

LEGISLATIVE HISTORY
OF THE
FEDERAL ELECTION
CAMPAIGN ACT
OF
1971



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THE
FEDERAL ELECTION
COMMISSION

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CAMPAIGN ACT
OF
1971**



The Federal Election Commission;

**1325 K Street, Northwest
Washington, D.C. 20463**

September 1981

(II)

The Federal Election Commission

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PREFACE

The Federal Election Commission is publishing this legislative history of the Federal Election Campaign Act of 1971 to provide to Commissioners and Commission staff, the Congress, and candidates and committees affected by the Federal Election Campaign Act, easy access to the bills, accompanying reports, and floor debates from which the law was derived.

The material is presented in a chronological fashion, and is comprehensively indexed.

The legislative history was compiled, edited and indexed under the supervision of the Office of General Counsel.

The Commission hopes that this legislative history will aid all those affected by the Federal Election Campaign Act of 1971 in better understanding and complying with the Act.

S.382



IN THE SENATE OF THE UNITED STATES

JANUARY 28 (legislative day, JANUARY 26), 1971

Mr. MANSFIELD (for himself, Mr. CANNON, Mr. PASTORE, and Mr. PELL) introduced the following bill; which was read twice and referred to the Committees on Finance, Commerce, and Rules and Administration jointly

MAY 6, 1971

Reported from the Committee on Commerce by Mr. PASTORE, with amendments

MAY 6, 1971

Referred to the Committees on Finance and Rules and Administration with instructions, under authority of the order of the Senate of January 28, 1971

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Federal Election Cam-
4 paign Act of 1971".

II

★(Star Print)

1 TITLE I—AMENDMENTS TO COMMUNICATIONS
2 ACT OF 1934; LIMITATIONS ON CAMPAIGN
3 EXPENDITURES FOR NONBROADCAST COM-
4 MUNICATIONS MEDIA

5 EXCEPTION TO EQUAL TIME REQUIREMENTS AND
6 CHARGE LIMITATIONS

7 SEC. 101. ~~(a)~~ The first sentence of section 315(a) of
8 the Communications Act of 1934 ~~(47 U.S.C. 315(a))~~ is
9 amended by inserting before the colon the following: “, ex-
10 cept that the foregoing requirement shall not apply to the
11 use of a broadcasting station by a legally qualified candi-
12 date for the office of President or Vice President of the
13 United States in a general election”.

14 ~~(b)~~ Section 315(b) of such Act is amended to read
15 as follows:

16 “~~(b)~~ The charges made for the use of any broadcasting
17 station by any person who is a legally qualified candidate
18 for any public office shall not exceed the lowest unit charge
19 of the station for the same amount of time in the same time
20 period.”

21 SEC. 101. (a) Section 315(a) of the Communications
22 Act of 1934 (47 U.S.C. 315(a)) is amended by inserting
23 after “public office” in the first sentence thereof a comma and

1 *the following: "other than the office of President or Vice*
2 *President of the United States,".*

3 *(b) Section 315(b) of such Act is amended to read as*
4 *follows:*

5 *"(b) The charges made for the use of any broadcasting*
6 *station by any person who is a legally qualified candidate for*
7 *any public office in connection with his campaign for nomina-*
8 *tion for election, or election, to such office shall not exceed—*

9 *"(1) during the forty-five days preceding the date*
10 *of a primary election and during the sixty days preced-*
11 *ing the date of a general or special election in which such*
12 *person is a candidate, the lowest unit charge of the station*
13 *for the same amount of time during the same period; and*

14 *"(2) at any other time, the charges made for com-*
15 *parable use of such station by other users thereof."*

16 *(c) Section 312(a) of such Act is amended by striking*
17 *"or" at the end of clause (5), striking the period at the end of*
18 *clause (6) and inserting in lieu thereof a semicolon and "or",*
19 *and adding at the end of such section 312(a) the following*
20 *new clause*

21 *"(7) for willful or repeated failure to allow*
22 *reasonable access to or to permit purchase of reasonable*

1 *amounts of time for the use of a broadcasting station by*
2 *a legally qualified candidate on behalf of his candidacy.”.*

3 EXPENDITURE LIMITATIONS FOR CANDIDATES FOR
4 MAJOR ELECTIVE OFFICES

5 SEC. 102. Section 315 of the Communications Act of
6 1934 is further amended by redesignating subsection (c)
7 as subsection ~~(f)~~ (e) and by inserting immediately before
8 such subsection the following new subsections:

9 ~~“(e) (1) For purposes of this subsection, the term ‘major~~
10 ~~elective office’ means the office of President, United States~~
11 ~~Senator or Representative, or Governor or Lieutenant Gov-~~
12 ~~ernor of a State.~~

13 *“(c) (1) For purposes of this subsection and subsection*
14 *(d), the term—*

15 *“(A) ‘Federal elective office’ means the office of*
16 *President, Vice President, United States Senator or*
17 *Representative, or Delegate or Resident Commissioner*
18 *to the Congress;*

19 *“(B) ‘use of broadcasting stations by or on behalf*
20 *of any candidate’ includes not only broadcasts advocating*
21 *such candidate’s election, but also broadcasts urging the*
22 *defeat of his opponent or derogating his opponent’s stand*
23 *on campaign issues;*

24 *“(C) ‘legally qualified candidate’ means any person*
25 *who (1) meets the qualifications prescribed by the ap-*

1 *plicable laws to hold the Federal elective office for which*
 2 *he is a candidate and (2) is eligible under applicable*
 3 *State law to be voted for by the electorate directly or by*
 4 *means of delegates or electors; and*

5 *“(D) ‘broadcasting station’ includes a community*
 6 *antenna television system, and the terms ‘licensee’ and*
 7 *‘station licensee’ when used with respect to a community*
 8 *antenna television system, mean the operator of such*
 9 *system.*

10 *“(2) ~~(A)~~ No legally qualified candidate in an election*
 11 *~~(other than a primary election)~~ any primary, general, or*
 12 *special election for a major Federal elective office may spend*
 13 *for the use of broadcasting stations on behalf of his candi-*
 14 *dacy in such election a total amount in excess of—*

15 *“(i) 7 cents multiplied by the number of votes cast*
 16 *for all legally qualified candidates for such office in the*
 17 *last preceding general election for such office; or*

18 *“(ii) \$20,000, if greater than the amount deter-*
 19 *mined under clause (i) ~~(or if clause (i) is inapplicable).~~*

20 *“(B) In the case of a candidate for United States Sena-*
 21 *tor in a State in which the total number of votes cast for all*
 22 *legally qualified candidates for Senator in the last preceding*
 23 *election for Senator was less than the greatest total number*
 24 *of votes cast for all legally qualified candidates in any election*
 25 *~~(held after such preceding senatorial election)~~ for a state-*

1 wide office in such State; the amount determined under sub-
2 paragraph (A)-(i) shall be 7 cents multiplied by such great-
3 est total number of votes for statewide office.

4 “(A) 5 cents multiplied by the estimate of resident
5 population of voting age for such office, as determined
6 by the Bureau of Census in June of the year preceding
7 the year in which the election is to be held; or

8 “(B) \$30,000, if greater than the amount deter-
9 mined under subparagraph (A).

10 A legally qualified candidate for nomination for election
11 to the office of President may not spend a total amount
12 for all primary elections held for such office in which he is
13 a candidate in excess of the limitation provided by the first
14 sentence of this paragraph.

15 ~~“(3) No legally qualified candidate in a primary elec-~~
16 ~~tion for nomination to a major elective office, other than~~
17 ~~President, may spend for the use of broadcasting stations~~
18 ~~on behalf of his candidacy in such election a total amount in~~
19 ~~excess of 50 per centum of the amount determined under~~
20 ~~paragraph (2) with respect to the general election for such~~
21 ~~office.~~

22 ~~“(4)(3) Amounts spent for the use of broadcasting sta-~~
23 ~~tions on behalf of any legally qualified candidate for major~~
24 ~~Federal elective office (or for nomination to such office)~~
25 shall, for the purposes of this subsection, be deemed to have

1 been spent by such candidate. Amounts spent for the use of
 2 broadcasting stations by or on behalf of any legally qualified
 3 candidate for the office of Vice President of the United
 4 States shall, for the purposes of this subsection, be deemed
 5 to have been spent by the candidate for the office of Presi-
 6 dent of the United States with whom he is running.

7 “~~(5)~~(4) No station licensee may make any charge for
 8 the use of such station by or on behalf of any candidate for
 9 ~~major~~ *Federal* elective office (or for nomination to such
 10 office) unless such candidate, or a person specifically author-
 11 ized by such candidate in writing to do so, certifies to such li-
 12 censee in writing that the payment of such charge will not
 13 violate paragraph (2) ~~or (3)~~, whichever is applicable.

14 “~~(6)~~(5) Broadcasting stations and candidates shall file
 15 with the Commission such reports at such times and contain-
 16 ing such information as the Commission shall prescribe for
 17 the purpose of this subsection and, in the case of broadcast-
 18 ing stations, subsection (d).

19 “(d) If the Commission determines that—

20 “(1) a State by law—

21 “(A) has provided that a primary or other
 22 election for any office of such State ~~(other than~~
 23 ~~Governor or Lieutenant Governor)~~ or of a political
 24 subdivision thereof is subject to this subsection, and

25 “(B) has specified a limitation upon total ex-

1 penditures for the use of broadcasting stations on be-
 2 half of the candidacy of each legally qualified candi-
 3 date in such election, and

4 “(2) the amount of such limitation does not exceed
 5 the amount which would be determined for such election
 6 under subsection (c) had such election been an election
 7 for a ~~major~~ *Federal* elective office, or nomination thereto,
 8 then no station licensee may make any charge for the use of
 9 such station by or on behalf of any legally qualified candi-
 10 date in such election unless such candidate, or a person
 11 specifically authorized by such candidate in writing to do so,
 12 certifies to such licensee in writing that the payment of such
 13 charge will not violate such limitation ~~upon total expendi-~~
 14 ~~tures.~~”

15 ~~“(c) For the purposes of this section, the term ‘broad-~~
 16 ~~casting station’ includes a community antenna television sys-~~
 17 ~~tem, and the terms ‘licensee’ and ‘station licensee’ when used~~
 18 ~~with respect to a community antenna television system, mean~~
 19 ~~the operator of such system.”~~

20 LIMITATIONS ON CAMPAIGN EXPENDITURES FOR

21 NONBROADCAST COMMUNICATIONS MEDIA

22 SEC. 103. (a) For purposes of this section, the term—

23 (1) “~~major~~ *Federal* elective office” means the office
 24 of President, *Vice President*, United States Senator or
 25 Representative, or Governor or Lieutenant Governor of

1 a *State Delegate or Resident Commissioner to the Con-*
2 *gress; and*

3 (2) "nonbroadcast communications medium" means
4 any medium of communication other than broadcast
5 communications, including without limitation newspa-
6 pers, magazines and other periodical publications, news-
7 letters and other publications of any organization, bill-
8 board space and other outdoor advertising, posters,
9 handbills, bumper stickers, lapel buttons, hats or other
10 objects of wearing apparel upon which the name of a
11 candidate or political party is prominently displayed,
12 and public address systems including mobile public
13 address systems. *newspapers, magazines and other peri-*
14 *odical publications, and billboard facilities;*

15 (3) "legally qualified candidate" means any person
16 who (A) meets the qualifications prescribed by the appli-
17 cable laws to hold the Federal elective office for which he
18 is a candidate and (B) is eligible under applicable State
19 law to be voted for by the electorate directly or by means
20 of delegates or electors; and

21 (4) "use of any nonbroadcast communications
22 media by or on behalf of any candidate" includes not
23 only amounts spent for advocating a candidate's elec-
24 tion, but also amounts spent for urging the defeat of his

1 *opponent or derogating his opponent's stand on cam-*
2 *paign issues.*

3 *(b) During the forty-five days preceding the date of*
4 *any primary election, and during the sixty days preceding*
5 *the date of any general or special election, the charges made*
6 *for the use of any nonbroadcast communications medium by*
7 *an individual who is a legally qualified candidate for*
8 *Federal elective office shall not exceed the lowest unit rate*
9 *charged others by the person furnishing such medium for the*
10 *same amount of space.*

11 ~~(b)(c)~~ No legally qualified candidate in an election
12 ~~(other than a primary election)~~ any primary, general, or
13 special election for a major Federal elective office may spend
14 for the use of nonbroadcast communications media on behalf
15 of his candidacy in such election a total amount in excess
16 of—

17 ~~(1)~~ 14 cents multiplied by the number of votes
18 east for all legally qualified candidates for such office in
19 the last preceding general election for such office; or

20 ~~(2)~~ \$40,000, if greater than the amount deter-
21 mined under clause ~~(1)~~ (or if clause ~~(1)~~ is
22 inapplicable).

23 ~~(c)~~ In the case of a candidate for United States Senator
24 in a State in which the total number of votes cast for all
25 legally qualified candidates for Senator in the last preceding

1 election for Senator was less than the greatest total number
2 of votes cast for all legally qualified candidates in any
3 election ~~(held after such preceding senatorial election)~~ for
4 a statewide office in such State, the amount determined
5 under clause ~~(b)(1)~~ shall be 14 cents multiplied by such
6 greatest total number of votes for statewide office.

7 (1) 5 cents multiplied by the estimate of resident
8 population of voting age for such office, as determined
9 by the Bureau of Census in June of the year preceding
10 the year in which the election is to be held; or

11 (2) \$30,000, if greater than the amount determined
12 under clause (1).

13 A legally qualified candidate for nomination for election
14 to the office of President may not spend a total amount for
15 all primary elections held for such office in which he is a
16 candidate in excess of the limitation provided by the first
17 sentence of this paragraph.

18 ~~(d)~~ No legally qualified candidate in a primary elec-
19 tion for nomination to a major elective office, other than
20 President, may spend for the use of nonbroadcast communi-
21 cations media on behalf of his candidacy in such election a
22 total amount in excess of 50 per centum of the amount de-
23 termined under subsection ~~(b)~~ with respect to the general
24 election for such office.

25 ~~(e)~~(d) Amounts spent for the use of nonbroadcast com-

1 munications media on behalf of any legally qualified can-
2 didate for ~~major~~ *Federal* elective office (or for nomination
3 to such office) shall, for the purposes of this section, be
4 deemed to have been spent by such candidate. Amounts
5 spent for the use of nonbroadcast communications media by
6 or on behalf of any legally qualified candidate for the office
7 of Vice President of the United States shall, for the purposes
8 of this section, be deemed to have been spent by the candi-
9 date for the office of President of the United States with
10 whom he is running.

11 ~~(f)~~(e) No person may make any charge for the use of
12 any nonbroadcast communications medium by or on behalf of
13 any candidate for ~~major~~ *Federal* elective office (or for nomi-
14 nation to such office) unless such candidate, or an individual
15 specifically authorized by such candidate in writing to do
16 so, certifies to such person that the payment of such charge
17 will not violate subsection ~~(b)~~ (c) or ~~(d)~~, whichever is
18 applicable. Any person who furnishes the use of any non-
19 broadcast communications medium to or for the benefit of
20 any such candidate without charge therefor shall be deemed
21 to have made a contribution to such candidate in an amount
22 equal to the amount normally charged for such person for
23 such use. Any person who furnishes the use of any non-
24 broadcast communications medium to or for the benefit of
25 any such candidate at a rate which is less than the rate

1 normally charged by such person for such use shall be
 2 deemed to have made a contribution to such candidate in an
 3 amount equal to the excess of the rate normally charged
 4 over the rate charged such candidate.

5 ~~(g)~~ (f) Violation of the provisions of this section is pun-
 6 ishable by a fine not to exceed \$5,000, imprisonment for not
 7 to exceed five years, or both.

8 *COST-OF-LIVING INCREASE IN LIMITATION FORMULA*

9 *SEC. 104. (a) For purposes of this section, the term—*

10 *(1) "price index" means the annual average over*
 11 *a calendar year of the Consumer Price Index (all*
 12 *items—United States city average) published monthly*
 13 *by the Bureau of Labor Statistics; and*

14 *(2) "base period" means the calendar year 1970.*

15 *(b) Commencing immediately after the end of 1971,*
 16 *and after the end of each calendar year thereafter, as there*
 17 *becomes available necessary data from the Bureau of Labor*
 18 *Statistics of the Department of Labor, the Secretary of La-*
 19 *bor shall determine the difference between the price index*
 20 *for the immediately preceding calendar year and the price*
 21 *index for the base period. The amount computed under sec-*
 22 *tion 315(c)(2)(A) of the Communications Act of 1934*
 23 *(as added by section 102 of this Act) and under section 103*
 24 *(c)(1) of this Act shall be increased by such per centum*
 25 *difference (excluding any fraction of a per centum) and*

1 *rounded to the next highest cent. Each amount so increased*
 2 *shall be the amount in effect for the twelve months following*
 3 *the end of such calendar year.*

4 EFFECTIVE DATE

5 ~~SEC. 104.~~ 105. This title shall take effect on the date of
 6 enactment of this Act, except that—

7 (1) the amendment made by section 101 (b) shall
 8 take effect 30 days after such date; and

9 (2) section 102 shall take effect on such date as
 10 the Federal Communications Commission shall prescribe,
 11 but not later than 120 days after the date of enactment
 12 of this Act.

13 TITLE II—CRIMINAL CODE AMENDMENTS; DIS-
 14 CLOSURE OF FEDERAL CAMPAIGN FUNDS

15 PART A—CRIMINAL CODE AMENDMENTS

16 SEC. 201. Section 591 of title 18, United States Code,
 17 is amended to read as follows:

18 “§ 591. Definitions

19 “When used in sections 597, 599, 600, 602, 608, 610,
 20 and 611 of this title—

21 “(a) ‘election’ means (1) a general, special, or
 22 primary election, (2) a convention or caucus of a politi-
 23 cal party held to nominate a candidate, (3) a primary
 24 election held for the selection of delegates to a national
 25 nominating convention of a political party, or (4) a

1 primary election held for the expression of a preference
2 for the nomination of persons for election to the office
3 of President;

4 “(b) ‘candidate’ means an individual who seeks
5 nomination for election, or election, to Federal office,
6 whether or not such individual is elected, and, for pur-
7 poses of this paragraph, an individual shall be deemed
8 to seek nomination for election, or election, to Federal
9 office, if he has (1) taken the action necessary under
10 the law of a State to qualify himself for nomination for
11 election, or election, or (2) received contributions or
12 made expenditures, or has given his consent for any
13 other person to receive contributions or make expendi-
14 tures, with a view to bringing about his nomination for
15 election, or election, to such office;

16 “(c) ‘Federal office’ means the office of President
17 or Vice President of the United States, or Senator or
18 Representative in, or Delegate or Resident Commis-
19 sioner to, the Congress of the United States;

20 “(d) ‘political committee’ means any individual,
21 committee, association, or organization which accepts
22 contributions or makes expenditures during a calendar
23 year in an aggregate amount exceeding \$1,000;

24 “(e) ‘contribution’ means—

25 “(1) a gift, subscription, loan, advance, or de-

1 posit of money or any thing of value, made for the
2 purpose of influencing the nomination for election,
3 or election, of any person to Federal office, or for
4 the purpose of influencing the results of a primary
5 held for the selection of delegates to a national nom-
6 inating convention of a political party or for the
7 expression of a preference for the nomination of
8 persons for election to the office of President;

9 “(2) a contract, promise, or agreement, ex-
10 press or implied, whether or not legally enforceable,
11 to make a contribution for such purposes;

12 “(3) a transfer of funds between political com-
13 mittees; and

14 “(4) the payment, by any person other than a
15 candidate or political committee, of compensation
16 for the personal services of another person which are
17 rendered to such candidate or political committee
18 without charge for any such purpose;

19 “(f) ‘expenditure’ means—

20 “(1) a purchase, payment, distribution, loan,
21 advance, deposit, or gift of money or any thing of
22 value, made for the purpose of influencing the
23 nomination for election, or election, of any person
24 to Federal office, or for the purpose of influencing
25 the result of a primary held for the selection of

1 delegates to a national nominating convention of a
 2 political party or for the expression of a preference
 3 for the nomination of persons for election to the
 4 office of President;

5 “(2) a contract, promise, or agreement, ex-
 6 press or implied, whether or not legally enforceable,
 7 to make an expenditure; and

8 “(3) a transfer of funds between political com-
 9 mittees; and

10 “(g) ‘person’ and ‘whoever’ mean an individual,
 11 partnership, committee, association, corporation, or any
 12 other organization or group of persons.”

13 SEC. 202. Section 600 of title 18, United States Code,
 14 is amended to read as follows:

15 **“§ 600. Promise of employment or other benefit for politi-
 16 cal activity**

17 “Whoever, directly or indirectly, promises any employ-
 18 ment, position, compensation, contract, appointment, or
 19 other benefit, provided for or made possible in whole or in
 20 part by any Act of Congress, or any special consideration
 21 in obtaining any such benefit, to any person as consideration,
 22 favor, or reward for any political activity or for the support
 23 of or opposition to any candidate or any political party in
 24 connection with any general or special election to any politi-

1 cal office, or in connection with any primary election or
 2 political convention or caucus held to select candidates for
 3 any political office, shall be fined not more than \$1,000 or
 4 imprisoned not more than one year, or both."

5 SEC. 203. Section 602 of title 18, United States Code,
 6 is amended by—

7 (a) inserting "(a)" before "Whoever"; and

8 (b) adding at the end thereof the following new
 9 subsection:

10 "(b) Whoever, acting on behalf of any political com-
 11 mittee (including any State or local committee of a political
 12 party), directly or indirectly, intentionally or willfully
 13 solicits, or is in any manner concerned in soliciting, any
 14 assessment, subscription, or contribution for the use of such
 15 political committee or for any political purpose whatever
 16 from any officer or employee of the United States (other
 17 than an elected officer) shall be fined not more than \$5,000
 18 or imprisoned not more than three years, or both."

19 SEC. 204. Section 608 of title 18, United States Code,
 20 is amended to read as follows:

21 **§ 608. Limitations on political contributions and pur-**
 22 **chases**

23 "(a) It shall be unlawful for any person, directly or
 24 indirectly, to make a contribution or contributions in an ag-
 25 gregate amount in excess of \$5,000 during any calendar

1 year, in connection with any campaign for nomination for
2 election or election to Federal office, to—

3 “(1) any political committee or candidate;

4 “(2) two or more political committees substantially
5 supporting the same candidate; or

6 “(3) a candidate and one or more political commit-
7 tees substantially supporting the candidate.

8 *In computing the aggregate limitation of this subsection,*
9 *contributions and pledges made after an election for Federal*
10 *office to discharge indebtedness accrued during the campaign*
11 *for such office shall be deemed to have been made in the*
12 *calendar year in which such indebtedness was accrued.*

13 Nothing contained in this subsection shall prohibit the trans-
14 fer of contributions received by a political committee.

15 “(b) Except as provided in subsection (d)—

16 “(1) it shall be unlawful for any political commit-
17 tee or candidate to sell goods, commodities, advertising,
18 or other articles, or any services to anyone other than a
19 political committee or candidate; and

20 “(2) it shall be unlawful for any person, other than
21 a political committee or candidate, to purchase goods,
22 commodities, advertising, or other articles or any serv-
23 ices from a political committee or candidate.

24 “(c) Whoever violates subsection (a) or (b) of this

1 section shall be fined not more than \$5,000 or imprisoned
2 not more than five years, or both.

3 “(d) Subsection (b) of this section shall not apply to
4 a sale or purchase (1) of any political campaign pin, but-
5 ton, badge, flag, emblem, hat, banner, or similar campaign
6 souvenir or any political campaign literature or publications
7 (but shall apply to sales of advertising including the sale of
8 space in any publication), for prices not exceeding \$25
9 each, (2) of tickets to dinners, luncheons, rallies, and sim-
10 ilar fundraising activities, (3) of food or drink for a charge
11 not substantially in excess of the normal charge therefor, or
12 (4) made in the course of the usual and known business,
13 trade, or profession of any person or in a normal arm’s-
14 length transaction, however, a sale or purchase described in
15 paragraph (1), (2), or (3) shall be deemed a contri-
16 bution under subsection (a) of this section.

17 “(e) For the purposes of this section, a contribution
18 made by the spouse or a minor child of a person shall be
19 deemed a contribution made by such person.

20 “(f) In all cases of violations of this section by a part-
21 nership, committee, association, corporation, or other orga-
22 nization or group of persons, the officers, directors, or man-
23 aging heads thereof who knowingly and willfully partici-
24 pate in such violation shall be punished as herein provided.”

1 SEC. 205. Section 609 of title 18, United States Code,
2 is repealed.

3 SEC. 206. Section 611 of title 18, United States Code,
4 is amended to read as follows:

5 **“§ 611. Contributions by Government contractors**

6 “Whoever—

7 “(a) entering into any contract with the United
8 States or any department or agency thereof either for
9 the rendition of personal services or furnishing any
10 material, supplies, or equipment to the United States
11 or any department or agency thereof or for selling any
12 land or building to the United States or any depart-
13 ment or agency thereof, if payment for the performance
14 of such contract or payment for such material, supplies,
15 equipment, land, or building is to be made in whole
16 or in part from funds appropriated by the Congress, at
17 any time between the commencement of negotiations
18 for and the later of (1) the completion of performance
19 under, or (2) the termination of negotiations for, such
20 contract or furnishing of material, supplies, equipment,
21 land or buildings, directly or indirectly makes any con-
22 tribution of money or other thing of value, or promises
23 expressly or impliedly to make any such contribution,
24 to any political party, committee, or candidate for pub-

1 lie office or to any person for any political purpose or
2 use; or

3 “(b) knowingly solicits any such contribution from
4 any such person for any such purpose during any such
5 period;

6 shall be fined not more than \$5,000 or imprisoned not more
7 than five years, or both.”

8 SEC. 207. The analysis of sections of chapter 29 of title
9 18, United States Code, is amended by striking out the items
10 relating to sections 609 and 611, and inserting in lieu thereof
11 the following:

“609. Repealed.”

“611. Contributions by Government contractors.”

12 **PART B—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS**

13 **DEFINITIONS**

14 SEC. 251. When used in this part—

15 (a) “election” means (1) a general, special, or pri-
16 mary election, (2) a convention or caucus of a political
17 party held to nominate a candidate, (3) a primary elec-
18 tion held for the selection of delegates to a national
19 nominating convention of a political party, or (4) a pri-
20 mary election held for the expression of a preference for
21 the nomination of persons for election to the office of
22 President;

23 (b) “candidate” means an individual who seeks
24 nomination for election, or election, to Federal office,

1 whether or not such individual is elected, and, for pur-
2 poses of this paragraph, an individual shall be deemed to
3 seek nomination for election, or election, if he has (1)
4 taken the action necessary under the law of a State to
5 qualify himself for nomination for election, or election,
6 to Federal office, or (2) received contributions or made
7 expenditures, or has given his consent for any other
8 person to receive contributions or make expenditures,
9 with a view to bringing about his nomination for elec-
10 tion, or election, to such office;

11 (c) "Federal office" means the office of President
12 or Vice President of the United States; or of Senator or
13 Representative in, or Delegate or Resident Commissioner
14 to, the Congress of the United States;

15 (d) "political committee" means any committee,
16 association, or organization which accepts contributions
17 or makes expenditures during a calendar year in an ag-
18 gregate amount exceeding \$1,000;

19 (e) "contribution" means—

20 (1) a gift, subscription, loan, advance, or de-
21 posit of money or any thing of value, made for the
22 purpose of influencing the nomination for election,
23 or election, of any person to Federal office or as a
24 presidential or vice-presidential elector, or for the
25 purpose of influencing the result of a primary held

1 for the selection of delegates to a national nominat-
2 ing convention of a political party, or for the ex-
3 pression of a preference for the nomination of per-
4 sons for election to the office of President;

5 (2) a contract, promise, or agreement, whether
6 or not legally enforceable, to make a contribution
7 for any such purpose;

8 (3) a transfer of funds between political com-
9 mittees; and

10 (4) the payment, by any person other than a
11 candidate or political committee, of compensation
12 for the personal services of another person which
13 are rendered to such candidate or committee without
14 charge for any such purpose;

15 (f) "expenditure" means—

16 (1) a purchase, payment, distribution, loan,
17 advance, deposit, or gift of money or any thing of
18 value, made for the purpose of influencing the nomi-
19 nation for election, or election, of any person to
20 Federal office, or as a presidential and vice-presi-
21 dential elector, or for the purpose of influencing the
22 result of a primary held for the selection of delegates
23 to a national nominating convention of a political
24 party, or for the expression of a preference for the

1 nomination of persons for election to the office of
2 President;

3 (2) a contract, promise, or agreement whether
4 or not legally enforceable, to make an expenditure;
5 and

6 (3) a transfer of funds between political
7 committees;

8 (g) "Clerk" means the Clerk of the House of
9 Representatives of the United States;

10 (h) "Secretary" means the Secretary of the Senate
11 of the United States;

12 (i) "person" means an individual, partnership,
13 committee, association, corporation, labor organization,
14 and any other organization or group of persons; and

15 (j) "State" includes the District of Columbia, the
16 Commonwealth of Puerto Rico, and any territory or
17 possession of the United States.

18 ORGANIZATION OF POLITICAL COMMITTEES

19 SEC. 252. (a) Every political committee shall have a
20 chairman and a treasurer. No contribution and no expendi-
21 ture shall be accepted or made by or on behalf of a political
22 committee at a time when there is a vacancy in the office
23 of chairman or treasurer thereof. No expenditure shall be
24 made for or on behalf of a political committee without the

1 authorization of its chairman or treasurer, or their designated
2 agents.

3 (b) Every person who receives a contribution for a
4 political committee shall, on demand of the treasurer, and
5 in any event within five days after the receipt of such con-
6 tribution, render to the treasurer a detailed account thereof,
7 including the amount, the name and address of the person
8 making such contribution, and the date on which received.

9 All funds of a political committee shall be segregated from,
10 and may not be commingled with, any personal funds of
11 officers, members, or associates of such committee.

12 (c) It shall be the duty of the treasurer of a political
13 committee to keep a detailed and exact account of—

14 (1) all contributions made to or for such com-
15 mittee;

16 (2) the full name and mailing address of every
17 person making any contribution, and the date and
18 amount thereof;

19 (3) all expenditures made by or on behalf of such
20 committee; and

21 (4) the full name and mailing address of every
22 person to whom any expenditure is made, and the date
23 and amount thereof.

24 (d) It shall be the duty of the treasurer to obtain and
25 keep a receipted bill, stating the particulars, for every ex-

1 penditure made by or on behalf of a political committee of
2 \$100 or more in amount, and for any such expenditure in a
3 lesser amount, if the aggregate amount of such expenditures
4 to the same person during a calendar year exceeds \$100.
5 The treasurer shall preserve all receipted bills and accounts
6 required to be kept by this section for periods of time to be
7 determined by the Secretary or Clerk, as the case may be.

8 (e) Any political committee which solicits or receives
9 contributions or makes expenditures on behalf of any candi-
10 date that is not authorized in writing by such candidate to do
11 so shall include a notice on the face or front page of all litera-
12 ture and advertisements published in connection with such
13 candidate's campaign by such committee or on its behalf
14 stating that the committee is not authorized by such candi-
15 date and that such candidate is not responsible for the activi-
16 ties of such committee.

17 **REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS**

18 **SEC. 253. (a)** Each political committee which antici-
19 pates receiving contributions or making expenditures during
20 the calendar year in an aggregate amount exceeding \$1,000
21 shall file with the Secretary or Clerk, as the case may be,
22 a statement of organization, within ten days after its organi-
23 zation or, if later, ten days after the date on which it has
24 information which causes the committee to anticipate it will
25 receive contributions or make expenditures in excess of

1 \$1,000. Each such committee in existence at the date of en-
2 actment of this Act shall file a statement of organization with
3 the Secretary or Clerk, as the case may be, at such time as
4 he prescribes.

5 (b) The statement of organization shall include—

6 (1) the name and address of the committee;

7 (2) the names, addresses, and relationships of af-
8 filiated or connected organizations;

9 (3) the area, scope, or jurisdiction of the com-
10 mittee;

11 (4) the name, address, and position of the cus-
12 todian of books and accounts;

13 (5) the name, address, and position of other prin-
14 cipal officers, including officers and members of the
15 finance committee, if any;

16 (6) the name, address, office sought, and party
17 affiliation of (A) each candidate whom the committee
18 is supporting, and (B) any other individual, if any,
19 whom the committee is supporting for nomination for
20 election, or election, to any public office whatever; or,
21 if the committee is supporting the entire ticket of any
22 party, the name of the party;

23 (7) a statement whether the committee is a con-
24 tinuing one;

1 (8) the disposition of residual funds which will be
2 made in the event of dissolution;

3 (9) a listing of all banks, safety deposit boxes, or
4 other repositories used;

5 (10) a statement of the reports required to be filed
6 by the committee with State or local officers, and, if so,
7 the names, addresses, and positions of such persons; and

8 (11) such other information as shall be required
9 by the Secretary or Clerk.

10 (c) Any change in information previously submitted in
11 a statement of organization shall be reported to the Secretary
12 or Clerk, as the case may be, within a ten-day period follow-
13 ing the change.

14 (d) Any committee which, after having filed one or more
15 statements of organization, disbands or determines it will no
16 longer receive contributions or make expenditures during the
17 calendar year in an aggregate amount exceeding \$1,000 shall
18 so notify the Secretary or Clerk, as the case may be.

19 REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

20 SEC. 254. (a) Each treasurer of a political committee
21 supporting a candidate or candidates for election to the
22 office of President or Vice President of the United States or
23 Senator, and each candidate for election to such office, shall
24 file with the Secretary, and each treasurer of a political com-

1 mittee supporting a candidate or candidates for election to the
2 office of Representative in, or Delegate or Resident Commis-
3 sioner to, the Congress of the United States, and each candi-
4 date for election to such office, shall file with the Clerk, re-
5 ports of receipts and expenditures on forms to be prescribed
6 or approved by him. Such reports shall be filed on the tenth
7 day of March, June, and September, in each year, and on the
8 fifteenth and fifth days next preceding the date on which an
9 election is held, and also by the thirty-first day of January.
10 Such reports shall be complete as of such date as the Secre-
11 tary may prescribe, which shall not be less than five days
12 before the date of filing.

13 (b) Each report under this section shall disclose—

14 (1) the amount of cash on hand at the beginning
15 of the reporting period;

16 (2) the full name and mailing address of each per-
17 son who has made one or more contributions to or for
18 such committee or candidate (including the purchase of
19 tickets for events such as dinners, luncheons, rallies, and
20 similar fundraising events) within the calendar year in
21 the aggregate amount or value of \$100 or more, together
22 with the amount and date of such contributions;

23 (3) the total sum of individual contributions made
24 to or for such committee or candidate during the report-
25 ing period and not reported under paragraph (2);

1 (4) the name and address of each political commit-
2 tee or candidate from which the reporting committee or
3 the candidate received, or to which that committee or
4 candidate made, any transfer of funds, together with the
5 amounts and dates of all such transfers;

6 (5) each loan to or from any person within the
7 calendar year in the aggregate amount or value of \$100
8 or more, together with the full names and mailing ad-
9 dresses of the lender and endorsers, if any, and the date
10 and amount of such loans;

11 (6) the total amount of proceeds from (A) the
12 sale of tickets to each dinner, luncheon, rally, and other
13 fundraising event; (B) mass collections made at such
14 events; and (C) sales of items such as political cam-
15 paign pins, buttons, badges, flags, emblems, hats, ban-
16 ners, literature, and similar materials;

17 (7) each contribution, rebate, refund, or other re-
18 ceipt of \$100 or more not otherwise listed under para-
19 graphs (2) through (6);

20 (8) the total sum of all receipts by or for such
21 committee or candidate during the reporting period;

22 (9) the full name and mailing address of each
23 person to whom an expenditure or expenditures have
24 been made by such committee or candidate within the
25 calendar year in the aggregate amount or value of \$100

1 or more, and the amount, date, and purpose of each such
2 expenditure;

3 (10) the full name and mailing address of each
4 person to whom an expenditure for personal services,
5 salaries, and reimbursed expenses of \$100 or more has
6 been made, and which is not otherwise reported, includ-
7 ing the amount, date, and purpose of such expenditure;

8 (11) the total sum of expenditures made by such
9 committee or candidate during the calendar year;

10 (12) the amount and nature of debts and obliga-
11 tions owed by or to the committee, in such form as the
12 Secretary or Clerk may prescribe; and

13 (13) such other information as shall be required by
14 the Secretary or Clerk.

15 (c) The reports required to be filed by subsection (a)
16 shall be cumulative during the calendar year to which they
17 relate, but where there has been no change in an item re-
18 ported in a previous report during such year, only the amount
19 need be carried forward. If no contributions or expenditures
20 have been accepted or expended during a calendar year, the
21 treasurer of the political committee or candidate shall file a
22 statement to that effect.

23 REPORTS BY OTHERS THAN POLITICAL COMMITTEES

24 SEC. 255. Every person (other than a political com-
25 mittee or candidate) who makes contributions or expendi-

1 tures, other than by contribution to a political committee or
2 candidate, aggregating \$100 or more within a calendar year
3 shall file with the Secretary or Clerk, as the case may be, a
4 statement containing the information required by section
5 254. Statements required by this section shall be filed on the
6 dates on which reports by political committees are filed, but
7 need not be cumulative.

8 FORMAL REQUIREMENTS RESPECTING REPORTS AND
9 STATEMENTS

10 SEC. 256. (a) A report or statement required by this
11 part to be filed by a treasurer of a political committee, a can-
12 didate, or by any other person, shall be verified by the oath or
13 affirmation of the person filing such report or statement,
14 taken before any officer authorized to administer oaths.

15 (b) A copy of a report or statement shall be preserved
16 by the person filing it for a period of time to be designated
17 by the Secretary or Clerk, as the case may be, in a published
18 regulation.

19 (c) The Secretary or Clerk may, by published regula-
20 tion of general applicability, relieve any category of political
21 committees of the obligation to comply with section 254 if
22 such committee (1) primarily supports persons seeking
23 State or local office, and does not substantially support candi-
24 dates, and (2) does not operate in more than one State or
25 on a statewide basis.

1 (d) The Secretary or Clerk, as the case may be, shall,
2 by published regulations of general applicability, prescribe
3 the manner in which contributions and expenditures in the
4 nature of debts and other contracts, agreements, and prom-
5 ises to make contributions or expenditures shall be reported.
6 Such regulations shall provide that they be reported in sepa-
7 rate schedules. In determining aggregate amounts of con-
8 tributions and expenditures, amounts reported as provided in
9 such regulations shall not be considered until actual payment
10 is made.

11 REPORTS ON CONVENTION FINANCING

12 SEC. 257. Each committee or other organization which—

13 (1) represents a State, or a political subdivision
14 thereof, or any group of persons, in dealing with officials
15 of a national political party with respect to matters in-
16 volving a convention held in such State or political
17 subdivision to nominate a candidate for the office of
18 President or Vice President, or

19 (2) represents a national political party in making
20 arrangements for the convention of such party held to
21 nominate a candidate for the office of President or Vice
22 President,

23 shall, within sixty days following the end of the conven-
24 tion (but not later than twenty days prior to the date on
25 which presidential and vice-presidential electors are chosen),

1 file with the Secretary a full and complete financial state-
2 ment, in such form and detail as he may prescribe, of the
3 sources from which it derived its funds, and the purposes for
4 which such funds were expended.

5 DUTIES OF THE SECRETARY AND CLERK

6 SEC. 258. It shall be the duty of the Secretary and
7 Clerk, respectively—

8 (1) to develop prescribed forms for the making of
9 the reports and statements required to be filed with him
10 under this part;

11 (2) to prepare and publish a manual setting forth
12 recommended uniform methods of bookkeeping and re-
13 porting for use by persons required to make such reports
14 and statements;

15 (3) to develop a filing, coding, and cross-indexing
16 system consonant with the purposes of this part;

17 (4) to make the reports and statements filed with
18 him available for public inspection and copying during
19 regular office hours, commencing as soon as practicable
20 but not later than the end of the second day following the
21 day during which it was received, and to permit copying
22 of any such report or statement by hand or by dupli-
23 cating machine, as requested by any person, at the
24 expense of such person;

25 (5) to preserve such reports and statements for a

1 period of ten years from date of receipt, except that
2 reports and statements relating solely to candidates for
3 the House of Representatives shall be preserved for
4 only five years from the date of receipt;

5 (6) to compile and maintain a current list of all
6 statements or parts of statements pertaining to each
7 candidate;

8 (7) to prepare and publish an annual report includ-
9 ing compilations of (A) total reported contributions and
10 expenditures for all candidates, political committees, and
11 other persons during the year; (B) total amounts ex-
12 pended according to such categories as he shall deter-
13 mine and broken down into candidate, party, and non-
14 party expenditures on the National, State, and local
15 levels; (C) total amounts expended for influencing
16 nominations and elections stated separately; (D) total
17 amounts contributed according to such categories of
18 amounts as he shall determine and broken down into
19 contributions on the National, State, and local levels for
20 candidates and political committees; and (E) aggregate
21 amounts contributed by any contributor shown to have
22 contributed the sum of \$100 or more;

23 (8) to prepare and publish from time to time special
24 reports comparing the various totals and categories of

1 contributions and expenditures made with respect to pre-
2 ceding elections;

3 (9) to prepare and publish such other reports as he
4 may deem appropriate;

5 (10) to assure wide dissemination of statistics, sum-
6 maries, and reports prepared under this title;

7 (11) to make from time to time audits and field in-
8 vestigations with respect to reports and statements filed
9 under the provisions of this part, and with respect to
10 alleged failures to file any report or statement required
11 under the provisions of this part;

12 (12) to report apparent violations of law to the
13 appropriate law enforcement authorities; and

14 (13) to prescribe suitable rules and regulations to
15 carry out the provisions of this part.

16 STATEMENTS FILED WITH CLERK OF UNITED STATES COURT

17 SEC. 259. (a) A copy of each statement required to be
18 filed with the Secretary or Clerk by this part shall be filed
19 with the clerk of the United States district court for the ju-
20 dicial district in which is located the principal office of the
21 political committee or, in the case of a statement filed by a
22 candidate or other person, in which is located such person's
23 residence. The Secretary or Clerk may require the filing of
24 reports and statements required by this title with the clerks

1 of other United States district courts where he determines the
2 public interest will be served thereby.

3 (b) It shall be the duty of the clerk of a United States
4 district court under subsection (a) —

5 (1) to receive and maintain in an orderly manner
6 all reports and statements required by this part to be
7 filed with such clerks;

8 (2) to preserve such reports and statements for a
9 period of ten years from date of receipt, except that re-
10 ports and statements relating solely to candidates for the
11 House of Representatives shall be preserved for only
12 five years from the date of receipt;

13 (3) to make the reports and statements filed with
14 him available for public inspection and copying during
15 regular office hours, commencing as soon as practicable
16 but not later than the end of the second day following
17 the day during which it was received, and to permit
18 copying of any such report or statement by hand or by
19 duplicating machine, as requested by any person, at the
20 expense of such person; and

21 (4) to compile and maintain a current list of all
22 statements or parts of statements pertaining to each
23 candidate.

24 PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

25 SEC. 260. No person shall make a contribution in the
26 name of another person, and no person shall knowingly

1 accept a contribution made by one person in the name of
2 another person.

3 PENALTY FOR VIOLATIONS

4 SEC. 261. Any person who violates any of the provi-
5 sions of this part shall be fined not more than \$1,000 or
6 imprisoned not more than one year, or both.

7 STATE LAWS NOT AFFECTED

8 SEC. 262. (a) Nothing in this part shall be deemed
9 to invalidate or make inapplicable any provision of any State
10 law, except where compliance with such provision of law
11 would result in a violation of a provision of this part.

12 (b) The Secretary and Clerk shall encourage, and co-
13 operate with, the election officials in the several States to
14 develop procedures which will eliminate the necessity of
15 multiple filings by permitting the filing of copies of Federal
16 reports to satisfy the State requirements.

17 PARTIAL INVALIDITY

18 SEC. 263. If any provision of this part, or the applica-
19 tion thereof, to any person or circumstance is held invalid,
20 the validity of the remainder of the part and the application
21 of such provision to other persons and circumstances shall
22 not be affected thereby.

23 REPEALING CLAUSE

24 SEC. 264. (a) The Federal Corrupt Practices Act, 1925,
25 is repealed.

1 (b) In case of any conviction under this Act, where
2 the punishment inflicted does not include imprisonment, such
3 conviction shall be deemed a misdemeanor conviction only.

4 **TITLE III—TAX INCENTIVES FOR CONTRIBU-**
5 **TIONS TO CANDIDATES FOR FEDERAL OFFICE**
6 **INCOME TAX CREDIT**

7 **SEC. 301.** (a) Subpart A of part IV of subchapter A
8 of chapter 1 of the Internal Revenue Code of 1954 (relating
9 to credits against tax) is amended by renumbering section
10 40 as 41, and by inserting after section 39 the following
11 new section:

12 **“SEC. 40. CONTRIBUTIONS TO CANDIDATES FOR ELEC-**
13 **TIVE FEDERAL OFFICE.**

14 **“(a) GENERAL RULE.—**There shall be allowed to an
15 individual, as a credit against the tax imposed by this chap-
16 ter for the taxable year, an amount equal to one-half of the
17 political contributions (as defined in subsection (c)) pay-
18 ment of which is made by such individual within the taxable
19 year.

20 **“(b) LIMITATIONS.—**

21 **“(1) AMOUNT.—**The credit allowed by subsection
22 (a) shall not exceed \$20 for any taxable year.

23 **“(2) APPLICATION WITH OTHER CREDITS.—**The
24 credit allowed by subsection (a) shall not exceed the
25 amount of the tax imposed by this chapter for the tax-

1 able year reduced by the sum of the credits allowable
2 under section 33 (relating to foreign tax credit), sec-
3 tion 37 (relating to retirement income), and section 38
4 (relating to investment in certain depreciable property).

5 “(3) VERIFICATION.—The credit allowed by sub-
6 section (a) shall be allowed with respect to any po-
7 litical contribution, only if such political contribution is
8 verified in such manner as the Secretary or his delegate
9 shall prescribe by regulations.

10 “(c) DEFINITION OF POLITICAL CONTRIBUTION.—For
11 purposes of this section, the term ‘political contribution’
12 means a contribution or gift to—

13 “(1) an individual whose name is presented for
14 election as President of the United States, Vice President
15 of the United States, an elector for President or Vice
16 President of the United States, a Member of the Senate,
17 or a Member of (or Delegate to) the House of Repre-
18 sentatives in a general or special election, in a primary
19 election, or in a convention of a political party, for use
20 by such individual to further his candidacy for any such
21 office; or

22 “(2) a committee acting in behalf of an individual
23 or individuals described in paragraph (1), for use by
24 such committee to further the candidacy of such indi-
25 vidual or individuals.

1 “(d) ELECTION TO TAKE DEDUCTION IN LIEU OF
 2 CREDIT.—This section shall not apply in the case of any
 3 taxpayer who, for the taxable year, elects to take the deduc-
 4 tion provided by section 218 (relating to deduction for con-
 5 tributions to candidates for elective Federal office). Such
 6 election shall be made in such manner and at such time as the
 7 Secretary or his delegate shall prescribe by regulations.

8 “(e) CROSS REFERENCE.—

“For disallowance of credit to estates and trusts, see
 section 642(a)(3).”

9 (b) The table of sections for such subpart is amended
 10 by striking out

“Sec. 40. Overpayments of tax.”

11 and inserting in lieu thereof

“Sec. 40. Contributions to candidates for elective Federal
 office.”

“Sec. 41. Overpayments of tax.”

12 (c) Section 642 (a) of the Internal Revenue Code of
 13 1954 (relating to credits against tax for estates and trusts)
 14 is amended by adding at the end thereof a new paragraph
 15 as follows:

16 “(3) POLITICAL CONTRIBUTIONS.—An estate or
 17 trust shall not be allowed the credit against tax for
 18 political contributions to candidates for elective Federal
 19 office provided by section 40.”

20 DEDUCTION IN LIEU OF CREDIT

21 SEC. 302. (a) Part VII of subchapter E of chapter 1
 22 of the Internal Revenue Code of 1954 (relating to addi-

1 tional itemized deductions for individuals) is amended by
 2 renumbering section 218 as 219, and by inserting after
 3 section 217 the following new section:

4 **“SEC. 218. CONTRIBUTIONS TO CANDIDATES FOR ELEC-**
 5 **TIVE FEDERAL OFFICE.**

6 **“(a) ALLOWANCE OF DEDUCTION.**—In the case of an
 7 individual, there shall be allowed as a deduction any political
 8 contribution (as defined in subsection (c)) payment of
 9 which is made by such individual within the taxable year.

10 **“(b) LIMITATIONS.**—

11 **“(1) AMOUNT.**—The deduction under subsection
 12 (a) shall not exceed \$100 for any taxable year.

13 **“(2) VERIFICATION.**—The deduction under sub-
 14 section (a) shall be allowed, with respect to any politi-
 15 cal contribution, only if such political contribution is
 16 verified in such manner as the Secretary or his delegate
 17 shall prescribe by regulations.

18 **“(c) DEFINITION OF POLITICAL CONTRIBUTION.**—
 19 For purposes of this section, the term ‘political contribution’
 20 means a contribution or gift to—

21 **“(1)** an individual whose name is presented for
 22 election as President of the United States, Vice Presi-
 23 dent of the United States, an elector for President or
 24 Vice President of the United States, a Member of the
 25 Senate, or a Member of (or Delegate to) the House of

1 Representatives in a general or special election, in a
2 primary election, or in a convention of a political party,
3 for use by such individual to further his candidacy for
4 any such office; or

5 “(2) a committee acting in behalf of an individual
6 or individuals described in paragraph (1), for use by
7 such committee to further the candidacy of such indi-
8 vidual or individuals.

9 “(d) ELECTION TO TAKE CREDIT IN LIEU OF DE-
10 DUCTION.—This section shall not apply in the case of any
11 taxpayer who, for the taxable year, elects to take the credit
12 against tax provided by section 40 (relating to credit against
13 tax for contributions to candidates for elective Federal office).
14 Such election shall be made in such manner and at such
15 time as the Secretary or his delegate shall prescribe by
16 regulations.

