

THE WHITE HOUSE

WASHINGTON

October 31, 1972

MEMORANDUM FOR THE PRESIDENT

FROM: WILLIAM E. TIMMONS *B.T.*

SUBJECT: Second Session, 92nd Congress

Attached is a summary of Congressional activity for the 1972 Session of Congress.

In addition to accomplishments, "negative victories," defeats, and voting records, the paper lists some interesting statistics on the Session.

Attachments.

THE NINETY-SECOND CONGRESS SECOND SESSION

The 92nd Congress is now history and the wage earners of America, already weary of big government spending programs and suffocating demands on their income for taxes, have little to cheer about. The Congress finished its year with a final assault on the taxpayers' pocketbook. Higher costs of living and increased taxes, or both, are the likely result of Congress' refusal to establish a \$250 billion ceiling on government spending requested by the President. The override of the \$24 billion water bill only further robs the taxpayer to finance a budget-busting program, recognized as excessive even by many of its supporters on Capitol Hill.

1972 has been a year of personal accomplishment for the President. He continues to phase out American involvement in the war in South Vietnam; his negotiations in Paris are in the final stages; he has built a new relationship with the Soviet Union, and is slowing the arms race through talks and treaties; a new war in the Middle East has been avoided; he opened up new communication with the People's Republic of China. The President has expanded the economy, creating new jobs and more take-home pay for American workers; inflation has been substantially reduced.

This has also been a year in which the President hoped for legislative action on his domestic proposals. He called for a partnership with Congress in solving pressing problems, and he recommended bold solutions such as reform of the welfare system, special programs to share federal revenue with state and local governments, measures to reorganize and modernize the government to make it more responsive to the needs of the people, and plans for a comprehensive health care program.

The President also asked Congress for a moratorium on forced busing and an anti-busing bill, reform of private pension plans, a package of much-needed environmental legislation, and a reasonable increase in minimum wages. Unfortunately, these and other meaningful and responsible proposals died from lack of attention or an overdose of stimulants. Many didn't even have the benefit of fair hearings before Congressional Committees.

Of the President's major domestic initiatives, only General Revenue Sharing passed this year. In foreign policy, a SALT Treaty and Interim Agreement were approved.

The President also signed several other legislative objectives such as the Agnes Disaster bill, the Export Administration Act, the Higher Education measure, creation of a Drug Abuse Office, the Dollar Revaluation, Emergency Dock Strike legislation, and the Social Security measures.

As in previous years, Congress seemed determined to spend its time and energy in efforts deliberately designed to limit, restrict, or embarrass the President. Nevertheless, there were few major losses this session other than the defeat of a spending ceiling and the override of the Water Quality bill. Considering the complexion of Congress coupled with a Presidential election year, the Administration was successful in neutralizing potential issues such as Committee investigations, Cabinet nominations, "end the war" riders, and excessive social legislation sponsored as "Democratic Alternatives."

There were two principal causes of conflict between the legislative and executive branches, one political and the other institutional.

The Democratic-controlled Congress, as expected, attempted to use its power to limit Presidential accomplishments. This was reinforced by the fact that, before the Convention, the President's potential election opponents all came from the Congress.

Institutional conflicts were raised in a continuing tug-of-war between the executive and legislative branches over proposals to reorganize the government, share federal revenues, and establish a spending ceiling--initiated from the White House--and committee "oversight," anti-impounding amendments, war powers limitations, executive agreements, administration secrecy, "end the war" riders, federal property restrictions, etc.--originating on Capitol Hill.

If we had been willing to compromise on substance, the press would have hailed the President's 1972 legislative achievements as historic.

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The Ninety-Second Congress

For example, some version of welfare reform would have passed, so would a private pension measure, ditto for a consumer protection agency, variations of special revenue sharing, a modified spending ceiling, and perhaps some type anti-busing legislation. However, the President was unwilling to accept bad bills just for the appearance of legislative accomplishment.

Congressional leadership in both houses and on both sides of the aisle proved weak. This fact worked in the President's interest in that the opposition was seldom united and offered few attractive legislative alternatives. However, on the other hand, weak Republican leadership handicapped the President's programs in Congress and failed to build a strong political counter-attack group.

1972 has been a year of missed opportunities for the Congress. But by its very refusal to enact, Congress gave the President a number of good political issues: big spending, taxes, welfare, busing, and decentralization of government.

ACCOMPLISHMENTS
OF
THE SECOND SESSION, NINETY-SECOND CONGRESS

The following legislation, responsive in whole or in part to the President's recommendations, was enacted and signed by the President.

