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rected the U.S. Comptroller General to prepare auditing and reporting standards to help in formulating the terms of reference for a review and evaluation group, and periodically review audit report and related information and report to Congress and the President.

LACK OF TRAINING

In a report issued in early June, Comptroller General Elmer Staats found that the Operations Evaluations Department formed by the Bank conforms with neither the Foreign Assistance Act nor the standards he stressed. The staff is recruited from within the Bank, he declared, and "is not provided with guidance or training in basic evaluation techniques."

The Department has been reviewing projects completed since 1972, but no current ones. "The Director-General [who heads the Department] informed us that the reviews focus on completed projects which were approved five to seven years earlier and that Bank practices followed at that time may not be relevant to current practices. . . ."

The Department's Annual Review of Project Performance Audit Results, dated February 1978, states that it is based on findings regarding loans totaling \$1.3 billion for 70 projects. It explains that it doesn't identify the projects because the Bank is accountable only to its "shareholders," its member governments. But U.S. Congressmen have been unable to learn the identity of the projects cited. Although the U.S. director of the Bank got a report which identified the projects, he is precluded by Presidential Executive Order 11652, issued by President Nixon in March 1972, from making it available to members of Congress.

The dearth of useful information makes it virtually impossible to tell what the Bank is doing. It is known, however, that the U.S. has contributed \$5.6 billion, not counting the sum voted recently by the House. And that, as Rep. Young points out, "doesn't even include the \$7 billion in callable capital which the Congress has appropriated for the World Bank. It is this 'callable capital,' i.e., the full faith and credit of the United States, which gives the World Bank so much financial stability."

Without doubt, however, the Bank's staff has been highly successful in eliminating poverty at home. When Congress complained that Bank salaries for U.S. employees were tax-free, the latter started paying taxes; the Bank simply raised their pay by the amount of taxes paid. McNamara's salary has been mentioned. The senior vice president now grosses \$106,950. The U.S. executive director gets \$83,830. That compares with \$66,000 for U.S. cabinet members and \$57,000 for members of Congress. The Bank also makes loans to its staff members at below-market rates. ●

FLOODS RAVAGE SOUTHEAST ASIA

● Mr. KENNEDY. Mr. President, over the past few days confirmed reports have come from Southeast Asia telling of massive flooding caused by typhoons and heavy rain, endangering the lives of millions of people throughout the region. Officials in Thailand have launched an emergency flood relief program, and both Laos and Vietnam have appealed for international disaster assistance.

According to reports from the field, confirmed by our Government and United Nations agencies, heavy rains and typhoon Lola have combined to produce the worst flooding in 35 years in part of Thailand, in vast areas of Vietnam, and in the lowland areas of Laos. The American Embassy in Bangkok has cabled that serious crop damage has been re-

ported in Thailand, and other reports describe some 2½ million acres of cropland are under water in Vietnam, with a loss of perhaps 2.8 million tons of rice.

Mr. President, this natural calamity comes to an area of the world devastated by years of war, and still suffering from its dislocations and the movement of refugees. Food shortages were already critical in both Laos and Vietnam before this latest tragedy struck. And Thailand has been faced with the serious humanitarian burden of Indochinese refugees, only now to confront relief needs among its own people.

Although Thailand has not yet requested international assistance, both the governments of Vietnam and Laos have appealed to United States agencies for assistance.

Mr. President, I would hope that the administration would study their request, and respond expeditiously and generously to any United Nations appeal—especially an appeal from the United Nations Office for Disaster Relief (UNDRO)—for emergency assistance to Vietnam, Laos, or Thailand. The need is obviously there, and once reports are confirmed as to specific relief needs, I hope our response will be forthcoming.

Clearly, the law provides for such assistance to meet natural disasters wherever they occur, "notwithstanding any other provision of law." Once the international disaster assistance account of the Foreign Assistance Act is funded when the appropriations bill is signed by the President, hopefully in the next few days, no legal obstacle should remain in our ability to respond to an international appeal for disaster assistance in Vietnam or Laos.

Mr. President, I ask that the text of two press reports from the field, be printed in the RECORD.

The report follows:

[From the Washington Post, Oct. 5, 1978]
FLOODS RAVAGE SOUTHEAST ASIA; VIETNAM AND LAOS APPEAL FOR AID

BANGKOK.—Heavy floods have ravaged wide areas of Thailand, Laos, Cambodia and Vietnam, submerging millions of acres of rice paddy and driving millions of families from their homes, according to reports here yesterday.