17 “(e) CROSS REFERENCE.—

“For disallowance of deduction to estates and trusts,
see section 642(i).”

18 (b) The table of sections for such part is amended by
19 striking out

“Sec. 218. Cross references.”

20 and inserting in lieu thereof

“Sec. 218. Contributions to candidates for elective Federal
office.

“Sec. 219. Cross references.”

1 (c) Section 642 of the Internal Revenue Code of 1954
2 (relating to special rules for credits and deductions for estates
3 and trusts) is amended by redesignating subsection (i) as
4 subsection (j), and by inserting after subsection (h) a new
5 subsection as follows:

6 “(i) POLITICAL CONTRIBUTIONS.—An estate or trust
7 shall not be allowed the deduction for contributions to can-
8 didates for elective Federal office provided by section 218.”

9

EFFECTIVE DATE

10 SEC. 303. The amendments made by sections 301 and
11 302 shall apply to taxable years ending after December 31,
12 1970, but only with respect to contributions or gifts pay-
13 ment of which is made after such date.

92^d CONGRESS
1ST SESSION

S. 382

[Report No. 92-96]

A BILL

To promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

By Mr. MANSFIELD, Mr. CANNON, Mr. PASTORE,
and Mr. PELL.

JANUARY 28 (legislative day, JANUARY 26), 1971

Read twice and referred to the Committees on Finance,
Commerce, and Rules and Administration jointly

MAY 6, 1971

Reported by the Committee on Commerce with
amendments

MAY 6, 1971

Referred to the Committees on Finance and Rules and
Administration with instructions

**REPORT TO
ACCOMPANY
S.382**

SENATE COMMITTEE
ON
COMMERCE

92D CONGRESS }
1st Session }

SENATE

{ REPORT
No. 92-96

FEDERAL ELECTIONS CAMPAIGN
ACT OF 1971

REPORT

OF THE

SENATE COMMITTEE ON COMMERCE

ON

S. 382

(TOGETHER WITH INDIVIDUAL, SUPPLEMENTAL,
AND ADDITIONAL VIEWS)

PROMOTING FAIR PRACTICES IN THE CONDUCT OF ELEC-
TION CAMPAIGNS FOR FEDERAL ELECTIVE OFFICES, AND
FOR OTHER PURPOSES



MAY 6, 1971.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

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(III)

PROMOTING FAIR PRACTICES IN THE CONDUCT OF
ELECTION CAMPAIGNS FOR FEDERAL ELECTIVE OF-
FICES, AND FOR OTHER PURPOSES

MAY 6, 1971—Ordered to be printed

Mr. PASTORE, from the Committee on Commerce,
submitted the following

REPORT

together with

INDIVIDUAL SUPPLEMENTAL AND ADDITIONAL VIEWS

[To accompany S. 382]

The Committee on Commerce to which was referred the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

(A copy of the bill as reported by your Committee follows:)

(1)

TEXT OF THE BILL

CALENDAR No. 98

S. 382, 92d Congress, 1st Session

[Report No. 92-96]

IN THE SENATE OF THE UNITED STATES

JANUARY 28 (legislative day, JANUARY 26), 1971

Mr. MANSFIELD (for himself, Mr. CANNON, and Mr. PASTORE) introduced the following bill; which was read twice and referred to the Committees on Finance, Commerce, and Rules and Administration jointly

Reported by Mr. Pastore from the Committee on Commerce, with amendments
April 30, 1971

[Omit the part struck through and insert the part printed in italic]

A Bill To promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes

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 "Federal Election Campaign Act of 1971".

TITLE I—AMENDMENTS TO COMMUNICATIONS ACT OF 1934; LIMITATIONS ON CAMPAIGN EXPENDITURES FOR NONBROADCAST COMMUNICATIONS MEDIA

EXCEPTION TO EQUAL TIME REQUIREMENTS AND CHARGE LIMITATIONS

~~SEC. 101. (a) The first sentence of section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting before the colon the following: "except that the foregoing requirement shall not apply to the use of a broadcasting station by a legally qualified candidate for the office of President or Vice President of the United States in a general election".~~

~~(b) Section 315(b) of such Act is amended to read as follows:
"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office shall not exceed the lowest unit charge of the station for the same amount of time in the same time period."~~

SEC. 101. (a) Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting after "public office" in the first sentence thereof a comma and the following: "other than the office of President or Vice President of the United States,".

*(b) Section 315(b) of such Act is amended to read as follows:
"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—*

"(1) during the forty-five days preceding the date of a primary election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same amount of time during the same period, and

"(2) at any other time, the charges made for comparable use of such station by other users thereof."

(c) Section 312(a) of such Act is amended by striking "or" at the end of clause (5), striking the period at the end of clause (6) and inserting in lieu thereof a semicolon and "or", and adding at the end of such section 312(a) the following new clause:

"(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate on behalf of his candidacy."

EXPENDITURE LIMITATIONS FOR CANDIDATES FOR MAJOR ELECTIVE OFFICES

SEC. 102. Section 315 of the Communications Act of 1934 is further amended by redesignating subsection (c) as subsection (f) (e) and by inserting immediately before such subsection the following new subsections:

"(e) (1) For purposes of this subsection, the term 'major elective office' means the office of President, United States Senator or Representative, or Governor or Lieutenant Governor of a State.

"(c) (1) For purposes of this subsection and subsection (d), the term—

"(A) 'Federal elective office' means the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress;

"(B) 'use of broadcasting stations by or on behalf of any candidate' includes not only broadcasts advocating such candidate's election, but also broadcasts urging the defeat of his opponent or derogating his opponent's stand on campaign issues;

"(C) 'legally qualified candidate' means any person who (1) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (2) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors; and

"(D) 'broadcasting station' includes a community antenna television system, and the terms 'licensee' and 'station licensee' when used with respect to a community antenna television system, mean the operator of such system.

"(2) (A) No legally qualified candidate in an election (other than a primary election) any primary, general, or special election for a major Federal elective office may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of—

"(i) 7 cents multiplied by the number of votes cast for all legally qualified candidates for such office in the last preceding general election for such office; or

"(ii) \$20,000, if greater than the amount determined under clause (i) (or if clause (i) is inapplicable).

"(B) In the case of a candidate for United States Senator in a State in which the total number of votes cast for all legally qualified candidates for Senator in the last preceding election for Senator was less than the greatest total number of votes cast for all legally qualified candidates in any election (held after such preceding senatorial election) for a statewide office in such State, the amount determined under subparagraph (A) (i) shall be 7 cents multiplied by such greatest total number of votes for statewide office.

"(A) 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in

June of the year preceding the year in which the election is to be held;
or

“(B) \$30,000, if greater than the amount determined under subparagraph (A).”

A legally qualified candidate for nomination for election to the office of President may not spend a total amount for all primary elections held for such office in which he is a candidate in excess of the limitation provided by the first sentence of this paragraph.

“(2) No legally qualified candidate in a primary election for nomination to a major elective office, other than President, may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of 50 per centum of the amount determined under paragraph (2) with respect to the general election for such office.

“(4)(3) Amounts spent for the use of broadcasting stations on behalf of any legally qualified candidate for ~~major~~ Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of broadcasting stations by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this subsection, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

“(5)(4) No station licensee may make any charge for the use of such station by or on behalf of any candidate for ~~major~~ Federal elective office (or for nomination to such office) unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate paragraph (2) ~~or (3)~~, whichever is applicable.

“(6)(5) Broadcasting stations and candidates shall file with the Commission such reports at such times and containing such information as the Commission shall prescribe for the purpose of this subsection and, in the case of broadcasting stations, subsection (d).

“(d) If the Commission determines that—

“(1) a State by law—

“(A) has provided that a primary or other election for any office of such State (~~other than Governor or Lieutenant Governor~~) or of a political subdivision thereof is subject to this subsection, and

“(B) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election, and

“(2) the amount of such limitation does not exceed the amount which would be determined for such election under subsection (c) had such election been an election

for a ~~major~~ Federal elective office, or nomination thereto, then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate such limitation. ~~upon total expenditures.”~~

“(e) For the purposes of this section, the term ‘broadcasting station’ includes a community antenna television system; and the terms ‘licensee’ and ‘station licensee’ when used with respect to a community antenna television system, mean the operator of such system.”

LIMITATIONS ON CAMPAIGN EXPENDITURES FOR NONBROADCAST COMMUNICATIONS MEDIA

SEC. 103. (a) For purposes of this section, the term—

(1) “~~major~~ Federal elective office” means the office of President, Vice President, United States Senator or Representative, or Governor or Lieutenant Governor of a State *Delegate or Resident Commissioner to the Congress*; and

(2) “nonbroadcast communications medium” means ~~any medium of communication other than broadcast communications, including without limitation newspapers, magazines and other periodical publications, newsletters and other publications of any organization, billboard space and other outdoor advertising, posters, handbills, bumper stickers, lapel buttons, hats or other objects of wearing apparel upon which the name of a candidate or political party is prominently displayed, and public address systems including mobile public address systems. newspapers, magazines and other periodical publications, and billboard facilities;~~

(3) *legally qualified candidate means any person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors; and*

(4) “*use of any nonbroadcast communications media by or on behalf of any candidate*” includes not only amounts spent for advocating a candidate’s election, but also amounts spent for urging the defeat of his opponent or derogating his opponent’s stand on campaign issues.

(b) *During the forty-five days preceding the date of any primary election, and during the sixty days preceding the date of any general or special election, the charges made for the use of any nonbroadcast communications medium by an individual who is a legally qualified candidate for Federal elective office shall not exceed the lowest unit rate charged others by the person furnishing such medium for the same amount of space.*

~~(b)(c) No legally qualified candidate in an election (other than a primary election) any primary, general, or special election for a major Federal elective office may spend for the use of nonbroadcast communications media on behalf of his candidacy in such election a total amount in excess of—~~

~~(1) 14 cents multiplied by the number of votes cast for all legally qualified candidates for such office in the last preceding general election for such office; or~~

~~(2) \$40,000, if greater than the amount determined under clause (1) (or if clause (1) is inapplicable).~~

~~(e) In the case of a candidate for United States Senator in a State in which the total number of votes cast for all legally qualified candidates for Senator in the last preceding election for Senator was less than the greatest total number of votes cast for all legally qualified~~

candidates in any election (held after such preceding senatorial election) for a statewide office in such State, the amount determined under clause (b)(1) shall be 14 cents multiplied by such greatest total number of votes for statewide office:

(1) 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held;

or

(2) \$30,000, if greater than the amount determined under clause (1).

A legally qualified candidate for nomination for election to the office of President may not spend a total amount for all primary elections held for such office in which he is a candidate in excess of the limitation provided by the first sentence of this paragraph.

(d) No legally qualified candidate in a primary election for nomination to a major elective office, other than President, may spend for the use of nonbroadcast communications media on behalf of his candidacy in such election a total amount in excess of 50 per centum of the amount determined under subsection (b) with respect to the general election for such office.

(e) Amounts spent for the use of nonbroadcast communications media on behalf of any legally qualified candidate for major Federal elective office (or for nomination to such office) shall, for the purposes of this section, be deemed to have been spent by such candidate. Amounts spent for the use of nonbroadcast communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(f) No person may make any charge for the use of any nonbroadcast communications medium by or on behalf of any candidate for major Federal elective office (or for nomination to such office) unless such candidate, or an individual specifically authorized by such candidate in writing to do so, certifies to such person that the payment of such charge will not violate subsection (b)(c) or (d), whichever is applicable. Any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate without charge therefor shall be deemed to have made a contribution to such candidate in an amount equal to the amount normally charged for such person for such use. Any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate at a rate which is less than the rate normally charged by such person for such use shall be deemed to have made a contribution to such candidate in an amount equal to the excess of the rate normally charged over the rate charged such candidate.

(g) Violation of the provisions of this section is punishable by a fine not to exceed \$5,000, imprisonment for not to exceed five years, or both.

COST-OF-LIVING INCREASE IN LIMITATION FORMULA

SEC. 104. (a) For purposes of this section, the term—

(1) "price index" means the annual average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

(2) "base period" means the calendar year 1970.

(b) Commencing immediately after the end of 1971, and after the end of each calendar year thereafter, as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall determine the difference between the price index for the immediately preceding calendar year and the price index for the base period. The amount computed under section 315(c)(2)(A) of the Communications Act of 1934 (as added by section 102 of this Act) and under section 103(c)(1) of this Act shall be increased by such per centum difference (excluding any fraction of a per centum) and rounded to the next highest cent. Each amount so increased shall be the amount in effect for the twelve months following the end of such calendar year.

EFFECTIVE DATE

SEC. 104. 105. This title shall take effect on the date of enactment of this Act, except that—

(1) the amendment made by section 101(b) shall take effect 30 days after such date; and

(2) section 102 shall take effect on such date as the Federal Communications Commission shall prescribe, but not later than 120 days after the date of enactment of this Act.

TITLE II—CRIMINAL CODE AMENDMENTS; DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

PART A—CRIMINAL CODE AMENDMENTS

SEC. 201. Section 591 of title 18, United States Code, is amended to read as follows:

“§ 591. Definitions

“When used in sections 597, 599, 600, 602, 608, 610, and 611 of this title—

“(a) ‘election’ means (1) a general, special, or primary election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, or (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President;

“(b) ‘candidate’ means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

“(c) ‘Federal office’ means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

“(d) ‘political committee’ means any individual, committee, association, or organization which accepts contributions or makes

expenditures during a calendar year in an aggregate amount exceeding \$1,000;

“(e) ‘contribution’ means—

“(1) a gift, subscription, loan, advance, or deposit of money or any thing of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President;

“(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

“(3) a transfer of funds between political committees; and

“(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or political committee without charge for any such purpose;

“(f) ‘expenditure’ means—

“(1) a purchase, payment, distribution, loan advance, deposit, or gift of money or any thing of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President;

“(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make an expenditure; and

“(3) a transfer of funds between political committees; and

“(g) ‘person’ and ‘whoever’ mean an individual, partnership, committee, association, corporation, or any other organization or group of persons.”

SEC. 202. Section 600 of title 18, United States Code, is amended to read as follows:

“§ 600. Promise of employment or other benefit for political activity

“Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.”

SEC. 203. Section 602 of title 18, United States Code, is amended by—

(a) inserting “(a)” before “Whoever”; and

(b) adding at the end thereof the following new subsection:

“(b) Whoever, acting on behalf of any political committee (including any State or local committee of a political party), directly or indirectly, intentionally or willfully solicits, or is in any manner concerned in soliciting, any assessment, subscription, or contribution for the use of such political committee or for any political purpose whatever from any officer or employee of the United States (other than an elected officer) shall be fined not more than \$5,000 or imprisoned not more than three years, or both.”

SEC. 204. Section 608 of title 18, United States Code, is amended to read as follows:

“§ 608. Limitations on political contributions and purchases

“(a) It shall be unlawful for any person, directly or indirectly, to make a contribution or contributions in an aggregate amount in excess of \$5,000 during any calendar year, in connection with any campaign for nomination for election or election to Federal office, to—

“(1) any political committee or candidate;

“(2) two or more political committees substantially supporting the same candidate; or

“(3) a candidate and one or more political committees substantially supporting the candidate.

In computing the aggregate limitation of this subsection, contributions and pledges made after an election for Federal office to discharge indebtedness accrued during the campaign for such office shall be deemed to have been made in the calendar year in which such indebtedness was accrued.

Nothing contained in this subsection shall prohibit the transfer of contributions received by a political committee.

“(b) Except as provided in subsection (d)—

“(1) it shall be unlawful for any political committee or candidate to sell goods, commodities, advertising, or other articles, or any services to anyone other than a political committee or candidate; and

“(2) it shall be unlawful for any person, other than a political committee or candidate, to purchase goods, commodities, advertising, or other articles or any services from a political committee or candidate.

“(c) Whoever violates subsection (a) or (b) of this section shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

“(d) Subsection (b) of this section shall not apply to a sale or purchase (1) of any political campaign pin, button, badge, flag, emblem, hat, banner, or similar campaign souvenir or any political campaign literature or publications (but shall apply to sales of advertising including the sale of space in any publication), for prices not exceeding \$25 each, (2) of tickets to dinners, luncheons, rallies, and similar fundraising activities, (3) of food or drink for a charge not substantially in excess of the normal charge therefor, or (4) made in the course of the usual and known business, trade, or profession of any person or in a normal arm's-length transaction, however, a sale or purchase described in paragraph (1), (2), or (3) shall be deemed a contribution under subsection (a) of this section.

“(e) For the purposes of this section, a contribution made by the spouse or a minor child of a person shall be deemed a contribution made by such person.

“(f) In all cases of violations of this section by a partnership, committee, association, corporation, or other organization or group of persons, the officers, directors, or managing heads thereof who knowingly and willfully participate in such violation shall be punished as herein provided.”

SEC. 205. Section 609 of title 18, United States Code, is repealed.

SEC. 206. Section 611 of title 18, United States Code, is amended to read as follows:

“§ 611. Contributions by Government contractors

“Whoever—

“(a) entering into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (1) the completion of performance under, or (2) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land or buildings, directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use;

or

“(b) knowingly solicits any such contribution from any such person for any such purpose during any such period;

shall be fined not more than \$5,000 or imprisoned not more than five years, or both ”

SEC. 207. The analysis of sections of chapter 29 of title 18, United States Code, is amended by striking out the items relating to sections 609 and 611, and inserting in lieu thereof the following:

“609. Repealed.”

“611. Contributions by Government contractors.”

PART B—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

DEFINITIONS

SEC. 251. When used in this part—

(a) “election” means (1) a general, special, or primary election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, or (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President;

(b) “candidate” means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal

office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or any thing of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party, or for the expression of a preference for the nomination of persons for election to the office of President;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees; and

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or any thing of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party, or for the expression of a preference for the nomination of persons for election to the office of President;

(2) a contract, promise, or agreement whether or not legally enforceable, to make an expenditure; and

(3) a transfer of funds between political committees;

(g) "Clerk" means the Clerk of the House of Representatives of the United States;

(h) "Secretary" means the Secretary of the Senate of the United States;

(i) "person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons; and

(j) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

ORGANIZATION OF POLITICAL COMMITTEES

SEC. 252. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

- (1) all contributions made to or for such committee;
- (2) the full name and mailing address of every person making any contribution, and the date and amount thereof;
- (3) all expenditures made by or on behalf of such committee; and
- (4) the full name and mailing address of every person to whom any expenditure is made, and the date and amount thereof.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee of \$100 or more in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds \$100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the Secretary or Clerk, as the case may be.

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 253. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall file with the Secretary or Clerk, as the case may be, a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of \$1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the Secretary or Clerk, as the case may be, at such time as he prescribes.

- (b) The statement of organization shall include—
- (1) the name and address of the committee;
 - (2) the names, addresses, and relationships of affiliated or connected organizations;
 - (3) the area, scope, or jurisdiction of the committee;
 - (4) the name, address, and position of the custodian of books and accounts;
 - (5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;
 - (6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or if the committee is supporting the entire ticket of any party, the name of the party;
 - (7) a statement whether the committee is a continuing one;
 - (8) the disposition of residual funds which will be made in the event of dissolution;
 - (9) a listing of all banks, safety deposit boxes, or other repositories used;
 - (10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and
 - (11) such other information as shall be required by the Secretary or Clerk.

(c) Any change in information previously submitted in a statement of organization shall be reported to the Secretary or Clerk, as the case may be, within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall so notify the Secretary or Clerk, as the case may be.

REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

SEC. 254. (a) Each treasurer of a political committee supporting a candidate or candidates for election to the office of President or Vice President of the United States or Senator, and each candidate for election to such office, shall file with the Secretary, and each treasurer of a political committee supporting a candidate or candidates for election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, and each candidate for election to such office, shall file with the Clerk, reports of receipts and expenditures on forms to be prescribed or approved by him. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the Secretary may prescribe, which shall not be less than five days before the date of filing.

- (b) Each report under this section shall disclose—
- (1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events) within the calendar year in the aggregate amount or value of \$100 or more, together with the amount and date of such contributions;

(3) the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (2);

(4) the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all such transfers;

(5) each loan to or from any person within the calendar year in the aggregate amount or value of \$100 or more, together with the full names and mailing addresses of the lender and endorsers, if any, and the date and amount of such loans;

(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising events; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(7) each contribution, rebate, refund, or other receipt of \$100 or more not otherwise listed under paragraphs (2) through (6);

(8) the total sum of all receipts by or for such committee or candidate during the reporting period;

(9) the full name and mailing address of each person to whom an expenditure or expenditures have been made by such committee or candidate within the calendar year in the aggregate amount or value of \$100 or more, and the amount, date, and purpose of each such expenditure;

(10) the full name and mailing address of each person to whom an expenditure for personal services, salaries, and reimbursed expenses of \$100 or more has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(11) the total sum of expenditures made by such committee or candidate during the calendar year;

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the Secretary or Clerk may prescribe; and

(13) such other information as shall be required by the Secretary or Clerk.

(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.

REPORTS BY OTHERS THAN POLITICAL COMMITTEES

SEC. 255. Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, aggregating \$100 or more within a calendar year shall file with the Secretary or Clerk, as the case may be, a statement containing the information required by section 254. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

SEC. 256. (a) A report or statement required by this part to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the Secretary or Clerk, as the case may be, in a published regulation.

(c) The Secretary or Clerk may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 254 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

(d) The Secretary or Clerk, as the case may be, shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

REPORTS ON CONVENTION FINANCING

SEC. 257. Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President,

shall, within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the Secretary a full and complete financial statement, in such form and detail as he may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

DUTIES OF THE SECRETARY AND CLERK

SEC. 258. It shall be the duty of the Secretary and Clerk, respectively—

(1) to develop prescribed forms for the making of the reports and statements required to be filed with him under this part;

(2) to prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make such reports and statements;

(3) to develop a filing, coding, and cross-indexing system consonant with the purpose of this part;

(4) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person;

(5) to preserve such reports and statements for a period of ten years from the date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as he shall determine and broken down into candidate, party, and nonparty expenditures on the National, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as he shall determine and broken down into contributions on the National, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed the sum of \$100 or more;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as he may deem appropriate;

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this part, and with respect to alleged failures to file any report or statement required under the provisions of this part;

(12) to report apparent violations of law to the appropriate law enforcement authorities; and

(13) to prescribe suitable rules and regulations to carry out the provisions of this part.

STATEMENTS FILED WITH CLERK OF UNITED STATES COURT

SEC. 259. (a) A copy of each statement required to be filed with the Secretary or Clerk by this part shall be filed with the clerk of the United States district court for the judicial district in which is located the principal office of the political committee or, in the case of a statement filed by a candidate or other person, in which is located such person's residence. The Secretary or Clerk may require the filing of reports and statements required by this title with the clerks of other United States district courts where he determines the public interest will be served thereby.

(b) It shall be the duty of the clerk of a United States district court under subsection (a)—

(1) to receive and maintain in an orderly manner all reports and statements required by this part to be filed with such clerks;

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(3) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

SEC. 260. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

PENALTY FOR VIOLATIONS

SEC. 261. Any person who violates any of the provisions of this part shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

STATE LAWS NOT AFFECTED

SEC. 262. (a) Nothing in this part shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this part.

(b) The Secretary and Clerk shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

PARTIAL INVALIDITY

SEC. 263. If any provision of this part, or the application thereof, to any person or circumstance is held invalid, the validity of the remainder of the part and the application of such provision to other persons and circumstances shall not be affected thereby.

REPEALING CLAUSE

SEC. 264. (a) The Federal Corrupt Practices Act, 1925, is repealed.

(b) In case of any conviction under this Act, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

TITLE III—TAX INCENTIVES FOR CONTRIBUTIONS TO CANDIDATES FOR FEDERAL OFFICE

INCOME TAX CREDIT

SEC. 301. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

“SEC. 40. CONTRIBUTIONS TO CANDIDATES FOR ELECTIVE FEDERAL OFFICE.

“(a) **GENERAL RULE.**—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, an amount equal to one-half of the political contributions (as defined in subsection (c)) payment of which is made by such individual within the taxable year.

“(b) **LIMITATIONS.**—

“(1) **AMOUNT.**—The credit allowed by subsection (a) shall not exceed \$20 for any taxable year.

“(2) **APPLICATION WITH OTHER CREDITS.**—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property).

“(3) **VERIFICATION.**—The credit allowed by subsection (a) shall be allowed with respect to any political contribution, only if such political contribution is verified in such manner as the Secretary or his delegate shall prescribe by regulations.

“(c) **DEFINITION OF POLITICAL CONTRIBUTION.**—For purposes of this section, the term ‘political contribution’ means a contribution or gift to—

“(1) an individual whose name is presented for election as President of the United States, Vice President of the United States, an elector for President or Vice President of the United States, a Member of the Senate, or a Member of (or Delegate to) the House of Representatives in a general or special election, in a primary election, or in a convention of a political party, for use by such individual to further his candidacy for any such office; or

“(2) a committee acting in behalf of an individual or individuals described in paragraph (1), for use by such committee to further the candidacy of such individual or individuals.

“(d) **ELECTION TO TAKE DEDUCTION IN LIEU OF CREDIT.**—This section shall not apply in the case of any taxpayer who, for the taxable year, elects to take the deduction provided by section 218 (relating to deduction for contributions to candidates for elective Federal office). Such election shall be made in such manner and at such time as the Secretary or his delegate shall prescribe by regulations.

“(e) **CROSS REFERENCE.**—

“**For disallowance of credit to estates and trusts, see section 642(a)(3).**”

(b) The table of sections for such subpart is amended by striking out

“Sec. 40. Overpayments of tax.”

and inserting in lieu thereof

“Sec. 40. Contributions to candidates for elective Federal office.

“Sec. 41. Overpayments of tax.”

(c) Section 642(a) of the Internal Revenue Code of 1954 (relating to credits against tax for estates and trusts) is amended by adding at the end thereof a new paragraph as follows:

“(3) **POLITICAL CONTRIBUTIONS.**—An estate or trust shall not be allowed the credit against tax for political contributions to candidates for elective Federal office provided by section 40.”

DEDUCTION IN LIEU OF CREDIT

SEC. 302. (a) Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by renumbering section 218 as 219, and by inserting after section 217 the following new section:

“**SEC. 218. CONTRIBUTIONS TO CANDIDATES FOR ELECTIVE FEDERAL OFFICE.**”

“(a) **ALLOWANCE OF DEDUCTION.**—In the case of an individual, there shall be allowed as a deduction any political contribution (as defined in subsection (c)) payment of which is made by such individual within the taxable year.

“(b) **LIMITATIONS.**—

“(1) **AMOUNT.**—The deduction under subsection (a) shall not exceed \$100 for any taxable year.

“(2) **VERIFICATION.**—The deduction under subsection (a) shall be allowed, with respect to any political contribution, only if such political contribution is verified in such manner as the Secretary or his delegate shall prescribe by regulations.

“(c) **DEFINITION OF POLITICAL CONTRIBUTION.**—For purposes of this section, the term ‘political contribution’ means a contribution or gift to—

“(1) an individual whose name is presented for election as President of the United States, Vice President of the United States, an elector for President or Vice President of the United States, a Member of the Senate, or a Member of (or Delegate to) the House of Representatives in a general or special election, in a primary election, or in a convention of a political party, for use by such individual to further his candidacy for any such office; or

“(2) a committee acting in behalf of an individual or individuals described in paragraph (1), for use by such committee to further the candidacy of such individual or individuals.

“(d) **ELECTION TO TAKE CREDIT IN LIEU OF DEDUCTION.**—This section shall not apply in the case of any taxpayer who, for the taxable year, elects to take the credit against tax provided by section 40 (relating to credit against tax for contributions to candidates for elective Federal office). Such election shall be made in such manner and at such time as the Secretary or his delegate shall prescribe by regulations.

“(e) **CROSS REFERENCE.**—

“**For disallowance of deduction to estates and trusts, see section 642(i).**”

(b) The table of sections for such part is amended by striking out

“Sec. 218. Cross references.”

and inserting in lieu thereof

“Sec. 218. Contributions to candidates for elective Federal office.

“Sec. 219. Cross references.”

(c) Section 642 of the Internal Revenue Code of 1954 (relating to special rules for credits and deductions for estates and trusts) is amended by redesignating subsection (i) as subsection (j), and by inserting after subsection (h) a new subsection as follows:

“(i) **POLITICAL CONTRIBUTIONS.**—An estate or trust shall not be allowed the deduction for contributions to candidates for elective Federal office provided by section 218.”

EFFECTIVE DATE

SEC. 303. The amendments made by sections 301 and 302 shall apply to taxable years ending after December 31, 1970, but only with respect to contributions or gifts payment of which is made after such date.

PURPOSE OF LEGISLATION

S. 382 is a comprehensive bill entitled “Federal Election Campaign Act of 1971.” Title I consists of Amendments to Communications Act of 1934; Limitations on Campaign Expenditures For Non-Broadcast Communications Media; Title II, of Criminal Code Amendments; Disclosure of Federal Campaign Funds; and Title III, Tax Incentives For Contributions to Candidates for Federal Office.

Because of its comprehensive nature the bill was simultaneously referred to the Committees on Commerce, Finance, and Rules and Administration. The subject matter of Title I, of course, is within the primary jurisdiction of the Commerce Committee.

The purpose of Title I is twofold. It attempts to give candidates for public office greater access to the media so that they may better explain their stand on the issues, and thereby more fully and completely inform the voters.

Second, it attempts to halt the spiraling cost of campaigning for public office. *Voters' Time*, a report of the Twentieth Century Fund Commission on Campaign Costs in the Electronic Era, eloquently demonstrated this fact. This problem seems to be rapidly increasing.

To accomplish its purpose, Title I, as amended, would do the following:

1. Make the equal opportunities requirement of Section 315 (a) of the Communications Act, as amended, inapplicable to the use of broadcast facilities by legally qualified candidates for President and Vice President in primary and general election campaigns.

2. Require that broadcast licensees charge legally qualified candidates for any public office no more than their lowest unit rate during the 45 days before a primary election, and 60 days preceding a general or special election.

3. Establish reasonable and adequate limitations on the amount of money that may be spent for use of the broadcast media and nonbroadcast media by or on behalf of legally qualified candidates for the offices of President, Vice President, United States Senator or Representative, Delegate or Resident Commissioner to the Congress (Federal elective office) in primary, general and special elections.

4. Required that 45 days before a primary election and 60 days before a general election any person who charges a legally qualified candidate for the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner (Federal elective office) for space in the nonbroadcast Communications media (newspapers, magazine, and other periodical publications, and billboard facilities) do so at the lowest unit rate charged others for the same amount of space.

5. Enable the States by law to adopt spending limitations in the broadcast media for candidates for state and local office.

BACKGROUND AND GENERAL DISCUSSION

Originally Section 315 was applicable to all uses of broadcast facilities by legally qualified candidate for any public office.

In 1959 this requirement was modified to provide that appearances by a legally qualified candidate on certain specified bona fide news type programs shall not be deemed a use within the meaning of Section 315. A candidate's appearance on such a program, therefore, no longer requires that his opponents be afforded an equal opportunity. The Fairness Doctrine, however, continues to apply in all instances.

In 1960, Congress adopted Senate Joint Resolution 207 (Public Law 86-677) which suspended the equal opportunity requirement of Section 315 with respect to nominees for President and Vice President for the presidential campaign of that year. As a consequence, broadcasters were able to give substantial amounts of free time to the candidates of the major parties without having to afford equal time to the plethora of minor and fringe party candidates for those offices. Again, however, the Fairness Doctrine remains applicable.

The background of these legislative actions, the reasons for them, and their consequences have been discussed many times in great detail in Committee documents.¹

¹ See, for example, Report to accompany S. 3637, Senate Report No. 91-751, 91st Congress, Second Session; and Hearings on S. 2876, 91st Congress, First Session.

Congress, the Federal Communications Commission, candidates, political scientists, broadcasters, and the public all agree that the 1959 amendments and the 1960 suspension have served the public interest. The 1960 suspension particularly resulted in a more widely informed electorate. One witness, Dr. Frank Stanton, President of CBS, testified during the recent hearings on S. 382, that in 1960 when increased free time was made available to the major candidates by suspension of Section 315, our country achieved the highest percentage of voter participation in any Presidential election in the past half century.

Section 315(b) of the Communications Act requires that charges made for the use of any broadcast station for any of the purposes set forth in Section 315 may not exceed the charges made for comparable use of the station for other purposes. This provision was enacted in 1952 to correct an abuse by some broadcasters who were charging candidates for public office rates in excess of those charged commercial advertisers for comparable time. This provision has served its purpose as a corrective measure. Since a political candidate's broadcast requirements are limited in terms of weeks or a few months at best, however, he cannot avail himself of the favorable rates available to commercial advertisers who usually buy time in bulk for longer periods.

The valuable franchises given broadcasters to operate on airwaves belonging to the people is conditioned on serving the needs and interests of the community of license. In this context requiring broadcasters to offer candidates for public office the same rates given their most favored commercial time buyers is nothing more than a particularization of the broad public interest obligation incumbent on them.

During the last Congress a major effort was undertaken to halt the spiraling cost of campaigning for public office via the electronic media. These rising costs were characterized by many as the most critical barrier to informing the voters of America.

Your Committee held extensive hearings on this problem and the testimony it heard dramatically illustrated the dimensions of the problem. One witness, for example, testified that:

The crisis level has been reached in American campaign spending. This unsavory dilemma, understood but not often openly discussed by everyone in politics, is capsuled by author John Wale: "there is a danger that the cost of campaigning, chiefly swollen by the cost of television, will exclude the honest poor. A more serious danger for American politics is that it does not always exclude the dishonest poor."

The costs of running for public office have doubled in the last decade. A recent survey shows that 70 percent of U.S. Senators spent over \$100,000 on their last campaign and that 40 percent spent over \$200,000. In some states, it can cost nearly a million dollars just to lose a Senate primary.

Three out of every 10 Members of the House had to spend over \$60 thousand to be elected, and in hotly contested races the figure passed over the \$100,000 mark early and often.

How are financial demands of this magnitude met? How many men of talent and interest, but not of means, are discouraged from seeking office? (See Committee on Commerce hearings on S. 2876, 91st Congress, First Session, Serial No. 91-29 at page 51)

As a consequence of these hearings, and similar ones in the House, and after extensive floor debates in both Houses, the Congress passed legislation designed to give candidates greater access to the electronic media and halt the spiraling cost for its use so that the electorate might be better and more widely informed on candidates and issues.

That legislation, S. 3637, permanently suspended the equal opportunity requirement of Section 315 for Presidential campaigns; required broadcast stations charge candidates at their own established lowest unit rate for comparable commercial time; and placed a ceiling on the amount of money candidates for Federal elective office, the office of Governor or Lieutenant Governor, or anyone on their behalf could spend for radio and television time.

S. 3637 was vetoed by the President, however, in October of 1970. During the course of Congressional efforts to override the Presidential veto the minority leader of the Senate indicated that he would offer comprehensive legislation in the 92nd Congress to curb the growing excesses of campaign spending. As a result of this proposal the President sent the following letter to Senator Scott which was placed in the Congressional Record during the floor debate to override the President's veto (Volume 116, Congressional Record, page 18746, daily edition, November 23, 1970):

THE WHITE HOUSE,
Washington, November 20, 1970.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR HUGH: Your proposal to offer a comprehensive campaign reform bill in the 92nd Congress is commendable. The Administration will, of course, work closely with you, other members of the Congress and the Governors in an effort to arrive at a bill which will deal with all problems of political campaigns, including spending limitations, in a direct, effective and enforceable manner. Our aim must be to provide legislation which is consistent with the processes of free elections and the maintenance of an informed electorate.

As I pointed out in my veto message of the Political Broadcast Act, S. 3637, that bill had many shortcomings. These must be corrected. A major deficiency of this legislation is that it singles out only one form of campaign spending. If, indeed, there is merit in limiting campaign expenditures, the problem should be dealt with in its entirety. To merely limit one form of spending could encourage candidates to spend even more in other areas. The result might well be more expensive, rather than less expensive, political campaigns.

Of utmost importance, new legislation must not discriminate against one communication medium. It must also provide a meaningful mechanism for enforcement, as to which S. 3637 is seriously deficient.

Reform is needed in this area. But this issue need not and should not be dealt with in a hurried and contentious fight over a veto. There will be no major elections between now and the time that Congress can consider this legislation in the next session. Your proposal offers an opportunity to do this in a deliberate and cooperative way.

With best personal regards,
Sincerely,

RICHARD NIXON.

Early in the 92nd Congress several campaign reform bills were introduced in the Senate. S. 1, S. 382, S. 956 and S. 1121 were referred to your Committee and on February 3 hearings were announced for March 2, 3, 4 and 5.

HEARINGS

Your Committee held extensive hearings on March 2, 3, 4 and 5. Subsequently, the hearings were reopened for two additional days, March 31 and April 1, at the request of several minority members of the Committee, and the Deputy Attorney General of the United States, Richard G. Kleindienst, who wished an opportunity to present oral testimony.

During the course of the hearings your Committee was mindful of the objectives it had attempted to achieve in S. 3637—wider and more penetrating dissemination of views and issues in an election, and limiting the cost of campaigning for public office; the reasons assigned by the President for vetoing S. 3637; and reports of campaign spending in the general election campaigns of 1970. Extensive testimony was received from numerous expert witnesses on all of these matters. Your Committee wishes to commend them for their thoughtful and scholarly presentations. Their testimony has helped the Committee immeasurably.

Broadcasters have long urged removal of the equal opportunity requirement of Section 315 of the Communications Act as a means of enabling them to afford more air time to significant candidates for public office. The presidents of the three major television networks again urged that this restriction be relaxed. Mr. Julian Goodman, president of NBC, testified that if the equal time provision were repealed for Presidential candidates his network will set aside four prime-time half hours for appearances by the Presidential and Vice Presidential candidates of the two parties to use as they choose and without charge.

Dr. Frank Stanton testified that:

“CBS is prepared to offer next year between Labor day and Election Day eight hours of free time on the CBS Television and Radio Networks for the major party candidates for President and Vice President to present their views. The offer is contingent upon repeal of Section 315.

First, we would suggest that, in the opening and closing hours of what we hope would be a full eight-hour series, the candidates present their overall views, either individually or in joint appearances. Format would be determined in consultation with the candidates, and with their agreement.

Second, the intervening six hours would be dependent upon developing—again in consultation with the candidates and with their agreement—various formats the purpose of which would be to elicit the greatest amount of information on their attitudes toward the campaign issues. Some of these political broadcasts, we sincerely hope, would be joint appearances or back-to-back interviews so that the public could receive the fullest opportunity to compare the nominees and their positions. The objective would be to broaden the base of the political dialogue and to stimulate interest in the issues by bring-

ing into play a wider range of informational approaches. In this regard, as you yourself read into the record of these proceedings, in recommending the limited repeal of Section 315 last year, this Committee stated:

Your Committee also wishes to point out that in urging the adoption of this legislation repealing Section 315 as it applies to Presidential and Vice Presidential candidates, it is not enforcing any particular format for the appearance of the candidates. Rather, complete freedom is given to the broadcaster and the candidates to develop specific program formula for the appearance of candidates. The Committee feels the flexibility being given in this legislation will permit the broadcaster and the candidates to innovate and experiment with various program formats, including joint appearances. Whatever is done should be done as a result of discussions, negotiations and cooperation between the candidates and the broadcasters.

We agree wholeheartedly with these views, and they are embraced by the plan we are advancing."

The Chairman of the Federal Communications Commission (referred to hereafter as "FCC") also testified that Section 315 appears to inhibit broadcasters from affording free time to the major presidential candidates, and that some relaxation of the equal opportunity requirement is warranted. The Deputy Attorney General whose testimony reflected the views of the Administration urged repeal of this requirement for Federal elective office. The Chairman of the Republican National Committee and the spokesman for the Democratic National Committee both favored repeal of the equal opportunity provision.

On the question of reduced advertising rates for candidates, Mr. Goodman stated that NBC agreed "with the principle that the special public interest in the campaign process justifies reduced rates for political advertising." He went on to say that NBC did not agree that any one medium should be singled out for the compulsory application of this principle, however. Mr. Goldenson of ABC and Dr. Stanton of CBS did not oppose a provision, the lowest unit rate for advertising, but said it should apply to nonbroadcast as well as broadcast media.

The FCC favored a lowest unit rate provision for broadcasters. The Deputy Attorney General, and the spokesmen for the Republican and Democratic National Committees urged such provisions for both media.

The views expressed by various witnesses on the question of spending limitations on the use of the media were much more diverse. With few exceptions most witnesses including the Deputy Attorney General favored some form of limitation on campaign spending for the media. There was unanimous agreement among those witnesses that the limitation must apply to both broadcast and nonbroadcast media. Differing views were expressed, however, on whether there should be one overall spending limitation or separate ones for each of the two media types.

Senators Scott and Mathias testifying in support of S. 956 opposed limitations on the amounts candidates may spend chiefly on the grounds

that if a limitation were low it tends to favor an incumbent candidate, and if high there is an effort to reach the high figure. Senator Scott said he also thought there would be a possible constitutional objection under the First Amendment.

Two other witnesses expressed their view that any limitation on media spending violates the First Amendment because it limits a candidate's right of expression as well as the right of those who wish to support him.

In considering what would be a realistic and meaningful formula for arriving at spending limitations on the media, your Committee had the benefit of direct testimony of candidates in the 1970 general elections regarding their expenditures. The FCC also submitted preliminary figures on amounts spent by candidates on the broadcast media in these elections.

These candidates agreed that with respect to the broadcast media a total dollar amount arrived at by multiplying 7 cents by the total number of votes cast in the preceding election for the office they sought was adequate.

The preliminary figures of the FCC indicated that candidates spent on an average of 8 to 9 cents times the total number of votes cast for use on the broadcast media.

Other witnesses raised the point that a formula based on actual voters in a previous election would "limit today's campaign to yesterday's performance." The point was also made that in the general elections of 1972, 18 year olds will be eligible to vote for candidates for Federal offices, and a formula based on the number of voters in years previous to that would not take this factor into account.

As a consequence of the testimony of these witnesses as well as that of the numerous other expert witnesses who testified on the legislation your Committee is able to recommend a bill which in its judgment will be a major step in halting the escalating costs of campaigning for elective office, and enable all who seek such office to have a better opportunity to do so.

THE LEGISLATION

S. 382 repeals the equal opportunity requirement of Section 315 with respect to candidates for the office of President and Vice President in both primary and general elections. The case for this limited repeal has been made, and your Committee believes that Presidential and Vice Presidential candidates will have greater opportunities to present their views to the electorate without the inhibitions presently contained in Section 315. All other provisions of Section 315 remain applicable to these candidates.

Your Committee also wishes to repeat that in urging the adoption of this legislation repealing Section 315 as it applies to Presidential and Vice Presidential candidates, it is not endorsing any particular format for the appearances of the candidates. Rather, complete freedom is being given to the broadcaster and candidates to develop specific program formats for the appearance of the candidates. The Committee feels that the flexibility being given in this legislation will permit the broadcaster and candidates to innovate and experiment with various program formats, including joint appearances. Whatever is done, should be done as a result of discussion, negotiations, and cooperation between the candidates and the broadcasters.

It is the express intention of your Committee, therefore, that each candidate be free to choose his own format.

Moreover, your Committee has been assured by the networks that in addition to the time made available to major party candidates, free time will also be made available on a fair basis to the candidate of any significant third party which might emerge, such as the States Rights Party in 1948 or the Progressive Parties in 1924 and 1948 or the American Independent Party in 1968.

The bill also requires that 45 days preceding a primary election and 60 days preceding a general or special election a broadcast station charge candidates for any public office the lowest unit charge of the station for the same amount of time during the same time period. At all other times, the charges shall not exceed the charges for comparable use of such station by commercial users.

Use of the lowest unit charge as the rate which broadcasters may charge legally qualified candidates for public office for the use of broadcast time does no more than place the candidate on par with a broadcast station's most favored commercial advertiser. In doing so, it makes use of each broadcaster's own commercial practices rather than imposing on him an arbitrary discount rate applicable to all stations without regard to their differences.

It should also be noted that in the purchase of broadcast time the candidate for public office must in almost every instance seek out the broadcaster or his agent to negotiate a purchase, and in most cases must pay in advance of the use of the broadcast time. These conditions rarely apply in sales to commercial advertisers.

The determination of what is a broadcasting station's lowest unit charge can be a very complicated matter. All commercial radio and television stations have published rate cards which purport to state the rates at which they sell spot and program time. However, in many instances these rate cards are merely a statement of the highest rates that the station can hope to receive. In actual practice the rate card is a guide or a point of departure for the negotiation of rates for broadcast time on a sale-by-sale basis.

Broadcast time is sold to advertisers in several ways, but some generalizations are possible. Broadcast time varies in cost in terms of the audience which it is anticipated that any particular presentation will reach. In most broadcast markets, commercial broadcast time is sold in terms of the anticipated audience reached by the particular broadcast. This is translated into a cost-per-thousand of audience for sales purposes. Thus, the prime time (generally speaking, 7-11 P.M. in the case of TV, and commuting time in the case of radio) of any station (when it has its largest audience) will be its most expensive period of time. As between stations, those with the largest audiences will have the highest rates. However, the volume of broadcast time purchased may also be reflected in the cost. The greater the volume the less the cost.

Most broadcasters sell advertising spot time in at least three categories—fixed time, preemptible time, and immediately preemptible time. Although their nomenclature varies somewhat their practices are roughly comparable. Fixed time almost assures the advertiser that his advertisement will appear at the time specified. Time sold in this manner is the most expensive advertising time sold which does not involve participation in program cost. Under a preemptible sale, the

station may preempt the time for the advertisement for that of another advertiser who is willing to pay the higher or fixed rate. The station is under an obligation to give notice to the advertiser being set aside a specified period in advance of the time that the advertisement was to be broadcast. Some stations permit the advertiser about to be preempted to retain the time by paying the higher rate. Immediately preemptible time is the cheapest of these three categories of time sold and permits an advertisement to be preempted without any requirement of notice to the advertiser.

Except in cases where other factors, such as additional volume discounts, would result in a lower cost to the candidate, the bill would provide that the highest rate a broadcast station could charge the candidate for fixed time for political campaign purposes would be the prevailing immediately preemptible rate.

However, other practices followed in the sale of broadcast time for advertising purposes involve volume or long-term purchases and the sale of time in packages, sometimes referred to as flight plans or sales on a run-of-schedule basis. The significant factor in any such arrangement is that the broadcaster (within limits established in the sale contract) may select the times when the purchaser's advertisements will actually be presented, thereby permitting the broadcaster to fill time spots which might otherwise be unsold. As might be expected, time sold under such an arrangement is relatively inexpensive.

In computing the lowest unit charge for purposes of administration and enforcement, it is the Committee's intention that only amounts which the station actually receives for broadcast time are to be considered. Any commission or similar amount paid by the station to an advertising agency or other third party out of the proceeds of the sale of broadcast time would be deducted in determining the amount actually received by the station.

The Committee is also persuaded that a limitation on the length of time when this most favored rate is available will be an incentive to candidates to shorten the duration of their campaigns, thereby helping to reduce campaign costs. Accordingly, the legislation provides that the lowest unit rate will only be available forty-five days before a primary election, and sixty days before a general or special election.

The presentation of legally qualified candidates for public office is an essential part of any broadcast licensee's obligation to serve the public interest, and the FCC should continue to consider the extent to which each licensee has satisfied his obligation in this regard in connection with the renewal of his broadcast license. Certainly no diminution in the extent of such programming should result from the enactment of this legislation.

In order to emphasize the public interest obligation inherent in making broadcast time available to candidates covered by the spending limitation in the legislation, S. 382 contains an express provision to this effect.

Your Committee was impressed by the unanimous testimony that any provision requiring preferential advertising rates to political candidates should extend to the nonbroadcast as well as the broadcast media. Truly, if there are overriding public interest considerations in such a provision it should apply to both media.

S. 382 provides, therefore, that 45 days before primary elections and 60 days before special and general elections, charges made

for the use of nonbroadcast communications media (newspapers, magazines and other periodic publications, and billboard facilities) by or on behalf of a legally qualified candidate for Federal elective office (President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner) shall not exceed the lowest unit rate charged others by the person furnishing such medium for the same amount of space.

This means that regardless of how little space is purchased, it may be purchased at the same low rate it was sold to a commercial advertiser who may have bought it under the most favorable arrangement.

The favorable rate would apply to any sale of space which would require certification from the candidate or his representative that the amount charged would not exceed the candidate's spending limitation imposed by the legislation.

Your Committee did not attempt to extend the lowest unit charge requirement in the nonbroadcast media to State or local elective office. The Committee feels that Federal jurisdiction over the broadcast media for this purpose rests on its interest in protecting the integrity of Federal elections, and its authority to regulate radio and television in the public interest. In the nonbroadcast media, however, the Committee feels this jurisdiction is based only on the former.

Reduced rates to candidates for use of communications media without more, however, is not, in the judgment of your Committee, sufficient to halt the spiraling costs of campaigns. A reasonable and adequate spending limitation for the use of the media must also be placed on the candidates. Otherwise, any reduction will only be a bonanza to those who have access to vast financial resources. Such a limitation should, of course, realistically reflect the amounts necessary for candidates—incumbents as well as opponents—to use the media in sufficient amounts to present their candidacies to the electorate fully and fairly.

In deliberating on how best to approach the problem of placing limitations on expenditures for use of the media your Committee was mindful of the objections raised by the President in his message accompanying the veto of S. 3637, i.e., that the bill was discriminatory and plugged only one hole in the sieve because it merely placed limitations on the broadcast media; his more recent statement that he favored limitations on campaign expenditures; the testimony of the Deputy Attorney General of the United States, testifying on behalf of the Administration who said that limitations should apply to both the broadcast and nonbroadcast media; and the testimony of a vast majority of the witnesses who also favored spending limitations on the use of the media.

Another aspect of spending limitations on which the Committee deliberated at great length was the formula to be used in computing it. Your Committee was convinced that the total dollar amount arrived at under any formula must be realistic in terms of today's costs for goods and services, and that it must also be equitable for incumbents and opponents alike.

Under the legislation, candidates for Federal elective office could spend for use of the broadcast media in primary, special or general elections an amount equal to five cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of the Census in June of the year preceding the year in which

the election is to be held, or \$30,000 if that amount is greater. Amounts spent by a candidate for Vice President are attributable to the limitation of the Presidential candidate with whom he is running. An identical limitation also applies to expenditures for use of the non-broadcast media.