1. General Revenue Sharing
2. The Strategic Arms Limitation Treaty
3. The Interim Agreement for Limitation of Offensive Strategic Nuclear Weapons
4. The Higher Education Act (to include Emergency School Aid, a weak Anti-busing Restriction, National Institute of Education, National Foundation for Higher Education, and the Guaranteed Student Loan Program)
5. Export Administration Act/CIEP Creation
6. Debt Limit Extensions
7. Agnes Recovery Bills
8. Pesticides
9. Special Action Office for Drug Abuse Prevention Creation
10. Heart, Blood Vessel, and Lung Disease Research Bill
11. Port and Waterways Safety Bill
12. Radio Free Europe and Radio Liberty Funding
13. Public Building Amendments
14. Capitol/D. C. Subway Funding
15. Uniformed Services Health University
16. Military Survivor Benefits Bill
17. Dollar Revaluation
18. AMTRAK Funding
19. Minority Enterprise Small Business Investment Corporations
20. High Speed Ground Transportation Act
21. Sickle Cell Anemia
22. American Revolution Bi-centennial Commission Extension
23. Longshoremen's and Harbor Workers' Compensation Act
24. Fire Research and Safety Act
25. Protection of Foreign Officials
26. Small Business Loan Ceiling Increase
27. Youth Services Act
28. Increased Compensation of Disabled Veterans
29. Temporary Licensing for Nuclear Reactors
30. GI Education Bill
31. International Coffee Agreement Extension
32. Ocean Dumping
33. Golden Gate National Recreation Area

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Accomplishments - 92nd Congress

34. Auto Bumper Standards Safety
35. Gateway (East) National Recreation Area
36. Eisenhower Civic Center
37. D. C. Bus Acquisition
38. Pennsylvania Avenue Bi-centennial Corporation
39. Noise Control
41. Additional Deputy Secretary of Defense
42. Confirmations (Justice, Agriculture, Defense)
43. Space Shuttle Funding
44. Civil Rights Commission Extension
45. Marine Mammal Protection Act
46. Seabeds Treaty
47. Communicable Disease Bill

NEGATIVE SUCCESSES
OF
THE SECOND SESSION, NINETY-SECOND CONGRESS

No compilation of legislation is complete without mentioning the President's efforts to defeat pernicious and restrictive measures from being enacted by the opposition Congress.

Among the more prominent negative successes were:

1. War Powers Bill not reported from Conference
2. "End the War" amendments on DOD, State/USIA, and Foreign Aid Authorization and Appropriations Bills stricken in Conference
3. Defeat of Voter Registration Bill
4. EEOC Amendments passed without cease and desist authority
5. Defeat of requirement that executive agreements be submitted to the Congress
6. Ribicoff Welfare Reform defeated in Senate
7. Defeat of Proxmire "End the Bombing" fund cut-off
8. Irresponsible increases in the minimum wage stymied
9. OEO extension without irresponsible legal services corporation
10. Child Development not enacted
11. Politically-motivated Watergate Investigation not authorized
12. Objectionable Consumer Protection Agency Bill killed
13. No-Fault Insurance Bill killed in Senate
14. Defeat of anti-Soviet Trade Restrictions associated with Soviet head-tax on Jewish emigrants
15. Retention of Equal Time Provision
16. Successful veto of the Corporation for Public Broadcasting authorization
17. No challenge to the Federal Pay Raise deferral
18. Maritime Authorization passed without 50% U. S. bottoms requirement
19. Defeat of the Fair Warranties Disclosure Bill
20. Unacceptable D. C. Home Rule legislation deferred
21. Unworkable Toxic Substances Bill not enacted
22. Excessive hand-gun legislation defeated
23. Delay of Campaign Reform Act - effective date 90 days
24. Deferral of proposal to compensate victims of crime
25. No Conference Report on increasing Federal Employee Health Benefits
26. Action deferred on Safe Drinking Water Bill
27. Surface Transportation Act not enacted
28. Objectionable Federal Highways Act stalled
29. Unacceptable Pension Plan Bill delayed until next year
30. Inflationary Housing Bill killed

KEY LEGISLATION
NOT ENACTED
BY
NINETY-SECOND CONGRESS

The following list of Administration-sponsored legislation was not enacted in an acceptable form:

1. Welfare Reform (passed House)*
2. Special Revenue Sharing:
 - Law Enforcement
 - Transportation
 - Education
 - Rural Development
 - Urban Development*
 - Manpower
3. Spending Ceiling*
4. Government Reorganization:
 - Department of Community Development*
 - Department of Human Resources
 - Department of Natural Resources
 - Department of Economic Affairs
5. National Health Insurance Partnership*
6. National Health Maintenance Organizations*
7. Busing Moratorium
8. Equal Education Opportunities Act (passed House)*
9. Power Plant Siting*
10. Crippling Strikes Prevention Bill*
11. Omnibus Housing Bill*
12. Pension Reform
13. National Land Use Policy Act (passed Senate)*
14. National Resource Land Management Act
15. International Security Assistance Reorganization
16. Federal Executive Service (passed Senate)*
17. Consumer Fraud Prevention
18. Drug Identification Act
19. Federal Financing Bank
20. Highway User Tax
21. Open Spaces Land Program
22. Indian Legislation (Trust Council, Assistant Secretary)
23. Protection of Mined Areas
24. Authority to Designate the Chairman of the Federal Power Commission
25. Airline User Tax*

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Key Legislation not enacted

26. FTC Act Amendments
27. Consumer Product Test Methods Act
28. D. C. Home Rule
29. Sulphur Oxides Emission
30. Allied Services Act
31. Wilderness Areas (69)
32. Endangered Species Protection Act
33. Pre-trial Detention
34. Rumanian Trade Relations
35. Genocide Treaty
36. Anti-hijacking Bill*
37. Armed Forces Drug Dependency and Rehabilitation Bill*
38. Strip Mining Bill*
39. Highway Bill (use of trust fund for urban mass transit)*
40. Toxic Substances
41. Foreign Aid*

*While these bills were not enacted, significant progress was made in the legislative process during the 92nd Congress.

DEFEATS
OF THE
SECOND SESSION, NINETY-SECOND CONGRESS

The following bills, objectionable in some aspects, were signed into law:

1. Medicare-Medicaid Social Security Amendments
2. 20% Social Security Increase
3. Campaign Reform Act
4. Blue Collar Pay Bill
5. School Lunch Act
6. Black Lung
7. Consumer Product Safety
8. Rural Development Act
9. Coastal Zones Management
10. Youth Conservation Corps

Vetoed of two measures were overridden:

1. Water Pollution Bill
2. Railroad Retirement Benefits Increase

These bills were pocket-vetoed:

1. Public Works - EDA
2. Labor-HEW Appropriations
3. Rivers and Harbors
4. Vocational Rehabilitation
5. Mining and Minerals Policy Act
6. Airport/Airways Acceleration Act
7. Reclassification of Deputy U. S. Marshals
8. Veterans' Medical Act
9. National Cemeteries Bill
10. Older American Act
11. National Institute on Aging
12. National Environmental Data System
13. One Private Bill

These recommendations were voted down in Congress:

1. National Command Authority ABM Site
2. Spending Ceiling

APPROPRIATIONS

At adjournment, all FY 1973 appropriations had been signed with exceptions of Foreign Aid and Labor-HEW. The former will be funded through a continuing appropriation. The latter was vetoed and will also be funded through February 28 under the continuing resolution.

In 1972, Congress reduced FY 1973 appropriations by \$5.0 billion below the amount requested. The major part of the reduction was applied to Defense and Foreign assistance programs. Since many of these reductions were for programs which spend at a slow rate, the fiscal year 1973 effect is not large. In fact, Congressional action on appropriation bills will reduce 1973 spending by about \$0.4 billion.

However, other actions by the Congress will increase spending in 1973 by about \$11 billion. Most of these actions require spending increases outside the appropriations process. For example, the social security bill enacted in July added \$3.7 billion to the 1973 budget total. Other bills, like those for coal miners and veterans' benefits require mandatory requests for appropriations.

When the sum total of all actions -- appropriations and other -- are considered, over \$10.5 billion would be added to 1973 spending by actions of the Congress.

CONGRESSIONAL SUPPORT FOR THE PRESIDENT

For purposes of rating Members, a series of votes were selected in each House which reflected (1) a strong personal interest by the President (as in Vietnam amendments), or (2) very close votes on less important measures but where this office and the GOP leadership devoted time and energy to win as many supporters as possible (Debt Ceiling Increase, etc.). It should be noted that key votes were different in House and Senate so comparisons are not valid. Also, no attempt has been made to weigh the importance of one vote vis-a-vis another.

HOUSE. This office considered 17 votes in this Session constituted key tests of support for the President. In the House, 31 Republicans had support scores of 90 per cent or better, while 18 Democrats batted 80 per cent or better. The breakdown of the most notable supporters and opponents is in the table attached.