Officials in Vietnam and Laos have appealed for help from abroad to meet needs for rice and other food grains as well as canned goods, fish, clothing and medicine.

"Heavy losses will affect both production and the (Vietnamese) people's life for a long time," said a Vietnamese Foreign Ministry spokesman at a news conference Tuesday broadcast by the official Vietnam News Agency.

Unseasonably heavy rains generated by Typhoon Lola produced the worst flooding in 35 years in Vietnam, the spokesman reported, adding that 2.8 million acres of crops were submerged in North and South with a loss of 2.8 million tons of rice.

The flood waters affected 4.5 million Vietnamese and about 3 million require emergency relief in the form of makeshift housing and food handouts, he said.

In Thailand, Prime Minister Kriangsak Chamaman allocated \$2.5 million for immediate flood relief and set aside more money to assist in recovery once the swollen rivers subside.

More than 200,000 villagers have abandoned their homes to escape flooding in Thailand's northern, northeastern and central provinces and the official death count

stands at 34, officials in Bangkok said. More than 300,000 acres of farmland were under water and some low-lying areas around Bangkok also were flooded.

The government flew vaccine and other medicine to flood-stricken areas in the northeastern province of Udorn after reports that cholera had broken out. Two deaths were attributed to cholera and nine other cases were confirmed, public health officials reported.

In addition to the flooding, the Vietnamese Foreign Ministry official said, nearly 900,000 acres of ricefields were destroyed by insects. An international official in Bangkok said the insects constituted a long-term problem in Vietnam because of a scarcity of pesticides and working spray equipment.

Flooding was particularly devastating in the Mekong Delta, Vietnam's main food-growing region. More heavy rains in Thailand, Laos and Cambodia have raised the threat of still higher waters in the Mekong River, the ministry spokesman said.

The New China News Agency, meanwhile, reported that eastern China's major provinces, hundreds of miles northeast of the flood area, are fighting the longest drought in more than 120 years.

[From the Wall Street Journal, Oct. 4, 1978]
VIETNAM ASKS FOR FOREIGN AID AFTER LOSS OF ONE-FIFTH OF RICE CROP TO HEAVY RAINS

(By Barry Kramer)

HONG KONG.—Vietnam appealed for emergency international aid following six weeks of torrential rains that it says wiped out about 2.9 million tons of rice, or more than one-fifth of the Communist nation's estimated 1978 output.

The disastrous crop failure, the worst of three due to natural calamities in as many years, could curtail severely Vietnam's plans for economic recovery and may force its 50 million people, already on food rationing, to tighten their belts another notch.

The latest economic setback comes when hundreds of thousands of soldiers have been removed from agricultural and civil reconstruction projects to fight a border war with Vietnam's western neighbor, Cambodia, and to face an increasingly hostile northern neighbor, China. The crop shortage could force Vietnam into further reliance on the Soviet Union. Hanoi's main source of previous emergency food aid. The relationship with the U.S.S.R. already is the root cause of Vietnam's falling out with its Communist neighbors.

Diplomatic observers in Asia have been predicting that Vietnam would launch a military offensive in a few months against the anti-Vietnamese regime in Cambodia and attempt to replace it with one more friendly to Hanoi. It isn't clear if or how Vietnam's food crisis might affect that expected confrontation.

FERTILIZER SHORTAGE

Vietnam's grain shortage can't be blamed entirely on the weather. The country still suffers from a chronic shortage of fertilizer and insecticides, spare parts for water pumps and fuel to run them. Furthermore, refugees fleeing Vietnam report that the elimination of the free market for rice last March in what was South Vietnam has reduced the incentive to grow rice for sale. Collectivization of southern farms, which is proceeding gradually, could further slow production, some observers predict.

Some rice land along the Cambodian border is lying fallow because of the fighting, while most military units that had been farming or improving farmlands have been called away from border duties. Instead of producing food, they must be fed. Fuel, which could have been used for water pumps and tractors, has been diverted for military use.

Vietnam announced its dire situation Monday when it took diplomats and repre-

representatives of international organizations on a tour of some flooded areas. Foreign Ministry officials then told foreign newsmen in Hanoi that the floods, plus insect infestation, had destroyed about 2.9 million tons of rice since Aug. 20, when the first of several typhoons and tropical storms hit the North and the South.