Amounts spent on behalf of a candidate are chargeable to his limitation and the broadcast station licensee or the person furnishing media space must have written certification from the candidate or his authorized representative that the amount charged for the air time or media space will not cause the candidate to exceed his spending limitation.

In those instances where an individual or an organization proposes to buy time or space to oppose a candidate or his stand on campaign issues, the question arises whether the broadcast or advertisement would be a use on behalf of the candidate's opponent within the meaning of the legislation. If it is, of course, the broadcaster or media supplier would have to have written certification from the candidate's opponent or his representative that the charge for such time would not cause him to exceed the limitation on expenditures.

Clearly the rule of reason is applicable here. Your Committee can envision very few if any instances where it cannot reasonably and readily be prejudged that such a broadcast or advertisement would or would not be on behalf of the opponent of the candidate being criticized.

Any doubts, however, should be resolved in favor of a strict application of the legislation, and the broadcaster or media supplier should obtain the required certification from the candidate's opponent before making the charge.

Using the formula in the bill, Presidential candidates in 1972 may spend almost \$7 million for use of the broadcast media in primary elections and again in the general election. They may spend equal amounts for use of the nonbroadcast media. Attached to the Report are figures compiled for your Committee which also show the amounts of money which Senatorial candidates may spend on the media in the 1972 elections. (Appendix A)

Some of the witnesses who testified before your Committee urged there be one total limitation on all media spending with discretion left to the candidate to determine what amounts to spend on broadcast and nonbroadcast advertising. There is merit to this contention especially since campaigns differ according to the personal style of a candidate and the area of the country in which the election is being held.

On the balance, however, your Committee opted against such an approach. Television is unquestionably the most used media in political campaigns, and it has been the most significant contributor to the spiraling cost of these campaigns. If candidates were given complete discretion to spend on the use of this media your Committee was fearful that in the closing months of a campaign the airwaves might become inundated with political broadcasts to the exclusion of entertainment and other public interest programs.

Each limitation standing on its own is, in your Committee's judgment, sufficient to enable a candidate to present his candidacy fully and fairly in the separate media. The lowest unit rate provisions of the legislation, and the exclusion of production costs in computing

these limitations will also increase the amounts of air time and space which candidates may buy.

During the Committee hearings a question was raised whether limitations on media expenditures violated the First Amendment guarantee of freedom of expression. Your Committee believes they do not.² As the Supreme Court said in upholding the disclosure provisions of the Federal Corrupt Practices Act, *Burroughs and Cannon v. United States*, 290 U.S. 534 (1934) at p. 545:

To say that Congress is without power to pass appropriate legislation to safeguard such an election from the improper use of money to influence the result is to deny to the nation in a vital particular the power of self protection. Congress, undoubtedly, possesses that power, as it possesses every other power essential to preserve the departments and institutions of the general government from impairment or destruction, whether threatened by force or by corruption.

and at pp. 547-8:

If it can be seen that the means adopted are really calculated to attain the end, the degree of their necessity, the extent to which they conduce to the end, the closeness of the relationship between the means adopted and the end to be attained, are matters for congressional determination alone. *Stephenson v. Binford*, 287 U.S. 251, 272. Congress reached the conclusion that public disclosure of political contributions, together with the names of contributors and other details, would tend to prevent the corrupt use of money to affect elections. The verity of this conclusion reasonably cannot be denied.

When to this is added the requirement contained in § 244 that the treasurer's statement shall include full particulars in respect of expenditures, it seems plain that the statute as a whole is calculated to discourage the making and use of contributions for purposes of corruption.

Where as here, legislation intending to preserve the purity of Federal elections by limiting spending, also has the side effect of touching upon First Amendment rights, the criteria for determining its constitutionality are the presence of an evil which may validly be prevented, a reasonable relationship of the regulation to the evil, and the relative degree of effect upon the right to speak. There is a balancing of the limited effect upon free speech as against the substantiality of an evil to the prevention of which a regulatory statute is reasonably addressed, *Konigsberg v. State Bar*, 366 U.S. 36,50-1 (1961).

The overwhelming preponderance of the testimony before your Committee indicates the rapidly escalating cost of campaigning for public offices poses a real and imminent threat to the integrity of the electoral process.

According to *Voters' Time*, the report of the Twentieth Century Fund Commission on Campaign Costs in the Electronic Era, after 1952, when television emerged as a dominant form of communications in presidential campaigns, the estimated cost per vote took a sharp

² See, however, Supplemental Views of Messrs. Prouty, Griffin, Baker, Cook and Stevens.

upward turn. From 19 cents in 1952, the cost per vote rose to 29 cents in 1960, and to 35 cents in 1964. In 1968 it jumped to 60 cents.

For the same periods the estimated direct spending of national-level party and campaign committees rose progressively from \$11.6 million in 1952; to \$12.9 million in 1956; to \$19.9 million in 1960; and to \$24.8 million in 1964. In 1968 it reached \$44.2 million.

And according to another source, in three recent Presidential campaign years, the amount of money spent on newspaper ads was \$4.3 million in 1956, \$7.7 million in 1964, and \$11.6 million in 1968.

The Twentieth Century Fund Commission's report recognized that many factors contributed to the big rise in the cost per vote in the 1968 presidential campaign, but concluded that no one single factor seems to have had television's explosive effect on this rise.

Simply stated people are becoming cynical because of these high costs.

A Gallup Poll in November of last year showed that 8 in 10 Americans favor a law that would limit the total amount of money that can be spent for or by a candidate in his campaign for public office.

One American interviewed by the Poll was quoted as saying, "If you don't have a million bucks, you might as well forget about running for political office these days."

And more recently, an opinion poll done for the advertising agency Foote, Cone and Belding, released in January 1971, indicated that 65% of the adult American public wants restrictions on political television advertising, and an additional 9% would like to see TV campaigns limited in duration.

Since *Burroughs and Cannon*, supra, has established the right of Congress to protect the integrity of Federal elections, what remains to be considered in this instance, is whether the limitations are reasonably related to the evil sought to be remedied, i.e., the spiraling cost of election campaigns and the attendant difficulty of candidates of obtaining access to the media. Your Committee believes they are, and its judgment in this respect is concurred in by the great majority of the experts who testified.

To contend that limitations would be constitutionally sound with respect to candidates, but to maintain otherwise where their supporters are concerned, would construe the power of Congress to protect the election process far too narrowly. Such a construction would permit boundless evasion of the purpose of the legislation and in effect render it nugatory.

The only feasible regulatory scheme for regulating campaign spending is to make the candidate personally responsible for and accountable for all money spent for him on the media, and to place a reasonable limitation on such expenditures.

Moreover, with respect to the broadcast media, no person now has an unrestricted right of access. As the Supreme Court said in *National Broadcasting Co. v. United States*, 319 U.S. 190, at p. 226. "Freedom of utterance is abridged to many who wish to use the limited facilities of radio. Unlike other modes of expression, radio inherently is not available to all."

And conversely, the Government may vest in certain individuals a right of access to these facilities. *Red Lion Broadcasting v. Federal Communication Commission*, 359 U.S. 367 (1969); 47 U.S.C. 315(a).

The touchstone for such actions is the public interest, convenience, and necessity.

But limitations that are adequate and realistic are not enough, they must also be workable and enforceable. Under the legislation the obligations of the candidates and those who sell air time and media space are clear and easily discharged. Significantly, the Chairman of the Federal Communications Commission when asked if the broadcast provisions of the legislation were enforceable by the Commission answered in the affirmative.

Violation of these provisions by anyone—candidate, broadcaster, media supplier, or third party—is punishable by a fine not to exceed \$5,000, imprisonment for not to exceed five years, or both.

In recognition of the rise in the cost of goods and services over the years your Committee has also adopted a provision which will allow the limitations computed under the formula to be adjusted upwards as the Consumer Price Index rises.

CONCLUSION

S. 382 is a comprehensive approach to the problem of political campaign reform and excessively high campaign costs. Its provisions deal with the communications media, campaign contributions, disclosure and reporting requirements, and tax incentives to encourage the small donor to contribute to the candidate or party of his choice. In the judgment of your Committee the legislation represents a major effort at reform in an area vital to our democratic society.

The necessity for campaign reform is now beyond question, and transcends special or partisan interests. It was in this spirit that your Committee deliberated on the legislation it is herewith recommending. No one individual or group stands to gain or lose under S. 382. The American people do, however, because they have staked their all on a democratic system of electing their leaders and the integrity of that system is now being threatened.

The principle concern of the Committee was Title I of the legislation because the subject matter of that Title was within its primary jurisdiction.

There was, however, strong feeling expressed by some members of the Committee that an independent Federal Elections Commission should be created, in lieu of the Secretary of the Senate and the Clerk of the House, to supervise the enforcement of this legislation. The Committee members strongly recommend to the Committee on Rules and Administration that they give this matter very serious consideration. Several members of the Committee also expressed their concern with other provisions in Title II of the legislation, more specifically regarding limitations on expenditures and contributions. A number of amendments were offered but not adopted. It is hoped that when the Committee on Rules and Administrations considers that Title these members will have an opportunity to hear and testify on the provisions therein.

COMMITTEE AMENDMENTS

As a result of the testimony and data submitted to the Committee during public hearings and its own consideration of the legislation, the following amendments were adopted to S. 382:

Section 101(a) was amended to exclude candidates for the office of President and Vice President of the United States from the equal opportunities requirement of Section 315(a) of the Communications Act in primary campaigns as well as the general election campaign.

Originally, S. 382 only provided this exclusion for the general election. S. 956 which was also before the Committee, however, excluded these offices for both primaries and the general election.

The purpose of relieving broadcasters of the strictures of Section 315 is, of course, to enable them to afford time to significant candidates without being compelled to provide equal time to a plethora of fringe candidates. This in turn should result in a more widely and better informed electorate. Such was the experience under the limited suspension of Section 315 for the 1960 Presidential election campaign.

The witnesses who appeared during the hearings on S. 382 urged a wider suspension than was contained in the original bill. Your Committee is persuaded by such testimony that a broader suspension such as that in S. 956 would better serve the public interest.

Section 101(b) was amended so the requirement that a broadcast station charge legally qualified candidates for all public offices its lowest unit rate only applies 45 days before a primary election and 60 days before a general election. At all other times the charges made legally qualified candidates cannot exceed the charges made for comparable use of such station.

The Committee believes that shortening the period during which the lowest unit rate would be available to candidates will be an incentive to shortening campaign periods, thereby helping to reduce campaign costs.

Section 101(c) was added in Committee. It amends Section 312(a) of the Communications Act to provide that willful or repeated failure by a broadcast licensee to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of his station's facilities by a legally qualified candidate for Federal elective office on behalf of his candidacy shall be grounds for adverse action by the FCC.

The duty of broadcast licensees generally to permit the use of their facilities by legally qualified candidates for these public offices is inherent in the requirement that licensees serve the needs and interests of the communities of license. The Federal Communications Commission has recognized this obligation in its *Report and Statement of Policy Re: Commission En Banc Programming Inquiry (1960)*.

Section 102 which provides for spending limitations on broadcast media by certain legally qualified candidates for public office has been amended in the following respects:

(1) The spending limitation now applies to legally qualified candidates for the offices of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress (Federal elective office). Originally the spending limitation applied to legally qualified candidates for the office of President, Vice President, United States Senator or Representative, or Governor or Lieutenant Governor.

The spending limitations in Title I of the legislation are intended to apply separately but equally to broadcast and nonbroadcast media. Constitutional questions were raised concerning the ability of Congress to place spending limitations on nonbroadcast

media on candidates for State offices. While the Committee does not believe the same constitutional objections would lie where the broadcast media is concerned, it decided that in order to preserve the principle of equal treatment for the two media the offices of Governor and Lieutenant Governor should also be removed from the limitation on expenditures for the broadcast media.

It should be noted, however, that the legislation does permit the States by law to place these as well as other State or local offices under a spending limitation for the broadcast media.

The offices of Delegate or Resident Commissioner have been included within the spending limitation. They were included in S. 1 which was considered by the Committee, and since this part of the legislation is intended to apply to Federal elective offices it was felt they should also be included.

(2) The amount of the spending limitations in primary election campaigns are now the same as those in general and special election campaigns; and the limitation has also been made applicable to Presidential primaries. As introduced, the spending limitation in S. 382 for primary election campaigns was 50 per centum of what a candidate could spend in the general election campaign, and there was no limitation for Presidential primaries.

In many cases the primary campaign is tantamount to the general election. Where this is so, the 50 per centum limitation is obviously discriminatory. Accordingly, that limitation has been deleted, and candidates may spend up to the same amount in primary campaigns as they may in general or special election campaigns.

Similarly, your Committee believes there is no justification for excluding candidates for nomination for the office of the Presidency from the spending limitations imposed on candidates for other Federal elective offices in primary campaigns. The limitation for Presidential primaries applies to the total amount spent for all primaries, and it is the same amount he may spend in the general election campaign. Within that total limitation, a candidate may spend any amount he chooses on any individual primary.

(3) The formula for determining the spending limitation is 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held, or \$30,000 if such amount is greater.

The formula in the original bill was 7 cents multiplied by the number of votes cast for all legally qualified candidates for such office in the last preceding election, or \$20,000 if such amount is greater.

During the course of the Committee hearings the question was raised whether using the total number of votes cast in a preceding election for a particular Federal office was a realistic criteria for determining the amount of money a candidate might spend.

In any election the number of actual voters is always less than the number of those who are registered or otherwise eligible to vote, or who are of voting age. In some states this disparity is considerable. Moreover, 18 year olds may now vote in Federal elections, and the criteria used in S. 382 would not take this factor

into account in computing limitations for special and general Federal elections up to and including those to be held in 1972.

In the opinion of many witnesses, to limit a candidate's expenditures through a formula based on previous voter turnout therefore lessens his capability to reach a vast reservoir of potential supporters.

The Committee rejected the use of registered voters as a criteria largely because such figures are not uniformly available for all States. It did, however, replace the standard originally proposed with one based on the estimate of resident population of voting age for the office in question, as determined by the Bureau of the Census in June of the year preceding the year in which the election is to be held.

The Bureau of the Census currently compiles most of the information necessary to implement this new standard, and the Director has assured your Committee that the Bureau will be able to comply fully with the requirements of the legislation.

While the new criteria, does in the judgment of your Committee, more accurately reflect the base of potential support for candidates, it was apparent that the estimate of resident population of voting age multiplied by the 7 cent figure in the original bill would raise the dollar limitation so greatly that the concept of a spending limitation would be illusory.

Several witnesses, including members of Congress who had recently stood for election or re-election in 1970, testified that the total dollar limitation in the original bill provided realistic amounts for use of the broadcast media. Preliminary figures supplied the Committee by the FCC listing amounts spent by candidates on the broadcast media in the 1970 general elections supported their contention.

Accordingly, your Committee revised the 7 cent figure downward to 5 cents and raised the floor of the limitation from \$20,000 to \$30,000.

(4) An amendment was added for the purpose of emphasizing the Committee's intention that certain amounts spent by persons other than the candidate are attributable to his limitation. Accordingly "use of broadcasting stations by or on behalf of any candidate includes not only broadcasts advocating such candidate's election, but also broadcasts urging the defeat of his opponent or derogating his opponent's stand on campaign issues."

(5) The term 'legally qualified candidate' was also defined solely for the purpose of determining the point in time when amounts spent by or on behalf of a candidate are chargeable against his limitation. For that purpose the term 'legally qualified candidate' means "any person (1) who meets the qualifications prescribed by applicable laws to hold the Federal elective office for which he is a candidate and (2) who is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors." This definition is in no way intended to modify or change existing law in Section 315 or the FCC rules or interpretations thereunder. It is applicable only to new Section 315(c) of the Federal Communications Act of 1934, as amended, and Section 103 of S. 382.

(6) A number of technical conforming amendments have also been made throughout the Section.

Section 103 which provides for spending limitations on nonbroadcast media by certain legally qualified candidates for public office has been amended in the following respects:

(1) The spending limitation now applies to candidates for the same elective offices as the limitation on expenditures for use of the broadcast media (Federal elective office). The deletion of the office of Governor or Lieutenant Governor, and the addition of the office of Delegate or Resident Commissioner to the Congress were made for the reason discussed in the corresponding amendment in Section 102.

(2) The definition of nonbroadcast communications media has been confined to newspapers, magazines and other periodical publications, and billboard facilities.

This definition is not meant to include publications sent out by organizations in the regular course of conducting their affairs for the purpose of informing or advising their members, stockholders or customers of their views on political issues or report news thereof which may affect their interest. The Committee believes that the original definition in S. 382 was too broad and as a practical matter would be difficult to enforce. The Committee also considered and rejected inclusion of direct mailings within the definition because the nature of this type of campaign advertising is so varied no workable or effective definition of direct mailings that would be equitable to incumbents and opponents alike could be formulated. Your Committee intends to watch activities in this area closely for any practices which might subvert the intention of this legislation.

(3) The Committee added definitions of "legally qualified candidate" and "use of any nonbroadcast communications media by or on behalf of any candidate" to Section 103. These definitions conform to their counterparts in Section 102 and are intended to accomplish the same purpose.

(4) The public interest considerations involved in requiring that broadcast licensees charge candidates at their lowest unit rate 45 days before primary elections, and 60 days before general and special elections are, in the judgment of your Committee, also present in the nonbroadcast communications media.

Your Committee, therefore, has added an amendment which provides that rates charged legally qualified candidates for Federal elective office for space in nonbroadcast communications media 45 days before a primary election and 60 days before a general or special election may not exceed the lowest unit rate charged others by the person furnishing such medium for the same amount of space.

Many of the witnesses appearing before the Committee urged this amendment for the reasons discussed above and for the added reason that there should be no discrimination in this regard between the broadcast and nonbroadcast media.

(5) The amount of the spending limitations in primary election campaigns are now the same as those in general and special election campaigns, and the limitation has also been made applicable

to Presidential primaries. In all respects this amendment is the same as that made in Section 102 of the legislation.

(6) The formula for determining the spending limitation in the nonbroadcast media is the same as the one for the broadcast media, i.e., 5 cents multiplied by the estimate of resident population of voting age for the office in question, or \$30,000, whichever is greater. Originally the formula for the nonbroadcast limitation was 14 cents multiplied by the total number of votes cast for all legally qualified candidates for the office in question, or \$40,000, whichever is greater.

The total dollar figure that may be spent by candidates under this formula represents an amount which should enable all candidates to present fully their candidacies to the voters.

(7) A number of technical conforming amendments have also been made throughout the Section.

Section 104 has been added by your Committee in recognition of the general yearly rise of the price of goods and services. Your Committee has attempted to provide for this eventuality. Accordingly it adopted an amendment which would enable the limitation on campaign expenditures to be adjusted upward yearly by the percentage difference the Consumer Price Index rises from a base year of 1970.

Section 204 has been amended to provide that contributions and pledges made after an election for Federal office to discharge indebtedness accrued during the campaign are chargeable to the aggregate limitation on contributions in Title II for the calendar year in which the candidate accrued the indebtedness.

SECTION-BY-SECTION ANALYSIS OF S. 382

TITLE I—AMENDMENTS TO COMMUNICATIONS ACT OF 1934; LIMITATIONS ON CAMPAIGN EXPENDITURES FOR NONBROADCAST COMMUNICATIONS MEDIA

Section 101(a) exempts the use of a broadcast station's facilities by a legally qualified candidate for President or Vice President in primary and general elections from the equal opportunities requirement of Section 315(a) of the Communications Act of 1934, as amended.

Section 101(b) limits the charges made for the use of broadcast station facilities by a legally qualified candidate for any public office 45 days before primary elections, and 60 days before general elections to the lowest unit charge of the station for the same amount of time in the same time period. At all other times charges to legally qualified candidates could not exceed those made for comparable use of the station's facilities.

Section 101(c) provides that willful or repeated failure by a broadcast licensee to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of broadcasting stations by a legally qualified candidate for Federal elective office on behalf of his candidacy, shall be grounds for revocation of his broadcast station license under Section 312(a) of the Communications Act of 1934, as amended.

Section 102 imposes a limitation on funds expended for use of broadcasting facilities (including community antenna television systems) in

primary or general elections by or on behalf of legally qualified candidates for President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress. Funds spent by or on behalf of a Vice Presidential candidate are attributable to the limitation of the candidate for President with whom he is running. States may, by law, bring candidates for State and local offices under the broadcast expenditure limitations, subject to determination by the FCC that certain specified qualifications are met.

The section accomplishes the foregoing by :

(i) Defining 'Federal elective office' to include the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress.

(ii) Defining 'use of broadcasting stations by or on behalf of any candidate' to include not only broadcasts advocating a candidate's election, but also broadcasts urging the defeat of his opponent or derogating his opponent's stand on campaign issues.

(iii) Defining 'legally qualified candidate' for the purposes of the spending limitation to mean any person who meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate, and who is eligible under applicable State laws to be voted for by the electorate directly or by means of delegates or electors.

(iv) Placing a limitation on expenditures for use of broadcast facilities (including community antenna television systems) by candidates for Federal elective office of 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of the Census in June of the year preceding the year in which the election is to be held, or \$30,000 if that amount is greater. This limitation would apply separately to primary and general elections.

(v) Providing that amounts spent for the use of broadcasting facilities on behalf of any legally qualified candidate for Federal elective office shall be deemed to have been spent by such candidate.

(vi) Prohibiting the licensee of a broadcast station from making any charge for the use of his facilities by or on behalf of any candidate for Federal elective office unless the candidate or a person authorized by him in writing certifies in writing to the licensee that payment of such charge will not violate the candidate's limitation.

(vii) Requiring broadcasting stations and candidates to file with the Federal Communications Commission such reports at such times and containing such information as the Commission shall prescribe.

(viii) Permitting States by law to adopt limitations on expenditures for the use of broadcasting facilities by legally qualified candidates for any office of such State or political subdivision if the FCC determines that the State by law has specified a limitation upon total expenditures for use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such an election; and the amount of such limitation does not exceed the amount which would be determined for such election using the formula provided for determining the limitations upon candidates for Federal elective office.

Section 103(a) defines "Federal elective office" to mean the office of President, Vice President, United States Senator or Representative or Delegate or Resident Commissioner to the Congress.

"Nonbroadcast communications medium" is defined to mean newspapers, magazines and other periodical publications and billboard facilities

"Legally qualified candidate" for purposes of the spending limitation on nonbroadcast communications media is defined to mean any person who meets the qualifications provided by the applicable laws to hold the Federal elective office for which he was a candidate and who is eligible under applicable State laws to be voted for by the electorate directly or by means of delegates or electors.

"Use of any nonbroadcast communications media by or on behalf of any candidate" is defined to include not only amounts spent for advocating a candidate's election, but also amounts spent for urging the defeat of his opponent or derogating his opponent's stand on campaign issues.

Section 103(b) limits the charges for the use of any nonbroadcast communications medium by a legally qualified candidate for Federal elective office 45 days before primary elections, and 60 days before general elections to the lowest unit rate charged others by the person furnishing such medium for the same amount of space.

Section 103(c) imposes a limitation on funds spent for the use of nonbroadcast communications facilities in primary or general elections by or on behalf of legally qualified candidates for Federal elective office. The limitation is five cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held, or \$30,000 if that amount is greater. This limitation would apply separately for primary and general elections.

Section 103(d) provides that amounts spent for the use of nonbroadcast communications medium on behalf of any legally qualified candidate for Federal elective office shall be determined to be spent by such candidate. Amounts spent for the use of nonbroadcast communications medium by or on behalf of any legally qualified candidate for Vice President shall be deemed to have been spent by the candidate for the office of President with whom he is running.

Section 103(e) prohibits any person making any charge for the use of any nonbroadcast communications medium by or on behalf of any candidate for Federal elective office unless the candidate or his representative authorized by him in writing certifies in writing to such person that payment for such charge will not violate the candidate's limitation.

Any person who furnishes the use of any nonbroadcast communications medium for the benefit of any candidate for Federal elective office at the rate less than the rate normally charged by such person for such use shall be determined to have made a contribution to such candidate in the amount equal to the excess of the rate normally charged over the rate charged such candidate.

Section 103(f) provides that violations of the provisions of this section is punishable by a fine not to exceed \$5,000, imprisonment not to exceed five years, or both.

Section 104(a) defines "price index" to mean the annual average over a calendar year of the Consumer Price Index published monthly by the Bureau of Labor Statistics and "base period" to mean the calendar year 1970.

Section 104(b) provides that the amounts computed under the spending limitations for broadcast and nonbroadcast communications media be increased yearly by the percentum difference between the price index for the immediate preceding calendar year and the price index for the base period.

Section 105 provides that the amendments made by Section 101(b) shall take effect 30 days after the date of enactment of the legislation; and that the amendments made by Section 102 to take effect on such date as the Federal Communications Commission shall prescribe, but not later than 120 days after the date of enactment of the legislation. The remainder of the title will take effect upon the date of enactment.

TITLE II—CRIMINAL CODE AMENDMENTS; DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

PART A—CRIMINAL CODE AMENDMENTS

Section 201. (a) "*election*" is redefined to include primary, special and general elections, caucuses, conventions and preference primaries.

(b) "*candidate*" is redefined to include those who seek nomination for election and election to Federal office and who have complied with state law to qualify or who have received contributions or made expenditures, directly or indirectly, to attain nomination or election.

(c) "*Federal office*" includes the offices of President, Vice President, Senator, Representative in, or Delegate or Resident Commissioner to the Congress of the United States.

(d) "*political committee*" means any individual, committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000.

(e) "*contribution*" is redefined to include all transactions having any value including promises, enforceable or not, to influence the selection of delegates to conventions and the nomination or election of candidates.

(f) "*expenditure*" is redefined to include all transactions having any value, including promises, enforceable or not, to influence the selection of delegates to conventions, and the nomination or election of candidates.

(g) "*person*" or "*whoever*" means an individual, partnership, committee, association, corporation, or any other organization or group of persons.

Section 202. *Sec. 600 of Title 18, U.S.C.*, is amended to include any special consideration in return for political support and to apply to caucuses, conventions, and primary, special and general elections.

Section 203. *Sec. 602 of Title 18, U.S.C.*, is amended by adding a new subsection so as to include political committees within the prohibition of the section except as to elected officers.

Section 204. *Sec. 608 of Title 18, U.S.C.*, is rewritten so as to prohibit (a) contributions in excess of \$5,000 to any candidate or political committee (in computing the aggregate limitation contributions and pledges made after an election for Federal office to discharge in-

debtedness accrued during the campaign for such office shall be deemed to have been made in the calendar year in which such indebtedness was accrued), (b) (1) the sale of goods, etc. to anyone but a political committee or candidate without its disclosure, (b) (2) the purchase of any goods, etc. from anyone but a political committee without disclosure, (c) sets the penalty for violation of the section at a \$5,000 fine or 5 years imprisonment or both, (d) excludes purchase or sale of certain items not exceeding \$25 each and tickets to political events and food and drink at normal charges from the prohibitions but requires such transactions to be treated as contributions within the section, (e) contributions from the spouse or minor child of a person shall be deemed a contribution from the person himself. (f) Is a restatement of existing law on various legal entities.

Section 205. *Sec. 609 of Title 18, U.S.C.*, setting a limit of \$3 million on contributions received or expenditures made by political committees (national, interstate) is repealed by the bill.

Section 206. *Sec. 611 of Title 18, U.S.C.*, is amended to extend the prohibition against political contributions by corporations contracting with the government and to make the period of time during which such contributions are prohibited run from the commencement of negotiations for a contract to the completion of performance or the termination of negotiations, whichever is later.

PART B. DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

Section 251. (a) "*election*" is redefined to include general, special or primary elections, conventions, or caucuses, selection of delegates to national conventions, national preference primaries.

(b) "*candidate*" is redefined to include those who seek nomination for election or election to Federal office and who have complied with state law to qualify or who have received contributions or made expenditures, directly or indirectly, to attain nomination or election.

(c) "*Federal office*" includes the offices of President, Vice President, Senator, Representative or Resident Commissioner.

(d) "*political committee*" means any individual, committee, association, or organization which accepts contributions or makes expenditures during a calendar year in excess of \$1,000.

(e) "*contribution*" is redefined to include all transactions having any value including promises, enforceable or not, to influence the selection of delegates to conventions and the nomination or election of candidates.

(f) "*expenditure*" is redefined to include all transactions having any value, including promises, enforceable or not, to influence the selection of delegates to conventions and the nomination or election of candidates.

(g) "*Clerk*" means the Clerk of the House of Representatives.

(h) "*Secretary*" means the Secretary of the Senate.

(i) "*person*" includes an individual, partnership, committee, association, corporation, labor organization or any other organization or group of persons.

(j) "*State*" includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

Section 252. Organization of Political Committees

(a) Every political committee must have a chairman and a treasurer. The committee shall not function with a vacancy in either office and each expenditure must be authorized by the chairman or treasurer or designated agents.

(b) Every person who receives a contribution for a political committee shall, on demand of the treasurer, and within 5 days in any event render to the treasurer the details of the contribution—name, address, amount, date.

(c) The treasurer is accountable for details of—

- (1) all contributions,
- (2) identity of contributor and the amount and date,
- (3) all expenditures,
- (4) identity of recipient of expenditures, date and amount.

(d) Treasurer must keep receipted bills for each expenditure of \$100 or more or for bills aggregating \$100 per calendar year as per instructions from the Secretary or Clerk.

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate, and is not authorized in writing to do so shall include a notice to that effect on the front page of all literature and advertisements it publishes in connection with such candidate's campaign.

Section 253. Registration of Political Committees, Statements

(a) Each political committee which anticipates receipts or expenditures exceeding \$1,000 in a calendar year must, within 10 days after it is organized or 10 days after it has reason to believe its receipts or expenditures will exceed \$1,000, file a statement or organization with the Secretary or Clerk.

(b) The statement shall include—

- (1) name and address of the committee;
- (2) names, addresses, relationships, of affiliated committees;
- (3) area, scope, jurisdiction of the committee;
- (4) name, address, position of custodian of books and accounts;
- (5) name, address, positions of other principal committee officers;
- (6) names, addresses, offices sought and party affiliations of candidates or others supported by the committee;
- (7) statement as to permanency of the committee;
- (8) disposition of funds in event of dissolution;
- (9) list of all banks, safety deposits, etc. used;
- (10) statement of required state and local reports and identities of receiving offices;
- (11) miscellaneous information required by the Secretary or Clerk;

(c) Any changes in organization data must be reported within 10 days to the Secretary or Clerk.

(d) Any committee which has already filed one or more reports shall notify the Secretary or Clerk if it disbands or determines it will not receive or spend in excess of \$1,000.

Section 254. Reports by Political Committees and Candidates.

(a) Each treasurer of a political committee supporting candidates for President, Vice President or Senator shall file reports with the Secretary—

Each candidate for President, Vice President or Senator shall file reports with the Secretary—

Each treasurer of a political committee supporting candidates for Representative in, or Delegate or Resident Commissioner to the Congress of the United States shall file reports with the Clerk—

Each candidate for Representative in, or Delegate or Resident Commissioner to the Congress of the United States shall file reports with the Clerk—

—reports of receipts and expenditures on prescribed forms, which reports shall be filed on the 10th day of *March*, *June* and *September* in each year and on the 15th and 5th days next preceding the date of any election, and also by the 31st day of January. All reports shall be complete as of such date as the Secretary may prescribe, which shall not be less than 5 days before the date of filing.

(b) Each report shall disclose—

- (1) cash on hand at the beginning of the reporting period;
- (2) name and address of each contributor to committee or candidate of contributions in the aggregate of \$100 or more per calendar year together with details of amounts and dates;
- (3) total contributions to candidates or committees and not reported under paragraph (2);
- (4) name and address of committees or candidates from whom the reporting committee or candidate received or to whom the reporting committee or candidate made any transfers of funds with amounts and dates of transfers.
- (5) each loan to or from any person of \$100 or more per calendar year, with names and addresses of lenders and endorsers, amounts and dates;
- (6) total proceeds from sales of tickets to dinners, luncheons, rallies, etc., mass collections from such events, and sales of campaign paraphernalia;
- (7) each contribution, rebate, refund or other receipt of \$100 or more not listed under paragraphs (2) through (6);
- (8) total sum of all receipts by or for the political committee or candidate during the reporting period;
- (9) name and address of each person to whom an expenditure was made by the committee or candidate within the calendar year of \$100 or more with amounts, dates and purposes of each expenditure;
- (10) name and address of each person to whom an expenditure for personal services, salaries, and reimbursed expenses of \$100 or more has been made, not otherwise reported, with amounts, dates and purposes of such expenditures;
- (11) total sum of expenditures made by such committees or candidates during the calendar year;
- (12) the amount and nature of debts and obligations owed by or to the committee as the Secretary or the Clerk may prescribe;
- (13) other data as required by the Secretary and the Clerk.

(c) Reports required by subsection (a) shall be cumulative during the relative calendar year but where no change occurs in an already reported item, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a

calendar year the treasurer of a political committee or the candidate must file a statement to that effect.

Section 255. Reports by Others than Political Committees

Every person (other than a political committee or candidate) who makes contributions or expenditures other than by to a political committee or candidate, aggregating \$100 or more in a calendar year shall file with the Secretary or Clerk a statement containing the data required by Section 204. All statements shall be filed on same dates as those required for committees but need not be cumulative.

Section 256. Formal Requirements Respecting Reports and Statements

(a) All reports or statements required by this title shall be verified by oath or affirmation of the person filing.

(b) A copy of each report or statement shall be retained by the person filing for a period to be designated by the Secretary or Clerk.

(c) The Secretary or Clerk may relieve any category of political committees of the filing requirements of Section 204 if such committee (1) primarily supports persons seeking state or local office and not Federal office and, (2) does not operate in more than one State or on a statewide basis.

(d) The Secretary or Clerk shall prescribe the manner of reporting debts, contracts, agreements, and promises to make contributions and expenditures, in separate schedules and such separate statements shall not be included in determining aggregate contributions and expenditures until the amounts reported therein have been paid.

Section 257. Reports on Convention Financing

Each committee or other organization which (1) represents a state or political subdivision thereof, or any group of persons, in dealing with officials of a national political party involving a convention to nominate candidates for President or Vice President, or (2) represents a national political party in arranging for a convention to nominate Presidential or Vice Presidential candidates shall within 60 days after the end of the convention but not later than 20 days before the date for choosing Presidential and Vice Presidential electors, file a statement with the Secretary furnishing in such detail as the Secretary requires the sources of its funds and the purposes for which the funds were expended.

Section 258. Duties of the Secretary and the Clerk

It shall be the duty of the Secretary and the Clerk respectively—

- (1) to prepare all forms and statements;
- (2) to prescribe bookkeeping and reporting methods and regulations
- (3) to develop filing, coding and cross-indexing systems;
- (4) to make all reports and statements filed with him available for public inspection and copying within 48 hours of receipt;
- (5) to preserve statements for 10 years except those relating solely to candidates for the House of Representatives which shall be preserved only 5 years from the date of receipt;
- (6) to compile and maintain current lists of all statements;
- (7) to prepare and publish annual reports and compilations of (A) total contributions and expenditures reported by candi-

dates, committees and others, (B) total amounts expended according to categories he shall determine and broken down to candidate, party and non-party expenditures on the national, state and local levels for candidates and committees, and (C) aggregate amounts contributed by any contributor shown to have given \$100 or more;

(8) to publish comparisons of current total contributions and expenditures with those of preceding elections, from time to time;

(9) to publish such other reports as he may deem appropriate;

(10) to assure wide dissemination of statistics, summaries and reports prepared under this Act;

(11) to make timely audits and field investigations concerning the reports and statements required to be filed and alleged failures to comply with the provisions of this title;

(12) to report apparent violations of law to appropriate law enforcement authorities;

(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

Section 259. Statements Filed with the Clerk of the United States Court

(a) A copy of each statement required to be filed with the Secretary or Clerk shall be filed with the Clerk of the United States District for the district in which is located—the principal office of the political committee, or the residence of a candidate or other person.

The Secretary or Clerk may require the filing of reports or statements with other U.S. District Court Clerks where he determines the public interest will be served.

(b) It shall be the duty of the Clerk of the U.S. District Court—

(1) to receive and maintain all reports and statements required under this title;

(2) to preserve such reports and statements for 10 years except those relating solely to candidates for the House of Representatives which shall be preserved for only 5 years;

(3) to make reports and statements available for public inspection and copying within 48 hours following receipt;

(4) to compile and maintain a current list of all statements.

Section 260. Prohibition on Contributions in the Name of Another

No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

Section 261. Penalty for Violations

Any person who violates any of the provisions of this title shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Section 262. State Laws Not Affected

(a) Nothing in this title shall be deemed to invalidate any provision of any state law, except where compliance with any such provision of law would result in a violation of a provision of this title.

(b) The Secretary and Clerk shall encourage and cooperate with the election officials in the several states to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

Section 263. *Partial Invalidity*

If any provision of this title, or the application thereof, to any person or circumstance is held invalid, the validity of the remainder of the title and the application of such provision to other persons and circumstances shall not be affected thereby.

Section 264. *Repealing Clause*

- (a) The Federal Corrupt Practices Act is repealed.
- (b) In case of any conviction under this Act, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

TITLE III—TAX INCENTIVES FOR CONTRIBUTIONS TO CANDIDATES
FOR FEDERAL OFFICE

Section 301. *Income Tax Credit*

(a) The Internal Revenue Code of 1954, Subpart A of part IV of subchapter A of Chapter 1 (relating to credits against tax) is amended by renumbering Section 40 as 41 and by inserting after Section 39 the following new section:

Section 40. *Contributions to Candidates for Elective Federal Office*

(a) An individual may claim as a credit against the tax for the taxable year an amount equal to one-half of the political contributions made by the individual within the taxable year.

(b) The credit shall not exceed \$20 for any taxable year, is further affected by limitations on other credits and must be verified by the Secretary of the Treasury or his delegate.

(c) A political contribution, for purposes of this section, means a contribution or a gift to—

(1) an individual whose name is presented for election as President, Vice President, Presidential or Vice Presidential elector or Senator or Representative, in a general or special election, or primary election, or in a political convention, for use by such individual to further his candidacy for such office; or

(2) a committee acting in behalf of an individual or individuals described in paragraph (1) for use by such committee to further the candidacy of such individual or individuals.

(d) Election to take deduction in lieu of credit.

This section shall not apply in the case of any taxpayer who, for the taxable year, elects to claim a deduction in place of a credit for a political contribution. The election shall be made in accordance with regulations prescribed by the Secretary of the Treasury.

(3) an estate or trust shall not be allowed the credit against tax for political contributions to candidates for elective Federal office.

(e) Cross references to Internal Revenue Code of 1954.

Section 302. *Deduction in Lieu of Credit*

(a) The Internal Revenue Code of 1954, Part VII of subchapter B of Chapter 1 (relating to additional itemized deductions for indi-

viduals) is amended by renumbering Sections 218 and 219 and by inserting after Section 217 the following new section:

Section 218. Contributions to Candidates for Elective Federal Office

(a) In the case of an individual there shall be allowed as a deduction any political contribution, payment of which is made by such individual within the taxable year.

(b) The deduction shall not exceed \$100 for any taxable year and must be verified in accordance with regulations prescribed by the Secretary of the Treasury or his delegate.

(c) For purposes of this section a political contribution means a contribution or gift to—

(1) an individual whose name is presented for election as President, Vice President, Presidential or Vice Presidential elector or Senator or Representative in a general or special election, in a primary election, or in a political convention, for use by such individual to further his candidacy for any such office.

(2) a committee acting in behalf of an individual or individuals described in paragraph (1) for use by such committee to further the candidacy of such individual or individuals.

(d) Election to take credit in lieu of deduction.

This section shall not apply in the case of any taxpayer who, for the taxable year, elects to take the credit against tax provided by Section 40. Such election shall be made in accordance with regulations prescribed by the Secretary of the Treasury or his delegate.

(b) Consists of technical amendments

(c) Section 642 of the Internal Revenue Code is amended by adding a new subsection to prohibit an estate or trust from taking the deduction for contributions to candidates for elective Federal office.

Section 303. Effective Date. Provides that the amendments made by Title III shall apply to taxable years ending after December 31, 1970, but only with respect to contributions or gifts payment of which is made after such date

CHANGES IN EXISTING LAW

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

AMENDMENTS TO THE COMMUNICATIONS ACT OF 1934

§ 312. Administrative sanctions—Revocation of station license or construction permit

(a) The Commission may revoke any station license or construction permit—

(1) for false statements knowingly made either in the application or in any statement of fact which may be required pursuant to section 308 of this title;

(2) because of conditions coming to the attention of the Commission which would warrant it in refusing to grant a license or permit on an original application;

(3) for willful or repeated failure to operate substantially as set forth in the license;

(4) for willful or repeated violation of, or willful or repeated failure to observe any provision of this chapter or any rule or regulation of the Commission authorized by this chapter or by a treaty ratified by the United States;

(5) for violation of or failure to observe any final cease and desist order issued by the Commission under this section; [or]

(6) for violation of section 1304, 1343, or 1464 of Title [18.] 18; or

(7) *for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate on behalf of his candidacy.*

§ 315. Candidates for public office; facilities; rules

(a) If any licensee shall permit any person who is a legally qualified candidate for any public office, *other than the office of President or Vice President of the United States*, to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: Provided, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is imposed upon any licensee to allow the use of its station by any such candidate. Appearance by a legally qualified candidate on any—

(1) bona fide newscast.

(2) bona fide news interview,

(3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or

(4) one-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto).

shall not be deemed to be use of a broadcasting station within the meaning of this subsection. Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this chapter to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

[(b) The charges made for the use of any broadcasting station for any of the purposes set forth in this section shall not exceed the charges made for comparable use of such station for other purposes.]

(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

(1) during the forty-five days preceding the date of a primary election and during the sixty days preceding the date of a general or special election in which such person is a candidate,

the lowest unit charge of the station for the same amount of time during the same period; and

(2) at any other time, the charges made for comparable use of such station by other users thereof.

(c)(1) For purposes of this subsection and subsection (d), the term—

(A) “Federal elective office” means the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress;

(B) “use of broadcasting stations by or on behalf of any candidate” includes not only broadcasts advocating such candidate’s election, but also broadcasts urging the defeat of his opponent or derogating his opponent’s stand on campaign issues;

(C) “legally qualified candidate” means any person who (1) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (2) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors; and

(D) “broadcasting station” includes a community antenna television system, and the terms “licensee” and “station licensee” when used with respect to a community antenna television system, mean the operator of such system.

(2) No legally qualified candidate in any primary, general, or special election for a Federal elective office may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of—

(A) 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

(B) \$30,000, if greater than the amount determined under subparagraph (A).

A legally qualified candidate for nomination for election to the office of President may not spend a total amount for all primary elections held for such office in which he is a candidate in excess of the limitation provided by the first sentence of this paragraph.

(3) Amounts spent for the use of broadcasting stations on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of broadcasting stations by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this subsection, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(4) No station licensee may make any charge for the use of such station by or on behalf of any candidate for Federal elective office (or for nomination to such office) unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate paragraph (2).

(5) Broadcasting stations and candidates shall file with the Commission such reports at such times and containing such information as

the Commission shall prescribe for the purpose of this subsection and, in the case of broadcasting stations, subsection (d).

(d) If the Commission determines that—

(1) a State by law—

(A) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection, and

(B) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election, and

(2) the amount of such limitation does not exceed the amount which would be determined for such election under subsection (c) had such election been an election for a Federal elective office, or nomination thereto, then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate such limitation upon total expenditures.

[(c)](e) The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section.

AMENDMENTS TO TITLE 18, UNITED STATES CODE

§ 591. Definitions

[When used in sections 597, 599, 602, 609 and 610 of this title—

[The term “election” includes a general or special election, but does not include a primary election or convention of a political party;

[The term “candidate” means an individual whose name is presented for election as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected;

[The term “political committee” includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors (1) in two or more States, or (2) whether or not in more than one State if such committee, association, or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization;

[The term “contribution” includes a gift, subscription, loan, advance, or deposit, of money, or anything of value, and includes a contract, promise, or agreement to make a contribution, whether or not legally enforceable;

[The term “expenditure” includes a payment, distribution, loan, advance, deposit, or gift, of money, or anything of value, and includes a contract, promise, or agreement to make an expenditure, whether or not legally enforceable;

[The term “person” or the term “whoever” includes an individual, partnership, committee, association, corporation, and any other organization or group of persons;

[The term “State” includes Territory and possession of the United States.]

When used in sections 597, 599, 600, 602, 608, 610, and 611 of this title—

(a) “election” means (1) a general, special, or primary election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, or (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President;

(b) “candidate” means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contribution or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) “Federal office” means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) “political committee” means any individual, committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

(e) “contribution” means—

(1) a gift, subscription, loan, advance, or deposit of money or any thing of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President;

(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

(3) a transfer of funds between political committees; and

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or political committee without charge for any such purpose;

(f) “expenditure” means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or any thing of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President;

(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make an expenditure; and

(3) a transfer of funds between political committees; and

(g) "person" and "whoever" mean an individual, partnership, committee, association, corporation, or any other organization or group of persons.

§ 600. Promise of employment or other benefit for political activity.

【Whoever, directly or indirectly promises any employment, position, work, compensation, or other benefit, provided for or made possible in whole or in part by any Act of Congress, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in any election, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.】

Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

§ 602. Solicitation of political contributions.

(a) Whoever, being a Senator or Representative in, or Delegate or Resident Commissioner to, or a candidate for Congress, or individual elected as, Senator, Representative, Delegate, or Resident Commissioner, or an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for services from money derived from the Treasury of the United States, directly or indirectly solicits, receives, or is in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any other such officer, employee, or person, shall be fined not more than \$5,000 or imprisoned not more than three years or both.

(b) *Whoever, acting on behalf of any political committee (including any State or local committee of a political party), directly or indirectly, intentionally or willfully solicits, or is in any manner concerned in soliciting, any assessment, subscription, or contribution for the use of such political committee or for any political purpose whatever from any officer or employee of the United States (other than an elected officer) shall be fined not more than \$5,000 or imprisoned not more than three years, or both.*

§ 608. Limitations on political contributions and purchases

【(a) Whoever, directly or indirectly, makes contributions in an aggregate amount in excess of \$5,000 during any calendar year, or in connection with any campaign for nomination or election, to or on behalf of any candidate for an elective Federal office, including the offices of President of the United States and Presidential and Vice

Presidential electors, or to or on behalf of any committee or other organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

¶ This subsection shall not apply to contributions made to or by a State or local committee or other State or local organization or to similar committees or organizations in the District of Columbia or in any Territory or Possession of the United States.

¶ (b) Whoever purchases or buys any goods, commodities, advertising, or articles of any kind or description, the proceeds of which or any portion thereof, directly or indirectly inures to the benefit of or for any candidate for an elective Federal office including the offices of President of the United States, and Presidential and Vice Presidential electors or any political committee or other political organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

¶ This subsection shall not interfere with the usual and known business, trade, or profession of any candidate.

¶ (c) In all cases of violations of this section by a partnership, committee, association, corporation, or other organization or group of persons, the officers, directors, or managing heads thereof who knowingly and willfully participate in such violation, shall be punished as herein provided.

¶ (d) The term "contribution", as used in this section, shall have the same meaning prescribed by section 591 of this title.¶

(a) *It shall be unlawful for any person, directly or indirectly, to make a contribution or contributions in an aggregate amount in excess of \$5,000 during any calendar year, in connection with any campaign for nomination for election or election to Federal office, to—*

- (1) *any political committee or candidate;*
- (2) *two or more political committees substantially supporting the same candidate; or*
- (3) *a candidate and one or more political committees substantially supporting the candidate.*

In computing the aggregate limitation of this subsection, contributions and pledges made after an election for Federal office to discharge indebtedness accrued during the campaign for such office shall be deemed to have been made in the calendar year in which such indebtedness was accrued. Nothing contained in this subsection shall prohibit the transfer of contributions received by a political committee.

(b) *Except as provided in subsection (d)—*

- (1) *it shall be unlawful for any political committee or candidate to sell goods, commodities, advertising, or other articles, or any services to anyone other than a political committee or candidate; and*
- (2) *it shall be unlawful for any person, other than a political committee or candidate, to purchase goods, commodities, advertising, or other articles or any services from a political committee or candidate.*

(c) *Whoever violates subsection (a) or (b) of this section shall be fined not more than \$5,000 or imprisoned not more than five years, or both.*

(d) *Subsection (b) of this section shall not apply to a sale or purchase (1) of any political campaign pin, button, badge, flag, emblem, hat, banner, or similar campaign souvenir or any political campaign literature or publications (but shall apply to sales of advertising including the sale of space in any publication), for prices not exceeding \$25 each, (2) of tickets to dinners, luncheons, rallies, and similar fund-raising activities, (3) of food or drink for a charge not substantially in excess of the normal charge therefor, or (4) made in the course of the usual and known business, trade, or profession of any person or in a normal arm's-length transaction, however, a sale or purchase described in paragraph (1), (2), or (3) shall be deemed a contribution under subsection (a) of this section.*

(e) *For the purposes of this section, a contribution made by the spouse or a minor child of a person shall be deemed a contribution made by such person.*

(f) *In all cases of violations of this section by a partnership, committee, association, corporation, or other organization or group of persons, the officers, directors, or managing heads thereof who knowingly and willfully participate in such violation shall be punished as herein provided.*

§ 609. Maximum contributions and expenditures.

[No political committee shall receive contributions aggregating more than \$3,000,000, or make expenditures aggregating more than \$3,000,000, during any calendar year.

[For the purposes of this section, any contributions received and any expenditures made on behalf of any political committee with the knowledge and consent of the chairman or treasurer of such committee shall be deemed to be received or made by such committee.

[Any violation of this section by any political committee shall be deemed also to be a violation by the chairman and the treasurer of such committee and by any other person responsible for such violation and shall be punishable by a fine of not more than \$1,000 or imprisonment of not more than one year, or both; and, if the violation was willful, by a fine of not more than \$10,000 or imprisonment of not more than two years, or both.]

§ 611. Contributions by [firms or individuals contracting with the United States.] Government contractors.

