Mr. ROBERT C. BYRD. I announce that the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Mexico (Mr. MONTOYA), the Senator from Idaho (Mr. CHURCH), and the Senator from Kentucky (Mr. HUDDLESTON) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD) is absent on official business.

I also announce that the Senator from Maine (Mr. HATHAWAY) is absent because of illness in the family.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The PRESIDING OFFICER. A quorum is present.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the amendment submitted by the Senator from Pennsylvania (Mr. HUGH SCOTT) to the House amendment to Senate amendment No. 17 to the report of the committee of conference of the two Houses on the bill (H.R. 16900) making supplemental appropriations for 1975, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate. Time is running and the sooner we dispose of this vote, the sooner we will conclude the session today.

The PRESIDING OFFICER. The Senators will either take their seats or retire to the cloakroom to carry on their conversations. This is an important vote.

The clerk will resume the calling of the roll.

The legislative clerk resumed the call of the roll.

Mr. NELSON. Mr. President, may we have order.

The PRESIDING OFFICER. The Senate will be in order. Senators will clear the well, please.

The legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Florida (Mr. CHILES), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New Mexico (Mr. MONTOYA) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD) is absent on official business.

I also announce that the Senator from Maine (Mr. HATHAWAY) is absent because of illness in the family.

I further announce that if present and voting, the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. HUGHES), and the Senator from Maine (Mr. HATHAWAY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), Senator from Kentucky (Mr. COOK), the the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), and the Senator from Texas (Mr. TOWER) are necessarily absent.

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Texas would vote "nay."

The yeas and nays resulted—yeas 56, nays 27, as follows:

[No. 540 Leg.]

YEAS—56

Abourezk	Hart	Packwood
Aiken	Hartke	Pastore
Baker	Haskell	Pearson
Bayh	Hruska	Pell
Beall	Humphrey	Percy
Bentsen	Inouye	Proxmire
Biden	Jackson	Randolph
Brooke	Javits	Ribicoff
Burdick	Magnuson	Schweiker
Byrd, Robert C.	Mathias	Scott, Hugh
Case	McGee	Stafford
Clark	McGovern	Stevens
Cranston	McIntyre	Stevenson
Domenici	Metcalf	Symington
Dominick	Metzenbaum	Taft
Eagleton	Mondale	Tunney
Fong	Moss	Weicker
Gravel	Muskie	Williams
Griffin	Nelson	

NAYS—27

Allen	Buckley	Fannin
Bartlett	Cannon	Fulbright
Bennett	Curtis	Gurney
Bible	Dole	Hansen
Brock	Ervin	Helms

Hollings	Roth	Talmadge
Long	Scott,	Thurmond
McClellan	William L.	Young
McClure	Sparkman	
Nunn	Stennis	

NOT VOTING—17

Bellmon	Cotton	Hughes
Byrd,	Eastland	Johnston
Harry F., Jr.	Goldwater	Kennedy
Chiles	Hatfield	Mansfield
Church	Hathaway	Montoya
Cook	Huddleston	Tower

The PRESIDING OFFICER. On this vote, there are 56 yeas and 27 nays. Two-thirds of the Senators present and voting having voted in the affirmative, the cloture motion is agreed to.

In light of the cloture vote having succeeded, it should be clarified by the Chair that no Senator may speak more than 1 hour, and the time will be strictly kept, no dilatory motion or amendment, no amendments not germane will be in order.

We shall continue on this as the unfinished business to the exclusion of all other business until the amendment of the Senator from Pennsylvania (Mr. HUGH SCOTT) to the supplemental appropriation bill is disposed of.

The question before the Senate is on the motion to concur in the amendment of the House to the amendment of the Senate, No. 17, with an amendment by the Senator from Pennsylvania (Mr. HUGH SCOTT).

Mr. PASTORE. Vote.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, may we have order?

The PRESIDING OFFICER. Will those Senators having discussions please retire to the cloakroom so the clerk can call the roll and the Senators can reply?

Mr. NELSON. I think the Chair should speak more loudly. Some of the Senators have their hearing aids turned off.

The PRESIDING OFFICER. The Senator from Wisconsin was correct.

The Senate will be in order.

Mr. PASTORE. Mr. President, I cannot understand it. When the Chair orders people to take their seats, they just keep strolling around. Can they just take their seats and let us have our business done with?

The PRESIDING OFFICER. I agree with the distinguished Senator.

The Senators will please take their seats or go out and read the Washington Post, or whatever they want to read.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from Indiana (Mr. HARTKE), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Idaho (Mr. CHURCH) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD) is absent on official business.

I also announce that the Senator from Maine (Mr. HATHAWAY) is absent because of illness in the family.

I further announce that, if present and voting, the Senator from Montana (Mr. MANSFIELD), the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. HUGHES), and the Senator from Maine (Mr. HATHAWAY) would each vote "yea."

I further announce that, if present and voting, the Senator from Mississippi (Mr. EASTLAND) and the Senator from Indiana (Mr. HARTKE) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), and the Senator from Texas (Mr. TOWER) are necessarily absent.