TARGET OUTPUT

The Vietnamese previously targeted output for the year at about 14.9 million tons. But before the floods, Western experts had estimated the crop at about 12.9 million tons. If the estimated loss is correct, then actual production could be only 10 million metric tons—22 percent below the earlier Western estimate and several million tons less than is needed to feed Vietnam's population.

Last year, when Vietnam harvested an estimated 12.4 million tons of rice, it still had to import about 1.7 million tons of rice and other grains to help bridge the gap between production and consumption. Even so, rice rations were cut, and other starchy foods such as manioc were substituted for rice, Vietnam's staple food.

The country isn't likely to get all 2.9 million tons of grain as gifts or loans from other countries, nor is it likely to purchase any but a small part of that amount. It is likely that the Soviet Union will supply a large portion of whatever relief grain is obtained.

Meanwhile, Thailand, a would-be supplier of rice to Vietnam, has been hit by the same heavy rains, and large areas of its rice paddies are damaged. Laos and Cambodia also will suffer. ●

VISIT OF RHODESIA'S PRIME MINISTER IAN SMITH

● Mr. GARN. Mr. President, I would like to take this opportunity to welcome to the United States Prime Minister Ian Smith and the Reverend Ndabaningi Sithole of Rhodesia's transitional government. It is of utmost significance that the American people have this chance to hear directly from these leaders of Rhodesia's internal settlement regarding the conditions in their country and their efforts to bring about majority rule.

The State Department's delay in granting visas to Prime Minister Smith and Reverend Sithole was more than simply another manifestation of this administration's misguided and ill-convicted policy in southern Africa—it was an unconscionable obstruction to the earnest attempts of these leaders to bring about black majority rule in Rhodesia through peaceful means.

This administration has consistently pursued a policy that is weighted heavily in favor of the pro-Marxist guerrilla forces of Joshua Nkomo and Robert Mugabe. Our Government's insistence that these leaders of the Patriotic Front must be part of any overall settlement has provided them with a de facto veto over the efforts of Rhodesia's internal leaders to resolve the issue peacefully. The obstinate refusal of the Carter administration to support the brave initiatives of Rhodesia's biracial interim government is nothing less than scandalous.

Should this administration maintain its opposition to the Rhodesian internal settlement it will severely reduce the prospects for a peaceful transition to democratic rule, and will make a black-against-black civil war all but unavoidable—

with the potential that such a conflict has for further Soviet-Cuban armed intervention in the affairs of Africa.

Mr. President, I sincerely hope that this visit by Prime Minister Smith and Reverend Sithole will help the American people gain a greater appreciation for the tremendous difficulties which these leaders face in combating anarchy while working to fundamentally transform the nature of their country's political system. Their endeavors deserve our wholehearted support and I once again welcome their arrival here in Washington.

Mr. President, in today's Washington Post, Evans and Novak have spelled out the moral bankruptcy of the Carter administration's African policy, and I ask that their article be printed in the RECORD.

RHODESIA POLICY: THE SENATE FILLS A VACUUM

(By Rowland Evans and Robert Novak)

Contortions in the State Department to delay a visa for Rhodesian Prime Minister Ian Smith and Executive Council member Ndabaningi Sithole symbolized the bankruptcy of Carter administration Rhodesia policy, a failure that has created a vacuum now being filled by the Senate.

Implicit bankruptcy was declared by the Senate more than three months ago when a resolution to remove economic sanctions from Rhodesia barely failed, 42 to 48. That was followed Sept. 14 by a letter to Smith, signed by 27 senators, inviting him and Sithole to Washington. Moderates such as Republican Sens. John Heinz (Pa.) and Bob Packwood (Ore.) and Democratic Sens. Jennings Randolph (W. Va.) and Ernest Hollings (S.C.) were among the signers.

But even such clear warnings from senators determined to arrest the move toward all-out racial war failed to awaken the makers of African policy in the State Department. Trapped in a policy that in effect gives veto power over the United States to feuding black states bordering Rhodesia and to feuding guerrilla forces armed and trained by Soviet and Cuban officers, State's African specialists shied from making any gesture to the outlawed Smith.