[Whoever, entering into any contract with the United States or any department or agency thereof, either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof, or selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, during the period of negotiation for, or performance under such contract or furnishing of material, supplies, equipment, land, or buildings, directly or indirectly makes any contribution of money or any other thing of value, or promises expressly or impliedly to make any such contribu-

tion, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

【Whoever knowingly solicits any such contribution from any such person or firm, for any such purpose during any such period—

【Shall be fined not more than \$5,000 or imprisoned not more than five years, or both.】

Whoever—

(a) entering into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (1) the completion of performance under, or (2) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land or buildings, directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

(b) knowingly solicits any such contribution from any such person for any such purpose during any such period;
shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

FEDERAL CORRUPT PRACTICES ACT, 1925, AS AMENDED*

【TITLE III.—FEDERAL CORRUPT PRACTICES ACT, 1925

【SEC. 301. This title may be cited as the “Federal Corrupt Practices Act, 1925.”

【SEC. 302. When used in this title—

【(a) The term “election” includes a general or special election, but does not include a primary election or convention of a political party;

【(b) The term “candidate” means an individual whose name is presented at an election for election as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected;

【(c) The term “political committee” includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors (1) in two or more States, or (2) whether or not in more than one State if such committee, association, or organization (other than a

*The Federal Corrupt Practices Act was enacted as title III, sections 301-319, of “An Act reclassifying the salaries of postmaster and employees of the postal service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes”, approved February 28, 1925 (Public Law 506, 65th Cong.). Title III was amended June 25, 1943 (Public Law 79, 78th Cong.), June 20, 1947 (Public Law 101, 80th Cong.), June 25, 1948 (Public Law 722, 80th Cong.), and October 31, 1951 (Public Law 248, 82d Cong.). Sections 310-313 have been repealed and enacted into positive law as part of title 18, United States Code. They are not shown among those sections of the Corrupt Practices Act which would be repealed by S. 734 as reported.

duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization;

[(d) The term "contribution" includes a gift, subscription, loan, advance, or deposit, of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution;

[(e) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift, of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure;

[(f) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons;

[(g) The term "Clerk" means the Clerk of the House of Representatives of the United States;

[(h) The term "Secretary" means the Secretary of the Senate of the United States;

[(i) The term "State" includes Territory and possession of the United States.

[SEC. 303. (a) Every political committee shall have a chairman and a treasurer. No contribution shall be accepted, and no expenditure made, by or on behalf of a political committee for the purpose of influencing an election until such chairman and treasurer have been chosen.

[(b) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

[(1) All contributions made to or for such committee;

[(2) The name and address of every person making any such contribution, and the date thereof;

[(3) All expenditures made by or on behalf of such committee; and

[(4) The name and address of every person to whom any such expenditure is made, and the date thereof .

[(c) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure by or on behalf of a political committee exceeding \$10 in amount. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items.

[SEC. 304. Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the name and address of the person making such contribution, and the date on which received.

[SEC. 305. (a) The treasurer of a political committee shall file with the Clerk between the 1st and 10th days of March, June, and September, in each year, and also between the 10th and 15th days, and on the 5th day, next preceding the date on which a general election is to be held, at which candidates are to be elected in two or more States, and also on the 1st day of January, a statement containing, complete as of the day next preceding the date of filing—

[(1) The name and address of each person who has made a contribution to or for such committee in one or more items of the

aggregate amount or value, within the calendar year, of \$100 or more, together with the amount and date of such contribution;

[(2) The total sum of the contributions made to or for such committee during the calendar year and not stated under paragraph (1);

[(3) The total sum of all contributions made to or for such committee during the calendar year;

[(4) The name and address of each person to whom an expenditure in one or more items of the aggregate amount or value within the calendar year of \$10 or more has been made by or on behalf of such committee, and the amount, date, and purpose of such expenditure;

[(5) The total sum of all expenditures made by or on behalf of such committee during the calendar year and not stated under paragraph (4);

[(6) The total sum of expenditures made by or on behalf of such committee during the calendar year.

[(b) The statements required to be filed by subdivision (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

[(c) The statement filed on the 1st day of January shall cover the preceding calendar year.

[SEC. 306. Every person (other than a political committee) who makes an expenditure in one or more items, other than by contribution to a political committee, aggregating \$50 or more within a calendar year for the purpose of influencing in two or more States the election of candidates, shall file with the Clerk an itemized detailed statement of such expenditure in the same manner as required of the treasurer of a political committee by section 305.

[SEC. 307. (a) Every candidate for Senator shall file with the Secretary and every candidate for Representative, Delegate, or Resident Commissioner shall file with the Clerk not less than ten nor more than fifteen days before, and also within thirty days after, the date on which an election is to be held, a statement containing, complete as of the day next preceding the date of filing—

[(1) A correct and itemized account of each contribution received by him or by any person for him with his knowledge or consent, from any source, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person who has made such contribution;

[(2) A correct and itemized account of each expenditure made by him or by any person for him with his knowledge or consent in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person to whom such expenditure was made; except that only the total sum of expenditures for items specified in subdivision (c) of section 309 need be stated;

[(3) A statement of every promise or pledge made by him or by any person for him with his consent, prior to the closing of the polls on the day of the election, relative to the appointment or recommendation for appointment of any person to any public or private position or employment for the purpose of procuring support in his candidacy, and the name, address, and occupation

of every person to whom any such promise or pledge has been made together with the description of any such position. If no such promise or pledge has been made, that fact shall be specifically stated.

[(b) The statements required to be filed by subdivision (a) shall be cumulative, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

[(c) Every candidate shall include with his first statement a report, based upon the records of the proper State official stating the total number of votes cast for all candidates for the office which the candidate seeks, at the general election next preceding the election at which he is a candidate.

[Sec. 308. A statement required by this title to be filed by a candidate or treasurer of a political committee or other person with the Clerk or Secretary, as the case may be—

[(a) Shall be verified by the oath or affirmation of the person filing such statement taken before any officer authorized to administer oaths;

[(b) Shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the Clerk or Secretary at Washington, District of Columbia, but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the Clerk or Secretary of its nonreceipt;

[(c) Shall be reserved by the Clerk or Secretary for a period of two years from the date of filing, shall constitute a part of the public records of his office, and shall be open to public inspection.

[Sec. 309. (a) A candidate, in his campaign for election, shall not make expenditures in excess of the amount which he may lawfully make under the laws of the State in which he is a candidate, nor in excess of the amount which he may lawfully make under the provisions by this title.

[(b) Unless the laws of his State prescribe a less amount as the maximum limit of campaign expenditures, a candidate may make expenditures up to—

[(1) The sum of \$10,000 if a candidate for Senator, or the sum of \$2,500 if a candidate for Representative, Delegate, or Resident Commissioner; or

[(2) An amount equal to the amount obtained by multiplying three cents by the total number of votes cast at the last general election for all candidates for the office which the candidate seeks, but in no event exceeding \$25,000 if a candidate for Senator or \$5,000 if a candidate for Representative, Delegate, or Resident Commissioner.

[(c) Money expended by a candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or expended for his necessary personal, traveling, or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on bill boards or in newspapers) for distributing letters, circulars, or posters, or for telegraph or telephone service, shall not be included in determining whether his expenditures have exceeded the sum fixed by paragraph (1) or (2) of subdivision (b) as the limit of campaign expenses of a candidate.

* * * * *

【SEC. 314. (a) Any person who violates any of the foregoing provisions of this title, except those for which a specific penalty is imposed by sections 312 and 313, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

【(b) Any person who willfully violates any of the foregoing provisions of this title, except those for which a specific penalty is imposed by sections 312 and 313, shall be fined not more than \$10,000 and imprisoned not more than two years.

【SEC. 315. This title shall not limit or affect the right of any person to make expenditures for proper legal expenses in contesting the results of an election.

【SEC. 316. This title shall not be construed to annul the laws of any State relating to the nomination or election of candidates, unless directly inconsistent with the provisions of this title, or to exempt any candidate from complying with such State laws.

【SEC. 317. If any provision of this title or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

【SEC. 318. The following Acts and parts of Acts are hereby repealed: The Act entitled "An Act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," approved June 25, 1910 (chapter 392, Thirty-sixth Statutes, page 822), and the Acts amendatory thereof, approved August 19, 1911 (chapter 33, Thirty-seventh Statutes, page 25), and August 23, 1912 (chapter 349, Thirty-seventh Statutes, page 360); the Act entitled "An Act to prevent corrupt practices in the election of Senators, Representatives, or Delegates in Congress," approved October 16, 1918 (chapter 187, Fortieth Statutes, page 1013); and section 83 of the Criminal Code of the United States, approved March 4, 1909 (chapter 321, Thirty-fifth Statutes, page 1088).

【SEC. 319. This title shall take effect thirty days after its enactment.】

DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

DEFINITIONS

SEC. 251. *When used in this part—*

(a) "election" means (1) a general, special, or primary election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, or (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President;

(b) "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or any thing of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party, or for the expression of a preference for the nomination of persons for election to the office of President;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees; and

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party, or for the expression of a preference for the nomination of persons for election to the office of President;

(2) a contract, promise, or agreement whether or not legally enforceable, to make an expenditure; and

(3) a transfer of funds between political committees;

(g) "Clerk" means the Clerk of the House of Representatives of the United States;

(h) "Secretary" means the Secretary of the Senate of the United States;

(i) "person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons; and

(j) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

ORGANIZATION OF POLITICAL COMMITTEES

Sec. 252. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there

is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) all contributions made to or for such committee;

(2) the full name and mailing address of every person making any contribution, and the date and amount thereof;

(3) all expenditures made by or on behalf of such committee; and

(4) the full name and mailing address of every person to whom any expenditure is made, and the date and amount thereof.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee of \$100 or more in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds \$100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the Secretary or Clerk, as the case may be.

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 253. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall file with the Secretary or Clerk, as the case may be, a statement of organization within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of \$1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the Secretary or Clerk, as the case may be, at such time as he prescribes.

(b) The statement of organization shall include—

(1) the name and address of the committee;

(2) the names, addresses, and relationships of affiliated or connected organizations;

(3) the area, scope, or jurisdiction of the committee;

(4) the name, address, and position of the custodian of books and accounts;

(5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;

(6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;

(7) a statement whether the committee is a continuing one;

(8) the disposition of residual funds which will be made in the event of dissolution;

(9) a listing of all banks, safety deposit boxes, or other repositories used;

(10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and

(11) such other information as shall be required by the Secretary or Clerk.

(c) Any change in information previously submitted in a statement of organization shall be reported to the Secretary or Clerk, as the case may be, within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements or organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall so notify the Secretary or Clerk, as the case may be.

REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

Sec. 254. (a) Each treasurer of a political committee supporting a candidate or candidates for election to the office of President or Vice President of the United States or Senator, and each candidate for election to such office, shall file with the Secretary, and each treasurer of a political committee supporting a candidate or candidates for election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, and each candidate for election to such office, shall file with the Clerk, reports of receipts and expenditures on forms to be prescribed or approved by him. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the Secretary may prescribe, which shall not be less than five days before the date of filing.

(b) Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events) within the calendar year in the aggregate amount or value of \$100 or more together with the amount and date of such contributions;

(3) the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (2);

(4) the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all such transfers;

(5) each loan to or from any person within the calendar year in the aggregate amount or value of \$100 or more, together with the full names and mailing addresses of the lender and endorsers, if any, and the date and amount of such loans;

(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(7) each contribution, rebate, refund, or other receipt of \$100 or more not otherwise listed under paragraphs (2) through (6);

(8) the total sum of all receipts by or for such committee or candidate during the reporting period;

(9) the full name and mailing address of each person to whom an expenditure or expenditures have been made by such committee or candidate within the calendar year in the aggregate amount or value of \$100 or more, and the amount, date, and purpose of each such expenditure;

(10) the full name and mailing address of each person to whom an expenditure for personal services, salaries, and reimbursed expenses of \$100 or more has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(11) the total sum of expenditures made by such committee or candidate during the calendar year;

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the Secretary or Clerk may prescribe; and

(13) such other information as shall be required by the Secretary or Clerk.

(c) The reports required to be filed by subsection (c) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.

REPORTS BY OTHERS THAN POLITICAL COMMITTEES

SEC. 255. Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, aggregating \$100 or more within a calendar year shall file with the Secretary or Clerk, as the case may be, a statement containing the information required by section 254. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

SEC. 256. (a) A report or statement required by this part to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the Secretary or Clerk, as the case may be, in a published regulation.

(c) The Secretary or Clerk may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 254 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

(d) The Secretary or Clerk, as the case may be, shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

REPORTS ON CONVENTION FINANCING

SEC. 257. Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any groups of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President,

shall, within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the Secretary a full and complete financial statement, in such form and detail as he may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

DUTIES OF THE SECRETARY AND CLERK

SEC. 258. It shall be the duty of the Secretary and Clerk, respectively—

(1) to develop prescribed forms for the making of the reports and statements required to be filed with him under this part;

(2) to prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make such reports and statements;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this part;

(4) to make the reports and statements filed with him available for public inspection and copying during regular office hours, com-

mencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person;

(5) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as he shall determine and broken down into candidate, party, and non-party expenditures on the National, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as he shall determine and broken down into contributions on the National, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed the sum of \$100 or more;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as he may deem appropriate;

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this part, and with respect to alleged failures to file any report or statement required under the provisions of this part;

(12) to report apparent violations of law to the appropriate law enforcement authorities; and

(13) to prescribe suitable rules and regulations to carry out the provisions of this part.

STATEMENTS FILED WITH CLERK OF UNITED STATES COURT

SEC. 259. (a) A copy of each statement required to be filed with the Secretary or Clerk by this part shall be filed with the clerk of the United States district court for the judicial district in which is located the principal office of the political committee or, in the case of a statement filed by a candidate or other person, in which is located such person's residence. The Secretary or Clerk may require the filing of reports and statements required by this title with the clerks of other United States district courts where he determines the public interest will be served thereby.

(b) It shall be the duty of the clerk of a United States district court under subsection (a)—

(1) to receive and maintain in an orderly manner all reports and statements required by this part to be filed with such clerks;

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(3) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

SEC. 260. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

PENALTY FOR VIOLATIONS

SEC. 261. Any person who violates any of the provisions of this part shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

STATE LAWS NOT AFFECTED

SEC. 262. (a) Nothing in this part shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this part.

(b) The Secretary and Clerk shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

PARTIAL INVALIDITY

SEC. 263. If any provision of this part, or the application thereof, to any person or circumstance is held invalid, the validity of the remainder of the part and the application of such provision to other persons and circumstances shall not be affected thereby.

REPEALING CLAUSE

SEC. 264. (a) The Federal Corrupt Practices Act, 1925, is repealed.

(b) In case of any conviction under this Act, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954

PART IV—CREDITS AGAINST TAX

Subpart A. Credits allowable.

Subpart B. Rules for computing credit for investment in certain depreciable property.

Subpart A—Credits Allowable

- Sec. 31. Tax withheld on wages.
 Sec. 32. Tax withheld at source on nonresident aliens and foreign corporations and on tax-free covenant bonds.
 Sec. 33. Taxes of foreign countries and possessions of the United States.
 Sec. 35. Partially tax-exempt interest received by individuals.
 Sec. 36. Credits not allowed to individuals paying optional tax or taking standard deduction.
 Sec. 37. Retirement income.
 Sec. 38. Investment in certain depreciable property.
 Sec. 39. Certain uses of gasoline and lubricating oil.
 Sec. 40. **Overpayments of tax.** *Contributions to candidates for elective Federal office.*
 Sec. 41. *Overpayments of tax.*

For credit against the tax imposed by this subtitle for overpayments of tax, see section 6401.

SEC. 40. CONTRIBUTIONS TO CANDIDATES FOR ELECTIVE FEDERAL OFFICE

(a) *GENERAL RULE.*—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, an amount equal to one-half of the political contributions (as defined in subsection (c)) payment of which is made by such individual within the taxable year.

(b) *LIMITATIONS.*—

(1) *AMOUNT.*—The credit allowed by subsection (a) shall not exceed \$20 for any taxable year.

(2) *APPLICATION WITH OTHER CREDITS.*—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property).

(3) *VERIFICATION.*—The credit allowed by subsection (a) shall be allowed with respect to any political contribution, only if such political contribution is verified in such manner as the Secretary or his delegate shall prescribe by regulations.

(c) *DEFINITION OF POLITICAL CONTRIBUTION.*—For purposes of this section, the term “political contribution” means a contribution or gift to—

(1) an individual whose name is presented for election as President of the United States, Vice President of the United States, an elector for President or Vice President of the United States, a Member of the Senate, or a Member of (or Delegate to) the House of Representatives in a general or special election, in a primary election, or in a convention of a political party, for use by such individual to further his candidacy for any such office; or

(2) a committee acting in behalf of an individual or individuals described in paragraph (1) for use by such committee to further the candidacy of such individual or individuals.

(d) *ELECTION TO TAKE DEDUCTION IN LIEU OF CREDIT.*—This section shall not apply in the case of any taxpayer who, for the taxable year, elects to take the deduction provided by section 218 (relating to deduction for contributions to candidates for elective Federal office). Such election

shall be made in such manner and at such time as the Secretary or his delegate shall prescribe by regulations.

(e) *CROSS REFERENCE.*—

For disallowance of credit to estates and trusts, see section 642(a)(3).

SEC. [40.] 41. OVERPAYMENTS OF TAX.

For credit against the tax imposed by this subtitle for overpayments of tax, see section 6401.

* * * * *

SEC. 642. SPECIAL RULES FOR CREDITS AND DEDUCTIONS.

(a) *CREDITS AGAINST TAX.*—

(1) *PARTIALLY TAX-EXEMPT INTEREST.*—An estate or trust shall be allowed the credit against tax for partially tax-exempt interest provided by section 35 only in respect of so much of such interest as is not properly allocable to any beneficiary under section 652 or 662. If the estate or trust elects under section 171 to treat as amortizable the premium on bonds with respect to the interest on which the credit is allowable under section 35, such credit (whether allowable to the estate or trust or to the beneficiary) shall be reduced under section 171(a)(3).

(2) *FOREIGN TAXES.*—An estate or trust shall be allowed the credit against tax for taxes imposed by foreign countries and possessions of the United States, to the extent allowed by section 901, only in respect of so much of the taxes described in such section as is not properly allocable under such section to the beneficiaries.

(3) *POLITICAL CONTRIBUTIONS.*—An estate or trust shall not be allowed the credit against tax for political contributions to candidates for elective Federal office provided by section 40.

* * * * *

(i) *POLITICAL CONTRIBUTIONS.*—An estate or trust shall not be allowed the deduction for contributions to candidates for elective Federal office provided by section 218.

[(i)](j). *CROSS REFERENCES.*—

(1) For disallowance of standard deduction in case of estates and trusts, see section 142(b)(4).

(2) For special rule for determining the time of receipt of dividends by a beneficiary under section 652 or 662, see section 116(c)(3).

* * * * *

PART VII—ADDITIONAL ITEMIZED DEDUCTIONS FOR INDIVIDUALS

Sec. 211. Allowance of deductions.

Sec. 212. Expenses for production of income.

Sec. 213. Medical, dental, etc., expenses.

Sec. 214. Expenses for care of certain dependents.

Sec. 215. Alimony, etc., payments.

Sec. 216. Deduction of taxes, interest, and business depreciation by cooperative housing corporation tenant-stockholder.

Sec. 217. Moving expenses.

Sec. 218. [Cross references.] *Contributions to candidates for elective Federal office.*

Sec. 219. *Cross references.*

* * * * *

SEC. 218. CONTRIBUTIONS TO CANDIDATES FOR ELECTIVE FEDERAL OFFICE

(a) *ALLOWANCE OF DEDUCTION.*—In the case of an individual, there shall be allowed as a deduction any political contribution (as defined in subsection (c)) payment of which is made by such individual within the taxable year.

(b) *LIMITATIONS.*—

(1) *AMOUNT.*—The deduction under subsection (a) shall not exceed \$100 for any taxable year.

(2) *VERIFICATION.*—The deduction under subsection (a) shall be allowed, with respect to any political contribution, only if such political contribution is verified in such manner as the Secretary or his delegate shall prescribe by regulations.

(c) *DEFINITION OF POLITICAL CONTRIBUTION.*—For purposes of this section, the term "political contribution" means a contribution or gift to—

(1) an individual whose name is presented for election as President of the United States, Vice President of the United States, an elector for President or Vice President of the United States, a Member of the Senate, or a Member of (or Delegate to) the House of Representatives in a general or special election, in a primary election, or in a convention of a political party, for use by such individual to further his candidacy for any such office; or

(2) a committee acting in behalf of an individual or individuals described in paragraph (1), for use by such committee to further the candidacy of such individual or individuals.

(d) *ELECTION TO TAKE CREDIT IN LIEU OF DEDUCTION.*—This section shall not apply in the case of any taxpayer who, for the taxable year, elects to take the credit against tax provided by section 40 (relating to credit against tax for contributions to candidates for elective Federal office). Such election shall be made in such manner and at such time as the Secretary or his delegate shall prescribe by regulations.

(e) *CROSS REFERENCE.*—

For disallowance of deduction to estates and trusts, see section 642(i).

SEC. [218.] 219. CROSS REFERENCES.

(1) For deduction for long-term capital gains in the case of a taxpayer other than a corporation, see section 1202.

(2) For deductions in respect of a decedent, see section 691.

* * * * *

COST ESTIMATES PURSUANT TO SECTION 252 OF THE LEGISLATIVE REORGANIZATION ACT OF 1970

In accordance with Section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-510, 91st Congress) the Committee estimates that the additional cost of the Bureau of the Census in order for it to discharge its responsibilities under the legislation would be an additional \$100,000 for each fiscal year. This amount is the amount the Director of the Bureau of the Census informed your Committee is necessary.

It is impracticable for your Committee to estimate any additional cost to the FCC until the Commission adopts rules and procedures to carry out its obligations under the act. Similarly it is impracticable

at this time for your Committee to estimate additional costs for the Secretary of the Senate, Clerk of the House of Representatives, and the clerks of the various U.S. District Courts under Title II of the legislation, and the Internal Revenue Service or Department of the Treasury under Title III.

The committee is not aware of any estimates of costs made by any Federal agency which are different from those made by the Committee.

AGENCY COMMENTS

See Committee hearings, Serial No. 92-6, for agency comments.

TABULATION OF VOTES CAST IN COMMITTEE

Pursuant to sections 133 (b) and (d) of the Legislative Reorganization Act of 1946, as amended by Public Law 91-510, the following is a tabulation of votes in Committee:

1. Amendment offered by Senator Baker to repeal the equal time requirement of section 315 of the Communications Act and to provide that the lowest unit charge shall apply to all legally qualified candidates for public office. Rejected: 6 yeas; 7 nays.

YEAS—6

Cotton	Griffin
Prouty	Baker
Pearson	Cook

NAYS—7

Magnuson	Long
Pastore	Moss
Hart	Spong
Cannon	

2. Committee amendment was offered to exclude candidates for the office of President or Vice President from operation of the equal time provision of section 315 for primary and general elections. Adopted: 9 yeas; 4 nays.

YEAS—9

Magnuson	Moss
Pastore	Spong
Hart	Cotton
Cannon	Pearson
Long	

NAYS—4

Prouty	Baker
Griffin	Cook

3. Amendment offered by Senator Cook to amend the provisions of the legislation dealing with lowest unit charge. The amendment stated:

“the discount privileges otherwise offered by a station to commercial advertisers; and”. Rejected: 5 yeas; 9 nays.

YEAS—5

Cotton	Baker
Prouty	Cook
Griffin	

NAYS—9

Magnuson	Moss
Pastore	Hollings
Hart	Spong
Cannon	Pearson
Long	

4. Committee amendment was offered to make the lowest unit charge of a station applicable to the use of a station's facilities by candidates 45 days before a primary election and 60 days before general election. Adopted: 14 yeas; no nays.

YEAS—14

Magnuson	Spong
Pastore	Cotton
Hart	Prouty
Cannon	Pearson
Long	Griffin
Moss	Baker
Hollings	Cook

5. Amendment offered by Senator Cook to raise formula for computing the limitation from 5¢ to 7¢ times the estimate of resident population of voting age for such office for broadcast expenditures and from 5¢ to 7¢ times the estimate of resident population of voting age for such office for nonbroadcast expenditures. Rejected: 7 yeas; 9 nays.

YEAS—7

Long	Baker
Cotton	Cook
Prouty	Stevens
Griffin	

NAYS—9

Magnuson	Moss
Pastore	Hollings
Hartke	Inouye
Hart	Spong
Cannon	

6. Amendment offered by Senator Prouty to raise the formula for computing the limitation from 5¢ to 6¢ times the estimate of resident population of voting age for such office for broadcast expenditures and from 5¢ to 6¢ times the estimate of resident population of voting

age for such office for nonbroadcast expenditures. Rejected: 7 yeas; 10 nays.

YEAS—7

Long	Baker
Cotton	Cook
Prouty	Stevens
Griffin	

NAYS—10

Magnuson	Moss
Pastore	Hollings
Hartke	Inouye
Hart	Spong
Cannon	Pearson

7. Amendment offered by Senator Baker to allow a candidate for Federal office to spend any unspent portion of the amount he is authorized to spend for the use of broadcast communications media or for nonbroadcast media. Rejected: 8 yeas; 9 nays.

YEAS—8

Hartke	Griffin
Cotton	Baker
Prouty	Cook
Pearson	Stevens

NAYS—9

Magnuson	Moss
Pastore	Hollings
Hart	Inouye
Cannon	Spong
Long	

8. Motion by Senator Pastore to lay on the table an amendment offered by Senator Cotton to create a Federal Elections Commission to supervise the reporting and disclosure provisions of Title II. Adopted: 10 yeas; 7 nays.

YEAS—10

Long	Magnuson
Moss	Pastore
Hollings	Hartke
Inouye	Hart
Spong	Cannon

NAYS—7

Cotton	Baker
Prouty	Cook
Pearson	Stevens
Griffin	

9. Motion by Senator Pastore to lay on the table an amendment offered by Senator Baker to raise the limitation on personal contribu-

tions in Title II and to provide limitations on the amounts candidates for federal elective office may expend from their personal funds or the personal funds of their immediate family in connection with their campaign.

Adopted: 9 yeas; 8 nays.

YEAS—9

Magnuson	Moss
Pastore	Hollings
Hartke	Inouye
Cannon	Spong
Long	

NAY—8

Cotton	Baker
Prouty	Cook
Pearson	Hatfield
Griffin	Stevens

10. Motion by Senator Pastore to lay on the table an amendment offered by Senator Baker to strike the section dealing with limitations on individual political contributions and appropriately redesignate the following sections.

Adopted: 11 yeas; 6 nays.

YEAS—11

Magnuson	Moss
Pastore	Hollings
Hartke	Inouye
Hart	Spong
Cannon	Hatfield
Long	

NAYS—6

Cotton	Baker
Prouty	Cook
Griffin	Stevens

11. Motion by Senator Pastore to lay on the table an amendment offered by Senator Baker to increase the amount on limitation of individual contributions in proportion to the office.

Adopted: 10 yeas; 7 nays.

YEAS—10

Magnuson	Long
Pastore	Moss
Hartke	Hollings
Hart	Inouye
Cannon	Spong

NAYS—7

Cotton	Cook
Prouty	Hatfield
Griffin	Stevens
Baker	

12. Motion by Senator Pastore to lay on the table an amendment offered by Senator Baker to add a new Section 207 to prohibit withholding contributions from wages and salaries.

Adopted: 11 yeas; 6 nays.

YEAS—11

Magnuson	Pastore
Hartke	Hart
Cannon	Long
Moss	Hollings
Inouye	Spong
Hatfield	

NAYS—6

Cotton	Baker
Prouty	Cook
Pearson	Stevens

13. Motion by Senator Long to order reported S. 382, as amended.

Adopted: 18 yeas; no nays.

YEAS—18

Magnuson	Cotton
Pastore	Prouty
Hartke	Pearson
Hart	Griffin
Cannon	Baker
Long	Cook
Moss	Hatfield
Hollings	Stevens
Inouye	Spong

APPENDIX A.—SPENDING CEILING—FORMULA BASED ON ESTIMATES OF RESIDENT POPULATION OF VOTING AGE—1972, BUREAU OF THE CENSUS¹ (SENATORIAL GENERAL ELECTION—1972)

State	Amounts based on estimates of resident population of voting age, 1972 ¹		
	Broadcast (5 cents) ²	Nonbroadcast (5 cents) ²	Total
Alabama.....	\$114,550	\$114,550	\$229,100
Alaska.....	30,000	30,000	60,000
Arizona.....	61,350	61,350	122,700
Arkansas.....	65,900	65,900	131,800
California.....	711,850	711,850	1,423,700
Colorado.....	76,600	76,600	153,200
Connecticut.....	105,850	105,850	211,700
Delaware.....	30,000	30,000	60,000
Florida.....	254,400	254,400	508,800
Georgia.....	155,550	155,550	311,100
Hawaii ⁴	30,000	30,000	60,000
Idaho.....	30,000	30,000	60,000
Illinois.....	378,150	378,150	756,300
Indiana.....	174,350	174,350	348,700
Iowa.....	94,350	94,350	188,700
Kansas.....	76,950	76,950	153,900
Kentucky.....	108,850	108,850	217,700
Louisiana.....	117,800	117,800	235,600
Maine.....	33,100	33,100	66,200
Maryland.....	135,750	135,750	271,500
Massachusetts.....	197,350	197,350	394,700
Michigan.....	293,750	293,750	587,500
Minnesota.....	126,150	126,150	252,300
Mississippi.....	70,600	70,600	141,200

See footnotes at end of table, p. 76.

APPENDIX A.—SPENDING CEILING—FORMULA BASED ON ESTIMATES OF RESIDENT POPULATION OF VOTING AGE—1972, BUREAU OF THE CENSUS¹ (SENATORIAL GENERAL ELECTION—1972)—Continued

State	Amounts based on estimates of resident population of voting age, 1972 ¹		Total
	Broadcast (5 cents) ²	Nonbroadcast (5 cents) ²	
Missouri.....	\$161,100	\$161,100	\$322,200
Montana.....	30,000	30,000	60,000
Nebraska.....	50,100	50,100	110,200
Nevada.....	30,100	30,000	60,000
New Hampshire.....	30,000	30,000	60,000
New Jersey.....	250,900	250,900	501,800
New Mexico.....	31,650	31,650	63,300
New York.....	635,700	635,700	1,271,400
North Carolina.....	174,650	174,650	349,300
North Dakota.....	30,000	30,000	60,000
Ohio.....	358,250	358,250	716,500
Oklahoma.....	89,550	89,550	179,100
Oregon.....	73,650	73,650	147,300
Pennsylvania.....	406,800	406,800	813,600
Rhode Island.....	33,550	33,550	67,100
South Carolina.....	85,750	85,750	171,500
South Dakota.....	30,000	30,000	60,000
Tennessee.....	135,500	135,500	271,000
Texas.....	379,450	379,450	758,900
Utah.....	33,700	33,700	67,400
Vermont.....	30,000	30,000	60,000
Virginia.....	161,600	161,600	323,200
Washington.....	119,050	119,050	238,100
West Virginia.....	58,750	58,750	117,500
Wisconsin.....	147,400	147,400	294,800
Wyoming.....	30,000	30,000	60,000

¹ Includes persons 18, 19, and 20 years of age.

² Or \$30,000 if larger.

Sources: Clerk's report: "Statistics of the Presidential and Congressional Election of 1968." Bureau of the Census; "Estimates of Resident Population of Voting Age; November 1970 and November 1972."

Presidential general election (1972)—estimates of resident population of voting age, 1972

Broadcast (5¢)	\$6,978,150
Nonbroadcast (5¢)	6,978,150
Total	13,956,300

SUPPLEMENTAL VIEWS OF MR. HART

The action taken by this committee in reporting Title I of S. 382 will, I hope, be followed by similar favorable action on the part of the Rules and Finance Committees when they review the remaining titles. The changes recommended to the Senate in this report will move campaign expenditure reform a long way on the road to giving all federal candidates equal access to the media and removing an inequality which grows larger with each succeeding election.

But if we are really to neutralize the power of money to distort the election process; if public office is to be within the reach of not the rich alone; if we are to eliminate the influence, real or imagined, of the large contributor; if we are to remove the cynicism with which young and old alike view today's fund raising efforts by political parties and candidates; if we are to make our political campaigns a testing ground for ideas and issues rather than exercises for our money-raisers—then I believe we must eliminate our dependence on private contributions.

Even with all the revisions embodied in S. 382 we will not have gone far enough. It is the source of the money which damages public confidence and suggests the likelihood of favor and influence. Remove the private money and we remove this cause for the cynicism and doubts now so hurtful to public confidence in politics.

With the enormous increase in campaign costs in recent years—electronic media charges rose 70 per cent from 1964 to 1968—the press repeatedly has called attention to what it pleases to call the “scandal” of campaign financing. And while the so-called influence of the large contributor may be at times more fancied than real, every modern administration's list of ambassadors has contained the names of campaign contributors whose principal distinction appeared to be the size of the contribution.

Most recently, columnist Charles Bartlett described what he believes to be the influence of the insurance industry contributors on administration policy on no-fault automobile insurance. The text is printed below.

Proposals to replace private campaign contributions with public funds are not new. President Johnson made such a recommendation in 1967. A year earlier, the Congress actually passed the Presidential Election Campaign Fund Act, permitting federal taxpayers to designate \$1 of their income tax payments to a fund for presidential campaigns.

Taking private money out of the political picture is the ultimate reform. It is the one best way to insure the integrity of our political system. I would hope that the Rules and Finance Committees, having jurisdiction in this area, will review carefully S. 1039 and any other measures pertinent to this issue, with this end in sight.

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(From the Pontiac Michigan Press of March 26, 1971.)

By Charles Bartlett

NO-FAULT CAR INSURANCE HITS BARRICADE OF POLITICS

WASHINGTON.—Proving once more that the public will gain when the Treasury replaces the interests in paying the costs of presidential elections, the White House has been extremely timid on the issue of auto insurance reform.

A recent survey taken for the President showed that few things irri-date the consumer more than auto insurance. But Nixon forfeited his great chance to play the reformer because he could not induce the insurance magnates who backed him to go along.

The insurance episode is a classic instance of how campaign giving distorts the White House viewpoint. It is a cleancut example because Secretary John Volpe and his aides from the Transportation Department came to the White House after studying the problem for three years, with a firm proposal for quick national enactment of a no-fault insurance plan.

This move is offensive to two which heavily supported Nixon in 1968 and will be needed in 1972. The plaintiff lawyers, now claiming 35 percent of the total payments made to auto accident victims, naturally do not like. Nor do many insurance executives, who fear they will face intensified competition if auto insurance is simplified.

These groups were well represented in the White House deliberations conducted by Peter Flanigan, an aide from Wall Street. The Commerce Department had done no real study of the situation but Secretary Maurice Stans, who raised \$36 million for Nixon's election, formally recommended minimal federal intervention.

This same thought emerged from a series of White House meetings to which Flanigan invited top insurance executives. Virtually the whole industry is committed to the notion that no-fault insurance is the next step. But if the federal hand can be kept out of it, another generation may pass before the reform spreads across the country.

Only 45 percent of those 500,000 a year who are killed or seriously injured in accidents receive any benefits. Total recoveries from auto insurance equal only one-fifth of the losses from auto accidents. One out of every five cars on the road is not insured at all.

No-fault laws have been introduced in 21 states where they lie waiting to be interred by legislators who are lawyers and insurance men. Even the Massachusetts' law, first in the nation, was softened to leave generous opportunities for the damage lawyers.

Nixon's deference to the states, in the face of these circumstances, was heavily inspired by deference to his contributors. This is why the public must soon take the financial burden of presidential campaigns out of private hands.

PHILIP A. HART.

INDIVIDUAL VIEWS OF MR. COTTON

I voted to order reported from our Committee on Commerce the bill, S. 382, as amended. Nevertheless, I feel compelled to file these individual views on this reported bill so as to make it clear that my vote to report to order the measure reported will not be construed as supporting all of its provisions. On the contrary, I have grave personal reservations as to whether this reported bill will meet effectively its stated purpose and whether in its present form it will prove to be enforceable. Quite frankly, I fear that S. 382, as reported by our Committee on Commerce, may prove to be a legislative proposal flying under false colors.

As reflected in its title, the purpose of S. 382 is "To promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes." Certainly, the principal objective of any legislative measure of this type should be fair and competitive elections, restoring the credibility of the elective process which has become so eroded in recent years in the eyes of the public. It is my personal view that the only way this objective can be obtained realistically is through periodic public disclosure and publication of all campaign contributions and expenditures both before and after an election, without the sham of creating artificial and arbitrary spending ceilings or limitations on contributions. Such a disclosure mechanism would insure that the voter would be fully informed in this regard prior to an election and afford him the opportunity to cast his ballot accordingly. Moreover, any such public disclosure requirements should be coupled with strict sanctions against a candidate for any violations. The prospect we face with S. 382 is that associated with the lack of effective and enforceable limits on contributions and spending, which almost invariably serves to drive candidates and political committees underground.

This view is supported by the 1970 report of The Twentieth Century Fund Task Force on financing congressional campaigns, entitled *Electing Congress—The Financial Dilemma*—which noted in part the following:

* * * * *

We believe that full public disclosure and publication of all campaign contributions and expenditures are the best disciplines available to make campaigns honest and fair.¹

* * * * *

If there were full public disclosure and publication of all campaign contributions and expenditures during a campaign, the voters themselves could better judge whether a candidate has spent too much. This policy would do more to protect the political system from unbridled spending than legal limits on the size of contributions and expenditures.²

* * * * *

¹ *Electing Congress—The Financial Dilemma*, Report of the Twentieth Century Fund Task Force, on Financing Congressional Campaigns, The Twentieth Century Fund, New York, 1970, at p. 15.

² *Id.* at p. 18.

We considered recommending a \$5,000 limit on individual contributions even though it might not be fully enforceable. But since we believe one of the principal challenges of our electoral system is to restore its credibility with large numbers of the American people, *we were reluctant to recommend anything that we did not think could be enforced.* Moreover, we feel that unreported large contributions are much more of a danger than large contributions that are publicly reported.³ (Emphasis supplied)

In view of the foregoing, I would hope that the electorate will not look upon S. 382 as a panacea for election campaign reform, since I fear that this will prove not to be the case. I express this reservation since I do not believe that our Committee on Commerce, a recognized champion in preventing deceptive practices upon the American consumer, would wish to be a party to any such practice with respect to the American voter.

The late American historian James Harvey Robinson observed in the *Human Comedy*, "Political campaigns are designedly made into emotional orgies which endeavor to distract attention from the real issues involved, and they actually paralyze what slight powers of cerebration man can normally muster." I fear that S. 382, as reported by our Committee on Commerce, can only serve to compound this distraction and this paralysis.

NORRIS COTTON.

³ Id. at p. 19.

SUPPLEMENTAL VIEWS OF MESSRS. PROUTY, GRIFFIN,
BAKER, COOK AND STEVENS

INTRODUCTION

S. 382 as reported by the Committee represents another step forward in our efforts to develop meaningful and comprehensive legislation for insuring the integrity of the election process of Federal officials. In the 91st Congress an extremely limited campaign reform bill was passed just prior to the 1970 elections. In vetoing that bill President Nixon stated in part:

S. 3637 does not limit the overall cost of campaigning. It merely limits the amount that candidates can spend on radio and television. In doing so, it unfairly endangers freedom of discussion, discriminates against the broadcast media, favors the incumbent officeholder over the officeseeker and gives an unfair advantage to the famous. It raises the prospect of more—rather than less—campaign spending. It would be difficult, in many instances impossible, to enforce and would tend to penalize most those who conscientiously attempt to abide by the law.

We recognize that S. 382 as introduced and as reported by the Committee represents an attempt to write more comprehensive election reform legislation than the bill vetoed by the President last Congress. For that reason, we voted to report the bill, but at the same time, we recognize that a number of improvements will be necessary if we are to achieve our goal of enacting a workable, meaningful, and fair piece of legislation which will both insure the integrity of our elective process and restore public confidence in our political system.

Generally, the bill's weaknesses stem not from its innovations, but rather from its adherence to some of the undesirable provisions of existing law. The principal defects are as follows:

I. Inadequacy of partial exemptions to the "equal time requirements" of section 315 of the Federal Communications Act.

II. Unrealistically low spending limitations.

III. Unduly restrictive separate media limitations.

IV. Failure to consider legislation in entirety.

V. Unrealistic limitation on individual contributions.

VI. Failure to provide for an independent Federal Elections Commission.

(S1)

I. INADEQUACY OF PARTIAL EXEMPTIONS TO THE "EQUAL TIME REQUIREMENTS" OF SECTION 315 OF THE FEDERAL COMMUNICATIONS ACT

S. 382 would create an exception to the equal time provisions of Section 315 of the Federal Communications Act of 1934 for Presidential and Vice Presidential candidates. The justification for this provision is that Section 315, contrary to its purposes, has inhibited broadcasters from offering free time and coverage to candidates. We agree that Section 315 has produced the wrong result, but its inhibiting effect is not limited to Presidential campaigns. In the interest of increasing the electorate's accessibility to candidates and issues, Section 315 should not apply to any candidates for Federal office.

In Committee Senator Baker offered an amendment to the bill which, if adopted, would have exempted all candidates for Federal office from the equal time requirement. During the hearings held on S. 382 testimony supporting such an action was received from a number of sources. For example, in his testimony at the hearing on March 31, Deputy Attorney General Richard G. Kleindienst stated the following:

Several proposals have been advanced which could well have the effect of lowering the cost of these communications services.

First, it has been suggested that Section 315(a) of the Federal Communications Act be amended to delete the equal time requirement for Presidential and Vice Presidential candidates. Contrary to its purposes, Section 315 has had the effects of discouraging broadcasters from offering free time and coverage and of favoring the incumbent over the challenger. These effects have not been limited to Presidential and Vice Presidential candidates; hence, we recommend total repeal, which would benefit candidates for other Federal offices as well as those for President and Vice President.

Vincent T. Wasilewski, President, National Association of Broadcasters, in his testimony on March 5th stated the following:

We believe the capricious operation of section 315, however, makes it impossible for broadcasters to perform this public service (providing time in political campaigns) responsibility.

Dr. Frank Stanton, President of CBS, in his testimony on March 3rd, emphasized the importance of removing the inhibitive effects of Section 315 in the following manner:

Central to any measures calculated to strengthen the electoral process must be the improvement of the quality and quantity of information provided to the public about the candidates and the issues. The repeal of Section 315 is an important avenue to this end, since it would provide opportunities for greater contribution of free time by broadcasters and deeper treatment of the issues. Because section 315 requires equal time for every candidate for an office, however insignificant or frivolous his candidacy, the practical effect of the law has been to deny free broadcast time to major candidates or to force free time to be shared with fringe candidates. This, it seems to me, is a classic case of backlash on the public interest.

By exempting the Presidential and Vice Presidential candidates from the equal time requirements of Section 315, the Committee paved the way for increasing the electorate's accessibility to Presidential candidates and issues in Presidential elections. The same logic which led to this improvement in Section 315 compels one to provide an exemption from the equal time requirements to candidates for election to the House of Representatives and the United States Senate.

II. UNREALISTICALLY LOW SPENDING LIMITATIONS

In his veto message returning without approval S. 3637, President Nixon also stated:

The problem with campaign spending is not radio and television. The problem is spending. This bill plugs only one hole in a sieve.

S. 382, as introduced, represented an attempt to meet the President criticism by including spending limitations on nonbroadcast communications media, reduced rates for use of nonbroadcast communications media, strengthening of the Corrupt Practices Act, a more complete disclosure provision, and tax incentives to encourage contributions to political candidates. On its face, S. 382 did represent a more comprehensive approach for improving election campaigns. However, as with any piece of legislation which attempts to be comprehensive, a number of problem areas became apparent during the initial hearings on the bill.

Accordingly after the Committee met twice in Executive Session on the bill, it decided to reopen the hearings. An additional two days of hearings were held and testimony by Richard G. Kleindienst, Deputy Attorney General, among others, gave the Committee additional facts on which to base significant improvements in S. 382.

The first problem area addressed concerned the type of formula to be used for determining spending limitations in both broadcast and nonbroadcast communications media. Originally, S. 382 contained a formula based on the number of votes cast in a previous election.

In his testimony, Mr. Kleindienst made specific reference to the shortcoming of the formula contained in S. 382, as introduced. He stated:

. . . an appropriate formula for determining spending limitations is one which permits the candidates to reach all eligible voters. Every effort should be made to inform them of the candidates and the issues so that they will register, take an active part in primaries and vote in the general election. A formula based on actual voters in a previous election would limit today's campaign to yesterday's performance. Further, the formula used for the 1972 election would not take into account all persons eighteen, nineteen and twenty years old, who were recently enfranchised by the 1970 Voting Rights Act Amendments.

A formula based on registered voters similarly ignores the necessity that a democracy adequately reach all those persons who are eligible and who should be encouraged to participate in our political process.

Prior to Mr. Kleindienst's testimony, Senator Cook had requested the Bureau of the Census to provide him with information concerning their capability in developing a base which would take into account all eligible voters in a particular campaign. In response to this request, Dr. George Brown, the Director of the Bureau of the Census, appeared before the Committee during its second set of hearings. He assured the Committee that the Bureau had the capability to provide accurate estimates of the resident population of voting age of both States and congressional districts. The Committee adopted the Cook Amendment, basing the formula on the resident population of voting age rather than relating back to the number of individuals who actually voted in a previous election.

While this amendment represented an improvement in the formula to determine spending limitations, it was largely offset by the Committee reducing the other factor in the formula from 7¢ to 5¢.

As a matter of fact, it is interesting to note that spending limitations have been significantly reduced since the bill was first introduced. The following chart indicates how the proposed limitations would affect Presidential candidates in the general election:

	Original S. 382	S. 382 as reported
Broadcast.....	5 111, 878	6, 978, 150
Nonbroadcast.....	10 223, 756	6, 978, 150
Total.....	15 335, 634	13, 956, 300

Perhaps the most difficult aspect of this legislation is to provide an overall ceiling which insures that the electorate has full access to pertinent information necessary for making an informed judgment in a political campaign without enhancing the advantages for the very wealthy or the incumbent. This difficulty stems in part from the fact that we have absolutely no facts and figures relating to actual expenditures for political advertising on nonbroadcast communications media.

With respect to expenditures on broadcast communications media we do have some information. The Federal Communications Commission requested detailed reports from every broadcast licensee in the country in order to determine exactly how much individual candidates spent on the broadcast media during the 1970 election campaign. When Chairman Burch testified before the Committee, the Federal Communications Commission had only preliminary data because some stations had not yet reported. Nevertheless, this preliminary data does support our view that since we are dealing with an issue which is fundamental to having fair and effective democratic processes in our nation, the spending limitation should be increased so that it more closely relates to the actual experience (e.g., see table A following these views). In this connection it was commendable that the Committee adopted an amendment offered by Senator Cook to provide a cost of living increase formula for all spending limitations, thereby insuring that if a reasonable limitation is arrived at it will not become obsolete in the years to come.

III. UNDULY RESTRICTIVE SEPARATE MEDIA LIMITATIONS

Perhaps the greatest weakness arising from the spending limitations established in the bill which we have reported is that we have over-structured political campaigns. S. 382 establishes separate, but identical, spending limitations for the use of broadcast and nonbroadcast media, thereby denying a candidate the option of allocating the unused portion of one limitation to any other media form. Compartmentalized spending limitations ignore variances in media coverage capabilities and media rates throughout the nation, and they deprive the candidate of the flexibility required to cope with those variances. Such a provision is more likely to restrict the availability of information to the electorate than it is to reduce campaign costs.

We all recognize the dissimilarity of campaigns in one area of the country as contrasted to other areas of the country and Mr. Philip Stern, testifying before the Committee, perhaps best described the situation:

While TV and radio are the most effective way of reaching the voters, the conditions vary widely from one campaign to another, and they can also be the most inefficient and costly way of reaching the voters. For example:

For Congressional candidates in the largest cities (Los Angeles, New York, Chicago) TV and radio are so poorly targeted as to be virtually useless.

In the 4th Congressional District of Kentucky, the only relevant TV stations are outside the District—in Louisville, Ky. and Cincinnati, Ohio—so that in that District, TV is an unsuitable medium for reaching the voters.

Even in many statewide races, such as for the United States Senate, TV and radio are ill-suited.

In southern New Jersey, there are no TV stations; the only way of reaching voters is via Philadelphia stations at a cost per-thousand homes *four* times what it costs to reach voters in the San Francisco area.

In southern Connecticut (Fairfield County), the only relevant TV stations are in New York City, only four percent of whose viewers live in Fairfield County, so that the cost of reaching a thousand Connecticut homes can be *20* times as high as in the San Francisco area.

What's more, even when TV *is* suitable and available, not all candidates *choose* to place the same reliance on it.

As the formulae in the bill are now structured, one might assume that there is some basis for deciding that all candidates would spend an equal amount on broadcast and nonbroadcast communications media. Facts simply do not support such a conclusion. According to the 1969 reports by the Federal Communications Commission and Media Records, Inc., the following amounts were spent on broadcast and newspaper advertisements by Presidential candidates in the 1968 general election:

[In millions of dollars]

	Republicans	Democrats	Other (Wallace)
Television.....	9.0	4.5	1.1
Radio.....	3.6	1.6	.5
Total.....	12.6	6.1	1.6
Newspaper advertisements.....	1.2	1.2	.3

The 1968 Presidential race clearly demonstrates that candidates *do not* spend equal amounts on broadcast and non-broadcast communications media.

Therefore, in order to make spending limitations more realistic, it is incumbent upon the Congress either (1) to permit interchangeability between the two media limitations, or (2) to devise an overall limitation whereby any given candidate would retain enough flexibility to best reach the eligible voters of his State or his district. We should not over-structure the political process by artificial, arbitrary or categorical limitations.

IV. FAILURE TO CONSIDER LEGISLATION IN ENTIRETY

We were disappointed that the Committee did not view S. 382 in its entirety. As succinctly pointed out in the individual views of Mr. Cotton, the senior Republican member of the Committee:

. . . the principal objective of any legislative measure of this type should be fair and competitive elections, restoring the creditability of the elective process which has become so eroded in recent years in the eyes of the public. It is my personal view that the only way this objective can be obtained realistically is through periodic public disclosure and publication of all campaign contributions and expenditures both before and after an election, without the sham of creating artificial and arbitrary spending ceilings or limitations on contributions.