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Texas (Mr. TOWER).

If present and voting, the Senator from Oregon would vote "yea" and the Senator from Texas would vote "nay."

The yeas and nays resulted—yeas 55, nays 27, as follows:

[No. 541 Leg.]

YEAS—55

Abourezk	Gravel	Packwood
Aiken	Hart	Pastore
Baker	Haskell	Pearson
Bayh	Hollings	Pell
Beall	Humphrey	Percy
Bentsen	Inouye	Proxmire
Bible	Jackson	Ribicoff
Biden	Javits	Schweiker
Brock	Magnuson	Scott, Hugh
Brooke	Mathias	Stafford
Burdick	McGee	Stevens
Cannon	McGovern	Stevenson
Case	McIntyre	Symington
Clark	Metcalf	Taft
Cranston	Metzenbaum	Tunney
Domenici	Mondale	Weicker
Dominick	Moss	Williams
Eagleton	Muskie	
Fong	Nelson	

NAYS—27

Allen	Griffin	Roth
Bartlett	Gurney	Scott,
Bennett	Hansen	William L.
Buckley	Helms	Sparkman
Byrd, Robert C.	Hruska	Stennis
Curtis	Long	Talmadge
Dole	McClellan	Thurmond
Ervin	McClure	Young
Fannin	Nunn	
Fulbright	Randolph	

NOT VOTING—18

Bellmon	Eastland	Johnston
Byrd,	Goldwater	Kennedy
Harry F., Jr.	Hartke	Mansfield
Chiles	Hatfield	Montoya
Church	Hathaway	Tower
Cook	Huddleston	
Cotton	Hughes	

So the motion to concur in the amendment of the House to the amendment of the Senate, No. 17, with an amendment by the Senator from Pennsylvania (Mr. HUGH SCOTT) was agreed to.

Mr. BROOKE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER (Mr. METZENBAUM). The Senate will be in order.

ANNOUNCEMENT OF POSITION ON A VOTE—H.R. 10710

Mr. ROBERT C. BYRD. Mr. President, through an administrative error yesterday, the senior Senator from Mississippi (Mr. EASTLAND) who was necessarily absent, was not recorded as having a position on H.R. 10710, the Trade Reform Act of 1974.

I announce that if present and voting, Mr. EASTLAND would have voted "yea."

AMENDMENT OF THE EXPORT-IMPORT BANK ACT—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15977) to amend the Export-Import Bank Act of 1945, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, there will now be 30 minutes of debate on the motion to invoke cloture on the conference report on the amendment of the Export-Import Bank Act.

Following that 30 minutes of debate, the clerk will call the roll to establish the presence of a quorum, after which a rollcall vote will occur on the motion to invoke cloture.

Therefore, at about 11:45 a.m. today, the rollcall vote will begin.

Mr. HUGH SCOTT. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. HUGH SCOTT. Can the Senator advise us on this matter: If cloture shall be ordered, we will then proceed with debate on the Eximbank, and amendments might be offered?

Mr. ROBERT C. BYRD. I do not know about amendments, but certainly we would proceed with the debate.

Mr. HUGH SCOTT. Could there be votes?

Mr. ROBERT C. BYRD. Yes.

The PRESIDING OFFICER. Under the previous order, the Senate will now begin one-half hour of debate before the vote is taken on invoking cloture on the conference report on H.R. 15977, the time to be equally divided between and controlled by the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from Illinois (Mr. STEVENSON).

Who yields time?

Mr. STEVENSON. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time run equally against both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. 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. PROXMIRE. I yield myself 5 minutes.

Mr. President, this is an unusual vote we have today. It is not because we are opposed to coming to a decision on this matter; it is because we feel very strongly, those of us who are opposed to cloture at this time, that the present conference report is inadequate and the conferees should go back to conference. The one way we can accomplish that, in my view, is to turn the cloture motion.

If we succeed in turning it down, I think there is an excellent chance that we can get agreement which will be much closer to the position taken by the Senate and much fairer.

Mr. President, this conference report, when it went to conference before and was settled and taken to the floor of the House, was characterized by WRIGHT PATMAN, the chairman of the House Committee on Banking and Currency, as the most complete and total surrender he had ever seen by the Senate to the House in the 45 years he has served in the House of Representatives. I think that was the case. The Senate seemed to believe that, because they sent the conferees back to conference. One concession, one substantial concession, was made, but in general, the position taken by the Senate was still rejected. The most important provisions, in my view, that were in the Senate bill were rejected once again.

Mr. President, I think that the fundamental objection to this bill is that it provides a preference, a particular discriminating preference, for exporters. Exporters have an advantage over farmers, over homebuyers, over small business, over anyone else in the economy. They are outside the budget.

The Export-Import Bank uses billions of dollars of Federal funds. It receives money at a lower-than-market rate, and it lends money at a substantially lower-than-market rate. It is not in the budget because, if it were in the budget, it would mean the exporters would not have an advantage.