So when Smith's request for a visa arrived, the State Department blocked it. At work was the same detachment from reality that has dogged the administration's Rhodesian policy ever since former secretary of state Henry Kissinger's basic plan for ending white domination of black Rhodesia was adopted by Smith last March.

The pretext for the department's preliminary decision Sept. 30 denying the visa was the U.N. resolution imposing sanctions against the onetime British colony. Smith being a government official in an outlawed nation, his passport has no international standing, but the United States can waive that U.N. ban anytime it wants.

For example, both Sithole and Bishop Abel Muzorewa, another member of Rhodesia's Executive Council, got U.S. visas for previous visits here despite U.N. sanctions. The State Department was singing out Smith for special treatment.

But the true hypocrisy of the department's preliminary decision to bar Smith on spurious legalistic grounds is exposed by the fact that Zambia, one of the "front-line" black states bordering Rhodesia, itself waived the U.N. ban and admitted Smith just two months ago.

Smith was invited by Zambian President Kenneth Kaunda for secret negotiations with Joshua Nkomo. The purpose: to find common ground between the two so that Nkomo, a principal leader of guerrilla forces now attacking Rhodesia, could be brought into the Rhodesian government. U.N. sanctions counted for nothing against Zambia's

desperate need for a solution to racial war in southern Africa and economic disaster for Zambia and other frontline states.

The political rationale behind the invitation for Smith to come here and talk to senators and other American leaders was grounded on precisely the same hopes that motivated Kaunda: press Smith to find some formula to entice Nkomo into a "share of power" in the Rhodesian government.

The leading Senate player in this game is conservative Sen. Jesse Helms (R-N.C.), who is now working through private channels to soften both Smith and Nkomo in the hope of continuing the August contacts started in Zambia—a meeting that lasted several hours and achieved limited objectives.

But State Department specialists shrank from exposing the shrewd and wily Smith to the U.S. public or risking the political anger of Third World activists in the United Nations and blacks at home. Despite Helms' pleading, Smith's request for a visa languished.

Helms then served notice that he would enter formal objections, under the rule of senatorial courtesy, to the State Department's entire list of foreign-service promotions, and hold up three ambassadorial confirmations. There were other well-founded threats.

Helms, however, is small potatoes in Jimmy Carter's State Department. What broke the visa barricade was not Helms or his Senate colleagues but a compelling editorial in the Washington Post on Oct. 4. By no stretch could the Post be charged with harboring bias toward Smith. Accusing the State Department of playing a "shabby game," the Post asked: "Must the United States be 'purer' than Zambia?" Within hours of that Oct. 4 editorial, the State Department granted the visa, making a mockery of its sanctimonious pretexts for delay.

Having breached the visa barricade, the Senate intends to play out its activist role and fill the policy vacuum that has been spreading since last March, when Smith launched his "internal solution" pointing toward black majority rule. As perceived by Senators, the United States for too long has bartered away its prestige and power in the Rhodesian tragedy in a vain search for a solution satisfying black and other interests, many of which are clearly irreconcilable. ●

FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978—CONFERENCE REPORT

Mr. KENNEDY. Mr. President, I submit a report of the committee of conference on S. 1566 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1566) to amend title 18, United States Code, to authorize applications for a court order approving applications for a court order approving the use of electronic surveillance to obtain foreign intelligence information, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the Record of October 5, 1978.)

Mr. KENNEDY. Mr. President, today, the U.S. Senate writes a final chapter in the ongoing 10-year debate to regulate foreign intelligence electronic surveillance. In accepting the conference report on S. 1566, "The Foreign Intelligence Surveillance Act of 1978," the Senate will at long last place foreign intelligence electronic surveillance under the rule of law. The abuses of recent history sanctioned in the name of national security highlighted the need for this legislation. Working closely with our House colleagues we have fashioned a final product which strikes a careful balance between the needs of national security and the civil liberties and rights of the American people.

This legislation benefits from broad bipartisan support. It passed the Senate 95 to 1. My distinguished colleagues, Senator BAYH, Senator THURMOND, and Senator GARN have been particularly instrumental in the development of this legislation. Senator BAYH in particular proved to be a valuable ally, processing the bill through the Senate Select Committee on Intelligence with skill and dedication.