Mr. Cotton goes on to point out that the very real danger of having unrealistic limits on contributions and spending is the danger of candidates and political committees being forced underground.

There is definitely a close relationship between spending limitations, contributions limitations, and disclosure provisions. In view of that close relationship a more desirable approach by the Senate Commerce Committee would have been to consider all of these aspects and the relationships between them on their merits.

Unfortunately, the majority of the Committee took the position that contributions limitations, disclosure provisions, and all other provisions in Title II were within the exclusive jurisdiction of our Committee on Rules and Administration. For that reason every amendment we offered in an attempt to improve Title II was tabled and not considered on its merits, notwithstanding the fact that—

- the bill was jointly referred without any such limitation;
- the Committee did, in fact, adopt an amendment to Title II (see section 204, amended 18 U.S.C. 608); and

—on similar joint referrals of other bills, such as consumer legislation, the Committee has not been so constrained.

Similarly, the Committee did not enter into Title III—Tax Incentives for Contributions to Candidates for Federal Office.

V. UNREALISTIC LIMITATIONS ON INDIVIDUAL CONTRIBUTIONS

The bill reported out of Committee contains a provision sharply limiting the amount any individual may contribute to a political campaign. The bill limits such contribution to \$5,000 and tightens up existing law by precluding dividing up large contributions among a variety of political committees.

Setting aside for the moment the Constitutional questions, two major issues must be considered in regard to this provision; first, whether any contribution ceiling is appropriate, and, second, whether the \$5,000 ceiling in S. 382 is reasonable.

We wholeheartedly agree with Senator Cotton that we must guard against enacting a law inviting evasion rather than adherence.

Assuming, however, that the provision would be effective, the question must be asked as to whether a \$5,000 limitation is reasonable. We must note that this amount is identical to that enacted in 1925. At the same time, however, we must recognize that in fact under present law there is no limitation. Not only can an individual give up to \$5,000 to any number of committees supporting the same candidate but also subsection 608(a) of Title 18, which normally places the limitation on individual contributions, goes on to read:

This subsection shall not apply to contributions made to or by a State or local committee or other State or local organization or to similar committees or organizations in the District of Columbia or in any Territory or Possession of the United States.

It is interesting to note that this definitive loophole was enacted by Congress in the early 40's. In all probability its enactment was required because the \$5,000 limitation already had become unreasonable.

With respect to limitations on individual contributions, we believe that the preferable approach is to focus on the necessity for complete and honest disclosure. The Twentieth Century Fund Task Force has made the following recommendations on this issue:

* * * * *

We considered recommending a \$5,000 limit on individual contributions even though it might not be fully enforceable. But since we believe one of the principal challenges of our electoral system is to restore its credibility with large numbers of the American people, *we were reluctant to recommend anything that we did not think could be enforced.* Moreover, we feel that unreported large contributions are much more of a danger than large contributions that are publicly reported. (Emphasis supplied)

* * * * *

We recommend that limits on the size of individual contributions to political committees be eliminated.

We recommend that individuals who contribute more than \$5,000 in a year to federal candidates and political committees be required to file a report with a federal elections commission listing the date, recipient, and amount of all contributions (including purchases of tickets to fund-raising events), pledges and loans of \$100 or more, and the aggregate total of all contributions of less than \$100. Such donors should be required to certify that they have contributed their own money and that they will not be reimbursed in any way.¹

During the second set of hearings on S. 382, Senator Cannon raised this important matter with the Deputy Attorney General. Mr. Kleindienst responded as follows:

Every candidate for President of the United States in modern times, whether he is Democrat or Republican, has received substantial large contributions from individuals. I think they should be entitled to receive those.

I think it should be straight forward, and fully disclosed. Not under the auspices of giving \$5,000 to 100 committees and having them concealed. I think full disclosure is the answer here.

If the American electorate feels a candidate for President is getting too much in large contributions from rich wealthy people, they can take that into account as to whether or not they want to vote for him. I think simplicity and straightforwardness is probably more important here than anything else.

We also would like to point out that violation of this \$5,000 limitation on political contributions carries with it a fine of not more than \$5,000 or imprisonment for not more than five years, or both. In view of this we would urge the Committee on Rules and Administration to carefully examine such provisions so as to insure that contributors are clearly on notice concerning the law. This is essential in order to avoid placing individuals in jeopardy or inadvertently in violation of the law without their knowledge. For example, amended section 608 of title 18, U.S. Code, appearing in section 204 of S. 382, provides in part:

Nothing contained in this subsection shall prohibit transfer of contributions received by a political committee.

It is not clear in our minds whether a contributor to a political committee and to a particular candidate could be held in violation of this provision if the political committee, *without the knowledge of the contributor*, transfers his contribution to the same candidate placing the unwitting contributor in violation of the law and subject to the penalty noted above.

Finally, while we do not care to get into a lengthy discussion concerning the constitutionality of placing limitations on the amounts that individuals can contribute to candidates of their choice, we take cognizance of the fact that our Committee heard scholars who believe

¹ *Electing Congress—the Financial Dilemma*, Report of the Twentieth Century Fund Task Force on Financing Congressional Campaigns, the Twentieth Century Fund, New York, 1970, at p. 15.

that a strict limitation on individual contributions would violate the First Amendment of the Constitution.

For example, Professor Ralph Winter, of Yale Law School, in testimony before our Committee stated the following:

. . . Any limitation on spending in political campaigns, whether limited to spending for certain media or encompassing spending generally, violates the First Amendment. This applies to any limitation on the amount of money that a person can contribute as an individual contribution to a campaign.

* * * * *

It is my judgment that the First Amendment plainly prohibits the setting of a legal maximum on the political activities in which an individual may engage. This is the case whether or not the maximum is imposed in the name of equalizing opportunity or whether an actual discriminatory effect can be shown.

Even under a "balancing" test, such regulation is invalid because there is no countervailing interest—preserving the public peace, et cetera—to "balance" against the restriction on speech for the restriction is imposed not to preserve some other legitimate interest of society but solely for the sake of restricting the speech itself, for the sake, indeed, of affecting the political outcome. But that is precisely what the First Amendment is all about.

Sound trucks which keep people awake at 4:00 a.m. by broadcasting political messages can be stopped, not because of a governmental interest in preventing the message but because of the public interest in sleeping. No such non-political or nonspeech interests exist in the case of legislation regulating campaign expenditures.

We therefore urge the Senate Committee on Rules and Administration to carefully consider the effects of a patently unreasonable \$5,000 limitation on individual contributions—not because a particular figure may favor one political party over another but rather because all of us want a fair and workable law which will be observed rather than be evaded.

VI. FAILURE TO PROVIDE FOR AN INDEPENDENT FEDERAL ELECTIONS COMMISSION

We have no doubt but that history will record that the most important part of this legislation relates to those provisions requiring full and complete disclosure of all contributions to candidates for federal office and all expenditures made by such candidates both before, during and after an election. The present law requires only minimal disclosure for either contributions or expenditures. As a matter of fact, the great reliance on a device of creating multiple campaign committees in the District of Columbia encourages only complete non-disclosure of both contributions and expenditures.

The time has now come to provide the American voter with all of the facts relating to campaign financing. In our democracy, it is ultimately the voter who must decide the worthiness of a particular candidate to serve.

During the second phase of the hearings on §. 382, Professor David Adamany succinctly placed the problem before our Committee:

For decades the Secretary [of the Senate] and the Clerk [of the House] have been filing officers under the existing Federal statutes. In these decades a pattern has been created of accepting reports without question and simply making them available to the public. I do not believe that a change in the statutory rules will change the deeply ingrained view that the Secretary and the Clerk are merely filing officers. An Elections Commission, on the other hand, because it is freshly created, would be more likely dramatically to alter the reporting forms effectively to obtain information. It would also because of its bi-partisan composition, be more likely to investigate thoroughly and report violations in the reports.

Professor Adamany went on to explain to the Committee the very real and inevitable problem in relying on the Secretary of the Senate and the Clerk of the House for supervision of an effective campaign disclosure law:

. . . the Secretary and the Clerk will find it difficult to take firm steps in gaining compliance from incumbent Senators and Representatives with whom they have had substantial contact during the session and who are responsible for their selection to their offices.

Every impulse, then, will be for the Secretary and the Clerk to do the minimum required by a new law. An Elections Commission, on the other hand, being freshly created, will more likely have the momentum aggressively to stretch to the limits of the statutory language in the search for a truly full disclosure of campaign receipts and expenditures.

The concept for an independent Federal Elections Commission is not new and it has broad based support. Among others, the Committee for an Effective Congress, Common Cause, and the Americans for Democratic Action have wholeheartedly spoken out in support of an independent commission. During this Congress, two bills, S. 1 and S. 956, have been introduced with more than a score of cosponsors, both containing a provision for an independent Federal Elections Commission.

During his testimony before the Committee, Deputy Attorney General Kleindienst confirmed the Administration's position that "an independent commission established by the Congress with appropriate personnel and appropriations would do a better job than the system that (we) now have." At that time, several members inquired as to whether the creation of such a commission would be constitutional. Mr. Kleindienst, in his letter to the Committee of April 8, pointed out that clearly a Federal Election Commission would be constitutional:

Finally, the Department is of the opinion that the establishment of an independent commission to administer the disclosure requirements would not constitute an unlawful delegation of legislative authority to the executive branch. Presently, reports and statements under the Federal Corrupt

Practices Act (2 U.S.C. 244-246) and under the Federal Regulation of Lobbying Act (2 U.S.C. 264) are filed with, and preserved by, the Clerk of the House of Representatives and the Secretary of the Senate. The creation of an independent commission would not deprive either House of its constitutional authority under Article I, Section 5, nor would it involve a delegation of such authority. Rather, it would merely permit each House better to exercise its authority by acting upon the most informed judgment.

As we have previously pointed out, legislation restoring the trust and confidence of the American people is vitally important.

We therefore wish to underscore the recommendation in this Committee report urging the Committee on Rules and Administration to give serious consideration to the proposed establishment of an independent Federal Elections Commission. As an editorial appearing in the New York Times of April 27, 1971 pointed out:

* * * the G.O.P. members are emphatically right in preferring an electoral commission with its own staff over the growing Democratic predisposition to leave enforcement to the Clerk of the House and the Secretary of the Senate. These Congressional employees have not enforced the existing law; they cannot be expected to do any better with a new law.

The creation of an independent Federal Elections Commission responsible for full and comprehensive disclosure of campaign finances is perhaps the best way to achieve a goal and to show the American public that we have the courage to be fair.

CONCLUSION

In conclusion, we are all determined that Congress should promptly pass effective, meaningful, and workable election campaign legislation. In these views we have cited some of the problems which are presently contained in the bill reported by the Committee. It should be emphasized that none of these, nor other problems which may be discovered, should indicate that effective and meaningful legislation is unobtainable.

We sincerely hope that our Committee on Rules and Administration will conduct hearings which focus on some of the problems raised in our views. All of us should accept the challenge involved in developing a piece of legislation which will restore public confidence in our elective system. We hope that the views expressed herein take us one more step toward that goal.

WINSTON PROUTY.
ROBERT P. GRIFFIN.
HOWARD H. BAKER, Jr.
MARLOW W. COOK.
TED STEVENS.

TABLE A—COMPARISON BETWEEN ACTUAL AMOUNTS SPENT ON BROADCAST MEDIA BY STATEWIDE CANDIDATES IN THE 1970 GENERAL ELECTION AND THE PERMISSIBLE BROADCAST SPENDING LIMITATION APPLICABLE TO SENATORIAL CANDIDATES UNDER S. 382, AS REPORTED

State	Highest estimated 1970 expenditures by an individual statewide candidate	Broadcast spending ceiling (S. 382)	Difference
Alaska.....	34,006	30,000	-4,006
Arizona.....	85,388	61,350	-24,038
Arkansas ¹	302,803	65,900	-236,903
Hawaii.....	64,954	30,000	-34,954
Indiana.....	353,012	174,350	-178,662
Kansas ¹	104,995	76,950	-28,045
Maine ¹	34,143	35,100	-1,043
Massachusetts ¹	291,297	197,350	-93,947
Minnesota ¹	173,831	124,150	-47,681
Missouri.....	231,518	161,100	-70,418
Nevada.....	73,788	30,000	-43,788
New Jersey.....	391,485	250,900	-140,585
New Mexico.....	35,451	31,650	-3,801
New York ¹	1,211,243	630,700	-575,543
North Dakota.....	71,491	30,000	-41,491
Pennsylvania ¹	485,393	404,800	-78,593
Rhode Island ¹	131,897	33,550	-98,347
South Carolina ¹	96,623	86,750	-10,873
South Dakota ¹	39,055	30,000	-9,055
Tennessee ¹	208,172	136,500	-72,672
Utah.....	115,312	34,700	-81,612
Vermont.....	69,668	30,000	-39,668
Wyoming.....	47,596	30,000	-17,596

¹ Indicates Statewide race for Governor. All other figures relate to statewide races for U.S. Senate.

ADDITIONAL VIEWS OF MR. GRIFFIN

In 1913 Supreme Court Justice Louis D. Brandeis noted that:

“Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best disinfectant; electric light the most efficient policeman.”¹

In today's era of instant communications, Brandeis' statement is doubly relevant.

The bill reported by the Committee makes significant strides in the direction of full and timely disclosure. It provides the current for the electric light as well as the light bulb. But, unfortunately, it does not assure that someone will be available to switch on the light.

What good is a reporting system if there is no effective agency to police it? As in the past, S. 382 would continue to provide that reports by candidates and political committees be filed with the Secretary of the Senate or the Clerk of the House.

As the Twentieth Century Fund pointed out in its 1970 report on campaign financing, the Secretary of the Senate and the Clerk of the House “do not have the authority, the staff, or the motivation to do anything but accept the reports that are filed.”

Furthermore, these agents of Congress, realistically speaking, are just not in a position to investigate charges of campaign abuse—particularly in the case of charges lodged against incumbent Members of Congress.

To leave the present regulatory set-up unchanged would surely invite public criticism that Congress is writing a law that would be nothing more than a paper tiger.

If one of the principal purposes of enacting reform legislation is to restore public confidence in the electoral process, then I submit that in-house regulation does not aid in achieving it.

On the other hand, there is widespread support for creation of an independent, bi-partisan (or nonpartisan) Federal Commission to oversee the spending and disclosure requirements. In 1960 the Citizens' Research Foundation published a report entitled “Money, Politics and Public Reporting” by Dr. Herbert E. Alexander. In the report it was suggested that:

There is much to commend the establishing of an independent agency patterned, for example, upon the Civil Rights Commission. The electoral-financial process is hardly more sensitive an area than that of civil rights, and the strong opposition to the latter's establishment was overcome. . . .

Certainly, the record of the Civil Rights Commission, particularly in the area of voting rights, provides an excellent precedent.

Since this 1960 report was published, support for the concept of a Federal Elections Commission has mushroomed. Both the Founda-

¹ L. Brandeis, *What Publicity Can Do*, *Harper's Weekly* at 10 (Dec. 20, 1913).

tion's report and the 1962 Report of the President's Commission on Campaign Costs called for creation of an independent Registry of Election Finance.

More recent proposals have also called for such a commission with investigative as well as publicity functions. Two of the bills that were before the Committee—S. 1, cosponsored by Senators Gravel, Brooke, Javits, Mansfield, Moss, Muskie, Packwood, Pearson, Randolph, Spong and Symington, and S. 956, cosponsored by Senators Scott, Mathias, Hatfield and Humphrey—call for establishment of a Federal Elections Commission.

In addition, other organizations, such as the National Committee for an Effective Congress, have spoken out in support of the commission approach. In a statement submitted to the House Committee on Standards of Official Conduct last December, the NCEC emphasized that “[e]ffective reform requires, at a minimum, the creation of an independent, non-partisan Federal Elections Commission insulated from and protected against the political pressures of the day.”

Similarly, the position of the Justice Department and the Administration is that “a commission would be insulated from outside pressures and would increase the likelihood of vigorous enforcement.”

Those who oppose establishment of such an Elections Commission say, in effect, that spending limitations, full disclosure and tougher penalties as provided in the bill will be enough to meet the mounting criticism against campaign spending abuses. But such an argument is unrealistic. While the tighter controls on spending and disclosure in the bill are essential, there is no glue to hold the pieces together in the absence of an effective independent, bi-partisan agency to monitor such activities.

Accordingly, while I recognize other deficiencies and inadequacies in the reported bill, including some outlined in the supplemental views, I believe the most glaring shortcoming is the omission of a Federal Elections Commission. I hope an effort to remedy this shortcoming will succeed.

ROBERT P. GRIFFIN.

ADDITIONAL VIEWS OF MR. BAKER

In addition to the comments expressed in the supplemental views of Republican members of the Commerce Committee, with which I concurred, I would like to comment on four other points with regard to S. 382.

The first of these is the provision requiring that broadcast and non-broadcast media charge candidates for federal office no more than the lowest unit rates available to any other advertiser for the same amount of time or space during the same period for the forty-five days preceding a general or special election. While it is obvious that this provision is of considerable benefit to all candidates, and, while I can see that, with the limits on spending provided for in S. 382, it will not obstruct the intent of the bill to control the rapidly increasing level of campaign spending, I feel bound to say that I in the past have not favored and do not now favor the statutory imposition of the lowest-unit-rate concept. As I contended last year during consideration of S. 3637, in which a comparable provision was included, we are in effect establishing a discount for volume advertising for those who do not advertise in volume and are thus creating a discriminatory preference.

While I am not suggesting that my colleagues on the Committee have succumbed to the temptation to legislate in their own self-interest, the fact remains that we are in this bill setting by law the maximum rates which advertising media may charge us during our campaigns. The effect of this provision is to establish a public subsidy in favor of the political advertiser and I do not feel that it is stretching the point to call it rate-setting. Although I will no longer oppose the bill because of this provision, I feel that I must record my objection to the lowest-unit-rate principle and express my wish that we could have eliminated it from the bill.

The second matter I am concerned about deals with an amendment I offered in Committee dealing with racially inflammatory advertisements, and which was not accepted. During the 1970 campaign, the manager of a television station in my state conveyed to me his concern for having received an advertisement from a political candidate in a neighboring state which contained language that, in the station manager's opinion, was so racially inflammatory that, if broadcast, it could have incited mass acts of violence in his city. Upon checking with the Federal Communications Commission, we learned that, under present law (Section 315(a) of the Communications Act of 1934) licensees, having sold time to a candidate, are prohibited from censoring the material broadcast in political advertisements proffered by the candidate, even though the material may be designed solely to arouse the most base prejudices of the community against the opposing candidate. If the advertisement is refused, the licensee may be called upon to show cause why his license should not be revoked for violating Section 315(a).

It seems to me that there is no public interest in requiring licensees to broadcast racially inflammatory material simply because such material is contained in the political commercials of a candidate for public office. The amendment which I have proposed would permit a licensee

to refuse to broadcast such material subject to the safeguard that the licensee would be liable for damages to a candidate for such refusal if it can be shown that the refusal was prompted by considerations other than concern for public health, safety and welfare. I feel strongly that such an amendment to S. 382 is necessary to prevent situations such as that which I mentioned above and others which may occur in future campaigns around the country.

The third point I wish to raise also deals with an amendment which I raised in Committee and which was not accepted. The amendment would prohibit the withholding or deduction of any funds from an employee's salary, dues, fees, assessments or other obligations for the purpose of accumulating a fund from which political contributions may be made by the withholding organization. This prohibition would apply to any employer or labor organization and it would extend to the acceptance by a candidate for federal office or a political committee of such a contribution. The penalty for violating the prohibition would be a fine of not more than \$1000 or imprisonment for not more than one year, or both.

It is a common practice for employers and labor unions to withhold a certain amount from an employee's salary or a member's dues for the purpose of influencing political campaigns. Whether or not this practice is followed with the consent of the employee or the union member is, I believe, irrelevant. The fact is that, in such situations, the individual is subjected to considerable and often intense pressure to consent to making an indirect political contribution which he may not want to make and over the direction of which he has no direct control. I believe very strongly that every citizen of this country ought to be encouraged to make political contributions, no matter how small, to the candidate or the party of his choice. But he ought to be able to do this with full knowledge and control of who that contribution goes to and when. I do not see how the Congress can in good faith consider a far-reaching bill such as S. 382 which contains very strict disclosure provisions as well as limits on contributions and limits on spending, without correcting at the same time one of the political practices in the country which is so inherently subject to abuse.

The fourth point that I would like to mention in these additional views also deals with an amendment which I offered in Committee and which was not accepted. That amendment goes to another aspect of Title II of the bill which, like the amendment I discussed above, I feel is necessary to effective campaign reform legislation. The amendment would put a limit on the amount that a candidate or his immediate family could contribute to his own campaign. S. 382 as reported by the Committee contains limitations on contributions by individuals and limitations on spending on advertising media. To intentionally omit a limitation on the amount that candidates can contribute from their own personal funds to their own campaigns would, in my opinion, be a loophole of the most heroic proportions.

I would like to reiterate that I feel that S. 382 is a promising start. I would hope, however, that the changes which are detailed in our supplemental views and those which I mentioned above will be given careful consideration on the floor and will be accepted before the bill is passed by the Senate. I think that with such changes, the measure will become a landmark law in our efforts to reform and correct abuses in the electoral process.

HOWARD H. BAKER, JR.

ADDITIONAL VIEWS OF MR. STEVENS

I have joined in voting to report S. 382 despite serious reservations concerning Sections 101(b) and 103(b) of this legislation. This section would require broadcast and non-broadcast media to sell advertising time to political candidates at the lowest unit rate available in the specified period before an election.

Thus, Sections 101(b) and 103(b) will mean that a candidate purchasing prime television or radio time or buying space in the printed media must be given the favored rate used by smaller broadcast stations, newspapers, magazines and other media to attract advertisers. Instead of limiting the amount of advertising time and space which can be used in an election, Sections 101(b) and 103(b) will mean that a candidate will be able to obtain much more broadcast time or advertising space because of the favored lower rate that would be imposed.

While the purpose of the bill is laudable, this section is nothing more than a giveaway, being adopted under the guise of a limitation on expenditures. On the contrary, because it will drastically expand the value of the political dollar, it will increase the amount of time or advertising space that a candidate can buy. Thus, the total amount of television and radio paid political time will be expanded which will jam the air media during an election period.

In my State of Alaska, Sections 101(b) and 103(b) will mean that small broadcasters and elements of the print media, which are trying desperately to provide our small population with modern up-to-date news and programming services, will have to pay the penalty of having favorable off-peak hour and space rates based upon high frequency utilization imposed upon them by political candidates. To survive, the media in my state will either have to do away with such rates and thereby lose a considerable portion of their income or be compelled to give politicians bargain rates during prime time or in advertising space which can be more profitably utilized for other purposes.

TED STEVENS.

(97)



**REPORT TO
ACCOMPANY
S.382**

SENATE COMMITTEE
ON RULES AND
ADMINISTRATION

92D CONGRESS }
1st Session }

SENATE

{ REPORT
No. 92-229

FEDERAL ELECTIONS CAMPAIGN
ACT OF 1971

REPORT

OF THE

SENATE COMMITTEE ON RULES
AND ADMINISTRATION
(TOGETHER WITH SUPPLEMENTAL AND
ADDITIONAL VIEWS)

ON

S. 382

TO PROMOTE FAIR PRACTICES IN THE CONDUCT OF
ELECTION CAMPAIGNS FOR FEDERAL POLITICAL
OFFICES, AND FOR OTHER PURPOSES



JUNE 21, 1971.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1971

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**TO PROMOTE FAIR PRACTICES IN THE CONDUCT OF
ELECTION CAMPAIGNS FOR FEDERAL POLITICAL
OFFICES, AND FOR OTHER PURPOSES**

JUNE 21, 1971.—Ordered to be printed

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, submitted the following

REPORT

together with

SUPPLEMENTAL AND ADDITIONAL VIEWS

[To accompany S. 382]

The Committee on Rules and Administration, to which was referred the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, having considered the same, reports favorably thereon with additional amendments and recommends that the bill as amended do pass.

(The text of S. 382 as reported by the Committee on Rules and Administration is as follows:)

(1)

92^d CONGRESS
1st SESSION

S. 382

[Report No. 92-96]

[Report No. 92-229]

IN THE SENATE OF THE UNITED STATES

JANUARY 28 (legislative day, JANUARY 26), 1971

Mr. MANSFIELD (for himself, Mr. CANNON, Mr. PASTORE, and Mr. PELL) introduced the following bill; which was read twice and referred to the Committees on Finance, Commerce, and Rules and Administration jointly

MAY 6, 1971

Reported from the Committee on Commerce by Mr. PASTORE, with amendments

MAY 6, 1971

Referred to the Committees on Finance and Rules and Administration with instructions, under authority of the order of the Senate of January 28, 1971

[Omit the part struck through and insert the part printed in italic]

JUNE 21, 1971

Reported by Mr. JORDAN, from the Committee on Rules and Administration, with additional amendments

[Omit the part in boldface brackets and insert the part in boldface type]

A BILL

To promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

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 "Federal Election Campaign Act of 1971".

II

TITLE I—AMENDMENTS TO COMMUNICATIONS
ACT OF 1934; LIMITATIONS ON CAMPAIGN
EXPENDITURES FOR NONBROADCAST COMMUNICATIONS MEDIA

EXCEPTION TO EQUAL TIME REQUIREMENTS AND
CHARGE LIMITATIONS

SEC. 101. ~~(a)~~ The first sentence of section ~~315(a)~~ of the Communications Act of 1934 ~~(47 U.S.C. 315(a))~~ is amended by inserting before the colon the following: “, except that the foregoing requirement shall not apply to the use of a broadcasting station by a legally qualified candidate for the office of President or Vice President of the United States in a general election”.

~~(b)~~ Section ~~315(b)~~ of such Act is amended to read as follows:

“(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office shall not exceed the lowest unit charge of the station for the same amount of time in the same time period.”

SEC. 101. (a) Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting after “public office” in the first sentence thereof a comma and the following: [“other than the office of President or Vice President of the United States,”] “other than Federal elec-

tive office (as defined in subsection (c) of this section):
Provided, That such Federal candidates are given the maximum flexibility in the choice of program format.”.

(b) Section 315(b) of such Act is amended to read as follows:

“(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

“(1) during the forty-five days preceding the date of a primary election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same amount of time during the same period; and

“(2) at any other time, the charges made for comparable use of such station by other users thereof.”

(c) Section 312(a) of such Act is amended by striking “or” at the end of clause (5), striking the period at the end of clause (6) and inserting in lieu thereof a semicolon and “or”, and adding at the end of such section 312(a) the following new clause:

“(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate on behalf of his candidacy.”.

EXPENDITURE LIMITATIONS FOR CANDIDATES FOR

MAJOR ELECTIVE OFFICES

SEC. 102. Section 315 of the Communications Act of 1934 is further amended by redesignating subsection (c) as subsection ~~(f)~~ (e) and by inserting immediately before such subsection the following new subsections:

~~“(c) (1) For purposes of this subsection, the term ‘major elective office’ means the office of President, United States Senator or Representative, or Governor or Lieutenant Governor of a State.~~

“(c) (1) For purposes of this subsection and subsection (d), the term—

“(A) ‘Federal elective office’ means the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress;

“(B) ‘use of broadcasting stations by or on behalf of any candidate’ includes not only broadcasts advocating such candidate’s election, but also broadcasts urging the defeat of his opponent or derogating his opponent’s stand on campaign issues;

“(C) ‘legally qualified candidate’ means any person who (1) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (2) is eligible under applicable

State law to be voted for by the electorate directly or by means of delegates or electors; and

“(D) ‘broadcasting station’ includes a community antenna television system, and the terms ‘licensee’ and ‘station licensee’ when used with respect to a community antenna television system, mean the operator of such system.

“(2) ~~(A)~~ (A) No legally qualified candidate in an election ~~(other than a primary election)~~ any primary, runoff, general, or special election for a major Federal elective office may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of—

“(i) 7 cents multiplied by the number of votes cast for all legally qualified candidates for such office in the last preceding general election for such office; or

“(ii) \$20,000, if greater than the amount determined under clause (i) ~~(or if clause (i) is inapplicable).~~

“(B) In the case of a candidate for United States Senator in a State in which the total number of votes cast for all legally qualified candidates for Senator in the last preceding election for Senator was less than the greatest total number of votes cast for all legally qualified candidates in any election ~~(held after such preceding senatorial election)~~ for a state-wide office in such State, the amount determined under sub-

paragraph ~~(A)(i)~~ shall be 7 cents multiplied by such greatest total number of votes for statewide office.

“(A) (i) *5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or*

“(B) (ii) *\$30,000, if greater than the amount determined under [subparagraph (A)] clause (i).*

A legally qualified candidate for nomination for election to the office of President may not spend a total amount for all primary elections held for such office in which he is a candidate in excess of the limitation provided by the first sentence of this paragraph.

“(B) In addition to the amount which he may spend under paragraph (2)(A) of this subsection for the use of broadcast communications media in connection with his campaign, a candidate for Federal office may spend for such use any unspent portion of the amount he is authorized to spend for the use of nonbroadcast communications media under section 103 of the Federal Election Campaign Act of 1971.

~~“(3) No legally qualified candidate in a primary election for nomination to a major elective office, other than President, may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of 50 per centum of the amount determined under~~

paragraph ~~(2)~~ with respect to the general election for such office.

“(4)(3) Amounts spent for the use of broadcasting stations on behalf of any legally qualified candidate for ~~major~~ *Federal* elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of broadcasting stations by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this subsection, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

“(5)(4) No station licensee may make any charge for the use of such station by or on behalf of any candidate for ~~major~~ *Federal* elective office (or for nomination to such office) unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate paragraph (2) or ~~(3)~~, whichever is applicable.

“(6)(5) Broadcasting stations and candidates shall file with the Commission such reports at such times and containing such information as the Commission shall prescribe for the purpose of this subsection and, in the case of broadcasting stations, subsection (d).

“(d) If the Commission determines that—

“(1) a State by law—

“(A) has provided that a primary or other election for any office of such State ~~(other than Governor or Lieutenant Governor)~~ or of a political subdivision thereof is subject to this subsection, and

“(B) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election, and

“(2) the amount of such limitation does not exceed the amount which would be determined for such election under subsection (c) had such election been an election for a ~~major~~ *Federal* elective office, or nomination thereto, then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate such limitation upon total expenditures.”

~~“(c) For the purposes of this section, the term ‘broadcasting station’ includes a community antenna television system, and the terms ‘licensee’ and ‘station licensee’ when used with respect to a community antenna television system, mean the operator of such system.”~~

LIMITATIONS ON CAMPAIGN EXPENDITURES FOR
NONBROADCAST COMMUNICATIONS MEDIA

SEC. 103. (a) For purposes of this section, the term—

(1) “~~major~~ *Federal* elective office” means the office of President, *Vice President*, United States Senator or Representative, or ~~Governor or Lieutenant Governor of a State Delegate or Resident Commissioner to the Congress; and~~

(2) “nonbroadcast communications medium” means ~~any medium of communication other than broadcast communications, including without limitation newspapers, magazines and other periodical publications, newsletters and other publications of any organization, billboard space and other outdoor advertising, posters, handbills, bumper stickers, lapel buttons, hats or other objects of wearing apparel upon which the name of a candidate or political party is prominently displayed, and public address systems including mobile public address systems.~~ *newspapers, magazines and other periodical publications, and billboard facilities;*

(3) “*legally qualified candidate*” means any person who (A) meets the qualifications prescribed by the applicable laws to hold the *Federal* elective office for which he is a candidate and (B) is eligible under applicable State

law to be voted for by the electorate directly or by means of delegates or electors; and

(4) "use of any nonbroadcast communications media by or on behalf of any candidate" includes not only amounts spent for advocating a candidate's election, but also amounts spent for urging the defeat of his opponent or derogating his opponent's stand on campaign issues.

(b) During the forty-five days preceding the date of any primary election, and during the sixty days preceding the date of any general or special election, the charges made for the use of any nonbroadcast communications medium by an individual who is a legally qualified candidate for Federal elective office shall not exceed the lowest unit rate charged others by the person furnishing such medium for the same amount of space.

~~(b)~~ *(c) (1) No legally qualified candidate in an election (other than a primary election) any primary, runoff, general, or special election for a major Federal elective office may spend for the use of nonbroadcast communications media on behalf of his candidacy in such election a total amount in excess of—*

~~(1) 14 cents multiplied by the number of votes cast for all legally qualified candidates for such office in the last preceding general election for such office; or~~

~~(2)~~ \$40,000, if greater than the amount determined under clause ~~(1)~~ (or if clause ~~(1)~~ is inapplicable).

~~(c)~~ In the case of a candidate for United States Senator in a State in which the total number of votes cast for all legally qualified candidates for Senator in the last preceding election for Senator was less than the greatest total number of votes cast for all legally qualified candidates in any election (held after such preceding senatorial election) for a statewide office in such State, the amount determined under clause ~~(b)(1)~~ shall be 14 cents multiplied by such greatest total number of votes for statewide office.

[(1)] (A) 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

[(2)] (B) \$30,000, if greater than the amount determined under **[clause (1)]** subparagraph (A).

A legally qualified candidate for nomination for election to the office of President may not spend a total amount for all primary elections held for such office in which he is a candidate in excess of the limitation provided by the first sentence of this paragraph.

(2) In addition to the amount which he may spend under this subsection for the use of nonbroadcast com-

munications media in connection with his campaign, a candidate for Federal office may spend for such use any unspent portion of the amount he is authorized to spend for the use of broadcast communications media under section 315(c) of the Communications Act of 1934 (47 U.S.C. 315(c)).

~~(d)~~ No legally qualified candidate in a primary election for nomination to a major elective office, other than President, may spend for the use of nonbroadcast communications media on behalf of his candidacy in such election a total amount in excess of 50 per centum of the amount determined under subsection ~~(b)~~ with respect to the general election for such office.

~~(e)~~(d) Amounts spent for the use of nonbroadcast communications media on behalf of any legally qualified candidate for major *Federal* elective office (or for nomination to such office) shall, for the purposes of this section, be deemed to have been spent by such candidate. Amounts spent for the use of nonbroadcast communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

~~(f)~~(e) No person may make any charge for the use of

any nonbroadcast communications medium by or on behalf of any candidate for ~~major~~ *Federal* elective office (or for nomination to such office) unless such candidate, or an individual specifically authorized by such candidate in writing to do so, certifies to such person that the payment of such charge will not violate subsection ~~(b)~~ *(c)* or ~~(d)~~, whichever is applicable. Any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate without charge therefor shall be deemed to have made a contribution to such candidate in an amount equal to the amount normally charged by such person for such use. Any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate at a rate which is less than the rate normally charged by such person for such use shall be deemed to have made a contribution to such candidate in an amount equal to the excess of the rate normally charged over the rate charged such candidate.

~~(g)~~ *(f)* Violation of the provisions of this section is punishable by a fine not to exceed \$5,000, imprisonment for not to exceed five years, or both.

COST-OF-LIVING INCREASE IN LIMITATION FORMULA

SEC. 104. (a) For purposes of this section, the term—

(1) "price index" means the annual average over a calendar year of the Consumer Price Index (all

items—United States city average) published monthly by the Bureau of Labor Statistics; and

(2) “base period” means the calendar year 1970.

(b) Commencing immediately after the end of 1971, and after the end of each calendar year thereafter, as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall determine the difference between the price index for the immediately preceding calendar year and the price index for the base period. The amount computed under section 315(c)(2)(a)(i) of the Communications Act of 1934 (as added by section 102 of this Act) and under section 103(c)(1)(A) of this Act shall be increased by such per centum difference (excluding any fraction of a per centum) and rounded to the next highest cent. Each amount so increased shall be the amount in effect for the twelve months following the end of such calendar year.

EFFECTIVE DATE

~~SEC. 104.~~ 105. This title shall take effect on the date of enactment of this Act, except that—

(1) the amendment made by section 101(b) shall take effect 30 days after such date; and

(2) Section 102 shall take effect on such date as the Federal Communications Commission shall prescribe, but not later than 120 days after the date of enactment of this Act.

TITLE II—CRIMINAL CODE AMENDMENTS[; DIS-
CLOSURE OF FEDERAL CAMPAIGN FUNDS]

[PART A—CRIMINAL CODE AMENDMENTS]

SEC. 201. Section 591 of title 18, United States Code, is amended to read as follows:

“§ 591. Definitions

“When used in sections 597, 599, 600, 602, [608,] 610, [and] 611, and 614 of this title—

“(a) ‘election’ means (1) a general, special, [or] primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, [or] (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of [President;] President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

“(b) ‘candidate’ means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has (1) taken the action necessary under

the law of a State to qualify himself for nomination for election, or election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

“(c) ‘Federal office’ means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

“(d) ‘political committee’ means any individual, committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

“(e) ‘contribution’ means—

“(1) a gift, subscription, loan, advance, or deposit of money or anything of value (**except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations**), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, **[or]** for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the

expression of a preference for the nomination of persons for election to the office of **[President;] President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;**

“(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

“(3) a transfer of funds between political committees; and

“(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or political committee without charge for any such purpose;

“(f) ‘expenditure’ means—

“(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations), made for the purpose of influencing the nomination for election, or election, of any person to Federal office,

[or] for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of **[President;]** **President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;**

“(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and

“(3) a transfer of funds between political committees; **[and]**

“(g) ‘person’ and ‘whoever’ mean an individual, partnership, committee, association, corporation, or any other organization or group of **[persons.]** **persons;**
and

“(h) ‘State’ means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.”

SEC. 202. Section 600 of title 18, United States Code, is amended to read as follows:

“§ 600. Promise of employment or other benefit for political activity

“Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.”

【SEC. 203. Section 602 of title 18, United States Code, is amended by—

【(a) inserting “(a)” before “Whoever”; and

【(b) adding at the end thereof the following new subsection:

【“(b) Whoever, acting on behalf of any political committee (including any State or local committee of a political party), directly or indirectly, intentionally or willfully solicits, or is in any manner concerned in soliciting, any assessment, subscription, or contribution for the use of such

political committee or for any political purpose whatever from any officer or employee of the United States (other than an elected officer) shall be fined not more than \$5,000 or imprisoned not more than three years, or both.”]

[SEC. 204. Section 608 of title 18, United States Code, is amended to read as follows:

[“§ 608. Limitations on political contributions and purchases

[(a) It shall be unlawful for any person, directly or indirectly, to make a contribution or contributions in an aggregate amount in excess of \$5,000 during any calendar year, in connection with any campaign for nomination for election or election to Federal office, to—

[(1) any political committee or candidate;

[(2) two or more political committees substantially supporting the same candidate; or

[(3) a candidate and one or more political committees substantially supporting the candidate.

[In computing the aggregate limitation of this subsection, contributions and pledges made after an election for Federal office to discharge indebtedness accrued during the campaign for such office shall be deemed to have been made in the calendar year in which such indebtedness was accrued. Nothing contained in this subsection shall prohibit the transfer of contributions received by a political committee.

[(b) Except as provided in subsection (d) —

[" (1) it shall be unlawful for any political committee or candidate to sell goods, commodities, advertising, or other articles, or any services to anyone other than a political committee or candidate; and

[" (2) it shall be unlawful for any person, other than a political committee or candidate, to purchase goods, commodities, advertising, or other articles or any services from a political committee or candidate.

[" (c) Whoever violates subsection (a) or (b) of this section shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

[" (d) Subsection (b) of this section shall not apply to a sale or purchase (1) of any political campaign pin, button, badge, flag, emblem, hat, banner, or similar campaign souvenir or any political campaign literature or publications (but shall apply to sales of advertising including the sale of space in any publication), for prices not exceeding \$25 each, (2) of tickets to dinners, luncheons, rallies, and similar fundraising activities, (3) of food or drink for a charge not substantially in excess of the normal charge therefor, or (4) made in the course of the usual and known business, trade, or profession of any person or in a normal arm's-length transaction, however, a sale or purchase described in paragraph (1), (2), or (3) shall be deemed a contribution under subsection (a) of this section.

[" (e) For the purposes of this section, a contribution

made by the spouse or a minor child of a person shall be deemed a contribution made by such person.

[" (f) In all cases of violations of this section by a partnership, committee, association, corporation, or other organization or group of persons, the officers, directors, or managing heads thereof who knowingly and willfully participate in such violation shall be punished as herein provided."]

Sec. 203. Section 608 of title 18, United States Code, is repealed.

SEC. [205.] 204. Section 609 of title 18, United States Code, is repealed.

SEC. [206.] 205. Section 611 of title 18, United States Code, is amended to read as follows:

"§ 611. Contributions by Government contractors

"Whoever—

"(a) entering into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at

any time between the commencement of negotiations for and the later of (1) the completion of performance under, or (2) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land or buildings, directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

“(b) knowingly solicits any such contribution from any such person for any such purpose during any such period;

shall be fined not more than \$5,000 or imprisoned not more than five years, or both.”

Sec. 206. Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new section:

**“§ 614. Extension of credit to candidates for Federal office
by certain industries**

“(a) No business, the rates and charges for which are regulated by the Civil Aeronautics Board, the Federal Communications Commission, or the Interstate Commerce Commission, shall extend credit, for services rendered or goods furnished to any candidate or to any other person on behalf of such candidate, unless the debt so created is

secured in full by property, bond, or other security. This section shall not apply to a use of such services or goods by a candidate for purposes not related to his campaign for nomination for election, or election, to Federal office, if the candidate so certifies in writing to that business.

“(b) Violation of the provisions of this section is punishable by a fine not to exceed \$1,000, or (in the case of an individual who intentionally violates such provisions) imprisonment for not to exceed one year, or both.”

[SEC. 207. The analysis of sections of chapter 29 of title 18, United States Code, is amended by striking out the items relating to sections 609 and 611, and inserting in lieu thereof the following:

["609. Repealed.”

["611. Contributions by Government contractors.”]

Sec. 207. The table of sections for chapter 29 of title 18, United States Code, is amended by—

(1) striking out the item relating to section 608 and inserting in lieu thereof the following:

“608. Repealed.”;

(2) striking out the item relating to section 609 and inserting in lieu thereof the following:

“609. Repealed.”;

(3) striking out the item relating to section 611 and inserting in lieu thereof the following:

“611. Contributions by Government contractors.”; and

(4) adding at the end of such table the following:

“614. Extension of credit to candidates for Federal office by certain industries.”

[PART B—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS]

TITLE III—DISCLOSURE OF FEDERAL CAMPAIGN

FUNDS

DEFINITIONS

SEC. [251.] 301. When used in this part—

(a) “election” means (1) a general, special, [or] primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, [or] (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of [President;] **President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;**

(b) “candidate” means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to

qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, [or] for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political [party,] party or for the expression of a preference for the nomination of persons for election to the office of [President;]

President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees; and

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political [party,] party or for the expression of a preference for the nomination of persons for election to the

office of **President;** **President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;**

(2) a contract, promise, or agreement whether or not legally enforceable, to make an expenditure; and

(3) a transfer of funds between political committees;

[(g) “Clerk” means the Clerk of the House of Representatives of the United States;

[(h) “Secretary” means the Secretary of the Senate of the United States;]

(g) “Comptroller General” means the Comptroller General of the United States;

[(i)] (h) “person” means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons; and

[(j)] (i) “State” includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

ORGANIZATION OF POLITICAL COMMITTEES

SEC. **[252.] 302.** (a) Every political committee shall have a chairman and a treasurer. No contribution and no

expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) all contributions made to or for such committee;

(2) the full name and mailing address of every person making any contribution, and the date and amount thereof;

(3) all expenditures made by or on behalf of such committee; and

(4) the full name and mailing address of every person to whom any expenditure is made, and the date and amount thereof.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of \$100 [or more] in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds \$100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the [Secretary or Clerk, as the case may be.] **Comptroller General.**

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

(f) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

“In compliance with Federal law a report has been (or will be) filed with the Comptroller General of the United States showing a detailed account of our receipts and expenditures. A copy of that report is available at a charge from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.”

REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. [253.] 303. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall file with the [Secretary or Clerk, as the case may be,] **Comptroller General** a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of \$1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the [Secretary or Clerk, as the case may be,] **Comptroller General** at such time as he prescribes.

(b) The statement of organization shall include—

- (1) the name and address of the committee;
- (2) the names, addresses, and relationships of affiliated or connected organizations;

(3) the area, scope, or jurisdiction of the committee;

(4) the name, address, and position of the custodian of books and accounts;

(5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;

(6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;

(7) a statement whether the committee is a continuing one;

(8) the disposition of residual funds which will be made in the event of dissolution;

(9) a listing of all banks, safety deposit boxes, or other repositories used;

(10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and

(11) such other information as shall be required by the **[Secretary or Clerk.] Comptroller General.**

(c) Any change in information previously submitted in a statement of organization shall be reported to the [Secretary or Clerk, as the case may be,] **Comptroller General** within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall so notify the [Secretary or Clerk, as the case may be.] **Comptroller General**.

REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

SEC. [254.] 304. (a) Each treasurer of a political committee supporting a candidate or candidates for election to [the office of President or Vice President of the United States or Senator, and each candidate for election to such office, shall file with the Secretary, and each treasurer of a political committee supporting a candidate or candidates for election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress of the United States,] **Federal office** and each candidate for election to such office, shall file with the [Clerk,] **Comptroller General** reports of receipts and expenditures on forms to be prescribed or approved by him. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the

date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the **[Secretary] Comptroller General** may prescribe, which shall not be less than five days before the date of filing.

(b) Each report under this section shall disclose--

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events) within the calendar year in **[the] an aggregate amount or value in excess of \$100 [or more]**, together with the amount and date of such contributions;

(3) the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (2);

(4) the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all such transfers;

(5) each loan to or from any person within the

calendar year in **[the]** an aggregate amount or value **in excess** of \$100 **[or more]**, together with the full names and mailing addresses of the lender and endorsers, if any; and the date and amount of such loans;

(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(7) each contribution, rebate, refund, or other receipt **in excess** of \$100 **[or more]** not otherwise listed under paragraphs (2) through (6);

(8) the total sum of all receipts by or for such committee or candidate during the reporting period;

(9) the full name and mailing address of each person to whom an expenditure or expenditures have been made by such committee or candidate within the calendar year in **[the]** an aggregate amount or value **in excess** of \$100 **[or more]**, and the amount, date, and purpose of each such expenditure;

(10) the full name and mailing address of each person to whom an expenditure for personal services, salaries, and reimbursed expenses **in excess** of \$100 **[or more]** has been made, and which is not otherwise

reported, including the amount, date, and purpose of such expenditure;

(11) the total sum of expenditures made by such committee or candidate during the calendar year;

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the **[Secretary or Clerk] Comptroller General** may prescribe; and

(13) such other information as shall be required by the **[Secretary or Clerk.] Comptroller General**.

(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.

REPORTS BY OTHERS THAN POLITICAL COMMITTEES

SEC. **[255.] 305.** (a) Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, **[aggregating \$100 or more]** in an aggregate amount in excess of \$100 within a calendar year shall file with the **[Secretary or Clerk, as the case may be,]**

Comptroller General a statement containing the information required by section [254.] 304. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

(b)(1) Any business, the rates and charges for which are regulated by the Civil Aeronautics Board, the Federal Communications Commission, or the Interstate Commerce Commission, which furnishes goods or services to or for the use of a candidate in connection with his campaign for nomination for election, or election, to Federal office, or to a political committee for use in connection with such a campaign, shall file with the Comptroller General a statement disclosing---

(A) the name of the purchaser and the name of the candidate for the benefit of whose campaign the goods or services were purchased;

(B) a specific description of the goods or services furnished and the quantity or measure thereof, if appropriate;

(C) any amount of the price of such goods or services not paid in advance of their being furnished to the purchaser;

(D) any unpaid balance of the price of such goods or services as of the reporting date;

(E) a description of the type and value of any

bond; collateral, or other security securing such unpaid balance; and

(F) such other information as the Comptroller General shall require by published regulation.

(2) Reports required under paragraph (1) of this subsection shall be filed on the dates on which reports by political committees are filed, and shall be cumulative. A copy of each report required of a business under paragraph (1) shall be filed with the department or agency by which such business is so regulated.

FORMAL REQUIREMENTS RESPECTING REPORTS AND
STATEMENTS

SEC. [256.] 306. (a) A report or statement required by this [part] title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the [Secretary or Clerk, as the case may be,] Comptroller General in a published regulation.

(c) The [Secretary or Clerk] Comptroller General may, by published regulation of general applicability, relieve any category of political committees of the obligation

to comply with section [254] 304 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

(d) The [Secretary or Clerk, as the case may be,] **Comptroller General** shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

REPORTS ON CONVENTION FINANCING

SEC. [257.] 307. Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to

nominate a candidate for the office of President or Vice President,

shall, within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the **[Secretary] Comptroller General** a full and complete financial statement, in such form and detail as he may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

DUTIES OF THE [SECRETARY AND CLERK] COMPTROLLER GENERAL

SEC. [258.] 308. (a) It shall be the duty of the **[Secretary and Clerk, respectively] Comptroller General**—

(1) to develop prescribed forms for the making of the reports and statements required to be filed with him under this **[part] title**;

(2) to prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make such reports and statements;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this **[part] title**;

(4) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable

but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person;

(5) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as he shall determine and broken down into candidate, party, and non-party expenditures on the National, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as he shall determine and broken down into contributions on the National, State, and local levels for

candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed **【the sum of \$100 or more】 in excess of \$100;**

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as he may deem appropriate;

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this **【part】 title**, and with respect to alleged failures to file any report or statement required under the provisions of this **【part】 title**;

(12) to report apparent violations of law to the appropriate law enforcement authorities; and

(13) to prescribe suitable rules and regulations to carry out the provisions of this **【part】 title**.

(b)(1) Any person who believes a violation of this title has occurred may file a complaint with the Comptroller General. If the Comptroller General determines there is substantial reason to believe such a violation has occurred,

he shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the Comptroller General, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

(2) In any action brought under paragraph (1) of this subsection, subpoenas for witnesses who are required to attend a United States district court may run into any other district.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition

with the United States Court of Appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

(4) The judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

STATEMENTS FILED WITH CLERK OF UNITED STATES COURT

SEC. [259.] 309. (a) A copy of each statement required to be filed with the [Secretary or Clerk] Comptroller General by this [part] title shall be filed with the clerk of the United States district court for the judicial district in which is located the principal office of the political committee or, in the case of a statement filed by a candidate or other person, in which is located such person's residence. The [Secretary or Clerk] Comptroller General may require the filing of reports and statements required by this title with the clerks of other United States district courts where he determines the public interest will be served thereby.