SENATE. In the Senate, 24 votes were considered as key tests of support for the President. 22 Republican Senators supported the President 80 per cent of the time, while 8 Democrats rated 80 per cent or better. Also of significance were several unusually large shifts in individual Senators' support records versus last year. Shifts of at least 20 per cent toward greater or less support were reflected by the following Senators:

		<u>Greater Support</u>		<u>Less Support</u>
Republicans:	Young	(71 to 96)	Javits	(47 to 13)
			Pearson	(67 to 35)
			Percy	(52 to 29)
			Roth	(95 to 71)
			Stevens	(62 to 42)
Democrats:	Allen	(71 to 92)	Bentsen	(62 to 41)
	Anderson	(38 to 68)	Eagleton	(29 to 5)
	Gambrell	(52 to 73)	Harris	(19 to 0)
	Ev Jordan	(29 to 61)	Inouye	(33 to 5)
	McClellan	(52 to 88)	Randolph	(43 to 14)
	Spong	(43 to 75)		

KEY SENATE VOTES
Republican Senators

At least 80 per cent support
of the President's position

Bennett	100.0
Brock	100.0
Cotton	100.0
Curtis	100.0

Dole	100.0
Fannin	100.0
Hansen	100.0
Hruska	100.0

Thurmond	100.0
Young	95.8
Gurney	95.5
Buckley	95.2

Dominick	95.0
Fong	95.0
Miller	95.0
Tower	95.0

Allott	94.7
Saxbe	94.7
Goldwater	94.1
Griffin	87.0

Baker	86.7
Scott	86.0

50 per cent or less in support
of the President's position

Stafford	50.0
Stevens	42.1
Mathias	36.3
Pearson	35.0

Schweiker	30.4
Percy	28.6
Brooke	21.7
Hatfield	20.0

Case	13.6
Javits	13.0

Democratic Senators

At least 80 per cent support
of the President's position

Edwards	100.0
Allen	91.6
Byrd, H.	91.6
Eastland	90.0

Sparkman	89.2
McClellan	87.8
Long	86.4
Stennis	83.3

KEY HOUSE VOTES
Republican Congressmen

At least 90 per cent support
of the President's position

Arends	100.0
Betts	100.0
Collier	100.0
Hastings	100.0

Keith	100.0
Lloyd	100.0
Mathias	100.0
Mayne	100.0

Pelly	100.0
Springer	100.0
Wilson	100.0
Belcher	94.1

Byrnes	94.1
Camp	94.1
Carlson	94.1
Ford	94.1

Teague	94.1
Bow	93.3
Hosmer	93.3
Mills (Md)	93.3

Winn	93.3
Brotzman	93.7
Gubser	93.7
Jonas	93.7

Whitehurst	93.7
Kuykendall	92.3
Poff	92.3
Railsback	92.9

Rhodes	92.9
Wiggins	92.9
Davis	91.7

50 per cent or less in support
of President's position

Conte	50.0
Halpern	50.0
Harvey	50.0
McKinney	50.0

Mosher	50.0
Peyser	50.0
McCloskey	43.7
Steele	43.7

Esch	41.7
Biester	41.7
Gude	41.2
Heinz	41.2

Heckler	35.7
Whalen	25.0
Riegle	15.4

KEY HOUSE VOTES
Democratic Congressmen

At least 80 per cent in support
of the President's position

Hebert	91.7
X Colmer	88.2
Jarman	88.2
Burleson	87.8

Waggonner	87.8
Gettys	86.7
* Cabell	86.2
Hagan	83.3

Landrum	83.3
Mahon	82.4
Byron	81.8
* McMillan	81.8

Nichols	81.8
Chappell	81.3
Fisher	81.3
Mann	81.3

Randall	81.3
Montgomery	80.0

TOTALS FOR CONGRESSIONAL ACTIVITY

Statistics for the Second Session are compared with the President's first three years. Virtually every record was set in 1970. The most significant exception is in the category for yea and nay votes (including record tellers in the House).

	<u>1969</u>		<u>1970</u>		<u>1971</u>		<u>1972</u>	
	<u>Senate</u>	<u>House</u>	<u>Senate</u>	<u>House</u>	<u>Senate</u>	<u>House</u>	<u>Senate</u>	<u>House</u>
Days in Session	176	186	208	164	186	163	162	135
Public Bills Enacted	74	116	160	345	75	123	139	231
Measures Passed	684	720	991	922	604	716	767	753
Measures Reported	745	706	963	836	585	686	717	714
Measures Introduced	3826	17728	1640	5847	3493	14653	1403	5805
Yea and Nay Votes	245	177	422	266	423	212	532	244
Record Teller Votes	--	--	--	--	--	108	--	85
Bills Vetoed	--	--	5	6	2	1	5*	12*
Vetoes Overridden	--	--	--	2	--	--	1	1
Civilian Nominations other than postmasters confirmed	3961	--	3292	--	3250	--	3457	--

*Of the five Senate bills vetoed, four were by pocket veto; nine House bills were pocket vetoed.