The bill has been endorsed and supported not only by this administration, but by the Ford administration as well. Both Attorney General Bell and Attorney General Levi have been most cooperative and helpful in its drafting and processing. The legislation constitutes a major step forward in bringing needed safeguards to the unregulated area of foreign intelligence surveillance. It is a recognition, long overdue, that the Congress does have a role to play in this area.

This legislation would, for the first time, substitute carefully prescribed accountability and oversight for the arbitrariness of the past. The bill would require that most foreign intelligence electronic surveillance in the United States be subject to a judicial warrant requirement based on probable cause. For an American citizen to be surveilled, there must be probable cause that he is an agent of a foreign power, engaging in sabotage, terrorism or clandestine intelligence activities. It is the courts, not the Executive, that would ultimately rule on whether the surveillance should occur. The bill would require that, before such surveillance could occur, a named executive branch official—such as the Secretary of Defense—certify in writing and under oath that such surveillance is necessary to obtain foreign intelligence information.

Mr. President, these statutory provisions are the very heart of the legislation. It is true that we have acceded to the House and eliminated the formal warrant requirement when certain foreign powers are the target of the surveillance. I have reluctantly accepted this modification because of the need to retain a bipartisan consensus concerning the legislation. Although the modification exempts certain targets from the warrant requirement, it will, nevertheless, prevent the National Security Agency from wiretapping any American citizen without first securing a warrant.

The legislation also provides the type of accountability which has heretofore not existed. It would for the first time

expressly limit whatever inherent power the Executive may have to engage in electronic surveillance in the United States. In so doing, the bill ends a decade of debate over the meaning and scope of the "inherent power" disclaimer clause currently found in title III.

The bill also provides civil and criminal sanctions to those who violate its provisions. It requires that all extraneous information—unrelated to the purposes of the surveillance—be minimized. And it mandates that before any information obtained can be used at a subsequent criminal trial, the trial court must again find that all statutory wiretap procedures have been met.

Most of the concerns expressed by some about various provisions of the bill have been satisfactorily resolved in conference. Thus, the Senate provision creating a special court to process the warrant applications has been retained by the conferees; a section has been added from the House bill suspending the warrant procedures for a period of up to 15 days in times of declared war; and new definitions of terrorism have been worked out.

Mr. President, some might argue that this legislation is regressive and does not provide sufficient protection for civil liberties. Others might maintain that it goes too far and will inhibit the functioning of our intelligence agencies. I disagree on both counts. The bill places strict statutory controls on foreign intelligence electronic surveillance. The judicial warrant and executive certification procedures guarantee the type of external and internal controls which I and others have long advocated. To those who maintain that the bill does not go far enough, I would remind them that today there is no statute at all.

On the other hand, the legislation will not undercut the effectiveness of our intelligence agencies. Two Attorneys General, two directors of the FBI and two heads of the CIA have testified in support of this legislation. They made convincing arguments that without this bill, their agents will continue to operate in a "twilight zone", unsure of what constitutes legal surveillance techniques.

The needs of our intelligence agencies in protecting the national security have also been carefully taken into account by the Congress, the conferees, the administration and, perhaps most importantly, the intelligence community itself. The legislation has built-in safeguards to preserve the flexibility and secrecy of our intelligence effort. For not only did the conferees agree to exempt from the warrant requirement certain foreign powers, we also agreed to limit the notice requirements of what detail must go into the warrant application.

Finally, the conferees agreed that the legislation must differ substantially from the provisions of current law authorizing wiretaps in domestic criminal investigations. The bill requires evidence of criminal activity before a warrant may be issued in foreign intelligence cases but established a less stringent "probable cause" standard of criminality, thus making it easier for the Government to secure a warrant for these limited pur-

poses. Other provisions dealing with length of surveillance, minimization of the surveillance and congressional oversight are carefully drafted with national security interests paramount.

Mr. President, I believe the time has at last arrived when Congress and the Executive together can fill one of the last remaining loopholes in the laws governing wiretapping and other electronic surveillance in the United States. One should view this bill for what it is, a major effort by the Congress, long overdue, to place foreign intelligence electronic surveillance under the rule of law. I urge the adoption of the conference report.

Mr. BAYH. Mr. President, I would like to say a word of deep appreciation to the Senator from Massachusetts for the tremendous effort that he and the other members of the conference expended in working out this very important piece of legislation.