(b) It shall be the duty of the clerk of a United States district court under subsection (a) —

(1) to receive and maintain in an orderly manner all reports and statements required by this **[part]** title to be filed with such clerks;

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(3) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

SEC. [260.] 310. No person shall make a contribution in the name of another person, and no person shall know-

ingly accept a contribution made by one person in the name of another person.

PENALTY FOR VIOLATIONS

SEC. [261.] 311. Any person who violates any of the provisions of this [part] title shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

STATE LAWS NOT AFFECTED

SEC. [262.] 312. (a) Nothing in this [part] title shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this [part.] title.

(b) The [Secretary and Clerk] Comptroller General shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

PARTIAL INVALIDITY

SEC. [263.] 313. If any provision of this [part] title, or the application thereof, to any person or circumstance is held invalid, the validity of the remainder of the [part] title and the application of such provision to other persons and circumstances shall not be affected thereby.

REPEALING CLAUSE

SEC. [264.] 314. (a) The Federal Corrupt Practices Act, 1925 (2 U.S.C. §§ 241-256) is repealed.

(b) In case of any conviction under this [Act,] title, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

**[TITLE III] TITLE IV—TAX INCENTIVES FOR
CONTRIBUTIONS TO CANDIDATES FOR FED-
ERAL OFFICE**

INCOME TAX CREDIT

SEC. [301.] 401. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

**“SEC. 40. CONTRIBUTIONS TO CANDIDATES FOR ELEC-
TIVE FEDERAL OFFICE.**

“(a) **GENERAL RULE.**—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, an amount equal to one-half of the political contributions (as defined in subsection (c)) payment of which is made by such individual within the taxable year.

“(b) LIMITATIONS.—

“(1) AMOUNT.—The credit allowed by subsection (a) shall not exceed \$20 for any taxable year.

“(2) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property).

“(3) VERIFICATION.—The credit allowed by subsection (a) shall be allowed with respect to any political contribution, only if such political contribution is verified in such manner as the Secretary or his delegate shall prescribe by regulations.

“(c) DEFINITION OF POLITICAL CONTRIBUTION.—For purposes of this section, the term ‘political contribution’ means a contribution or gift to—

“(1) an individual whose name is presented for election as President of the United States, Vice President of the United States, an elector for President or Vice President of the United States, a Member of the Senate, or a Member of (or Delegate to) the House of Representatives in a general or special election, in a primary election, or in a convention of a political party, for use

by such individual to further his candidacy for any such office; or

“(2) a committee acting in behalf of an individual or individuals described in paragraph (1), for use by such committee to further the candidacy of such individual or individuals.

“(d) **ELECTION TO TAKE DEDUCTION IN LIEU OF CREDIT.**—This section shall not apply in the case of any taxpayer who, for the taxable year, elects to take the deduction provided by section 218 (relating to deduction for contributions to candidates for elective Federal office). Such election shall be made in such manner and at such time as the Secretary or his delegate shall prescribe by regulations.

“(e) **CROSS REFERENCE.**—

“For disallowance of credit to estates and trusts, see section 642(a)(3).”

(b) The table of sections for such subpart is amended by striking out

“Sec. 40. Overpayments of tax.”

and inserting in lieu thereof

“Sec. 40. Contributions to candidates for elective Federal office.

“Sec. 41. Overpayments of tax.”

(c) Section 642 (a) of the Internal Revenue Code of 1954 (relating to credits against tax for estates and trusts) is amended by adding at the end thereof a new paragraph as follows:

“(3) **POLITICAL CONTRIBUTIONS.**—An estate or trust shall not be allowed the credit against tax for political contributions to candidates for elective Federal office provided by section 40.”

DEDUCTION IN LIEU OF CREDIT

SEC. [302.] 402. (a) Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by renumbering section 218 as 219, and by inserting after section 217 the following new section:

“SEC. 218. CONTRIBUTIONS TO CANDIDATES FOR ELECTIVE FEDERAL OFFICE.

“(a) **ALLOWANCE OF DEDUCTION.**—In the case of an individual, there shall be allowed as a deduction any political contribution (as defined in subsection (c)) payment of which is made by such individual within the taxable year.

“(b) **LIMITATIONS.**—

“(1) **AMOUNT.**—The deduction under subsection (a) shall not exceed \$100 for any taxable year.

“(2) **VERIFICATION.**—The deduction under subsection (a) shall be allowed, with respect to any political contribution, only if such political contribution is verified in such manner as the Secretary or his delegate shall prescribe by regulations.

“(c) **DEFINITION OF POLITICAL CONTRIBUTION.**—

For purposes of this section, the term 'political contribution' means a contribution or gift to—

“(1) an individual whose name is presented for election as President of the United States, Vice President of the United States, an elector for President or Vice President of the United States, a Member of the Senate, or a Member of (or Delegate to) the House of Representatives in a general or special election, in a primary election, or in a convention of a political party, for use by such individual to further his candidacy for any such office; or

“(2) a committee acting in behalf of an individual or individuals described in paragraph (1), for use by such committee to further the candidacy of such individual or individuals.

“(d) ELECTION TO TAKE CREDIT IN LIEU OF DEDUCTION.—This section shall not apply in the case of any taxpayer who, for the taxable year, elects to take the credit against tax provided by section 40 (relating to credit against tax for contributions to candidates for elective Federal office). Such election shall be made in such manner and at such time as the Secretary or his delegate shall prescribe by regulations.

“(e) CROSS REFERENCE.—

“For disallowance of deduction to estates and trusts, see section 642(i).”

(b) The table of sections for such part is amended by striking out

“Sec. 218. Cross references.”

and inserting in lieu thereof

“Sec. 218. Contributions to candidates for elective Federal office.

“Sec. 219. Cross references.”

(c) Section 642 of the Internal Revenue Code of 1954 (relating to special rules for credits and deductions for estates and trusts) is amended by redesignating subsection (i) as subsection (j), and by inserting after subsection (h) a new subsection as follows:

“(i) **POLITICAL CONTRIBUTIONS.**—An estate or trust shall not be allowed the deduction for contributions to candidates for elective Federal office provided by section 218.”

EFFECTIVE DATE

SEC. [303.] 403. The amendments made by sections **[301] 401** and **[302] 402** shall apply to taxable years ending after December 31, 1970, but only with respect to contributions or gifts payment of which is made after such date.

S. 382 was introduced in the Senate on January 28, 1971, by Senator Mansfield for himself, Senator Pastore, and Senator Cannon. It was referred simultaneously to the Committees on Commerce, Rules and Administration, and Finance.

The Senate issued instructions to the effect that when one of the three committees had completed its consideration of the bill and had filed its report with the Senate, the remaining two committees would be given an additional 45 calendar days, running concurrently, in which to file their respective reports.

The Committee on Commerce reported the bill, with amendments, and an accompanying report on May 6, 1971, whereupon it was referred, as amended, to the Committee on Rules and Administration and the Committee on Finance.

Public hearings were held by the Subcommittee on Privileges and Elections of the Committee on Rules and Administration on May 24 and 25, 1971. Subsequent executive sessions resulted in the reporting of S. 382, with additional amendments, to the Senate.

Earlier legislation, while not so broad in scope as S. 382, helped to direct attention to the need for remedial legislation in the area of campaign financing.

S. 2436, which passed the Senate in 1960, and S. 2426, which was approved by the Senate in 1961, were based upon public disclosure of political contributions and expenses.

In 1967, the Senate passed S. 1880, which provided for full public reporting of campaign finances and offered an alternative tax credit or tax deduction to encourage citizens to support candidates and political parties of their choice. However, the bill was not acted upon by the House of Representatives.

In the 91st Congress, S. 734 was reported to the Senate on July 15, 1970, but no action was taken. That measure also required detailed, complete disclosure of all campaign finances in all elections by all candidates and political committees.

S. 382, the Federal Election Campaign Act of 1971, is a comprehensive bill which proposes sweeping changes in Federal election laws and practices.

As introduced originally, the bill contained three titles: Title I—Amendments to the Communications Act of 1934 and limitations on expenditures for broadcast and nonbroadcast media; title II—Criminal code amendments and disclosure provisions; and title III—Provisions for an alternative tax credit or deduction for political contributions.

The Committee on Rules and Administration divided title II into two parts and renumbered the titles. Title II of S. 382 now contains criminal code amendments, and title III now contains disclosure provisions. The title on tax incentives was renumbered from III to IV.

PURPOSE OF S. 382

In its report on S. 382, dated May 6, 1971 (S. Rept. 92-96) the Committee on Commerce described the purposes of title I as follows:

The purpose of title I is twofold. It attempts to give candidates for public office greater access to the media so that they may better explain their stand on issues, and thereby more fully and completely inform the voters.

Second, it attempts to halt the spiraling cost of campaigning for public office. *Voters' Time*, a report of the Twentieth Century Fund Commission on Campaign Costs in the Electronic Era, eloquently demonstrated this fact. This problem seems to be rapidly increasing.

To accomplish its purpose, title I, as amended, would do the following:

1. Make the equal opportunities requirement of section 315 (a) of the Communications Act, as amended, inapplicable to the use of broadcast facilities by legally qualified candidates for President and Vice President in primary and general election campaigns.

2. Require that broadcast licensees charge legally qualified candidates for any public office no more than their lowest unit rate during the 45 days before a primary election, and 60 days preceding a general or special election.

3. Establish reasonable and adequate limitations on the amount of money that may be spent for use of the broadcast media and nonbroadcast media by or on behalf of legally qualified candidates for the offices of President, Vice President, United States Senator or Representative, Delegate or Resident Commissioner to the Congress (Federal elective office) in primary, general, and special elections.

4. Require that 45 days before a primary election and 60 days before a general election, any person who charges a legally qualified candidate for the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner (Federal elective office), for space in the nonbroadcast communications media (newspapers, magazine, and other periodical publications and billboard facilities), do so at the lowest unit rate charged others for the same amount of space.

5. Enable the States by law to adopt spending limitations in the broadcast media for candidates for State and local office.

Title II sets forth the changes to the United States Code adopted in committee and necessary for the meaningful and effective enforcement of the "Federal Election Campaign Act of 1971." In some instances, language in the definitions of the Criminal Statute is not repeated in the definitions as they appear in title III, which sets forth disclosure provisions.

For example, title 18 definitions of "contribution" and "expenditure" provide an exception for loans by a national or State bank, but these exceptions are not restated in the same definitions of title III of the bill.

Loans to candidates or to political committees have recently been interpreted as contributions or expenditures. This amendment is intended to eliminate that construction so as to permit national and State banks to make loans pursuant to applicable banking laws and regulations. But, candidates and political committees receiving loans for political purposes would be required to report them as required by the provisions of title III.

In consideration of substantial, almost unanimous, testimony rejecting limitations upon contributions, section 608 of title 18, United States Code, is deleted from the bill and its repeal from the law is recommended.

Other sections of title II bring the District of Columbia and the Commonwealth of Puerto Rico, as well as U.S. territories and possessions, within the scope of the bill, clarify the period of time during which contributions by Government contractors would be prohibited, and impose new restrictions upon any business regulated by the Civil Aeronautics Board, the Federal Communications Commission, or the Interstate Commerce Commission, in the extension of credit to candidates or political committees.

Title III represents a complete revision of the law governing public reporting of political finances. Disclosure, if it is to be effective, must mean total disclosure, and therefore the committee has sought to reach every kind of political activity. Every phase of the nominating process—preference primaries, conventions, primaries, runoffs, special and general elections, even the election of delegates to a constitutional convention—is brought within the specific coverage of this measure. Every candidate for nomination or election to Federal elective office, including the offices of President, Vice President, Senator, Representative, Delegate or Resident Commissioner, is brought within the scope of the bill; and political committees, whether national or local, so long as they individually accept contributions or make expenditures in an aggregate amount exceeding \$1,000 during a calendar year, are covered.

Political committees must be properly organized, registered, and authorized to act. All political committees, convention committees, candidates, independent individuals, and regulated businesses under certain circumstances, would be required to file detailed, verified, statements with the Comptroller General of the United States and with clerks of the U.S. district courts.

The Comptroller General and, to a lesser extent, the U.S. district court clerks, are required to provide comprehensive categorical data on political committees, candidates, contributors, contributions and expenditures, for each and every phase of the electoral process, in the public interest.

Title IV offers to contributors an opportunity to claim a modest tax credit or tax deduction for a political contribution to a candidate or a political committee supporting the candidate. It is anticipated that taxpayers in lower income brackets would prefer a tax credit over a deduction and that, conversely, higher income citizens would prefer the alternative tax deduction.

The Secretary of the Treasury would be required to prescribe new income tax forms to allow these tax benefits to be claimed. A tax credit or deduction for a political contribution is intended to encourage

greater participation in the elective process without placing the entire burden upon the Federal Government to underwrite the cost of political campaigns as would be the case if direct appropriations were to be taken from the Treasury to finance candidates for Federal office.

RULES COMMITTEE AMENDMENTS

The Committee on Rules and Administration approved several amendments to the bill, S. 382, as reported by the Commerce Committee. Some of the amendments are substantive and some are merely for the purpose of perfecting the text for consistency or conformity.

The amendments are discussed as they relate to the various titles and sections of the bill, as follows:

Title I, S. 382

(a) Section 315 of the Communications Act of 1934 was amended so as to exclude all candidates for Federal elective office, including candidates for the Senate and House of Representatives as well as candidates for President and Vice President of the United States from the licensee's equal time obligation.

Included within that amendment is language which is intended to afford to a Federal candidate "maximum flexibility in the choice of program format." The intent of that language is to give discretion to a candidate in the choice of program format when time is offered by a broadcaster to any of the candidates for that office.

There was agreement between Deputy Attorney General Richard G. Kleindienst and representatives of the broadcasting industry that the requirement of section 315 of the Federal Communications Act inhibited broadcasters from giving free time to political candidates.

The Senate Commerce Committee, recognizing this inhibition, exempted Presidential and Vice Presidential candidates from the equal time requirement. In testimony before that committee, representatives of the three major television networks assured the committee that candidates would be given maximum flexibility with respect to program format.

The Committee on Rules and Administration extended the exemption as to the equal time requirement to include all candidates for Federal office. This extension was recommended by the Deputy Attorney General and by individual broadcasters who testified before the committee. Specifically, the exemption from the equal time requirement will apply to any broadcaster if Federal candidates are given the maximum flexibility in the choice of program format.

(b) Doubt was expressed concerning the status of a "runoff" primary election to determine the nominee of a political party. Since a "runoff" or second primary is, in a sense, a continuation of the nominating process, it was contemplated that no special reference to a "runoff" would be required. However, in consideration of differences in State laws governing primary election processes, the Committee accepted an amendment to the bill so as to show a "runoff" election as a separate and distinct election from all others and as deserving of all of the rights and privileges of any other kind of election. This new definition of "election" is carried, where necessary, throughout the entire text of the bill.

(c) The Committee adopted a two-fold amendment to title I of the bill which would, in essence, provide for interchangeability of

the expenditure sums which would be permitted in the bill by or on behalf of a candidate for broadcast or nonbroadcast media. The bill, as reported from the Commerce Committee, sets a limitation for broadcast media of five cents multiplied by the estimate of resident population of voting age for the particular Federal office sought, and a separate but identical limitation for nonbroadcast media.

This Rules Committee amendment would permit a candidate to spend for broadcast media any unexpended balance of the amount he would be permitted to spend for nonbroadcast media and, conversely, to expend for nonbroadcast media any unexpended balance of the amount he would be permitted to spend for broadcast media. In essence, the amendment permits complete interchangeability of allowable expenses, pursuant to applicable formulae, for either broadcast or nonbroadcast media in the discretion of the candidate, or ten cents per eligible voter.

The purpose of the amendment is to insure that no candidate for Federal elective office is disadvantaged by the particular structure of the spending limitations as they apply to the office he seeks.

The Committee heard testimony from the Deputy Attorney General, representatives of the broadcasting industry, and individual Senators to the effect that campaign situations vary from one part of the country to the other. Candidates for Congress in New York City, for example, may find that television and radio time is simply not available for their campaigns. Therefore, those candidates would be required to spend more on newspaper advertisements, magazine advertisements, and billboard facilities. Conversely, candidates in rural areas having weekly newspapers and a widely diffused electorate, may be required to rely on television and radio facilities located in neighboring states. Those candidates may be required to devote most of their campaign funds to broadcast facilities.

Therefore, the Committee adopted the amendment permitting a candidate to use his full allowances for broadcast communications media or nonbroadcast communications media at his discretion.

Title II, S. 382

(a) The term "runoff" is included within the definition of an "election" in order to reflect the Committee's amendment discussed immediately above.

(b) In order to provide fullest contemplated coverage to this proposed legislation, an amendment was approved to include within the definitions of the terms "election," "contribution" and "expenditure," the election of delegates to a United States Constitutional Convention.

(c) In 1971, indictments were sought against certain banks because of an interpretation of existing law to the effect that a loan to a candidate or political committee was tantamount to a contribution or expenditure prohibited by section 610 of title 18 of the United States Code.

Testimony received from witnesses was unanimously in favor of the granting of loans by national or State banks if such loans were made pursuant to applicable banking rules and regulations. This means that a bank should exercise sound business judgment in extending loan privileges to a political candidate or committee in the ordinary course of business and demand, where necessary, certain security or collateral in order to support a reasonable expectation of payment in due course. This amendment was approved unanimously.

(d) The term "State" was included in the definitions of the bill under title 18 of the United States Code in order to fill a previously existing gap covering candidates, political committees, and others with respect to the District of Columbia, the Commonwealth of Puerto Rico, and territories or possessions of the United States. Title III already provides for this definition and no perfecting amendment is necessary.

(e) Public hearings before both the Committee on Rules and Administration and the Commerce Committee brought forth almost unanimous testimony in opposition to any limit on political contributions. Deputy Attorney General Kleindienst said that limits on contributions were unrealistic, unenforceable, and probably unconstitutional as a restraint upon the right of a citizen to express himself under the First Amendment. The Chairman of the Democratic and Republican National Committees and of both Senatorial campaigns committees concurred in this opinion.

Further, the Committee is of the general opinion that the voters, having knowledge of all sources of contributions and the nature of all expenditures, and, having the privilege of demonstrating at the polls their approval or disapproval with respect to particular candidates or political parties for excessive contributions received or expenditures made, will serve as a deterrent to abuses or excesses.

The \$5,000 limitation provision is therefore deleted from S. 382, and section 608 of title 18, United States Code, would be repealed.

(f) The Committee approved an amendment to prohibit, under title 18, United States Code, chapter 29, the extension of credit to candidates for Federal office or political committees supporting them by any business regulated by the Civil Aeronautics Board, the Federal Communications Commission, or the Interstate Commerce Commission, unless any debt created by the extension of such credit is secured by property, bond, or other security.

Further, the amendment would require any business extending such credit to submit detailed, periodic reports to the Comptroller General disclosing the names of the parties involved, the nature and extent of services rendered, and a description of the security provided. Additionally, a copy of such report would be required to be filed with the Department or Agency having regulatory jurisdiction over the business concerned.

Applying the same philosophy used for the amendment adopted with respect to bank loans, this amendment would enable certain Federal regulated businesses to demand, where necessary, certain security or collateral in order to justify the extension of credit.

(g) An amendment was adopted deleting from the bill a proposed prohibition of direct mail solicitation for funds from government employees. All witnesses reaffirmed that government employees have a right to contribute to the candidate or party of their choice. The Committee amendment therefore preserves the right of government employees to receive material inviting political contributions.

The existing prohibitions in present law making it illegal for government officers and employees to solicit contributions from other government officers and employees and the ban against anyone soliciting contributions on government property were considered to be a sufficient deterrent to the exercise of pressure on government employees to make political contributions.

Title III, S. 382

(a) The definitions of this title covering disclosure provisions carry, for consistency, those changes and amendments which have been previously covered by this description of amendments to titles I and II of the bill. They include the addition of a "runoff" election, the election of delegates to a constitutional convention, and a new definition listing the "Comptroller General" as the administrative officer responsible for receiving, compiling, assimilating, publishing, and performing the other duties and obligations previously given to the Secretary of the Senate and the Clerk of the House under provisions of the bill, S. 382, prior to the adoption of Committee amendments.

(b) With respect to the approval by the Committee of an amendment to direct the Comptroller General and the General Accounting Office to perform the duties set forth by pertinent sections of the bill, it is noted that opinion was and continues to be divided between the continuation of the offices of Secretary of the Senate and Clerk of the House of Representatives to act as depositories for statements and for other purposes, and the creation of a Federal Elections Commission to carry out those functions.

Recognizing the probable need of a Federal Elections Commission to borrow, from time to time, competent auditors, accountants, and investigators from GAO in order to avoid the expenditure of unnecessary money for salaries during nonelection years, among other reasons, the Committee agreed that the office of the Comptroller General which already is charged with oversight authority over certain government contracts and spending, and which employs many experienced accountants and investigators, would be preferable to the offices of the Secretary and the Clerk.

Accordingly, the Committee approved an amendment which in every pertinent title, section, or other provision of S. 382, changes the language of the bill to reflect the Comptroller General in lieu of the Secretary of the Senate and/or the Clerk of the House of Representatives.

(c) Section 305 of S. 382, as amended by the Rules and Administration Committee, requires the disclosure by any business regulated by CAB, FCC, or ICC of any extension of credit to a political candidate or committee, with the Comptroller General. The report would be in addition to those required under other disclosure provisions of the bill and would set forth particulars governing names and addresses of the parties involved, descriptions of services rendered, amounts, unpaid balances, and a description of securities posted.

(d) A minor amendment relating to the requirement that specific information would be required with respect to contributions or expenditures aggregating \$100 or more per calendar year was approved to change the reporting requirement so as to require specific data only as to aggregate contributions or expenditures in excess of \$100 per calendar year. This change is intended to be reflected in every related or pertinent title or section of the bill.

(e) The Committee amended the bill to provide for the filing of a complaint with the Comptroller General by any person who believed that a violation of the disclosure title had occurred.

The Comptroller General would be required to determine whether there was substantial reason to believe such a violation had occurred,

to make an investigation and, where justifiable, to refer to the United States Attorney General those matters requiring further action.

(f) In order to furnish maximum information to the public concerning campaign contributions and expenditures, the Committee adopted an amendment to that section of title II which governs the organization of political committees.

The amendment requires each political committee which solicits contributions to include on the face or front page of any literature or advertisement soliciting funds a notice that reports disclosing a detailed account of receipts and expenditures would be filed with the Comptroller General and that copies of such reports would be available at the purchaser's expense from the Superintendent of Documents in Washington, D.C. Such a notification will not only protect potential contributors, but will also encourage full participation by grassroots contributors in the policies and programs enunciated by national political action committees by insuring full knowledge of how individual contributions are spent.

SECTION-BY-SECTION ANALYSIS OF S. 382

TITLE I—AMENDMENTS TO COMMUNICATIONS ACT OF 1934; LIMITATIONS ON CAMPAIGN EXPENDITURES FOR NONBROADCAST COMMUNICATIONS MEDIA

Section 101(a) exempts the use of a broadcast station's facilities by a legally qualified candidate for Federal elective office in primary and general elections from the equal opportunities requirement of section 315(a) of the Communications Act of 1934, as amended, provided that such Federal candidates are given maximum flexibility in the choice of program format.

Section 101(b) limits the charges made for the use of broadcast station facilities by a legally qualified candidate for any public office 45 days before primary elections, and 60 days before general elections to the lowest unit charge of the station for the same amount of time in the same time period. At all other times charges to legally qualified candidates could not exceed those made for comparable use of the station's facilities.

Section 101(c) provides that willful or repeated failure by a broadcast licensee to allow reasonable access or to permit purchase of reasonable amounts of time for the use of broadcasting stations by a legally qualified candidate for Federal elective office on behalf of his candidacy, shall be grounds for revocation of his broadcast station license under section 312(a) of the Communications Act of 1934, as amended.

Section 102(a) imposes a limitation on funds expended for use of broadcasting facilities (including community antenna television systems) in primary or runoff, or special, or general elections by or on behalf of legally qualified candidates for President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress. Funds spent by or on behalf of a Vice Presidential candidate are attributable to the limitation of the candidate for President with whom he is running. States may, by law, bring candidates for State and local offices under the broadcast expenditure limitations, subject to determination by the FCC that certain specified qualifications are met.

The section accomplishes the foregoing by:

(i) Defining "Federal elective office" to include the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress.

(ii) Defining "use of broadcasting stations by or on behalf of any candidate" to include not only broadcasts advocating a candidate's election, but also broadcasts urging the defeat of his opponent or derogating his opponent's stand on campaign issues.

(iii) Defining "legally qualified candidate" for the purposes of the spending limitation to mean any person who meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate, and who is eligible under applicable State laws to be voted for by the electorate directly or by means of delegates or electors.

(iv) Placing a limitation on expenditures for use of broadcast facilities (including community antenna television systems) by candidates for Federal elective office of 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of the Census in June of the year preceding the year in which the election is to be held, or \$30,000 if that amount is greater. This limitation would apply separately to primary and general elections.

(v) Providing that amounts spent for the use of broadcasting facilities on behalf of any legally qualified candidate for Federal elective office shall be deemed to have been spent by such candidate.

(vi) Prohibiting the licensee of a broadcast station from making any charge for the use of his facilities by or on behalf of any candidate for Federal elective office unless the candidate or a person authorized by him in writing certifies in writing to the licensee that payment of such charge will not violate the candidate's limitation.

(vii) Requiring broadcasting stations and candidates to file with the Federal Communications Commission such reports at such times and containing such information as the Commission shall prescribe.

(viii) Permitting States by law to adopt limitations on expenditures for the use of broadcasting facilities by legally qualified candidates for any office of such State or political subdivision if the FCC determines that the State by law has specified a limitation upon total expenditures for use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such an election; and the amount of such limitation does not exceed the amount which would be determined for such election using the formula provided for determining the limitations upon candidates for Federal elective office.

Section 102(b) provides that in addition to the amount which he may spend under paragraph (2)(A) of this subsection for the use of broadcast communications media in connection with his campaign, a candidate for Federal office may spend for such use any unspent portion of the amount he is authorized to spend for the use of nonbroadcast communications media under section 103 of this title.

Section 103(a) defines "Federal elective office" to mean the office of President, Vice President, United States Senator or Representative or Delegate or Resident Commissioner to the Congress.

"Nonbroadcast communications medium" is defined to mean newspapers, magazines, and other periodical publications and billboard facilities.

"Legally qualified candidate" for purposes of the spending limitation on nonbroadcast communications media is defined to mean any person who meets the qualifications provided by the applicable laws to hold the Federal elective office for which he was a candidate and who is eligible under applicable State laws to be voted for by the electorate directly or by means of delegates or electors.

"Use of any nonbroadcast communications media by or on behalf of any candidate" is defined to include not only amounts spent for advocating a candidate's election, but also amounts spent for urging the defeat of his opponent or derogating his opponent's stand on campaign issues.

Section 103(b) limits the charges for the use of any nonbroadcast communications medium by a legally qualified candidate for Federal elective office 45 days before primary elections, and 60 days before general elections to the lowest unit rate charged others by the person furnishing such medium for the same amount of space

Section 103(c)(1) imposes a limitation on funds spent for the use of nonbroadcast communications facilities in primary or runoff, or special, or general elections by or on behalf of legally qualified candidates for Federal elective office. The limitation is 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held, or \$30,000 if that amount is greater. This limitation would apply separately for primary and general elections.

Section 103(c)(2) provides that a legally qualified candidate for nomination for election to the office of President may not spend a total amount for all primary elections held for such office in which he is a candidate in excess of the limitation provided by the first sentence of this paragraph.

Section 103(d) provides that amounts spent for the use of nonbroadcast communications medium on behalf of any legally qualified candidate for Federal elective office shall be determined to be spent by such candidate. Amounts spent for the use of nonbroadcast communications medium by or on behalf of any legally qualified candidate for Vice President shall be deemed to have been spent by the candidate for the office of President with whom he is running.

Section 103(e) prohibits any person making any charge for the use of any nonbroadcast communications medium by or on behalf of any candidate for Federal elective office unless the candidate or his representative authorized by him in writing certifies in writing to such person that payment for such charge will not violate the candidate's limitation.

Any person who furnishes the use of any nonbroadcast communications medium for the benefit of any candidate for Federal elective office at the rate less than the rate normally charged by such person for such use shall be determined to have made a contribution to such

candidate in the amount equal to the excess of the rate normally charged over the rate charged such candidate.

Section 103(f) provides that violations of the provisions of this section is punishable by a fine not to exceed \$5,000, imprisonment not to exceed 5 years, or both.

Section 104(a) defines "price index" to mean the annual average over a calendar year of the Consumer Price Index published monthly by the Bureau of Labor Statistics and "base period" to mean the calendar year 1970.

Section 104(b) provides that the amounts computed under the spending limitations for broadcast and nonbroadcast communications media be increased yearly by the percentum difference between the price index for the immediate preceding calendar year and the price index for the base period.

Section 105 provides that the amendments made by section 101(b) shall take effect 30 days after the date of enactment of the legislation; and that the amendments made by section 102 to take effect on such date as the Federal Communications Commission shall prescribe, but not later than 120 days after the date of enactment of the legislation. The remainder of the title will take effect upon the date of enactment.

TITLE II—CRIMINAL CODE AMENDMENTS

Section 201. (a) "election" is redefined to include general, special, primary, runoff, and preference primary elections, conventions or caucuses, and elections of delegates to constitutional conventions.

(b) "candidate" is redefined to include those who seek nomination for election and election to Federal office and who have complied with state law to qualify or who have received contributions or made expenditures, directly or indirectly, to attain nomination or election.

(c) "Federal office" includes the offices of President, Vice President, Senator, Representative in, or Delegate or Resident Commissioner to the Congress of the United States.

(d) "political committee" means any individual, committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000.

(e) "contribution" is redefined to include all transactions having any value, except a loan of money by a national or State bank made in accordance with applicable banking rules and regulations, including promises, enforceable or not, to influence the selection of delegates to conventions and the nomination or election of candidates.

(f) "expenditure" is redefined to include all transactions having any value, except a loan of money by a national or State bank made in accordance with applicable banking rules and regulations, including promises, enforceable or not, to influence the selection of delegates to conventions, and the nomination or election of candidates.

(g) "person" or "whoever" means an individual, partnership, committee, association, corporation, or any other organization or group of persons.

(h) "State" means the District of Columbia, the Commonwealth of Puerto Rico and any territory or possession.

Section 202. *Sec. 600 of Title 18, U.S.C.*, is amended to include any special consideration in return for political support and to apply to caucuses, conventions, and primary, special, and general elections.

Section 203. *Sec. 602 of Title 18, U.S.C.*, retains existing law.

Section 204. *Sec. 608 of Title 18, U.S.C.*, is repealed.

Section 205. *Sec. 609 of Title 18, U.S.C.*, setting a limit of \$3 million on contributions received or expenditures made by political committees (national, interstate) is repealed by the bill.

Section 206(a). *Sec. 611 of Title 18, U.S.C.*, is amended to extend the prohibition against political contributions by corporations contracting with the government and to make the period of time during which such contributions are prohibited run from the commencement of negotiations for a contract to the completion of performance or the termination of negotiations, whichever is later.

Section 206(b) prohibits any business regulated by the Civil Aeronautics Board, the Federal Communications Commission, or the Interstate Commerce Commission, from extending credit to candidates or persons representing them unless any debt created thereby is secured in full.

TITLE III—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

Section 301. (a) "*election*" is redefined to include general, special, primary, runoff, and preference primary elections, conventions or caucuses, and elections of delegates to constitutional conventions.

(b) "*candidate*" is redefined to include those who seek nomination for election or election to Federal office and who have complied with state law to qualify or who have received contributions or made expenditures, directly or indirectly, to attain nomination or election.

(c) "*Federal office*" includes the offices of President, Vice President, Senator, Representative or Resident Commissioner.

(d) "*political committee*" means any individual, committee, association, or organization which accepts contributions or makes expenditures during a calendar year in excess of \$1,000.

(e) "*contribution*" is redefined to include all transactions having any value including promises, enforceable or not, to influence the selection of delegates to conventions and the nomination or election of candidates.

(f) "*expenditure*" is redefined to include all transactions having any value, including promises, enforceable or not, to influence the selection of delegates to conventions and the nomination or election of candidates.

(g) "*Comptroller General*" means the Comptroller General of the United States.

(h) "*person*" includes an individual, partnership, committee, association, corporation, labor organization or any other organization or group of persons.

(i) "*State*" includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

Section 302. *Organization of Political Committees*

(a) Every political committee must have a chairman and a treasurer. The committee shall not function with a vacancy in either office and each expenditure must be authorized by the chairman or treasurer or designated agents.

(b) Every person who receives a contribution for a political committee shall, on demand of the treasurer, and within 5 days in any

event render to the treasurer the details of the contribution—name, address, amount, date.

(c) The treasurer is accountable for details of—

- (1) all contributions,
- (2) identity of contributor and the amount and date,
- (3) all expenditures,
- (4) identity of recipient of expenditures, date and amount.

(d) Treasurer must keep receipted bills for each expenditure in excess of \$100 per calendar year as per instructions from the Comptroller General.

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate, and is not authorized in writing to do so shall include a notice to that effect on the front page of all literature and advertisements it publishes in connection with such candidate's campaign.

(f) Political committees soliciting funds shall notify the public in all ads that it is filing with the Comptroller General accounts which would be available from the Superintendent of Documents.

Section 303. *Registration of Political Committees, Statements*

(a) Each political committee which anticipates receipts or expenditures exceeding \$1,000 in a calendar year must, within 10 days after it is organized or 10 days after it has reason to believe its receipts or expenditures will exceed \$1,000, file a statement of organization with the Comptroller General.

(b) The statement shall include—

- (1) name and address of the committee;
- (2) names, addresses, relationships, of affiliated committees;
- (3) area, scope, jurisdiction of the committee;
- (4) name, address, position of custodian of books and accounts;
- (5) name, address, positions of other principal committee officers;
- (6) names, addresses, offices sought and party affiliations of candidates or others supported by the committee;
- (7) statement as to permanency of the committee;
- (8) disposition of funds in event of dissolution;
- (9) list of all banks, safety deposits, etc. used;
- (10) statement of required state and local reports and identities of receiving offices;
- (11) miscellaneous information required by the Comptroller General.

(c) Any changes in organization data must be reported within 10 days to the Comptroller General.

(d) Any committee which has already filed one or more reports shall notify the Comptroller General if it disbands or determines it will not receive or spend in excess of \$1,000.

Section 304. *Reports by Political Committees and Candidates*

(a) Each treasurer of a political committee supporting candidates for the Federal office, shall file with the Comptroller General reports of receipts and expenditures on prescribed forms, which reports shall be filed on the 10th day of *March, June, and September* in each year and on the 15th and 5th days next preceding the date of any election, and also by the 31st of January. All reports shall be complete as of such date as the Comptroller General may prescribe, which shall not be less than 5 days before the date of filing.

The Committee fully realizes the practical difficulties inherent in filing absolutely accurate reports of expenditures and contributions fifteen days and five days preceding an election. In the heat of a political campaign, absolute accuracy is often impossible, yet the electorate is entitled to full and complete disclosure particularly just before an election. It is contemplated that all candidates and political committees will make every effort to provide as precise an estimate as possible if specific figures are not available.

(b) Each report shall disclose—

- (1) cash on hand at the beginning of the reporting period;
- (2) name and address of each contributor to committee or candidate of contributions in excess of \$100 per calendar year together with details of amounts and dates;
- (3) total contributions to candidates or committees and not reported under paragraph (2);
- (4) name and address of committees or candidates from whom the reporting committee or candidate received or to whom the reporting committee or candidate made any transfers of funds with amounts and dates of transfers;
- (5) each loan to or from any person in excess of \$100 per calendar year, with names and addresses of lenders and endorsers, amounts and dates;
- (6) total proceeds from sales of tickets to dinners, luncheons, rallies, etc., mass collections from such events, and sales of campaign paraphernalia;
- (7) each contribution, rebate, refund or other receipt in excess of \$100 not listed under paragraphs (2) through (3);
- (8) total sum of all receipts by or for the political committee or candidate during the reporting period;
- (9) name and address of each person to whom an expenditure was made by the committee or candidate within the calendar year in excess of \$100 with amounts, dates, and purposes of each expenditure;
- (10) name and address of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of \$100 has been made, not otherwise reported, with amounts, dates, and purposes of such expenditures;
- (11) total sum of expenditures made by such committees or candidates during the calendar year;
- (12) the amount and nature of debts and obligations owed by or to the committee as the Comptroller General may prescribe;
- (13) other data as required by the Comptroller General.

(c) Reports required by subsection (a) shall be cumulative during the relative calendar year but where no change occurs in an already reported item, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year the treasurer of a political committee or the candidate must file a statement to that effect.

Section 305. *Reports by Others than Political Committees*

(a) Every person (other than a political committee or candidate) who makes contributions or expenditures other than by contribution to a political committee or candidate, in excess of \$100 in a calendar year shall file with the Comptroller General a statement containing

the data required by section 304. All statements shall be filed on same dates as those required for committees but need not be cumulative.

(b) (1) This section requires any business which is regulated by the Civil Aeronautics Board, the Federal Communications Commission, or the Interstate Commerce Commission and which furnishes goods or services to or for a candidate or a political committee supporting that candidate to file with the Comptroller General a statement disclosing in detail the names of the parties involved, a description of the goods or services furnished, the value of such goods or services and the nature of any bond, property, or other security posted as collateral for the payment of goods or services rendered.

(2) A copy of each report required to be filed pursuant to subparagraph (1) must also be filed with the department or agency by which the business is regulated.

Section 306. *Formal Requirements Respecting Reports and Statements*

(a) All reports or statements required by this title shall be verified by oath or affirmation of the person filing.

(b) A copy of each report or statement shall be retained by the person filing for a period to be designated by the Comptroller General.

(c) The Comptroller General may relieve any category of political committees of the filing requirements of section 204 if such committee (1) primarily supports persons seeking State or local office and not Federal office and, (2) does not operate in more than one State or on a statewide basis.

(d) The Comptroller General shall prescribe the manner of reporting debts, contracts, agreements, and promises to make contributions and expenditures, in separate schedules and such separate statements shall not be included in determining aggregate contributions and expenditures until the amounts reported therein have been paid.

Section 307. *Reports on Convention Financing*

Each committee or other organization which (1) represents a State political subdivision thereof, or any group of persons, in dealing with officials of a national political party involving a convention to nominate candidates for President or Vice-President, or (2) represents a national political party in arranging for a convention to nominate Presidential or Vice Presidential candidates shall within 60 days after the end of the convention but not later than 20 days before the date for choosing Presidential and Vice-Presidential electors, file a statement with the Comptroller General furnishing in such detail as the Comptroller General requires the sources of its funds and the purposes for which the funds were expended.

Section 308. (a) *Duties of the Comptroller General*

It shall be the duty of the Comptroller General respectively—

- (1) to prepare all forms and statements;
- (2) to prescribe bookkeeping and reporting methods and regulations;
- (3) to develop filing, coding, and cross-indexing systems;
- (4) to make all reports and statements filed with him available for public inspection and copying within 48 hours of receipt;
- (5) to preserve statements for 10 years except those relating solely to candidates for the House of Representatives which shall be preserved only 5 years from the date of receipt;

(6) to compile and maintain current lists of all statements;
 (7) to prepare and publish annual reports and compilations of (A) total contributions and expenditures reported by candidates, committees and others, (B) total amounts expended according to categories he shall determine and broken down to candidate, party and nonparty expenditures on the national, State, and local levels for candidates and committees, and (C) aggregate amounts contributed by any contributor shown to have given \$100 or more;

(8) to publish comparisons of current total contributions and expenditures with those of preceding elections, from time to time;

(9) to publish such other reports as he may deem appropriate;

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this Act;

(11) to make timely audits and field investigations concerning the reports and statements required to be filed and alleged failures to comply with the provisions of this title;

(12) to report apparent violations of law to appropriate law enforcement authorities; and

(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

Section 308(b) provides legal recourse for persons who believe a violation has occurred. Action would be initiated with the Comptroller General and, thereafter, would proceed to the Attorney General.

Section 309. *Statements Filed with the Clerk of the United States Court*

(a) A copy of each statement required to be filed with the Comptroller General shall be filed with the Clerk of the United States District for the district in which is located—the principal office of the political committee, or the residence of a candidate or other person.

The Comptroller General may require the filing of reports or statements with other U.S. District Court Clerks where he determines the public interest will be served.

(b) It shall be the duty of the Clerk of the U.S. District Court—

(1) to receive and maintain all reports and statements required under this title;

(2) to preserve such reports and statements for 10 years except those relating solely to candidates for the House of Representatives which shall be preserved for only 5 years;

(3) to make reports and statements available for public inspection and copying within 48 hours following receipt; and

(4) to compile and maintain a current list of all statements.

Section 310. *Prohibition on Contributions in the Name of Another*

No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

Section 311. *Penalty for Violations*

Any person who violates any of the provisions of this title shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both.

Section 312. *State Laws Not Affected*

(a) Nothing in this title shall be deemed to invalidate any provision of any State law, except where compliance with any such provision of law would result in a violation of a provision of this title.

(b) The Comptroller General shall encourage and cooperate with the election officials in the several states to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

Section 313. *Partial Invalidity*

If any provision of this title, or the application thereof, to any person or circumstance is held invalid, the validity of the remainder of the title and the application of such provision to other persons and circumstances shall not be affected thereby.

Section 314. *Repealing Clause*

(a) The Federal Corrupt Practices Act is repealed.

(b) In case of any conviction under this Act, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

TITLE IV—TAX INCENTIVES FOR CONTRIBUTIONS TO CANDIDATES FOR FEDERAL OFFICE

Section 401. *Income Tax Credit*

(a) The Internal Revenue Code of 1954, subpart A of part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by renumbering section 40 as 41 and by inserting after section 39 the following new section:

Section 40. *Contributions to Candidates for Elective Federal Office*

(a) An individual may claim as a credit against the tax for the taxable year an amount equal to one-half of the political contributions made by the individual within the taxable year.

(b) The credit shall not exceed \$20 for any taxable year, is further affected by limitations on other credits and must be verified by the Secretary of the Treasury or his delegate.

(c) A political contribution, for purposes of this section, means a contribution or a gift to—

(1) an individual whose name is presented for election as President, Vice President, Presidential or Vice Presidential elector or Senator or Representative, in a general or special election, or primary election, or in a political convention, for use by such individual to further his candidacy for such office; or

(2) a committee acting in behalf of an individual or individuals described in paragraph (1) for use by such committee to further the candidacy of such individual or individuals.

(d) Election to take deduction in lieu of credit.

This section shall not apply in the case of any taxpayer who, for the taxable year, elects to claim a deduction in place of a credit for a political contribution. The election shall be made in accordance with regulations prescribed by the Secretary of the Treasury.

(e) Cross references to Internal Revenue Code of 1954.

(b) Amends table of sections.

(c) Adds a new paragraph (3) to section 642(a) of the Internal Revenue Code of 1954 (relating to credits against tax for estates and trusts) as follows:

(3) an estate or trust shall not be allowed the credit against tax for political contributions to candidates for elective Federal office.

Section 402. *Deduction in Lieu of Credit*

(a) The Internal Revenue Code of 1954, part VII of subchapter 3 of chapter 1 (relating to additional itemized deductions for individuals) is amended by renumbering sections 218 and 219 and by inserting after section 217 the following new section:

Section 218. *Contributions to Candidates for Elective Federal Office*

(a) In the case of an individual there shall be allowed as a deduction any political contribution, payment of which is made by such individual within the taxable year.

(b) The deduction shall not exceed \$100 for any taxable year and must be verified in accordance with regulations prescribed by the Secretary of the Treasury or his delegate.

(c) For purposes of this section a political contribution means a contribution or gift to—

(1) an individual whose name is presented for election as President, Vice President, Presidential or Vice Presidential elector or Senator or Representative in a general or special election, in a primary election, or in a political convention, for use by such individual to further his candidacy for any such office.

(2) a committee acting in behalf of an individual or individuals described in paragraph (1) for use by such committee to further the candidacy of such individual or individuals.

(d) Election to take credit in lieu of deduction.

This section shall not apply in the case of any taxpayer who, for the taxable year, elects to take the credit against tax provided by section 40. Such election shall be made in accordance with regulations prescribed by the Secretary of the Treasury or his delegate.

(b) Consists of technical amendments.

(c) Section 642 of the Internal Revenue Code is amended by adding a new subsection to prohibit an estate or trust from taking the deduction for contributions to candidates for elective Federal office.

Section 403. *Effective date.* Provides that the amendments made by title III shall apply to taxable years ending after December 31, 1970, but only with respect to contributions or gifts payment of which is made after such date.

CHANGES IN EXISTING LAW

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

AMENDMENTS TO THE COMMUNICATIONS ACT OF 1934

§ 312. Administrative sanctions—Revocation of station license or construction permit

(a) The Commission may revoke any station license or construction permit—

(1) for false statements knowingly made either in the application or in any statement of fact which may be required pursuant to section 308 of this title;

(2) because of conditions coming to the attention of the Commission which would warrant it in refusing to grant a license or permit on an original application;

(3) for willful or repeated failure to operate substantially as set forth in the license;

(4) for willful or repeated violation of, or willful or repeated failure to observe any provision of this chapter or any rule or regulation of the Commission authorized by this chapter or by a treaty ratified by the United States;

(5) for violation of or failure to observe any final cease and desist order issued by the Commission under this section; [or]

(6) for violation of section 1304, 1343, or 1464 of title [18.] 18; or

(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate on behalf of his candidacy.

§ 315. Candidates for public office; facilities; rules

(a) If any licensee shall permit any person who is a legally qualified candidate for any public office, *other than Federal elective office (as defined in subsection (c) of this section)*, provided that such Federal candidates are given the maximum flexibility in the choice of program format, to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: Provided, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is imposed upon any licensee to allow the use of its station by any such candidate. Appearance by a legally qualified candidate on any—

(1) bona fide newscast,

(2) bona fide news interview,

(3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or

(4) on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto).

shall not be deemed to be use of a broadcasting station within the meaning of this subsection. Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligations imposed upon them under this chapter to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

[(b) The charges made for the use of any broadcasting station for any of the purposes set forth in this section shall not exceed the charges made for comparable use of such station for other purposes.]

(b) *The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—*

(1) *during the forty-five days preceding the date of a primary election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same amount of time during the same period; and*

(2) *at any other time, the charges made for comparable use of such station by other users thereof.*

(c)(1) *For purposes of this subsection and subsection (d), the term—*

(A) *“Federal elective office” means the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress;*

(B) *“use of broadcasting stations by or on behalf of any candidate” includes not only broadcasts advocating such candidate’s election, but also broadcasts urging the defeat of his opponent or derogating his opponent’s stand on campaign issues;*

(C) *“legally qualified candidate” means any person who (1) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (2) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors; and*

(D) *“broadcasting station” includes a community antenna television system, and the terms “licensee” and “station licensee” when used with respect to a community antenna television system, mean the operator of such system.*

(2)(A) *No legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of—*

(i) *5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held;*
or

(ii) *\$30,000, if greater than the amount determined under clause (i).*

A legally qualified candidate for nomination for election to the office of President may not spend a total amount for all primary elections held for such office in which he is a candidate in excess of the limitation provided by the first sentence of this paragraph.

(B) *In addition to the amount which he may spend under paragraph (2)(A) of this subsection for the use of broadcast communications media in connection with his campaign, a candidate for Federal office may spend for such use any unspent portion of the amount he is authorized to spend for the use of nonbroadcast communications media under section 103 of the Federal Election Campaign Act of 1971.*

(3) *Amounts spent for the use of broadcasting stations on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of broad-*

casting stations by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this subsection, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(4) No station licensee may make any charge for the use of such station by or on behalf of any candidate for Federal elective office (or for nomination to such office) unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate paragraph (2).

(5) Broadcasting stations and candidates shall file with the Commission such reports at such times and containing such information as the Commission shall prescribe for the purpose of this subsection and, in the case of broadcasting stations, subsection (d).

(d) If the Commission determines that—

(1) a State by law—

(A) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection, and

(B) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election, and

(2) the amount of such limitation does not exceed the amount which would be determined for such election under subsection (c) had such election been an election for a Federal elective office, or nomination thereto, then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate such limitation upon total expenditures.

[(c)](e) The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section.

AMENDMENTS TO TITLE 18, UNITED STATES CODE

§ 591. Definitions

【When used in sections 597, 599, 602, 609 and 619 of this title—

【The term “election” includes a general or special election, but does not include a primary election or convention of a political party;

【The term “candidate” means an individual whose name is presented for election as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected;

【The term “political committee” includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors (1) in two or more States, or (2) whether or not in more than one State if such committee, association, or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization;

【The term “contribution” includes a gift, subscription, loan, advance, or deposit, of money, or anything of value, and includes a contract, promise, or agreement to make a contribution, whether or not legally enforceable;

【The term “expenditure” includes a payment, distribution, loan, advance, deposit or gift, of money, or anything of value, and includes a contract, promise, or agreement to make an expenditure, whether or not legally enforceable;

【The term “person” or the term “whoever” includes an individual, partnership, committee, association, corporation, and any other organization or group of persons;

【The term “State” includes Territory and possession of the United States.】

When used in sections 597, 599, 600, 602, 610, 611, and 614 of this title—

(a) “election” means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(b) “candidate” means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) “Federal office” means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) “political committee” means any individual, committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

(e) “contribution” means—

(1) a gift, subscription, loan, advance, or deposit of money or any thing of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

(3) a transfer of funds between political committees; and

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services

of another person which are rendered to such candidate or political committee without charge for any such purpose;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or any thing of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make an expenditure; and

(3) a transfer of funds between political committees;

(g) "person" and "whoever" mean an individual, partnership, committee, association, corporation, or any other organization or group of persons; and

(h) "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

§ 600. Promise of employment or other benefit for political activity

[Whoever, directly or indirectly promises any employment, position, work, compensation, or other benefit, provided for or made possible in whole or in part by any Act of Congress, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in any election, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.**]**

Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

§ 608. Limitations on political contributions and purchases

[(a) Whoever, directly or indirectly, makes contributions in an aggregate amount in excess of \$5,000 during any calendar year, or in connection with any campaign for nomination or election, to or on behalf of any candidate for an elective Federal office, including the offices of President of the United States and Presidential and Vice Presidential electors, or to or on behalf of any committee or other organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the

success of any national political party, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

【This subsection shall not apply to contributions made to or by a State or local committee or other State or local organization or to similar committees or organizations in the District of Columbia or in any Territory or Possession of the United States.