This is important legislation. It takes the Export-Import Bank, which is already a big lending operation, and turns it into a bigger operation by increasing its lending authority 25 percent, from $20 billion to $25 billion. That is all right, but Congress cannot and should not let a Government-owned bank, with a lending authority of $25 billion, operate without congressional oversight.

The conference report before us today does not give Congress adequate oversight authority over the Export-Import Bank.

This legislation extends Eximbank's authority for 4 more years. It will be 4 more years—I think we should keep that in mind—4 more years before we have another chance to examine the Bank in full detail and make substantial changes in its basic law. We cannot wait 4 more years to bring a $25 billion lending operation under full congressional control. We should not abdicate our responsibility to see that the Bank acts in the national interest for 4 more years. We must do it now.

As I have stated at some length on the Senate floor, I do not believe we should pass this legislation until we act affirmatively to put the Export-Import Bank back in the Federal budget. Restoring the Bank to the budget is the most far-reaching and effective way of establishing congressional control of the Bank and making it act responsibly and in the national interest.

Mr. President, the Senate has indicated its intent on the budget issue. The Senate has acted on several occasions to put the Export-Import Bank back in the budget.

In the Congressional Budget Act, the Senate voted to put Eximbank back in the budget, along with several other agencies which have been similarly exempted from the budget by provisions of law.

Indeed, the Export-Import Bank was in the budget until 1971. The Senate recognized that the concept of congressional budget control would not have any meaning so long as major agencies lending out billions of dollars of Federal Government money were outside of the budget. The Eximbank is the largest of these agencies, and it currently runs an effective budget deficit of $1.6 billion—slated to rise to over $3 billion by fiscal year 1978. By putting it out of the budget, we pretend that $3 billion does not exist.

The Senate put the Bank back in the budget in the budget control bill; the House rejected this provision in conference, so we ended up simply with a requirement to study this question on a continuing basis.

In a time of inflation and increased concern for fiscal responsibility, in a time of tight money and high interest rates, when every other borrower is put to the test because it is so hard to pay those high interest rates, so hard to get the funds, exporters are given this special consideration for no justifiable reason.

In its consideration of this Export-Import Bank Act extension, the Senate voted once again to put the Bank back in the budget—on a rollcall vote of 41 to 32. The Senate said it wanted to start now to put teeth in the Congressional Budget Act; it wanted to act now while the opportunity was before it to close this largest loophole in our budget process.

The House threw out this budget amendment in conference.

The Senate rejected the first conference report on the Eximbank extension because it failed to contain all the major restrictions which the Senate had placed on the Bank's authority. The Senate sent this bill back to conference, with instructions to the conferees to insist—I repeat, insist—on the Senate bill.

The conferees sent the Senate a second conference report which still did not reflect the intent of the Senate. It contained only a couple of concessions to the Senate's concerns, and once again it threw out the budget amendment wholesale. The House conferees were adamant; the Senate conferees failed to stand firm—despite the efforts of the distinguished Senator from Illinois (Mr. STEVENSON), who has guided this bill through the Senate, who did a good job, in my view, in the conference.

Now is the time. We have this bill before us. This is the year that Congress has recognized its real responsibility to insure the integrity of the budget process, to carve out an effective role for Congress in achieving fiscal responsibility. Now is the time when we see clearly that we cannot allow ruinous inflationary trends to continue unchecked; we cannot turn our backs on the need to carefully scrutinize Federal spending in all forms.

Mr. President, I urge my colleagues to vote against cloture and to continue debate on the Export-Import Bank Act legislation we get a bill acceptable to the Senate.

I am convinced that if we can do this, we shall be in a strong position to send this conference report back to the conferees and get the kind of agreement we should have.

Mr. President, I reserve the remainder of my time.

Mr. STEVENSON. Mr. President, as the author of most of the reforms and restraints to which the Senator from Wisconsin has referred, I, of course share with him many of the concerns which he has expressed about this conference report. However, the issue before the Senate is not the conference report. The issue before the Senate is whether the Senate will have an opportunity to vote on the conference report.

The conference report itself reflects a great deal of progress. We started in this session of Congress from zero. There were no congressional restraints over the Eximbank, no provisions in the law for congressional review, and there had not been a congressional examination of the Eximbank and its activities for many, many years. This conference report reflects not only many reforms, but also a concession by the House conferees to the Senate position on at least half the issues which were in dispute between the House and the Senate. It also reflects concession by the House conferees on most of the principal issues in dispute between the House and the Senate.

It includes a new requirement that will require prenotification to Congress of all of Eximbank transactions involving an Eximbank commitment of $60 million anywhere in the world, with an opportunity for Congress, again by affirmative action, to disapprove.

It also requires, as a result of the amendment offered by Senator CHURCH on the Senate floor, notification to Congress of any proposed Eximbank participation in a fossil fuel energy project in the Soviet Union, if that participation would cost more than $25 million, again with an opportunity for disapproval by Congress.

What is more, Mr. President, it also includes a subceiling of $300 million for additional credits to the Soviet Union. The only point at which the conferees have failed to sustain the Senate position was on the amendment offered by the