This is really the first time we have had this kind of joint effort between the Judiciary Committee and the Senate Select Committee on Intelligence. The Senator from Indiana, as the chairman of that latter committee, is indeed grateful for the kind of cooperation that has been exhibited.

This bill, for the first time in history, protects the rights of individuals from government activities in the foreign intelligence area.

It is to President Carter's credit that he is the first President in history willing to waive the implied rights of inherent powers which other Presidents have demanded.

I think we have drawn a very careful balance. On one side we have protected the rights of individual citizens from spying and prying. On the other, we have done it in such a way it does not weaken the capacity of our intelligence agencies to provide the kind of information our country needs to protect the Nation from those who would do us harm.

Mr. THURMOND. Mr. President, although I rise in support of the conference report on S. 1566, the Foreign Intelligence Surveillance Act of 1978, I must indicate that I signed the conference report with some reluctance.

The need for certain safeguards in the use of electronic surveillance by the Government is accepted by this Senator. I do not, however, support procedures that would unduly restrict the ability of the President, under his inherent power, to engage in intelligence-gathering activities against foreign powers or their agents.

Mr. President, the procedures under this legislation are designed to permit the President to continue his power to engage in foreign intelligence surveillance, but with judicial safeguards in the form of a warrant procedure. Although I am agreeable to such procedures at this time, I would expect that if these procedures were to become cumbersome and an obstacle to the ability of our Nation to engage in necessary foreign intelligence gathering, the Congress would immediately reconsider this legislation and make changes in order to

avoid such barriers to effective foreign intelligence-gathering activities.

Finally, I am supporting this legislation because, without a clear expression from Congress in this area, especially when the case law is somewhat divided, there may be a chilling effect on the executive branch to engage in foreign intelligence gathering activities. I would not want to see that happen, Mr. President, so with the reservations that I have expressed, I shall agree to the adoption of the conference report on S. 1566 now before the Senate.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. KENNEDY. I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Orders Nos. 1190, 1194, 1210, 1211, 1212, and 1213.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. There is no objection.

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

COMPTROLLER GENERAL ANNUITY ADJUSTMENT ACT OF 1978

The Senate proceeded to consider the bill (S. 3412) to provide for cost-of-living adjustments in the annuity of a retired Comptroller General, and for other purposes, which had been reported from the Committee on Governmental Affairs with an amendment on page 6, beginning with line 6, strike through and including line 8, so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comptroller General Annuity Adjustment Act of 1978".

Sec. 2. Section 319 of the Budget and Accounting Act, 1921 (31 U.S.C. 43b) is amended—

(1) by striking out "3" wherever it appears in subsections (b) and (c) and inserting "4½";

(2) by striking out in subsection (e) (2) beginning with "one-half" through the word "lesser" and inserting the following: "(A) \$1,548, or (B) \$4,644 divided by the number of children, whichever is lesser";

(3) by inserting "(A)" immediately after "equal to" in subsection (e) (3) and by striking out in such subsection beginning with "survived," through the word "year" and inserting "survived, divided by the number of children, or (B) \$1,860, or (C) \$5,580, divided by the number of children, whichever is the lesser"; and

(4) by striking out "the last five years of such service" in subsection (n) and inserting "the three years of service in which his annual salary was greatest", and by striking out "37½" in such subsection and inserting "40".

Sec. 3. The Budget and Accounting Act, 1921, is amended by adding after section 319 the following new section:

"Sec. 320. (a) Except as provided in subsection (b), the annuities authorized by sections 303 and 319 of this Act shall be increased as follows:

"(1) The Comptroller General shall—

"(A) on January 1 of each year, or within a reasonable time thereafter, determine the per centum change in the Consumer Price Index published for December of the preceding year over the Consumer Price Index published for June of the preceding year, and

"(B) on July 1 of each year, or within a reasonable time thereafter, determine the per centum change in the Consumer Price Index published for June of such year over the Consumer Price Index published for December of the preceding year.

"(2) If in any year the per centum change determined under either paragraph (1) (A) or (1) (B) indicates a rise in the Consumer Price Index, then—

"(A) effective March 1 of such year, in the case of an increase under paragraph (1) (A), each annuity payable under sections 303 and 319 of this Act commencing not later than such March 1 shall be increased by the per centum change computed under such paragraph, adjusted to the nearest one-tenth of 1 per centum, or

"(B) effective September 1 of such year, in the case of an increase under paragraph (1) (B), each annuity payable under sections 303 and 319 of this Act commencing not later than such September 1 shall be increased by the per centum change computed under such paragraph, adjusted to the nearest one-tenth of 1 per centum.