【(b) Whoever purchases or buys any goods, commodities, advertising, or articles of any kind or description, the proceeds of which or any portion thereof, directly or indirectly inures to the benefit of or for any candidate for an elective Federal office including the offices of President of the United States, and Presidential and Vice Presidential electors or any political committee or other political organization engaged in furthering, advancing, or advocating the nomination or election of any candidate for any such office or the success of any national political party, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

【This subsection shall not interfere with the usual and known business, trade, or profession of any candidate.

【(c) In all cases of violations of this section by a partnership, committee, association, corporation, or other organization or group of persons, the officers, directors, or managing heads thereof who knowingly and willfully participate in such violation, shall be punished as herein provided.

【(d) The term "contribution", as used in this section, shall have the same meaning prescribed by section 591 of this title.】

【§ 609. Maximum contributions and expenditures

【No political committee shall receive contributions aggregating more than \$3,000,000, or make expenditures aggregating more than \$3,000,000, during any calendar year.

【For the purposes of this section, any contributions received and any expenditures made on behalf of any political committee with the knowledge and consent of the chairman or treasurer of such committee shall be deemed to be received or made by such committee.

【Any violation of this section by any political committee shall be deemed also to be a violation by the chairman and the treasurer of such committee and by any other person responsible for such violation and shall be punishable by a fine of not more than \$1,000 or imprisonment of not more than one year, or both; and, if the violation was willful, by a fine of not more than \$10,000 or imprisonment of not more than two years, or both.】

§ 611. Contributions by 【firms or individuals contracting with the United States.】 *Government contractors*

【Whoever, entering into any contract with the United States or any department or agency thereof, either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof, or selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, during the period of negotiation for, or performance under such contract or furnishing of material, supplies, equipment, land, or buildings, directly or indirectly makes any contribution of money or any other thing of

value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

【Whoever knowingly solicits any such contribution from any such person or firm, for any such purpose during any such period—

【Shall be fined not more than \$5,000 or imprisoned not more than five years, or both.】

Whoever—

(a) *entering into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (1) the completion of performance under, or (2) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land or buildings, directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or*

(b) *knowingly solicits any such contribution from any such person for any such purpose during any such period;*
shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

§ 614. Extension of credit to candidates for Federal office by certain industries

(a) *No business, the rates and charges for which are regulated by the Civil Aeronautics Board, the Federal Communications Commission, or the Interstate Commerce Commission, shall extend credit, for services rendered or goods furnished to any candidate or to any other person on behalf of such candidate, unless the debt so created is secured in full by property, bond, or other security. This section shall not apply to a use of such services or goods by a candidate for purposes not related to his campaign for nomination for election, or election, to Federal office, if the candidate so certifies in writing to that business.*

(b) *Violation of the provisions of this section is punishable by a fine not to exceed \$1,000 or (in the case of an individual who intentionally violates such provisions) imprisonment for not to exceed one year, or both.*

FEDERAL CORRUPT PRACTICES ACT, 1925, AS AMENDED*

【TITLE III.—FEDERAL CORRUPT PRACTICES ACT, 1925

【SEC. 301. This title may be cited as the “Federal Corrupt Practices Act, 1925.”

*The Federal Corrupt Practices Act was enacted as title III, sections 301-319, of “An Act reclassifying the salaries of postmaster and employees of the postal service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes”, approved February 28, 1925 (Public Law 506, 65th Cong.). Title III was amended June 25, 1943 (Public Law 79, 78th Cong.), June 20, 1947 (Public Law 101, 80th Cong.), June 25, 1948 (Public Law 722, 80th Cong.), and October 31, 1951 (Public Law 248, 82d Cong.). Sections 310-313 have been repealed and enacted into positive law as part of title 18, United States Code. They are not shown among those sections of the Corrupt Practices Act which would be repealed by §. 382 as reported.

SEC. 302. When used in this title—

[(a) The term “election” includes a general or special election, but does not include a primary election or convention of a political party;

[(b) The term “candidate” means an individual whose name is presented at an election for election as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected;

[(c) The term “political committee” includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors (1) in two or more States, or (2) whether or not in more than one State if such committee, association, or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization;

[(d) The term “contribution” includes a gift, subscription, loan, advance, or deposit, of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution;

[(e) The term “expenditure” includes a payment, distribution, loan, advance, deposit, or gift, of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure;

[(f) The term “person” includes an individual, partnership, committee, association, corporation, and any other organization or group of persons;

[(g) The term “Clerk” means the Clerk of the House of Representatives of the United States;

[(h) The term “Secretary” means the Secretary of the Senate of the United States;

[(i) The term “State” includes Territory and possession of the United States.

SEC. 303. (a) Every political committee shall have a chairman and a treasurer. No contribution shall be accepted, and no expenditure made, by or on behalf of a political committee for the purpose of influencing an election until such chairman and treasurer have been chosen.

[(b) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

[(1) All contributions made to or for such committee;

[(2) The name and address of every person making any such contribution, and the date thereof;

[(3) All expenditures made by or on behalf of such committee; and

[(4) The name and address of every person to whom any such expenditure is made, and the date thereof.

[(c) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure by or on behalf of a political committee exceeding \$10 in amount. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items.

SEC. 304. Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer

a detailed account thereof, including the name and address of the person making such contribution, and the date on which received.

【SEC. 305. (a) The treasurer of a political committee shall file with the Clerk between the 1st and 10th days of March, June, and September, in each year, and also between the 10th and 15th days, and on the 5th day, next preceding the date on which a general election is to be held, at which candidates are to be elected in two or more States, and also on the 1st day of January, a statement containing, complete as of the day next preceding the date of filing—

【(1) The name and address of each person who has made a contribution to or for such committee in one or more items of the aggregate amount or value, within the calendar year, of \$100 or more, together with the amount and date of such contribution;

【(2) The total sum of the contributions made to or for such committee during the calendar year and not stated under paragraph (1);

【(3) The total sum of all contributions made to or for such committee during the calendar year;

【(4) The name and address of each person to whom an expenditure in one or more items of the aggregate amount or value within the calendar year of \$10 or more has been made by or on behalf of such committee, and the amount, date, and purpose of such expenditure;

【(5) The total sum of all expenditures made by or on behalf of such committee during the calendar year and not stated under paragraph (4);

【(6) The total sum of expenditures made by or on behalf of such committee during the calendar year.

【(b) The statements required to be filed by subdivision (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

【(c) The statement filed on the 1st day of January shall cover the preceding calendar year.

【SEC. 306. Every person (other than a political committee) who makes an expenditure in one or more items, other than by contribution to a political committee, aggregating \$50 or more within a calendar year for the purpose of influencing in two or more States the election of candidates, shall file with the Clerk an itemized detailed statement of such expenditure in the same manner as required of the treasurer of a political committee by section 305.

【SEC. 307. (a) Every candidate for Senator shall file with the Secretary and every candidate for Representative, Delegate, or Resident Commissioner shall file with the Clerk not less than ten nor more than fifteen days before, and also within thirty days after, the date on which an election is to be held, a statement containing, complete as of the day next preceding the date of filing—

【(1) A correct and itemized account of each contribution received by him or by any person for him with his knowledge or consent, from any source, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person who has made such contribution;

【(2) A correct and itemized account of each expenditure made by him or by any person for him with his knowledge or consent

in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person to whom such expenditure was made; except that only the total sum of expenditures for items specified in subdivision (c) of section 309 need be stated;

[(3) A statement of every promise or pledge made by him or by any person for him with his consent, prior to the closing of the polls on the day of the election, relative to the appointment or recommendation for appointment of any person to any public or private position or employment for the purpose of procuring support in his candidacy, and the name, address, and occupation of every person to whom any such promise or pledge has been made together with the description of any such position. If no such promise or pledge has been made, that fact shall be specifically stated.

[(b) The statements required to be filed by subdivision (a) shall be cumulative, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

[(c) Every candidate shall include with his first statement a report, based upon the records of the proper State official stating the total number of votes cast for all candidates for the office which the candidate seeks, at the general election next preceding the election at which he is a candidate.

[SEC. 308. A statement required by this title to be filed by a candidate or treasurer of a political committee or other person with the Clerk or Secretary, as the case may be—

[(a) Shall be verified by the oath or affirmation of the person filing such statement taken before any officer authorized to administer oaths;

[(b) Shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the Clerk or Secretary at Washington, District of Columbia, but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the Clerk or Secretary of its nonreceipt;

[(c) Shall be reserved by the Clerk or Secretary for a period of two years from the date of filing, shall constitute a part of the public records of his office, and shall be open to public inspection.

[SEC. 309. (a) A candidate, in his campaign for election, shall not make expenditures in excess of the amount which he may lawfully make under the laws of the State in which he is a candidate, nor in excess of the amount which he may lawfully make under the provisions by this title.

[(b) Unless the laws of his State prescribe a less amount as the maximum limit of campaign expenditures, a candidate may make expenditures up to—

[(1) The sum of \$10,000 if a candidate for Senator, or the sum of \$2,500 if a candidate for Representative, Delegate, or Resident Commissioner; or

[(2) An amount equal to the amount obtained by multiplying three cents by the total number of votes cast at the last general election for all candidates for the office which the candidate seeks, but in no event exceeding \$25,000 if a candidate for Senator or \$5,000 if a candidate for Representative, Delegate, or Resident Commissioner.

[(c) Money expended by a candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or expended for his necessary personal, traveling, or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on billboards or in newspapers) for distributing letters, circulars, or posters, or for telegraph or telephone service, shall not be included in determining whether his expenditures have exceeded the sum fixed by paragraph (1) or (2) of subdivision (b) as the limit of campaign expenses of a candidate.

* * * * *

[SEC. 314. (a) Any person who violates any of the foregoing provisions of this title, except those for which a specific penalty is imposed by sections 312 and 313, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

[(b) Any person who willfully violates any of the foregoing provisions of this title, except those for which a specific penalty is imposed by sections 312 and 313, shall be fined not more than \$10,000 and imprisoned not more than two years.

[SEC. 315. This title shall not limit or affect the right of any person to make expenditures for proper legal expenses in contesting the results of an election.

[SEC. 316. This title shall not be construed to annul the laws of any State relating to the nomination or election of candidates, unless directly inconsistent with the provisions of this title, or to exempt any candidate from complying with such State laws.

[SEC. 317. If any provision of this title or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

[SEC. 318. The following Acts and parts of Acts are hereby repealed: The Act entitled "An Act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," approved June 25, 1910 (chapter 392, Thirty-sixth Statutes, page 822), and the Acts amendatory thereof, approved August 19, 1911 (chapter 33, Thirty-seventh Statutes, page 25), and August 23, 1912 (chapter 349, Thirty-seventh Statutes, page 360); the Act entitled "An Act to prevent corrupt practices in the election of Senators, Representatives, or Delegates in Congress," approved October 16, 1918 (chapter 187, Fortieth Statutes, page 1013); and section 83 of the Criminal Code of the United States, approved March 4, 1909 (chapter 321, Thirty-fifth Statutes, page 1088).

[SEC. 319. This title shall take effect thirty days after its enactment.]

TITLE III—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS DEFINITIONS

Sec. 301. When used in this part—

(a) "election" means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the

nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(b) "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or any thing of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees; and

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement whether or not legally enforceable, to make an expenditure; and

(3) a transfer of funds between political committees;

(g) "Comptroller General" means the Comptroller General of the United States;

(h) "person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons; and

(i) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

ORGANIZATION OF POLITICAL COMMITTEES

SEC. 302. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) all contributions made to or for such committee;

(2) the full name and mailing address of every person making any contribution, and the date and amount thereof;

(3) all expenditures made by or on behalf of such committee; and

(4) the full name and mailing address of every person to whom any expenditure is made, and the date and amount thereof.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of \$100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds \$100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the Comptroller General.

(e) Any political committee which solicits or receive contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

(f) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

In compliance with Federal law a report has been (or will be) filed with the Comptroller General of the United States showing a detailed account of our receipts and expenditures. A copy of that report is available at a charge from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 303. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall file with the Comptroller General a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of \$1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the Comptroller General at such time as he prescribes.

(b) The statement of organization shall include—

- (1) the name and address of the committee;
- (2) the names, addresses, and relationships of affiliated or connected organizations;
- (3) the area, scope, or jurisdiction of the committee;
- (4) the name, address, and position of the custodian of books and accounts;
- (5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;
- (6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;
- (7) a statement whether the committee is a continuing one;
- (8) the disposition of residual funds which will be made in the event of dissolution;
- (9) a listing of all banks, safety deposit boxes, or other repositories used;
- (10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and
- (11) such other information as shall be required by the Comptroller General.

(c) Any change in information previously submitted in a statement of organization shall be reported to the Comptroller General within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall so notify the Comptroller General.

REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

SEC. 304. (a) Each treasurer of a political committee supporting a candidate or candidates for election to Federal office and each candidate for election to such office shall file with the Comptroller General reports of receipts and expenditures on forms to be prescribed or approved by him. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January.

Such reports shall be complete as of such date as the Comptroller General may prescribe, which shall not be less than five days before the date of filing.

(b) Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events) within the calendar year in an aggregate amount or value in excess of \$100, together with the amount and date of such contributions;

(3) the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (2);

(4) the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all such transfers;

(5) each loan to or from any person within the calendar year in an aggregate amount or value in excess of \$100, together with the full names and mailing addresses of the lender and endorsers, if any, and the date and amount of such loans;

(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(7) each contribution, rebate, refund, or other receipt in excess of \$100 not otherwise listed under paragraphs (2) through (6);

(8) the total sum of all receipts by or for such committee or candidate during the reporting period;

(9) the full name and mailing address of each person to whom an expenditure or expenditures have been made by such committee or candidate within the calendar year in an aggregate amount or value in excess of \$100, and the amount, date, and purpose of each such expenditure;

(10) the full name and mailing address of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of \$100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(11) the total sum of expenditures made by such committee or candidate during the calendar year;

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the Comptroller General may prescribe; and

(13) such other information as shall be required by the Comptroller General.

(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.

REPORTS BY OTHERS THAN POLITICAL COMMITTEES

SEC. 305. (a) Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of \$100 within a calendar year shall file with the Comptroller General a statement containing the information required by section 304. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

(b)(1) Any business, the rates and charges for which are regulated by the Civil Aeronautics Board, the Federal Communications Commission, or the Interstate Commerce Commission, which furnishes goods or services to or for the use of a candidate in connection with his campaign for nomination for election, or election, to Federal office, or to a political committee for use in connection with such a campaign, shall file with the Comptroller General a statement disclosing—

(A) the name of the purchaser and the name of the candidate for the benefit of whose campaign the goods or services were purchased;

(B) a specific description of the goods or services furnished and the quantity or measure thereof, if appropriate;

(C) any amount of the price of such goods or services not paid in advance of their being furnished to the purchaser;

(D) any unpaid balance of the price of such goods or services as of the reporting date;

(E) a description of the type and value of any bond, collateral, or other security securing such unpaid balance; and

(F) such other information as the Comptroller General shall require by published regulation.

(2) Reports required under paragraph (1) of this subsection shall be filed on the dates on which reports by political committees are filed, and shall be cumulative. A copy of each report required of a business under paragraph (1) shall be filed with the department or agency by which such business is so regulated.

FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

SEC. 306. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the Comptroller General in a published regulation.

(c) The Comptroller General may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 304 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

(d) The Comptroller General shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations

shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

REPORTS ON CONVENTION FINANCING

SEC. 307. Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any groups of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President,

shall, within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the Comptroller General a full and complete financial statement, in such form and detail as he may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

DUTIES OF THE COMPTROLLER GENERAL

SEC. 308. (a) It shall be the duty of the Comptroller General—

(1) to develop prescribed forms for the making of the reports and statements required to be filed with him under this title;

(2) to prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make such reports and statements;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

(4) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person;

(5) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as he shall determine and broken down into candidate, party, and non-party expenditures on the National, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories

of amounts as he shall determine and broken down into contributions on the National, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of \$100;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as he may deem appropriate;

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provisions of this title;

(12) to report apparent violations of law to the appropriate law enforcement authorities; and

(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

(b)(1) Any person who believes a violation of this title has occurred may file a complaint with the Comptroller General. If the Comptroller General determines there is substantial reason to believe such a violation has occurred, he shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the Comptroller General, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

(2) In any action brought under paragraph (1) of this subsection subpoenas for witnesses who are required to attend a United States district court may run into any other district.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States Court of Appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

(4) The judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

STATEMENTS FILED WITH CLERK OF UNITED STATES COURT

SEC. 309. (a) A copy of each statement required to be filed with the Comptroller General by this title shall be filed with the clerk of the United States district court for the judicial district in which is located the principal office of the political committee or, in the case of a statement filed by a candidate or other person, in which is located such person's residence. The Comptroller General may require the filing of reports and statements required by this title with the clerks of other United States district courts where he determines the public interest will be served thereby.

(b) It shall be the duty of the clerk of a United States district court under subsection (a)—

(1) to receive and maintain in an orderly manner all reports and statements required by this title to be filed with such clerks;

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(3) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

SEC. 310. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

PENALTY FOR VIOLATIONS

SEC. 311. Any person who violates any of the provisions of this title shall be fined not more than \$1,000 or imprisoned not more than one year or both.

STATE LAWS NOT AFFECTED

SEC. 312. (a) Nothing in this title shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this title.

(b) The Comptroller General shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

PARTIAL INVALIDITY

SEC. 313. If any provision of this title, or the application thereof, to any person or circumstance is held invalid, the validity of the re-

mainder of the title and the application of such provision to other persons and circumstances shall not be affected thereby.

REPEALING CLAUSE

SEC. 314. (a) *The Federal Corrupt Practices Act, 1925 (2 U.S.C. §§ 241-256) is repealed.*

(b) *In case of any conviction under this title, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.*

AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1954

* * * * *

PART IV—CREDITS AGAINST TAX

Subpart A. Credits allowable.

Subpart B. Rules for computing credit for investment in certain depreciable property.

Subpart A—Credits Allowable

Sec. 31. Tax withheld on wages.

Sec. 32. Tax withheld at source on nonresident aliens and foreign corporations and on tax-free covenant bonds.

Sec. 33. Taxes of foreign countries and possessions of the United States.

Sec. 35. Partially tax-exempt interest received by individuals.

Sec. 36. Credits not allowed to individuals paying optional tax or taking standard deduction.

Sec. 37. Retirement income.

Sec. 38. Investment in certain depreciable property.

Sec. 39. Certain uses of gasoline and lubricating oil.

Sec. 40. **【Overpayments of tax.】** *Contributions to candidates for elective Federal office.*

Sec. 41. *Overpayments of tax.*

For credit against the tax imposed by this subtitle for overpayment of tax, see section 6401.

* * * * *

SEC. 40. CONTRIBUTIONS TO CANDIDATES FOR ELECTIVE FEDERAL OFFICE

(a) **GENERAL RULE.**—*There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, an amount equal to one-half of the political contributions (as defined in subsection (c)) payment of which is made by such individual within the taxable year.*

(b) **LIMITATIONS.**—

(1) **AMOUNT.**—*The credit allowed by subsection (a) shall not exceed \$20 for any taxable year.*

(2) **APPLICATION WITH OTHER CREDITS.**—*The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property).*

(3) **VERIFICATION.**—*The credit allowed by subsection (a) shall be allowed with respect to any political contribution, only if such*

political contribution is verified in such manner as the Secretary or his delegate shall prescribe by regulations.

(c) **DEFINITION OF POLITICAL CONTRIBUTION.**—*For purposes of this section, the term "political contribution" means a contribution or gift to—*

(1) *an individual whose name is presented for election as President of the United States, Vice President of the United States, an elector for President or Vice President of the United States, a Member of the Senate, or a Member of (or Delegate to) the House of Representatives in a general or special election, in a primary election, or in a convention of a political party, for use by such individual to further his candidacy for any such office; or*

(2) *a committee acting in behalf of an individual or individuals described in paragraph (1) for use by such committee to further the candidacy of such individual or individuals.*

(d) **ELECTION TO TAKE DEDUCTION IN LIEU OF CREDIT.**—*This section shall not apply in the case of any taxpayer who, for the taxable year, elects to take the deduction provided by section 218 (relating to deduction for contributions to candidates for elective Federal office). Such election shall be made in such manner and at such time as the Secretary or his delegate shall prescribe by regulations.*

(e) **CROSS REFERENCE.**—

For disallowance of credit to estates and trusts, see section 642(a)(3).

SEC. [40.] 41. OVERPAYMENT OF TAX.

For credit against the tax imposed by this subtitle for overpayment of tax, see section 6401.

* * * * *

SEC. 642. SPECIAL RULES FOR CREDITS AND DEDUCTIONS.

(a) **CREDITS AGAINST TAX.**—

(1) **PARTIALLY TAX-EXEMPT INTEREST.**—*An estate or trust shall be allowed the credit against tax for partially tax-exempt interest provided by section 35 only in respect of so much of such interest as is not properly allocable to any beneficiary under section 652 or 662. If the estate or trust elects under section 171 to treat as amortizable the premium on bonds with respect to the interest on which the credit is allowable under section 35, such credit (whether allowable to the estate or trust or to the beneficiary) shall be reduced under section 171(a)(3).*

(2) **FOREIGN TAXES.**—*An estate or trust shall be allowed the credit against tax for taxes imposed by foreign countries and possessions of the United States, to the extent allowed by section 901, only in respect of so much of the taxes described in such section as is not properly allocable under such section to the beneficiaries.*

(3) **POLITICAL CONTRIBUTIONS.**—*An estate or trust shall not be allowed the credit against tax for political contributions to candidates for elective Federal office provided by section 40.*

* * * * *

(i) **POLITICAL CONTRIBUTIONS.**—*An estate or trust shall not be allowed the deduction for contributions to candidates for elective Federal office provided by section 218.*

[(i)](j). CROSS REFERENCES.—

(1) For disallowance of standard deduction in case of estates and trusts, see section 142(b)(4).

(2) For special rule for determining the time of receipt of dividends by a beneficiary under section 652 or 662, see section 116(c)(3).

* * * * *

PART VII—ADDITIONAL ITEMIZED DEDUCTIONS FOR INDIVIDUALS

Sec. 211. Allowance of deductions.

Sec. 212. Expenses for production of income.

Sec. 213. Medical, dental, etc., expenses.

Sec. 214. Expenses for care of certain dependents.

Sec. 215. Alimony, etc., payments.

Sec. 216. Deduction of taxes, interest, and business depreciation by cooperative housing corporation tenant-stockholder.

Sec. 217. Moving expenses.

Sec. 218. **[Cross references.]** Contributions to candidates for elective Federal office.

Sec. 219. Cross references.

* * * * *

SEC. 218. CONTRIBUTIONS TO CANDIDATES FOR ELECTIVE FEDERAL OFFICE

(a) *ALLOWANCE OF DEDUCTION.*—*In the case of an individual, there shall be allowed as a deduction any political contribution (as defined in subsection (c)) payment of which is made by such individual within the taxable year.*

(b) *LIMITATIONS.*—

(1) *AMOUNT.*—*The deduction under subsection (a) shall not exceed \$100 for any taxable year.*

(2) *VERIFICATION.*—*The deduction under subsection (a) shall be allowed, with respect to any political contribution, only if such political contribution is verified in such manner as the Secretary or his delegate shall prescribe by regulations.*

(c) *DEFINITION OF POLITICAL CONTRIBUTION.*—*For purposes of this section, the term "political contribution" means a contribution or gift to—*

(1) *an individual whose name is presented for election as President of the United States, Vice President of the United States, an elector for President or Vice President of the United States, a Member of the Senate, or a Member of (or Delegate to) the House of Representatives in a general or special election, in a primary election, or in a convention of a political party, for use by such individual to further his candidacy for any such office; or*

(2) *a committee acting in behalf of an individual or individuals described in paragraph (1), for use by such committee to further the candidacy of such individual or individuals.*

(d) *ELECTION TO TAKE CREDIT IN LIEU OF DEDUCTION.*—*This section shall not apply in the case of any taxpayer who, for the taxable year, elects to take the credit against tax provided by section 40 (relating to credit against tax for contributions to candidates for elective Federal office). Such election shall be made in such manner and at such time as the Secretary or his delegate shall prescribe by regulations.*

(e) *CROSS REFERENCE.*—

For disallowance of deduction to estates and trusts, see section 642(i).

SEC. [218.] 219. CROSS REFERENCES.

- (1) For deduction for long-term capital gains in the case of a taxpayer other than a corporation, see section 1202.
 (2) For deductions in respect of a decedent, see section 691.

* * * * *

COST ESTIMATES PURSUANT TO SECTION 252(a) OF THE LEGISLATIVE REORGANIZATION ACT OF 1970

Section 252(a) of the Legislative Reorganization Act of 1970 requires that any committee reporting a bill of a public character shall include in its accompanying report an estimate of the costs which would be incurred in effecting such legislation, or a statement of the reasons compliance with this requirement is impracticable.

Pursuant to that stipulation, the Committee on Commerce stated in its report on S. 382 (S. Rept. 92-96) as follows:

In accordance with Section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-510, 91st Congress) the Committee estimates that the additional cost of the Bureau of the Census in order for it to discharge its responsibilities under the legislation would be an additional \$100,000 for each fiscal year. This amount is the amount the Director of the Bureau of the Census informed your Committee is necessary.

It is impracticable for your Committee to estimate any additional cost to the FCC until the Commission adopts rules and procedures to carry out its obligations under the act. Similarly it is impracticable at this time for your Committee to estimate additional costs for the Secretary of the Senate, Clerk of the House of Representatives, and the clerks of the various U.S. District Courts under Title II of the legislation, and the Internal Revenue Service or Department of the Treasury under Title III.

The committee is not aware of any estimates of costs made by any Federal agency which are different from those made by the Committee.

The Committee on Rules and Administration has amended S. 382 by transferring from the Secretary of the Senate and the Clerk of the House of Representatives to the Comptroller General the duties in connection with the registration of and reporting by political committees. Title III of the amended bill would place in that Office the responsibilities with respect to registration of political committees and any reports required to be filed (1) by each candidate for Federal for Federal office, (3) by each person who makes contributions or expenditures in excess of \$100 within any calendar year other than by contribution to a political committee or candidate, and (4) by any committee or other organization involved in arrangement for conventions for national political parties.

The Comptroller General estimates that the additional costs which would be incurred by the General Accounting Office in discharging its responsibilities under S. 382 as amended would amount to \$1.9 million annually, and that while the amount needed would vary somewhat from year to year, an average of that amount would be required for the purpose during each of the first 5 years the provisions of the bill would be in effect.

The Committee on Rules and Administration appreciates that the Comptroller General of necessity has had to base his estimate on certain assumptions as to the nature and scope of the additional responsibilities which the bill would place in his Office. The committee has no available information which would enable it to question the estimate of costs or to consider the same other than reasonable, considering the many intangible factors involved.

ROLLCALL VOTES IN RULES COMMITTEE

In compliance with sections 133 (b) and (d) of the Legislative Reorganization Act of 1946, as amended, the record of rollcall votes in the Committee on Rules and Administration during its consideration of S. 382 is as follows:

1. Motion by Senator Cannon to lay on the table an amendment offered by Senator Prouty to increase from 5 cents to 7 cents the amount which when multiplied by the number of estimated population of voting age for such office could be expended for the use of broadcasting stations on behalf of a candidate for Federal elective office. Rejected: 4 yeas; 4 nays.

Yeas—4

Mr. Jordan
Mr. Cannon
Mr. Byrd (W. Va.)
Mr. Allen

Nays—4

Mr. Prouty
Mr. Cooper
Mr. Scott
Mr. Griffin

2. Motion offered by Senator Prouty to increase from 5 cents to 7 cents the amount which when multiplied by the number of estimated population of voting age for such office could be expended for the use of broadcasting stations on behalf of a candidate for Federal elective office. Rejected: 4 yeas; 5 nays.

Yeas—4

Mr. Prouty
Mr. Cooper
Mr. Scott
Mr. Griffin

Nays—5

Mr. Jordan
Mr. Cannon
Mr. Pell
Mr. Byrd (W. Va.)
Mr. Allen

3. Motion offered by Senator Prouty to provide (1) that in addition to the amount a candidate for Federal elective office may spend for the use of broadcast communications media, he may spend for such use any unspent portion of the amount he is authorized to spend for the use of nonbroadcast communications media, and (2) the converse thereof. Adopted: 4 yeas; 3 nays.

Yeas—4

Mr. Prouty
Mr. Cooper
Mr. Scott
Mr. Griffin

Nays—3

Mr. Jordan
Mr. Cannon
Mr. Pell

4. Motion by Senator Cannon to lay on the table an amendment offered by Senator Prouty, as modified, to exempt all candidates for Federal elective office from the equal-time amendment of the Federal Communications Act of 1934. Rejected: 3 yeas; 6 nays.

Yeas—3	Nays—6
Mr. Jordan	Mr. Pell
Mr. Cannon	Mr. Allen
Mr. Byrd (W. Va.)	Mr. Prouty
	Mr. Cooper
	Mr. Scott
	Mr. Griffin

5. Amendment offered by Senator Prouty, as modified, to exempt all candidates for Federal elective office from the equal-time amendment of the Federal Communications Act of 1934. Adopted: 5 yeas; 4 nays.

Yeas—5	Nays—4
Mr. Pell	Mr. Jordan
Mr. Allen	Mr. Cannon
Mr. Prouty	Mr. Byrd (W. Va.)
Mr. Scott	Mr. Cooper
Mr. Griffin	

6. Amendment offered by Senator Prouty (on behalf of Senator Scott) intended to protect certain federally regulated businesses from possibly incurring uncollectable debts following political campaigns, and to place a financial obligation upon a candidate's campaign organization to back up such debt. Adopted: 5 yeas; 4 nays.

Yeas—5	Nays—4
Mr. Allen	Mr. Jordan
Mr. Prouty	Mr. Cannon
Mr. Cooper	Mr. Pell
Mr. Scott	Mr. Byrd (W. Va.)
Mr. Griffin	

7. Amendment offered by Senator Prouty (as modified) to require a political committee to include on the face of all its literature soliciting funds a notice stating that it had filed a detailed report of its receipts and expenditures with the Comptroller General, and that copies of that report are for sale to the public by the Superintendent of Documents. Adopted: 6 yeas; 3 nays.

Yeas—6	Nays—3
Mr. Jordan	Mr. Cannon
Mr. Allen	Mr. Pell
Mr. Prouty	Mr. Byrd (W. Va.)
Mr. Cooper	
Mr. Scott	
Mr. Griffin	

APPENDIX

The following pertinent information on (1) the constitutional power of Congress to legislate in matters of elections, (2) the history of Federal election laws, and (3) the existing Federal laws on the subject of campaign finances, is included as an appendix to the committee's report on S. 382.

CONSTITUTIONAL POWER OF CONGRESS TO LEGISLATE IN MATTERS OF ELECTIONS

Sources.—The following provisions of the Constitution determine and circumscribe the power of Congress to legislate on the subject of Federal elections:

Article I, Section 2.—The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the Electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

Amendment XVII.—The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures. * * *

Article II, Section 1, Clause 2.—Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person, holding an office of trust or profit under the United States, shall be appointed an Elector.

Article I, Section 4.—The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Article I, Section 8, Clause 18.—To make all laws which shall be necessary and proper for carrying into execution the foregoing Powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Article I, Section 5.—Each House shall be the Judge of the elections, returns, and qualifications of its own Members * * *.

Amendment I.—Congress shall make no law * * * abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Interpretation.—In the domain of elections, the Constitution explicitly introduces the principle of checks and balances and mutually restricts the Congress and the State legislatures.

It leaves it to the States to determine the qualifications of electors voting for congressional candidates and the manner of appointing presidential and vice-presidential electors. Furthermore, the Constitution makes the States primarily responsible for laws relating to the times, places, and manner of elections for Senators and Representatives.

On the other hand, Congress is given the power, at any time, to make or alter such laws. Only the change of places of choosing Senators is left outside of congressional jurisdiction. Moreover, Congress is given the exclusive power to judge the elections, returns, and qualifications of its Members. In addition, the "necessary and proper clause" places at the disposal of Congress the fullness of legislative means to make effective the grant of specific powers (*McCulloch v. Maryland*, 4 Wheat. 316).

In the net result, the analysis of relevant constitutional provisions shows that Congress possesses a wide range of authority to regulate Federal elections. Aside from the powers reserved in this field to the States, only the first amendment would prevent Congress from establishing regulations that would infringe on the right of free speech and assembly.

HISTORICAL OUTLINE OF FEDERAL ELECTION LAWS

Early legislation.—The first comprehensive Federal statute dealing with corruption in elections was adopted in 1870, when the Enforcement Act (16 Stat. 44) outlawed every type of fraudulent and corrupt practice in connection with elections, specifically forbidding false registration, bribery, illegal voting, making false returns of votes cast, interference in any manner with officers of election, and the neglect by any such officer of any duty required of him by State or Federal law. These laws were held invalid, in part, as applied to municipal elections in *United States v. Reese* (92 U.S. 214 (1876)), but were otherwise found to be a constitutional exercise of the authority conferred by the Constitution with respect to the election of Members of Congress. (*Ex Parte Siebold*, 100 U.S. 371 (1880)). Despite these rulings of the Supreme Court, Congress in 1894 (28 Stat. 36) repealed almost all of the provisions of the Enforcement Act.

Developments from 1907.—A new period in the history of Federal regulations of national elections began in 1907 when Congress passed the Tillman Act, prohibiting national banks and corporations from making contributions in connection with Federal elections (34 Stat. 814). From that time on, campaign finances stood in the forefront of Federal election legislation. In 1910 Congress enacted a comprehensive statute which required all interstate political committees to report campaign contributions and expenditures, identifying as their source all contributions of \$100 or more and all expenditures of \$10 or more.

All other persons making direct expenditures in an amount exceeding \$50 were also required to submit such statements. Substantial penalties were provided for the violation of the act.

In subsequent years, the statute of 1910 was amended, and in 1925 Congress passed the Corrupt Practices Act, which, with its amendments, constitutes the major part of the material of the existing Federal law dealing with campaign finances. The Tillman Act of 1907, in its original form, was included in the Corrupt Practices Act. But in 1944, the War Labor Disputes Act extended the prohibition of 1907 to include certain financial activities by labor unions. This amendment was made permanent by the Labor Management Relations Act of 1947, and the prohibition was further extended to apply to campaign expenditures, primary elections, and political conventions or caucuses held to select candidates for elective Federal office.

In 1939, Congress enacted "An act to prevent pernicious political activities," which was designed primarily to prohibit active participation in politics by Federal employees and the use of relief funds for political purposes (the Hatch Act). In 1940 certain provisions of that act were extended to include State and local employees paid in whole or in part from Federal funds. As passed, the later act included provisions limiting annual political contributions by individuals to \$5,000 to any one political committee or in behalf of any candidate or in connection with any campaign for Federal election, and limiting interstate political committees to a maximum of \$3 million in contributions or expenditures in any 1 year.

EXISTING FEDERAL LAW ON THE SUBJECT OF CAMPAIGN FINANCES

The Federal Corrupt Practices Act of 1925 was enacted as title III, sections 301-319, of "An act reclassifying the salaries of postmaster and employees of the postal service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes."

Subsequently, the Corrupt Practices Act was split into two parts. Sections 310-313 were repealed and enacted into positive law as sections 597, 599, and 610 of title 18, United States Code. The remaining sections of the Corrupt Practices Act appear as sections 241-248 and 252-255 of title 2, United States Code, which has not yet been enacted into positive law.

The Hatch Political Activities Act of 1939—"An act to prevent pernicious political activities"—was enacted August 2, 1939 (Public Law 252, 76th Cong.), and was subsequently amended several times. In the present state of the law, the original sections of the Hatch Act have become sections 594, 595, 598, 600, 601, 604, 605, 608, 609, and 611 of title 18, United States Code, and appear as sections 118i, 118k, 118k-1, 118k-2, 118k-3, 118l, 118m, and 118n of title 5, United States Code.

In addition, sections 591, 602, and 612 of title 18, United States Code, relate to regulation of elections.



SUPPLEMENTAL VIEWS OF MR. ALLEN

While I voted to order reported from our Committee on Rules and Administration the bill, S. 382, as amended, I feel that it is subject to the objection that it does not limit the overall cost of campaigning. While commendable in purpose and potentially effective in the limited area of its operation, it simply does not go far enough.

The bill would limit campaign expenditures in two categories only, (1) broadcast media advertising, and (2) nonbroadcast media advertising, such as newspapers, magazines and other periodicals, and billboard facilities.

The limit set is 5¢ for each person of voting age for such office and each of the two categories of advertising. However, the expenditures are interchangeable, so that actually a limit of 10¢ for each person of voting age for such office is provided, to be divided as the candidate wishes between the two categories.

In most cases, the limits set are much higher than those set by S. 3637 which passed during the 91st Congress but was vetoed by the President and his veto sustained.

In the President's veto message, he said that S. 3637 did not limit the overall cost of campaigning. Neither does S. 382.

He also said in his message:

The problem with campaign spending is not radio and television; the problem is spending. This bill plugs only one hole in a sieve.

Candidates who had and wanted to spend large sums of money, could and would simply shift their advertising out of radio and television into other media—magazines, newspapers, billboards, pamphlets, and direct mail. There would be no restriction on the amount they could spend in these media.

Hence, nothing in this bill would mean less campaign spending.

In fact, the bill might tend to increase rather than decrease the total amount that candidates spend in their campaigns. It is a fact of political life that in many Congressional districts and States a candidate can reach more voters per dollar through radio and TV than any other means of communication. Severely limiting the use of TV and radio in these areas would only force the candidate to spend more by requiring him to use more expensive techniques.

By restricting the amount of time a candidate can obtain on television and radio, this legislation would severely limit the ability of many candidates to get their message to the greatest number of the electorate. The people deserve to know more, not less, about the candidates and where they stand.

These same criticisms apply to S. 382 except that nonbroadcast media advertising has now been limited along with radio and TV.

The President seemingly favors an overall limitation on expenditures; and with this position I agree.

The bill places no limit on expenditures for mass mailings, for handbills, brochures, printing, WATS lines, telephones, postage, stationery, automobiles, trucks, telegrams, campaign headquarters (state and various local ones), unlimited campaign workers, airplane rentals and tickets, buses, trains (special and regular), campaign newspapers, movie theatre film advertisements, campaign staffs, public relation firms, production expenses for broadcasts, public opinion polls, paid campaigners and poll watchers, novelties, bumper stickers, sample ballots.

I feel that an overall limit should be placed on the total amount of campaign contributions and expenditures that a candidate may receive or spend.

I would feel that a limit of 10¢ or less per person of voting age for an office should be set for all expenditures not limited by the broadcast and nonbroadcast media advertising limitations.

Total contributions that might be received could thus be limited to 20¢ or less per person of voting age for such office. This limitation on the total amount of contributions would probably be more effective than merely adding the 10¢ or less limitation for all expenses other than media advertising. I would also feel that the candidate's own expenditures should be treated as contributions to the campaign.

I submit that there is even greater need to limit expenditure for nonmedia advertising than for media advertising. Media advertising is open and aboveboard and available for all to see. Overuse of media advertising might even be counter-productive if the electorate felt that the candidate was overspending in that field. The nonmedia expenditures would not be as apparent to the public but could be as effective and as expensive. It would be in the field of nonmedia expenditures that irregularities, or corrupt practices or abuses, if any, might be more likely to occur. A limit should be placed on nonmedia expenditures, and I plan to offer an amendment providing for such a limit.

JAMES B. ALLEN.

From the time when I was first elected to the Senate in 1958, I have been attempting to bring about comprehensive and effective improvements in Federal election laws, and especially those pertaining to campaign contributions and expenditures and the public disclosure of all political finances.

I have introduced and supported remedial legislation during each Congress since 1959. Some bills were passed by the Senate—S. 2436 in 1960; S. 2426 in 1961; and S. 1880 in 1967—but none was acted upon by the House of Representatives.

In 1971, S. 382 was introduced with recommendations much broader in scope than those of previous proposals. It affects the communications media, public disclosure provisions, and tax incentives. The Commerce Committee held public hearings and gave careful consideration to the bill in executive sessions before reporting the measure to the Senate. The Committee on Rules and Administration thereafter held additional public hearings prior to adopting additional amendments and ordering the bill to be reported.

In my judgment, the bill, S. 382, as reported by the Commerce Committee on May 6, 1971, and by the Committee on Rules and Administration, contains substantial and necessary improvements in the overall campaign procedures as they relate to candidates for Federal elective office and should eliminate the loopholes and weaknesses of existing law.

However, I believe some of the amendments go too far and will either create new outlets for excessive expenditures or impose inordinate reporting burdens upon political committees and certain regulated businesses. Accordingly, I am expressing my concern over and disapproval of particular changes in the bill, with the hope that perfecting amendments will be adopted by the Senate.

1. Section 101(a) of the bill was amended so as to exclude from the operation of section 315(a) of the Communications Act of 1934, not only candidates for the Offices of President and Vice President of the United States, but all candidates for Federal elective office, including candidates for the U.S. Senate and the House of Representatives.

The amendment may create too many problems relative to broadcasters who may wish to offer free time to congressional candidates, particularly with respect to candidates for the House, and especially in those States having large numbers of congressional districts. It is conceivable that a broadcaster could select candidates in certain areas and districts of a given State over those in other areas and districts for the privilege of receiving free time. Obviously, candidates not directly benefiting from such a choice could suffer damage because of an inability to obtain equal free time in their districts for adequate exposure to the public. Furthermore, the amendment provides that all such Federal candidates must be given "maximum flexibility in the choice of program format." This provision is ambiguous, vague, and uncertain in such degree as to cast doubt upon its intent and its value. Additionally, the bulk of testimony related to presidential candidates only.

I hope the Senate will give this amendment its careful consideration so that it may be either clarified and made definitely equitable in application or struck from the bill.

2. Section 102(2)(b) of the bill was amended so as to permit a candidate to spend for the use of *broadcast media* any unspent portion of the amount he is authorized to spend for nonbroadcast media, and section 103(a)(2) of the bill was amended so as to permit a candidate to spend for the use of *nonbroadcast media* any unspent portion of the amount he is authorized to spend for broadcast media.

In effect, notwithstanding the efforts of the Commerce Committee to set definite and distinct limitations on expenditures by a candidate for broadcast and nonbroadcast media, this amendment allows Federal candidates to double their purchases of television or radio time or, conversely, to double their expenditures for newspaper or periodical advertisements or for billboards.

The Commerce Committee made every effort to determine the amounts a candidate should reasonably need in order to obtain fair and adequate exposure to the public for broadcast and nonbroadcast media without overburdening the viewing public, and any change in those determinations especially a change which doubles the fair amounts, renders the limitation meaningless. Limitations originally set by the Commerce Committee were considered to be adequate for candidate exposure. Based upon 1970 election statistics, this amendment would permit doubling of expenditures and nullify the value of the limitation.

The Senate should either reject this amendment or reduce the total limit on expenditures for those media covered by the bill.

3. Section 206 of the bill was amended to prohibit the extension of credit to any candidate or other person on behalf of the candidate by any business regulated by the Civil Aeronautics Board, the Federal Communications Board, or the Interstate Commerce Commission, unless any debt so created is secured *in full* by property, bond, or other security.

Further, section 305 of the bill is amended so as to require that any such regulated business which extends credit must file detailed reports with the Comptroller General and with the department or agency by which such business is regulated.

This amendment was politically inspired. It reflects the fact that one of the National Committees carries a very heavy debt, some of which was incurred for expenses owed to regulated industries. It further reflects the economic fact that candidates who are not independently wealthy or supported by individuals or groups who have wealth, will not be able to post security *in full* in order to obtain credit for those kinds of services which are vitally necessary to every candidate in presenting his views and programs to the voters of this Nation.

This certainly must be referred to as the "rich man's" or "fat cat" amendment. Otherwise, one must be ignorant of the economic facts of

life. Moreover, it implies that regulated industries have not and will not exercise reasonable prudence in the ordinary course of business; that credit may be extended without any evidence of ability to pay debts or reasonable expectation that debts will be repaid in due course. This amendment would bar or curtail the normal or bona fide use of a credit card unless security *in full* is posted.

Further, the amendment requires any regulated business which extends credit, even if security is provided, to file numerous detailed reports with the Comptroller General and elsewhere, which are not required to be filed by any other person or organization which makes a political contribution or expenditure to candidates or political committees. I point out also that the extension of credit, in the ordinary course of business, is not a contribution or expenditure within the purview of this bill, but, unfortunately, could be so construed if this amendment is accepted by the Senate.

In my considered judgment, the amendment is arbitrary and discriminatory as to candidates, imposes onerous and expensive accounting responsibilities upon regulated businesses, is unnecessary, and should be rejected by the Senate.

4. Section 302 of the bill was amended by adding a new subsection (f) which requires any political committee to include in any written solicitation for funds a notice stating that it would file with the Comptroller General a report showing a detailed account of receipts and expenditures, and, further, that copies of those accounts would be available to the public from the Superintendent of Documents at the cost of the person ordering the copies.

This amendment seems at first glance to have some merit because it calls for specific disclosure by committees soliciting funds. But, all political committees are required by section 304 of the bill to submit reports to the Comptroller General on the 10th day of March, June, and September in each year and also by the 31st day of January. Also, reports must be filed by each committee on the 15th day before an election and on the fifth day before an election. Not only must each of those reports be filed with the Comptroller General, but copies must be filed with the clerk of the U.S. district court for the district in which is located the principal office of the committee. Pursuant to the bill, each of the reports must be made available for public inspection and for copying at public expense. The Comptroller General must publish annual reports, special reports, other reports which he may deem to be appropriate and assure wide dissemination of statistics, summaries, and all reports prepared in accordance with the bill.

Therefore, it ought to be clear that the public would be provided with total information concerning all receipts and expenditures pertaining to political committees, without this additional burdensome, expensive, and superfluous amendment. I hope it will be rejected.

HOWARD W. CANNON.

SUPPLEMENTAL VIEWS OF MR. PELL

Basic reform of campaign finance practices in Federal elections is long overdue. Indeed, without effective reform, a further erosion of public confidence in the integrity of the Federal elective process is inevitable.

But confidence in the elective process will not be maintained or restored by campaign finance legislation that gives the appearance of reform without the substance. Such legislation, in fact, could well lead to increased public skepticism.

It is for this reason that I am particularly opposed to the liberalization of campaign expenditure limitations adopted by the Committee on Rules and Administration during the consideration of S. 382.

The bill as referred to the Committee on Rules and Administration limited such expenditures to 5 cents per person of voting age, with an additional 5 cents per person of voting age permitted for campaign expenditures in other media. The reported bill, by permitting a merger of these two limits, would allow in effect an expenditure of up to 10 cents per person of voting age for broadcast media campaign expenditures if candidates elect to concentrate their campaign funds on television and radio.

This combined limit is so liberal that it would permit a nationwide inundation of political broadcasts in the final weeks before an election. I believe the separate limitation on broadcast and nonbroadcast media should be restored.

Second, the committee adopted an amendment prohibiting the extension of credit to candidates or political committees by businesses regulated by the FFC, ICC, or CAB, unless the debt is secured in full by bond, property, or other security.

I believe this is an unnecessary and unwise provision that would result primarily in increasing the advantage already held by well-financed candidates for Federal elective office.

In application, the provision would even deny to a candidate the routine and normal use of a travel credit card. The affected industries, I believe, are capable of managing their extension of credit to candidates or political committees without the rigid and inflexible requirement imposed by this provision.

CLAIBORNE PELL.

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ADDITIONAL VIEWS OF MR. SCOTT

The Committee on Rules and Administration has made some significant improvements in S. 382, the Federal Elections Campaign Act of 1971. As previously reported by the Commerce Committee, the bill contained several provisions which had originally appeared in S. 956, my own campaign reform bill. These changes dealt, for the most part, with political broadcasting and advertising. As now reported, S. 382 reflects some of the suggestions I offered to the Rules Committee in testimony on May 25, 1971.

First, the committee adopted an amendment to give candidates maximum flexibility in campaign spending by providing interchangeability between the broadcast and nonbroadcast expenditure limits. This new provision takes into account the great variances in style associated with political campaigns, not to mention geographical considerations. Furthermore, the adoption of this overall spending limit makes the bill less of an "incumbent's bill", since relatively unknown challengers would now be allowed greater, and essential, access to the broadcast media; and the new spending formula would not unfairly discriminate against broadcasters, since they could continue to receive their fair share of the market.

Second, the committee unanimously agreed to repeal the existing law which, at least on paper, has purported to limit individual political contributions to \$5,000. This limit has proven totally unenforceable since it was enacted several decades ago. And, because of the law's unenforceability, it has seriously undermined public confidence in political campaigns. Accordingly, the committee felt, and I heartily concur, that full reporting and disclosure, rather than arbitrary and meaningless limitations on contributions, is a better way to curb potential abuses or excesses.

Third, the committee agreed to invest the Comptroller General with the authority to monitor campaign spending. As the chief executive officer of the General Accounting Office, technically an arm of Congress, he can use the vast resources of his Agency to provide the public with accurate and timely information as to "who is giving how much to whom and when?" I must note here, with some amusement, that former Senator Joseph Clark and I offered an amendment to the Election Reform Act of 1967 which did designate the Comptroller General as the custodian of campaign spending statements, instead of vesting such authority with the Clerk of the House and the Secretary of the Senate. Not only did the Rules Committee reject the amendment during an executive session, but on September 12, 1967, it was defeated on the Senate floor by a vote of 30 to 56.