PRESIDENTIAL CONTACTS WITH CONGRESSMEN

Contact between the President and the Congress has steadily diminished over the past four years as reflected in the table below. A total of 906 personal appearances with Members took place in 1972.

<u>Type of Event</u>	<u>Number of Events</u>			
	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>
GOP Leadership	24	16	13	15
Bipartisan Leadership	10	4	9	5
Cong. 1/2 Hours	15	39	9	0
Bill Signings	8	14	6	12
Other Meetings*	87/125	115/121	69/94	30/23
Telephone Conversations	204	140	180	61
Meals**	26	20	22	12
State Dinners	11	8	9	4
Receptions	8	6	10	0
Worship Services	12	7	8	1
Evenings at the White House	0	3	1	2
Flights	26	20	27	5

*The first figure represents meetings with House Members; the second Senate. Since many Presidential sessions were with Members of both bodies, it would be inaccurate to add both figures for a yearly total.

**The 1972 figure for meals does not include breakfasts which were full GOP Leadership meetings; they are listed only as Leadership.

SELECTED PRESS QUOTES ON 92ND CONGRESS

"...the record is, in fact, a mixed one with both notable accomplishments and notable failures to act."

Dana Bullen
Star-News

"The 92nd Congress ended as it began, in an unequal contest between the legislature of diffused powers and a President confidently pulling the levers of government at the other end of the avenue."

Shirley Elder
Star-News

"...inability of Congress to cope with the legislative problems that confront it."

Business Week commentary

"Congress spent months dilly-dallying...it was more concerned with making a Republican President look bad than with the public interest."

Willard Edwards
Chicago Tribune

"The manner in which Congress ended its 92nd session gave a hint that there may be a limit ahead to the loss of Congressional power to the White House."

C/S Monitor Editorial

"Defeat of the ceiling despite the confession of budgetary irresponsibility leaves the Senate in an exposed position."

Wall Street Journal Editorial

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Press Quotes

"There seemed to be little expectation in anyone's mind that the 92nd would be remembered as a liberal assembly."

Albert Sehlstedt
Sun

"In the crunch, the House and Senate can regularly be seen hopping on the bandwagon of mindlessness or shucking the burden of responsibility."

Joseph Kraft
Sun

"The most conservative and regressive Congress in decades."

A. D. A.

"Once Democrats established that they lacked the will to challenge the Nixon administration on Vietnam, much of the fight went out of them over domestic legislation, too."

Richard Strout
C/S Monitor

"For seldom has the Congress seemingly toiled so long and achieved so little... and the Democratic leadership, rather than charting an alternative course, showed itself weak."

Mark Arnold
National Observer

"It has been a sorry sight to watch the wind-up of this 92nd Congress... because Congress would not put its house in order, its powers have leaked away."

TRB
New Republic

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Press Quotes

"The 92nd Congress, battling with the President to the end, killed about as many major bills as it passed."

A. P.

"The story of Congress... is one of passing opportunities."

Lastelic
Kansas City Starr

"The failures of the 92nd overshadowed its achievements in balance sheets on both sides of the aisle and at both ends of Pennsylvania Avenue."

Newsweek

"It is the White House which is calling the signals for Congress, prescribing the issues, determining the course of legislation... Congress found itself increasingly outmaneuvered legislatively and politically by a President..."

John Finney
New York Times

"The gap between performance and promise yawned wide enough to engulf not only the lawmakers, but the President as well."

Time

"The Democratic-controlled Congress proved that it didn't care a fig about reining in the runaway federal budget."

Human Events

"...events and decisions that helped lead Congress to a sorry position by session's end...the level of Congressional leadership and responsibility, none too high to begin with, had deteriorated badly...the record of the 92nd Congress is such that the 93rd should not have too much trouble improving on it."

Washington Star editorial

"In a sense, then, it was a stand-off."

Congressional Quarterly.

"Relations between the White House and the recent Congress were not unusually abrasive, despite growing frustrations at both ends of Pennsylvania Avenue."

Crosby Noyes
Star-News

"It (the 92nd Congress) was nondescript, deficient in leadership and new ideas."

Editors
The New Republic

"Jack Kennedy, despite the hard work of Larry O'Brien, was not a successful Presidential lobbyist. Richard Nixon's performance is rated fair to good. During his first two years, LBJ was a superb lobbyist...During his later years LBJ missed the mark a lot."

The Washingtonian
November 1972