"(3) The per centum increase authorized by the Comptroller General under this section shall not exceed the per centum increase as authorized from time to time by the Civil Service Commission under section 8340(b) of title 5, United States Code.

"(b) The annuity authorized by section 303 of this Act shall not, by reason of the application of subsection (a), exceed the annual rate of compensation of the Comptroller General."

Sec. 4. (a) The second paragraph of section 303 of the Budget and Accounting Act, 1921 (31 U.S.C. 43) is amended by inserting between the third and fourth sentences the following new sentence: "There shall be deducted from the salary of any person appointed to the Office of the Comptroller General after the date of enactment of this sentence as a contribution to the annuity authorized by this paragraph (1) a sum equal to 3½ per centum of his salary, in the case of a Comptroller General who has elected survivor benefits under section 319, or (2) a sum equal to 8 per centum of his salary, in the case of a Comptroller General who has not elected such survivor benefits."

(b) The third paragraph of such section is amended by—

(1) inserting after "that Act," in the first sentence "and no deduction from his salary shall be made under the preceding paragraph"; and

(2) adding at the end thereof the following new sentence: "Any person who is appointed to the Office of Comptroller General after the date of enactment of this sentence and who makes such an election under this paragraph shall deposit with the General Accounting Office for covering into the general fund of the Treasury as miscellaneous receipts as a contribution to the annuity authorized under the preceding paragraph (1) a sum equal to 3½ per centum, in the case of a Comptroller General who has elected survivor benefits under section 319, or (2) 8 per centum, in the case of a Comptroller General who has not elected such benefits, of the salary received by him as Comptroller General prior to the date current deductions begin from his salary, plus interest thereon at the rate of 3 per centum per annum compounded on December 31 of each year."

(c) Such section is amended by adding at the end thereof the following new paragraph:

"Any Comptroller General who is separated from office prior to becoming eligible to receive an annuity under the second paragraph shall be entitled to a lump-sum refund of the total amount deducted from his salary in accordance with the provisions of such paragraph or deposited by him as a contribution to his annuity in accordance with the provisions of the preceding paragraph, plus interest thereon at the rate of 3 per centum per annum compounded on December 31 of each year. The lump-sum refund authorized by this paragraph shall be paid to the Comptroller General or to his survivors in the order of precedence of such survivors established in section 319(j) for survivor benefits."

The amendment was agreed to.

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

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. 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, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95-1267), explaining the purposes of the measure.

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

SUMMARY AND PURPOSE

S. 3412 amends the law providing for retirement of the Comptroller General of the United States to enable retired Comptrollers General and their survivors to obtain cost-of-living adjustments to their annuities.

BACKGROUND AND LEGISLATIVE HISTORY

The Budget and Accounting Act of 1921, as amended in 1953, authorizes a retirement annuity for the Comptroller General. He is entitled to the salary payable for his office at the time of retirement (1) upon completion of his single 15-year term, (2) upon retirement on permanent disability after 10 years of service, or (3) after 10 years of service if he has attained the mandatory retirement age of 70. He can retire at half pay if permanently disabled after less than 10 years of service.

Benefits for survivors of retired Comptrollers General were enacted in 1959. These benefits generally followed those provided in 1956 for survivors of Federal judges. Surviving spouses of retired judges and Comptrollers General received a maximum of 37½ percent of the average salary for the last 5 years of creditable service. Benefits for dependent children were also provided.

The 94th Congress updated benefits for survivors of Federal judges (Public Law 94-554). Cost-of-living allowances were provided. The ceiling on a spouse's annuity was increased to 40 percent of a deceased judge's highest 3-year average salary. The annuity for dependent children of deceased judges was increased. Judges' contributions toward survivor benefits were increased from 3 to 4½ percent of their salaries. With passage of Public Law 94-554 it appears that all Federal employees, except for the Comptroller General, have retirement and survivor benefits adjusted by cost-of-living increases.

Legislation providing cost-of-living increases for retired Comptrollers General and their survivors was transmitted this year by the General Accounting Office to the Senate Committee on Governmental Affairs and the House Committee on Government Opera-