Now that the committee has decisively vindicated my earlier position, I intend to go one step further. While I do believe that the GAO possesses the requisite manpower and expertise, I am fearful that giving them authority to investigate complaints and to report violations might be burdensome and uncomfortable. Therefore, I hope to present to the Senate an amendment which would create a

fully independent and autonomous body to handle this function. The GAO would still play an active and integral role in the information accumulation and dissemination process, but it would be denied actual decisionmaking powers at the command level. This power would lie solely with the new, independent body.

And finally, although I did not testify on this particular point, S. 382 now contains a provision setting forth a procedure by which citizens can file complaints against candidates if there is a suspicion of a violation. First appearing in S. 956, this section also permits actions against complainants (to deter frivolous complaints), and outlines the way in which a suspected violation is handled, all the way up to an expedited court hearing. This is the one provision in the bill that will enable the public to get a better look at the investigative process to be used against suspected violators of the law.

During my appearance before the committee, I also indicated that I had undertaken a study of political campaign debts to federally regulated industries. My interest in this subject is not new, but it was fired by the outrageous information which surfaced after the 1968 presidential campaign. Dr. Herbert Alexander, one of the Nation's leading authorities on campaign spending, outlined this problem in the March 1970 issue Fortune magazine:

True to the old political saying—that winners pay their bills, and losers negotiate—several of 1968's losers settled their debts by negotiation rather than by full payment.

The McCarthy campaign was about \$1,300,000 in the hole by the time it ended. McCarthy's financial managers paid all bills of \$400 or less in full, and negotiated settlement of larger debts—a step that created an awkward situation for some creditors. Many of these large bills—for hotel rooms, car rental, telephone service, and air travel—were tendered by publicly owned corporations, some of them in regulated industries. When a corporation agrees to settle a politician's bill for less than full value, it is in effect making an indirect campaign contribution. Even when the company is forced to take what it can get in order to avoid a larger loss, the settlement can be difficult to explain to stockholders or to various regulatory bodies. Some substantial amounts were involved in the McCarthy settlements. Various McCarthy committees owed A.T. & T. \$305,000 for telephone service, but wound up paying only \$75,000. American Airlines, which was owed \$285,459, got \$141,903.

Knowing that the Congress was likely to consider a campaign reform bill in 1971, and realizing that there might also be a few 1972 presidential contenders, I wanted to see if there was a way to control this problem. First, however, it was necessary to determine how widespread the practice was, so I wrote a letter to the General Accounting Office asking them to investigate:

APRIL 19, 1971.

HON. ELMER B. STAATS,
Comptroller General of the United States,
General Accounting Office,
Washington, D.C.

DEAR MR. COMPTROLLER GENERAL: You may know that I have sponsored legislation this year to reform our archaic campaign spend-

ing laws. If this effort succeeds, the public is entitled, at the very least, to accurate and timely information pertaining to Federal candidates and to those who aid them.

In the interest of full reporting and disclosure of all forms of campaign assistance, direct or indirect, I am concerned that some of the industries regulated by independent agencies of the U.S. Government, by their billing procedures or other practices, may inadvertently be contributing to the election campaigns of Federal candidates. Specifically, I am referring to the air carriers regulated by the Civil Aeronautics Board, the wire (and perhaps electronic) communications regulated by the Federal Communications Commission, and the surface carriers regulated by the Interstate Commerce Commission. I recall several instances in which candidates who incurred debt with one or more of these federally regulated industries negotiated their debt downward to a substantially reduced figure after the elections. To say the least, such dubious practices on the part of these industries reflect a rather dull sense of business acumen, not to mention a questionable code of ethics. Furthermore, there is also the distinct possibility of setting bad precedent and encouraging corruption. Be that as it may, there remains the very delicate question as to whether or not this type of activity is in the public interest since it may constitute an unlawful corporate contribution. Equally important to the public is the fact that special treatment for political candidates, in this case an indirect Federal subsidy, has never been authorized by the Congress and the President.

Suggested remedies might include either actual or estimated prepayment of bills, special authority for limited periods of either free or reduced-rate services, provisions for allowing candidates to liquidate debts over extended periods with low interest payments, or perhaps the depositing of funds in special escrow accounts. However, in order to consider these or other suggestions, we will need a great deal more information than is now readily available on the subject of candidates' debts.

In its deliberations on campaign reform, I am hopeful that Congress will address itself to this particular problem. As such, I respectfully request you to provide me with a complete accounting of all outstanding debts and negotiated settlements associated with these or other industries under Government regulation in the course of Federal political campaigns from 1962 to the present. The year 1962 is no arbitrary choice. It will yield at least a 9-year history, whether or not a significant pattern emerges. It will also include the last two presidential campaigns and elections, each of which dealt acknowledged serious blows to our major political parties—the Republicans in 1964, and the Democrats in 1968. In other words, I seek to examine this problem in the clearest light and the fullest scope.

In my view, any industry which is federally regulated and/or federally subsidized ought to account fully to the public for all its undertakings, especially when political campaigns are involved. It is absolutely imperative that the public interest prevail in such matters.

I do not believe that federally governed industries willingly or intentionally aim to lose money on political candidates. Nor do I believe that there is any collusion or conspiracy on the part of political candidates to defraud federally governed industries. And as much as I realize that substantially more than 50 percent of all political candidates are unsuccessful in their bids for public office, I do recog-

nize that there is usually no conscious or deliberate intent to lose an election.

Some may interpret my intentions here as either morbidly punitive or unabashedly partisan. In anticipation of such charges, I want to make it clear that I seek only to air the problem, which plagues virtually every candidate, and to assist in bringing about some solutions. I seek not to penalize past practices; rather, I see this as an opportunity to conduct an independent, nonpartisan inquiry which may serve to halt a potentially habitual and dangerous trend for the future. We must prevent the recurrence of any such activity. The integrity of political candidates rises far above party labels.

The few instances to which I referred in this letter are serious enough to warrant full congressional study with a view toward either corrective legislation or supplementary administrative regulation. Your assistance and recommendations in this effort will be most appreciated.

With good wishes,
Sincerely,

(Signed) HUGH SCOTT,
U.S. Senator.

By May 25, 1971, I had some feedback on my request, and I relayed it to the Rules Committee when I testified:

In the course of my study of campaign financing, I became aware of certain practices which are, at the very least, questionable. I, for one, simply do not ascribe to the old political saying that winners pay their bills and losers negotiate. To learn of the extent of such practices, especially as they relate to federally regulated industries, I have asked the General Accounting Office to provide me with a detailed study of all the outstanding debts and negotiated settlements since 1962. The results of the GAO inquiry haven't yet come in, but I have learned that the agencies supposedly regulating these industries don't even keep such records. At the minimum, we must require them to do so. My interest in this practice has generated a great deal of support from some sectors, the airlines in particular. They are usually the ones left holding the bag for unsuccessful candidates. I know of one airline which is carrying outstanding debts from political candidates and parties of over \$1 million. Similarly, there are at least \$1.5 million in outstanding telephone bills. In order to curb such practices, I intend to offer an amendment requiring any candidate or political committee to negotiate a binding contract, backed up by a bond or other security, with the provider of the service. Such contracts will also be included in the candidate's filing reports. For the public's protection, for the candidate's protection and the businessman's protection, such action is essential.

On June 3, 1971, the committee adopted my amendment to protect federally regulated businesses from incurring possibly uncollectable debts following political campaigns, and to place a financial obligation upon a candidate's campaign organization to back up such debt. This amendment, I believe, is a big step toward fiscal responsibility for political candidates. For the first time, common carriers will be given the enabling authority to prevent some of the abuses that were so prevalent in 1968.

Readers of my letter to the General Accounting Office, or my amendment, surely cannot, in good faith impugn my motives. According to the New York Times, however, a member of the Senate Democratic policy committee said that "a prohibition on political credit would benefit the 'fat cats' who can afford to finance a campaign on a cash-and-carry basis, at the expense of the poor party or candidate who cannot."

Am I to infer from that comment that the Senate Democratic policy committee favors, for example, free rides on airplanes for political candidates? Present laws, as I read them, clearly forbid such practices. A closer reading of my amendment will yield no "cash-and-carry" requirement; rather, as in the case of a bank loan, *the debt created by such credit must be secured*. That is all it asks of the candidate. Surely, this kind of requirement poses no hardships.

If, however, my colleagues wish to propose alternatives, such as properly justified limited or indirect subsidies to candidates, I am prepared to consider them. My bill, S. 956, does contain special reduced-rate mailing privileges for candidates, so the concept is not a new one for me.

Following the adoption of my amendment by the committee, I detected an oversight in the language which I hope to correct on the Senate floor. On a strict reading of the amendment, the use of credit cards might, inadvertently, be prohibited, especially when the service involved is for the candidate's personal use. I intend, therefore, to offer a clarifying amendment which would exempt their use. Other technical amendments have also been brought to my attention, and I intend to offer them at the appropriate time.

If the avowed purpose of S. 382 is "to promote fair practices in the conduct of election campaigns for Federal political offices," then I deem absolutely essential the retention of this amendment to prohibit the extension of unsecured credit to political candidates. There is no "right to rook" anybody in a political campaign. To incur debts and refuse to pay them simply forces others, against their will, to make up the contributions, perhaps in unintended violation of the election laws.

HUGH SCOTT.

SUPPLEMENTAL VIEWS OF MESSRS. PROUTY, COOPER, AND SCOTT

INTRODUCTION

S. 382 as amended should be promptly enacted. It represents effective, meaningful, and workable election campaign reform legislation which is long overdue.

The committee met the challenge involved in developing a meaningful piece of legislation which will restore public confidence in our election process. The importance of meeting the challenge cannot be overemphasized, because by its very nature, campaign reform legislation can become bogged down in partisan politics.

The committee carefully considered all parts of S. 382 and adopted amendments which made this campaign reform measure stronger, more workable, and more meaningful. As amended S. 382 will restore public confidence in the integrity of the election process.

We cannot afford to procrastinate. Democracy succeeds only where citizens have faith and trust in their Government and its elected officials. The turbulent 1960's should have convinced us all that millions of our citizens have lost faith in our democratic process. Prompt enactment of S. 382 as amended can be the most effective method for restoring to the public the confidence necessary for democracy to work.

The committee considered all aspects of S. 382. The deliberations were both long and thoughtful. We are certain that we speak for every member of the committee when we state that all of us intend to do everything humanly possible to see that during this session of Congress there will be a Federal Elections Campaign Act of 1971. We are in complete agreement with the committee report and in these views we merely intend to provide some background and elaborate on the contents of S. 382 as amended.

BACKGROUND

The Federal Corrupt Practices Act of 1925 has probably been worse than having no law regulating Federal elections. It is full of loopholes and, in effect, provides neither the candidates nor the public with any guidance or information concerning the election process.

On its face it appears to require disclosure of campaign contributions and expenditures.

On its face it appears to limit individual contributions to \$5,000.

On its face it appears to place an overall limit on the amount of money that candidates could spend in a campaign.

All of these, appearances of regulation, are an illusion. Campaign committees formed in the District of Columbia or any territory of the United States are not required to report contributions or expenditures made on the behalf of a candidate for Federal office. Individuals are not limited to \$5,000 contributions because an individual can give \$5,000 to 5,000 separate committees supporting the same candidate.

There is no overall limitation on the amount that a candidate can spend in a campaign because committees working on the candidate's behalf are not affected by the overall limitation. In fact, the Federal Corrupt Practices Act of 1925 is a shame. It is a dangerous sham because over the years it has created an illusion of regulation of the Federal elective process. As an illusion it has retarded meaningful reform in an area that particularly needs reform. It has provided an easy excuse for preserving the status quo.

During the 1960's Congress made some attempts to reform our election campaign laws. For the most part those attempts resembled illusions more than reality because all the bills with the exception of S. 3637 in the last Congress were passed by only one body of the Congress.

In 1969 Congress did pass S. 3637 which would have limited campaign expenditures on radio and television. In vetoing that bill President Nixon stated, in part:

S. 3637 does not limit the overall cost of campaigning. It merely limits the amount that candidates can spend on radio and television. In doing so, it unfairly endangers freedom of discussion, discriminates against the broadcast media, favors the incumbent officeholder over the officeseeker and gives an unfair advantage to the famous.

The President called upon Congress to enact comprehensive and meaningful reform of our laws governing Federal elections.

Had S. 3637 become law, there can be no question but that the pressure for meaningful overall effective reform would not have today existed.

S. 382 was considered in part by the Commerce Committee. This committee considered the bill in its entirety and adopted a number of amendemnts. It is our judgment that history may record the enactment of S. 382 as amended as a most significant piece of legislation, because it goes to the very heart of our democratic process. The importance of this legislation compels us to discuss in detail the various titles of the bill.

TITLE I—LIMITATIONS ON CAMPAIGN SPENDING AND POLITICAL ADVERTISEMENT CHARGES

All elected public officials are keenly aware of the fact that political campaigns cost more today than they did in the past. Some have argued that the communications media is the primary reason that campaign costs have increased. Quite frankly, there is no clear evidence to substantiate this fact. It should be noted that enactment of S. 382 as amended will provide us with detailed facts and figures concerning all campaign spending. Title III of the bill calls for complete and full disclosure of *all* expenditures.

Title I was extensively considered by the Senate Commerce Committee. However, numerous witnesses who appeared before the committee contributed valuable testimony relating to the provisions of title I. Recognizing the interrelationship between title I and the other titles of the bill, the committee carefully considered all of the provisions contained in title I.

In general, title I represents an effort to lower campaign expenditures. This is an admirable goal with which everyone can agree.

Differences arise in determining which is the best method for lowering campaign costs without depriving the voter of the opportunity of making an intelligent choice. This latter consideration is particularly important if we are to insure against enacting legislation which favors incumbent officeholders who are generally better known and better able to "make news". We believe that title I as amended represents an effective and realistic way for lowering campaign costs. There are four distinct elements that are designed to lower the cost of political campaigns:

1. *Repeal of the equal time requirements of section 315 of the Federal Communications Act in order to encourage broadcasters to provide additional free time to all Federal candidates.*¹
2. *The requirement that the communications media charge political candidates at the "lowest unit rate".*
3. *Limiting the reduced rate to 45 days preceding a primary election and 60 days preceding a general election, thereby encouraging shorter campaigns.*
4. *Limiting candidates' expenditures on the communications media while preserving campaign flexibility.*

Section 315 Exemptions

The committee heard considerable testimony from broadcasters to the effect that the equal time requirement of section 315 of the Federal Communications Act inhibits broadcasters from providing political candidates with free time. Under the "equal time requirement" if a broadcaster grants one candidate free time, he must by law provide all other candidates for the same office with precisely the same amount of time. In most elections there are only two or three serious candidates. The views of those serious candidates are seldom heard on free radio or television time because a number of fringe candidates or potential candidates are waiting in the wings to demand precisely the same amount of time given to serious candidates. The net result of the equal time requirement has been "no time offered".

The Senate Commerce Committee recognized the inhibiting effects of the equal time requirement of section 315. The bill as reported from that committee repeals the equal time provision but only for presidential and vice-presidential candidates. Testimony before this committee clearly shows that the exemption should extend to all candidates for Federal office. In his testimony before the committee, Deputy Attorney General Richard Kleindienst urged the committee to extend the exemption:

We agree that section 315 has produced the wrong results, but these are not limited to presidential and vice-presidential candidates. They are equally applicable to candidates for other Federal offices. Every argument supporting limited repeal supports total repeal. The fairness doctrine enforced by the Federal Communications Commission will afford all candidates access to broadcasting facilities on an equitable basis. We urge total repeal of section 315.

¹ Senator Cooper wishes to note that in committee he voted against extending the repeal of the equal time provision to *all* Federal candidates.

The president of the Mutual Broadcasting System, Mr. Victor Diehm, supported the Deputy Attorney General's position.

* * * by its present language S. 382 would repeal the equal opportunity provision of section 315 of the Communications Act for presidential and vice-presidential candidates. Extension of this policy to all Federal office seekers would permit coverage of all serious candidates to a much greater extent than is now possible.

It should be pointed out that the public interest standard and all other applicable considerations bearing on a broadcast licensee stewardship of the airways always remain in full force. Abuse, if it should occur, could be readily redressed.

Stations freed from the threat of great swarms of candidates appearing for a variety of reasons would be able to concentrate coverage on a bona fide candidate to the benefit of the public.

While I feel complete repeal of this ill-named equal opportunity section of the Communications Act would be appropriate, certainly it should be removed at least for those offices with which this legislation deals—the Federal offices.

The committee heard testimony from the president of the North Carolina Association of Broadcasters, Mr. Richard Barron, reemphasizing the need for repealing the equal time requirements for all Federal candidates.

First, we agree with the provisions of the bill that would call for the repeal of section 315(a) of the Federal Communications Act to delete the equal time requirement for presidential and vice-presidential candidates.

We recommend, however, that the bill be expanded in this regard so as to delete the equal time requirements for all candidates.

We agree with Deputy Attorney General Richard G. Kleindienst in his testimony of March 31 that section 315 "Contrary to its purposes, has had the effects of discouraging broadcasters from offering free time and coverage."

This is also in accord with Dr. Frank Stanton of CBS when he stated that "Because section 315 requires equal time for every candidate for an office, however insignificant or frivolous his candidacy, the practical effect of the law has been to deny free broadcast time to major candidates or to force free time to be shared with fringe candidates."

"Therefore, we recommend the repeal of section 315(a) and its equal time requirements for *all* candidates."

The following considerations convinced the committee that the equal time requirement should be removed for all Federal candidates. Free time if given to political candidates would reduce the costs of campaigns. Broadcasters have been unanimous in claiming that the equal time requirements of section 315 inhibit them from providing free time. The FCC studies confirms the fact that very little free time is provided. Consequently, incumbents who tend to be better known and have an ability to "make news" are presently in a much better position than nonincumbents. Therefore, the committee removed the equal-time requirement for all Federal candidates.

Reduce Media Charges

The committee retained those parts of the bill reported by the Senate Commerce Committee requiring the communications media to charge political candidates at the "lowest unit rate." History has demonstrated that candidates for political office are charged more for the same amount of space or time than major advertisers. While we do not have any definitive facts as to the differences between "lowest unit rate" and the amount being charged political candidates, we are hopeful that an overall reduction in campaign costs will occur as a result of this legislation.

Encouragement of Shorter Campaigns

The committee retained the provision added by the Senate Commerce Committee limiting the "lowest unit rate" requirement to 45 days preceding a primary election and 60 days preceding a general election. Everyone agrees that political campaigns tend to be too long. We are hopeful that the 45- and 60-day provisions will encourage shorter campaigns.

Spending Limitations

The committee retained a limitation on candidate spending for the communications media. The committee was concerned that the bill as reported from the Senate Commerce Committee contained separate but identical limitations for broadcast and nonbroadcast communications media. The committee hearings brought out the danger inherent in such rigid structure contained in the limitations.

The Senate Commerce Committee report recognized the difficulties in having separate but identical spending limitations.

Some of the witnesses who testified before your committee urged there be one total limitation on all media spending with discretion left to the candidate to determine what amounts to spend on broadcast and nonbroadcast advertising. There is merit to this contention especially since campaigns differ according to the personal style of a candidate and the area of the country in which the election is being held.

On the balance, however, your committee opted against such an approach. Television is unquestionably the most used media in political campaigns, and it has been the most significant contributor to the spiraling cost of these campaigns. If candidates were given complete discretion to spend on the use of this media your committee was fearful that in the closing months of a campaign the airwaves might become inundated with political broadcasts to the exclusion of entertainment and other public interest programs. (S. Report 92-96, p. 30).

Deputy Attorney General Richard Kleindienst addressed that particular reason in the following manner:

We think the economic facts of life in the broadcasting industry and the long-term self-interest of broadcasters will adequately protect the public from any real possibility of an inundation of the air by political advertisements. We also

believe that compartmentalized spending limitations ignore differences in candidates and variances in media coverage capabilities and media rates throughout the Nation. Candidates should have the flexibility to structure their campaigns to produce the most efficient and effective communication with the electorate.

In all candor, it is extremely difficult to establish any limitation without having complete and accurate facts concerning existing campaign practices and expenditures. Under the present law, candidates are not required to disclose their exact expenditures. Consequently, Congress has nothing upon which to base a realistic limitation. Nevertheless, we are convinced that some limitation is necessary in order to curb campaign costs.

The committee did have before it preliminary expenditure figures for radio and television during the 1970 campaign. Those figures indicated that had the separate broadcast spending limitation been in effect during the 1970 campaign, statewide candidates in nearly half the States would have violated the law.¹ Had the separate limitation proposed by the Commerce Committee been in effect in 1968, the amount that the President of the United States had spent on radio and television would have been cut in half.

This committee concluded that it would be extremely risky to arbitrarily set an unrealistically low spending limitation. The overall intent of S. 382 is to restore the confidence of the American public in the election process. An unrealistic spending limitation for radio and television would simply mean that the American public would be deprived of being fully informed about a candidate and the issues. This fact coupled with the fact that a limitation was placed on nonbroadcast communications spending without having a single fact indicating how much candidates had spent on nonbroadcast media in the past. We have no sure way of knowing whether candidates spend twice as much for newspaper advertisements as they do for television advertisements. We have no detailed information concerning the amount of money candidates spend for billboard facilities. We have no detailed information about the amount of money that candidates spend for advertisements in magazines and other publications. Nevertheless, the bill as reported to this committee set a limitation on nonbroadcast spending of 5 cents times the resident population of voting age.

We were faced with the impossible task of guessing how much money is spent by political candidates in the nonbroadcast communications media. We were placed in this position because at present there is no effective disclosure law or agency to compile nonbroadcast communications spending.

We believe that the committee amendment which, in effect, placed an overall spending limitation on communications media goes a long way toward insuring that an effective spending limitation is workable. However, we do want to emphasize that the information concerning spending patterns on the communications media is today very limited.

How much spending is enough to insure truly democratic elections and how much is too much are at this point in history impossible to determine. An even greater risk is inherent in making binding decision for the future.

¹ See table A, page 92, Senate Commerce Committee report on S. 382, Rept. No. 92-96

In examining campaign spending on television, we suspect that the report by the FCC on campaign spending in 1970 has considerable significance. In all candor, however, none of us at this time know what significance it has. For example, the FCC report indicated that total political spending for radio and television advertising reached \$50.3 million including \$2.7 million by minor parties. This represented an increase of 57 percent over the last comparable figure for 1966. Despite the increase the actual number of political broadcasting hours declined sharply to 7,535 from the 1966 total of 11,499 hours.

We can only conclude from that statistic that television time was more expensive in 1970 than 1966. As a matter of fact, it would seem to indicate that a political candidate could get nearly twice as much time for his dollar in 1966 than he could in 1970. Certainly this statistic seems to put to bed any doubts that might have existed as to whether or not the committee proposes a strict spending limitation.

We must not lose sight of the fact that S. 382 contemplates permanent legislation. It is not a bill enacted merely for the next election. A recent article in the June 10th edition of the Washington Post gives some indication as to the escalation of media advertising costs. In the Washington, D.C., area alone, media advertising costs rose 8.8 percent between April 1970 and April 1971. The article went on to point out that this was a smaller increase than the average 10.8 percent rise in media costs over the previous 5 years. Of all media costs, television rates rose the sharpest. Over the past 6 years in Washington, D.C., television rates rose 80.2 percent. This far outstrips any future adjustments which may be made in the formula as a result of the cost-of-living increase provision contained in the bill.

Reluctantly, we must conclude that for all practical purposes the lowest unit rate requirements contained in the bill seem meaningless.

Title I continues to be the only part of S. 382 which runs the risk of eroding rather than strengthening our democratic process.

TITLE II—CRIMINAL CODE AMENDMENTS

Corporations, labor unions, and banks are prohibited from making contributions to candidates for Federal office. The purpose of the prohibition is to protect the integrity of the election process. Naturally, effective enforcement of this prohibition has been difficult because of the lack of effective disclosure requirements.

This committee carefully examined all of the criminal code provisions relating to Federal elections. A number of changes were made in existing law which will significantly help restore public confidence.

Specifically the committee amended the Criminal Code with respect to the following:

1. *Made lawful bona fide bank loans to political candidates;*
2. *Expanded the definition of political contribution and political expenditure;*
3. *Eliminated unregulated political committees;*
4. *Repealed the limitation on the amount of individual contributions;*
5. *Eliminated the maximum limitation on the amount of money any one political committee can handle; and*
6. *Prohibited unsecured debts by political candidates for certain regulated industries.*

Bank Loans

First, in section 201 the definition of contribution and expenditure was modified so as to permit candidates for Federal office to obtain bona fide bank loans. Under the present law a bank is prohibited from making a contribution or expenditure to a political candidate. In the future, banks will continue to be prohibited from making contributions or expenditures to political candidates. However, the committee clarified the law so that ordinary bank loans could be obtained. The reason for this change is obvious. No one wants a Federal election law which, in effect, says that only the very wealthy can run for elective office. As a practical matter, it is often necessary for a candidate to borrow money in order to defray immediate and pressing campaign expenses. Under the present law, there was a real danger in permitting even bona fide loans to political candidates because in the absence of an effective disclosure law it would be very easy for a bank making a loan never to collect it. S. 382, as amended, has rigid and effective disclosure requirements. All bona fide loans made to political candidates must be reported. The candidate must continue to report his loan until it is fully repaid.

Define Contributions and Expenditures

Second, it should be noted that the definitions of "contribution" and "expenditure" include "anything of value". This would mean that contributions in the form of *facilities, equipment, supplies, personnel, advertising or personal or other services without a charge, or at a charge which is below the usual charge for such items*, is considered as a contribution or expenditure to or on behalf of the candidate for Federal office. Since section 301 of title III contains an identical definition, all such donated services are not only subject to criminal code provisions but also must be disclosed under the provisions of title III.

Elimination of Unregulated Political Committees

Third, the committee eliminated the serious loophole in present law which has the effect of permitting political committees organized in the District of Columbia or U.S. territories to escape all provisions of the law. Specifically, the committee terminated the existence of the unregulated District of Columbia Committee by adding the following definition of "State" to 18 U.S.C. 591:

"State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

Contribution Limitations

Fourth, the committee carefully examined the desirability of having a limitation on individual contributions. The committee rejected placing a limitation on individual contributions for three reasons:

- (1) Such a limitation probably is unconstitutional;
- (2) Such a limitation is completely unworkable; and
- (3) Full disclosure makes such a limitation unnecessary.

Prof. Ralph Winter, of Yale Law School, stated the following:

It is my judgment that the first amendment plainly prohibits the setting of a legal maximum on the political activities in which an individual may engage. This is the case whether or not the maximum is imposed in the name of equalizing opportunity or whether an actual discriminatory effect can be shown.

Even if such a limitation were constitutional, it clearly would be unworkable. Section 204 of S. 382 as originally introduced, would have limited individual contributions to an aggregate amount of \$5,000, whether given directly or indirectly to a political candidate. Not only would the \$5,000 limitation have invited evasion of the law by encouraging backroom cash contributions but also it would have created a situation whereby both the contributor and the candidate could have inadvertently violated the law. Such a situation would arise whenever an individual gave \$5,000 to a particular candidate and any additional money to an organization or committee which in turn made any contribution to the same candidate. Deputy Attorney General Richard G. Kleindienst in testifying before the committee succinctly summed up the problem:

Further, the proposed section would impose felony sanctions for aggregate contributions exceeding the limitation in any amount, and regardless of the intent of the contributor. In view of the perplexing array of political committees which solicit campaign contributions, inadvertent violations are likely and intentional violations may easily be made to appear inadvertent. Such a proscription would be virtually impossible for the Department to enforce and the public would be deluded if it believed otherwise.

Moreover, it was recognized that full and complete disclosure really solves the problem of large contributions. Under the new disclosure provisions contained in title II the public will know exactly how a candidate's campaign is financed. Since the disclosure provisions require reports 15 days and 5 days before an election, the voter will be in a position to make a judgement at the polls concerning the effect of large individual contributions to a political candidate.

Recognizing that the present limitation on individual contributions is merely a sham, the committee adopted an amendment which would repeal 18 U.S.C. 608.

Limitations on Committee Receipts

Fifth, under the present law it is unlawful for any political committee to collect or expend more than \$3 million. This 1925 requirement was also subject to easy evasion. National and interstate political committees simply created other committees, none of which received the limitation. As a practical matter, the national committees of both major political parties received and spent far in excess of \$3 million. Since they also will be required to make full and complete disclosure, 18 U.S.C. 608 is repealed.

Unwarranted and Uncollectable Debts

Finally, a very significant change in title II is the committee amendment prohibiting airlines, telephone companies, and other federally regulated businesses from extending unsecured credit to political candidates. We were shocked to learn that these regulated industries have been unable to collect large sums of money from candidates for Federal office. The committee amendment insures that these corporations will not be placed in a situation of inadvertently making unlawful contributions to political candidates of what amounts to debt forgiveness. It also protects the public which uses the services of such regulated industries, for ultimately users must pay higher rates because of the bad debts.¹

TITLE III—PROVISIONS FOR FULL AND COMPLETE DISCLOSURE OF ALL
POLITICAL CONTRIBUTIONS AND EXPENDITURES

A recent article in *Parade Magazine* contained a headline "The Nation's Worst Scandal." The article concluded as follows:

As things now stand, large segments of the educated public are losing faith in the too high cost of democracy. They suspect that the oil lobby, the labor lobby, the doctors' lobby, the postal lobby, the people with the money and the clout again and again exercise undue influence upon the Nation's legislators, confronting them time after time with a conflict of interest and an almost perennial debt of gratitude which must be paid off in special-interest legislation.

As we pointed out in the beginning of these views "democracy succeeds only where citizens have faith and trust in their Government and its elected officials." All the witnesses before the committee acknowledge that under the present law there is widespread dissatisfaction in the political process. Sidney H. Scheuer, the chairman of the National Committee for an Effective Congress, summarized some of the publicity which has created an atmosphere of distrust and lack of confidence in the democratic process:

In the 1970 campaign alone, countless newspapers and magazines appeared with such glaring headlines as: "Unseen Fund Raisers, Financing Lobbyists," "False Front' Campaign Funds: How They Work," "Campaign Spending Violations Found," "Bank PAC Funds Data Surfaced After Vote," "Five Political Funds Don't Report Aid."

It makes little difference that not all these stories concern clear-cut violations of the law, that many only demonstrate the enormous size of the loopholes in that law. Each instance stokes the fires of public cynicism and the common suspicion of widespread wrongdoing. As a result, the reputation of politics and all politicians suffers.

The lack of accurate information concerning campaign financing generates this type of publicity. Every witness before the committee urged a change in the present law, which actually discourages disclosures. A respected Twentieth Century Fund Task Force on Financ-

¹ For a more detailed discussion of this amendment see the additional views of Mr. Scott.

ing Congressional Campaigns in its 1970 report entitled "Electing Congress—The Financial Dilemma" came to the following conclusion:

* * * * *

We believe that full public disclosure and publication of all campaign contributions and expenditures are the best disciplines available to make campaigns honest and fair.¹

* * * * *

If there were full public disclosure and publication of all campaign contributions and expenditures during a campaign, the voters themselves could better judge whether a candidate has spent too much. This policy would do more to protect the political system from unbridled spending than legal limits on the size of contributions and expenditures.²

* * * * *

In this modern age where mass communications have created an information rich public, the present ineffective disclosure laws have the effect of shrouding Federal campaign financing in unhealthy and unwarranted secrecy. The lack of complete and full disclosure erodes competence in the entire elective process and if allowed to continue would only serve to generate pressures against our democratic form of government.

There are five basic considerations in developing a meaningful disclosure law:

1. *Determining who are required to make periodic reports;*
2. *Determining what such reports should include;*
3. *Determining when such reports should be filed;*
4. *Determining the agency of government entrusted with the responsibility for administering the disclosure law; and*
5. *Insuring the widest possible dissemination of reports made under the disclosure law.*

Who Are Required To Make Periodic Reports

On its face the Federal Corrupt Practices Act of 1925 requires disclosure. However, we have pointed out that law is fraught with loopholes. Committees organized solely within a State supporting a particular candidate do not have to report. Committees organized in the District of Columbia or any U.S. territory are freed from reporting. Consequently most contributions and expenditures in any political campaign go completely unreported.

Recognizing that only full and complete disclosure will restore the confidence of the American people, the committee requires every candidate and every committee supporting a candidate to file a report (section 304). In addition individuals who make contributions or expenditures other than by contribution to a political committee or candidate must file a report if the contribution or expenditures exceeds \$100 (section 305). A specific provision is also included to require any business regulated by the Civil Aeronautics Board, the Federal Communications Commission, or the Interstate Commerce Commission to file a report if it extends to a political candidate or political committee any credit.

¹ "Electing Congress—The Financial Dilemma", report of the Twentieth Century Fund Task Force, on Financing Congressional Campaigns, the Twentieth Century Fund, New York 1970, at p. 15.

² *Id.* at p. 18.

What Reports Should Include

The committee included language in the bill requiring as comprehensive a report as possible. Candidates and committees must report in detail all contributions and expenditures. It is the committee's intention that committees supporting more than one candidate should itemize with specificity contributions made to each candidate.

Every committee is required to have a chairman and a treasurer. The treasurer has the duty of maintaining the names and addresses of each contributor of more than \$100.

The committee is confident that candidates and committees will be able to work out procedures to insure that they will be able to provide the detailed information necessary under the act.

When Reports Should Be Filed

Any disclosure law has very little effect on the election process if it is filed after elections. Therefore, the committee determined that reports should be filed on the 10th day of March, June, and September in each year. In election years there is the additional requirement that reports be filed 15 days prior to an election and again 5 days prior to an election. This provision is included so that the voters will be in a position to judge for themselves the method of financing a particular campaign. The committee fully realizes the practical difficulties inherent in filing absolutely accurate reports of expenditures and contributions fifteen days and five days preceding an election. In the heat of a political campaign, absolute accuracy is often impossible, yet the electorate is entitled to full and complete disclosure particularly just before an election. It is contemplated that all candidates and political committees will make every effort to provide as precise and realistic an estimate as possible if specific figures are not available.

In election years there is also the additional requirement that candidates and committees file a report on January 31. Generally a sufficient period of time will have passed between election day and January 31 to insure the absolute accuracy of this report.

Responsibility for Administering the Disclosure Law

We are pleased that the committee changed title III so as to remove the responsibility of administering the disclosure law from the Clerk of the House and the Secretary of the Senate. The Senate Commerce Committee recognized the difficulty in entrusting the responsibility to these officials when it stated the following in its report:

The principal concern of the committee was title I of the legislation because the subject matter of that title was within its primary jurisdiction.

There was, however, strong feeling expressed by some members of the committee that an independent Federal Elections Commission should be created, in lieu of the Secretary of the Senate and the Clerk of the House, to supervise the enforcement of this legislation. The committee members strongly recommend to the Committee on Rules and Administration that they give this matter very serious consideration * * *

[S. Rept. 92-96, p. 33.]

Herbert Alexander, the director of the Citizens Research Foundation, and a leading authority on campaign financing, testified before the committee in favor of establishment of an independent elections commission. We are persuaded by Mr. Alexander's testimony:

A succession of policy statements and reports of commissions and task forces has recommended a single joint repository in the Federal Government to which political fund reports would be made. This was the recommendation of—

The President's Commission on Campaign Costs, *Financing Presidential Campaigns* (1962)

The Committee on Economic Development, *Financing a Better Election System* (1968)

The Twentieth Century Fund Task Force, *Electing Congress* (1970)

The Association of the Bar of the City of New York, *Congress and the Public Trust* (1970)

All these groups contained individuals bringing varied and extensive experience in political finance and its study, and all proposed the establishment of a single agency to replace the Clerk of the House and the Secretary of the Senate as the repository of political fund reports. In 1966, and again in 1967, the Subcommittee on Elections of the House Administration Committee proposed that a Federal Elections Commission be established for this purpose. In 1967 the Senate rejected an amendment offered in floor debate to establish a single repository, but it received impressive bipartisan support.

A major reason for creating a Federal Elections Commission is to isolate the repository as much as possible from political pressures * * *

The committee did entrust this responsibility with the Comptroller General of the United States in lieu of the Clerk of the House or Secretary of the Senate. This is an improvement over the original provisions of the bill. However, we doubt that it goes far enough in order to completely restore public confidence in the election process. The Comptroller General and the General Accounting Office are in the legislative branch of Government. Their prime responsibility is to the Congress of the United States.

In placing the Comptroller General in the position of administering a campaign disclosure law, we are placing upon him the impossible burden of deciding whether or not his "employers" have complied with the law. The integrity and thoroughness of the Comptroller General and the General Accounting Office is beyond question. We must consider that his effectiveness in conducting investigations and studies for individual Members of Congress could be impaired if he were placed into the position of questioning the completeness of a disclosure by a Member or a committee supporting a Member.

As a matter of fact one of the campaign reform bills introduced in this Congress, S. 1121, contained a title placing responsibility for administering the disclosure provisions in the office of the Comptroller General. The Comptroller General of the United States, Elmer E. Staats, in his letter of May 25, 1971 to the Chairman of the Senate Commerce Committee, Senator Warren G. Magnuson, strongly op-

posed being given this responsibility. Specifically the Comptroller General stated:

* * * It is the position of the General Accounting Office that we should not be given the responsibility for any audit, investigative and enforcement duties in connection with campaign fund reporting. We consider that the effectiveness of our Office depends in large measure upon a reputation for independence of action and objectivity of view. Not only must we remain free from political influence, but we must zealously avoid being placed in a position in which we might be subject to criticism, whether justified or not, that our actions and decisions are prejudiced or influenced by political considerations. We are, therefore, apprehensive of any measure that might place us in a position where we might be subject to such criticism, the inevitable result of which would be a diminution of congressional and public confidence in our integrity and objectivity.

Because our relationship to the Congress closely resembles that of principal and agent, we especially wish to avoid being placed in the anomalous situation of having to investigate and report on our principal. Over the years this Office has had frequent and recurring associations with many of the various committees of the Congress as well as with many of the individual members thereof. Our relationship has been most harmonious. However, we are fearful that the relationship would be severely impaired were we required to investigate, inquire into, and report on individual members of the Congress concerning campaign funds and expenditures.

We agree that there is a need for legislation relating to the disclosure and financing of Federal election campaign costs, but strongly recommend that the administration of any legislation in this area not be placed in the General Accounting Office.

We are convinced that the establishment of an *independent* Federal Elections Commission insures the greatest public confidence. Naturally, the Comptroller General and the General Accounting Office could continue to provide the support and service necessary for carrying out the disclosure law. However, the creation of an independent commission would place policy decisions in a body isolated from employer employee relationships.

Widest Possible Dissemination of Reports

Herbert Alexander, in testifying before the committee, stated:

Public reporting of campaign and political finances consists of two elements: disclosure and publicity. Disclosure is only a first step; the larger purpose is to inform the public about sources of funds and categories of expenditures.

The committee has attempted to insure the widest dissemination of the material obtained under the disclosure law. The candidate or political committee must not only file a report with the Attorney General but also with the clerk of the district court in his State or congressional district. The clerk of the district court is required to maintain the reports and make them available to the public (section 309). In addition, the Comptroller General is given the responsi-

bility to prepare and publish annual reports and compilations. Those reports must include a breakdown of total contributions and expenditures reported by candidates, committees, and others. The total amount must be broken down into specific categories. Individual contributors giving the aggregate more than \$100 must be identified by name and address.

To further protect the public, the committee adopted an amendment which will require political committees soliciting contributions to carry the following notification letting the public know how to obtain a copy of the report they have filed.

In compliance with Federal law a report has been (or will be) filed with the Comptroller General of the United States showing a detailed account of our receipts and expenditures. A copy of that report is available at a charge from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C.

We are convinced that such a notification will make absolutely certain that individuals living in remote areas of the country know the activities of political committees operating largely in Washington, D.C. Once such knowledge is readily available, we are confident that many existing committees will take full advantage of involving as many of their contributors as possible in the decisionmaking process.

CONCLUSION

We sincerely hope that the Members of the other body will provide tax incentives in order to encourage political contributions. We are certain that if it were possible for revenue measures to originate in the Senate, that our colleagues would share our concern that political contributions be encouraged from as broad a base as possible.

S. 382 as reported is a long overdue piece of legislation. Its prompt enactment is imperative.

WINSTON FROUTY,
JOHN SHERMAN COOPER,
HUGH SCOTT.

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**SENATE
FLOOR DEBATE
AND AMENDMENTS
ON
S.382**

IN THE SENATE OF THE UNITED STATES

JULY 8, 1971

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. PEARSON to S. 382, a bill to promote fair practices in the conduct of election campaigns for better political offices, and for other purposes, viz:

1 On page 28, strike lines 14 and 15, and insert in lieu
2 thereof the following:

3 (g) "Commission" means the Federal Elections Com-
4 mission;

5 On page 30, line 13, strike "Comptroller General" and
6 insert in lieu thereof "Commission".

7 On page 31, line 2, strike "Comptroller General" and
8 insert in lieu thereof "Federal Elections Commission".

9 On page 31, line 13, strike "Comptroller General" and
10 insert in lieu thereof "Commission".

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1 On page 31, lines 20 and 21, strike "Comptroller Gen-
2 eral" and insert in lieu thereof "Commission".

3 On page 31, line 21, strike "he" and insert in lieu
4 thereof "it".

5 On page 32, line 25, strike "Comptroller General" and
6 insert in lieu thereof "Commission".

7 On page 33, line 3, strike "Comptroller General" and
8 insert in lieu thereof "Commission".

9 On page 33, line 10, strike "Comptroller General" and
10 insert in lieu thereof "Commission".

11 On page 33, lines 21 and 22, strike "Comptroller Gen-
12 eral" and insert in lieu thereof "Commission".

13 On page 33, line 23, strike "him" and insert in lieu
14 thereof "it".

15 On page 34, line 3, strike "Comptroller General" and in-
16 sert in lieu thereof "Commission".

17 On page 36, line 7, strike "Comptroller General" and
18 insert in lieu thereof "Commission".

19 On page 36, line 10, strike "Comptroller General" and
20 insert in lieu thereof "Commission".

21 On page 37, line 1, strike "Comptroller General" and
22 insert in lieu thereof "Commission".

23 On page 37, line 12, strike "Comptroller General" and
24 insert in lieu thereof "Commission".

25 On page 38, lines 3 and 4, strike "Comptroller General"
26 and insert in lieu thereof "Commission".

1 On page 38, lines 21 and 22, strike "Comptroller Gen-
2 eral" and insert in lieu thereof "Commission".

3 On page 38, line 23, strike "Comptroller General" and
4 insert in lieu thereof "Commission".

5 On page 39, line 6, strike "Comptroller General" and
6 insert in lieu thereof "Commission".

7 On page 40, line 6, strike "Comptroller General" and
8 insert in lieu thereof "Commission".

9 On page 40, lines 10 and 11, strike "COMPTROLLER
10 GENERAL" and insert in lieu thereof "COMMISSION".

11 On page 40, line 13, strike "Comptroller General" and
12 insert in lieu thereof "Commission".

13 On page 40, line 15, strike "him" and insert in lieu
14 thereof "it".

15 On page 40, line 24, strike "him" and insert in lieu
16 thereof "it".

17 On page 41, line 18, strike "he" and insert in lieu
18 thereof "it".

19 On page 41, line 24, strike "he" and insert in lieu
20 thereof "it".

21 On page 42, line 9, strike "he" and insert in lieu thereof
22 "it".

23 On page 42, line 23, strike "Comptroller" and insert
24 in lieu thereof "Commission".

25 On page 42, line 24, strike "General".

1 On page 42, line 24, strike "Comptroller General" and
2 insert in lieu thereof "Commission".

3 On page 43, line 1, strike "he" and insert in lieu
4 thereof "it".

5 On page 43, lines 4 and 5, strike "Comptroller General"
6 and insert in lieu thereof "Commission".

7 On page 44, lines 16 and 17, strike "Comptroller Gen-
8 eral" and insert in lieu thereof "Commission".

9 On page 44, line 22, strike "Comptroller General" and
10 insert in lieu thereof "Commission".

11 On page 44, line 25, strike "he" and insert in lieu
12 thereof "it".

13 On page 45, between lines 21 and 22, insert the follow-
14 ing:

15 FEDERAL ELECTIONS COMMISSION

16 SEC. 310. (a) There is hereby created a commission
17 to be known as the Federal Elections Commission, which
18 shall be composed of five members, not more than three of
19 whom shall be members of the same political party, who
20 shall be appointed by the President, by and with the advice
21 and consent of the Senate. One of the original members shall
22 be appointed for a term of two years, one for a term of four
23 years, one for a term of six years, one for a term of eight
24 years, and one for a term of ten years, beginning from the
25 date of enactment of this Act, but their successors shall be

1 appointed for terms of ten years each, except that any indi-
2 vidual chosen to fill a vacancy shall be appointed only for the
3 unexpired term of the member whom he shall succeed. The
4 President shall designate one member to serve as Chairman
5 of the Commission and one member to serve as Vice Chair-
6 man. The Vice Chairman shall act as Chairman in the
7 absence or disability of the Chairman or in the event of a
8 vacancy in that office.

9 (b) A vacancy in the Commission shall not impair the
10 right of the remaining members to exercise all the powers
11 of the Commission and three members thereof shall con-
12 stitute a quorum.

13 (c) The Commission shall have an official seal which
14 shall be judicially noticed.

15 (d) The Commission shall at the close of each fiscal
16 year report to the Congress and to the President concern-
17 ing the action it has taken; the names, salaries, and duties
18 of all individuals in its employ and the money it has dis-
19 bursed; and shall make such further reports on the matters
20 within its jurisdiction and such recommendations for fur-
21 ther legislation as may appear desirable.

22 (e) Members of the Commission shall, while serving on
23 the business of the Commission, be entitled to receive com-
24 pensation at a rate fixed by the Director of the Office of
25 Management and Budget, but not in excess of \$100 per day,

1 including traveltime; and while so serving away from their
2 homes or regular places of business they may be allowed
3 travel expenses, including per diem in lieu of subsistence,
4 as authorized by section 5703 of title 5, United States Code.

5 (f) The principal office of the Commission shall be in
6 or near the District of Columbia, but it may meet or exercise
7 any or all its powers at any other place.

8 (g) All officers, agents, attorneys, and employees of
9 the Commission shall be subject to the provisions of section
10 9 of the Act of August 2, 1939, as amended (the Hatch
11 Act), notwithstanding any exemption contained in such
12 section.

13 (h) The Commission shall appoint an Executive Direc-
14 tor without regard to the provisions of title 5, United States
15 Code, governing appointments in the competitive service, to
16 serve at the pleasure of the Commission. The Executive
17 Director shall be responsible for the administrative operations
18 of the Commission and shall perform such other duties as
19 may be delegated or assigned to him from time to time by
20 regulations or orders of the Commission. However, the Com-
21 mission shall not delegate the making of regulations regard-
22 ing elections to the Executive Director.

23 (i) The Chairman of the Commission shall appoint and
24 fix the compensation of such personnel as it is deemed neces-
25 sary to fulfill the duties of the Commission in accordance with
26 the provisions of title 5, United States Code.

1 (j) The Commission may obtain the services of experts
2 and consultants in accordance with section 3109 of title 5,
3 United States Code.

4 (k) Section 5316 of title 5, United States Code, is
5 amended by adding at the end thereof the following new
6 paragraph:

7 “(131) Executive Director, Federal Elections Com-
8 mission.”

9 On page 45, line 23, strike “SEC. 310.” and insert in
10 lieu thereof “SEC. 311.”

11 On page 46, line 4, strike “SEC. 311.” and insert in
12 lieu thereof “SEC. 312.”

13 On page 46, line 8, strike “SEC. 312.” and insert in lieu
14 thereof “SEC. 313.”

15 On page 46, line 13, strike “Comptroller General” and
16 insert in lieu thereof “Commission”.

17 On page 46, line 20, strike “SEC. 313.” and insert in lieu
18 thereof “SEC. 314.”

19 On page 47, line 2, strike “SEC. 314.” and insert in lieu
20 thereof “SEC. 315.”

Amdt. No. 238

Calendar No. 223

**92nd CONGRESS
1ST Session**

S. 382

AMENDMENTS

Intended to be proposed by Mr. PEARSON to S. 382, a bill to promote fair practices in the conduct of election campaigns for better political offices, and for other purposes.

JULY 8, 1971

Ordered to lie on the table and to be printed

IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JULY 19), 1971
Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. SPONG to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, viz:

1 On page 30, line 2, strike "and".

2 On page 30, line 3, before the period insert the fol-
3 lowing: "and the name and address of, and office sought by,
4 each candidate on whose behalf such expenditure was made".

5 On page 35, line 20, strike "and".

6 On page 35, line 21, before the semicolon insert "and the
7 name and address of, and office sought by, each candidate on
8 whose behalf such expenditure was made".

Amdt. No. 263

Amdt. No. 263

Calendar No. 223

**92^D CONGRESS
1ST SESSION**

S. 382

AMENDMENTS

Intended to be proposed by Mr. Sprowe to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

July 20 (legislative day, July 19), 1971

Ordered to lie on the table and to be printed

IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JULY 19), 1971

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. PROUTY to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, viz:

- 1 On page 30, line 23, before "Any" insert "(1)".
- 2 On page 31, between lines 7 and 8, insert the following:
- 3 (2) (A) The Comptroller General shall compile and
- 4 furnish to the Public Printer, not later than the last day
- 5 of March of each year, an annual report for each political
- 6 committee which has filed a report with him under this title
- 7 during the period from March 10 of the preceding calendar
- 8 year through January 31 of the year in which such annual
- 9 report is made available to the Public Printer. Each such
- 10 annual report shall contain—

Amdt. No. 264

1 (i) a copy of the statement of organization of the
2 political committee required under section 303, together
3 with any amendments thereto; and

4 (ii) a copy of each report filed by such committee
5 under section 304 from March 10 of the preceding year
6 through January 31 of the year in which the annual re-
7 port is so furnished to the Public Printer.

8 (B) The Public Printer shall make copies of such annual
9 reports available for sale to the public by the Superintendent
10 of Documents as soon as practicable after they are received
11 from the Comptroller General.

Amdt. No. 264

Calendar No. 223

92D CONGRESS
1ST SESSION

S. 382

AMENDMENTS

Intended to be proposed by Mr. PROUTY to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

July 20 (legislative day, July 19), 1971

Ordered to lie on the table and to be printed

S. 382

IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JULY 19), 1971
Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. MATHIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, viz:

- 1 On page 4, line 21, before the semicolon insert the fol-
- 2 lowing: "and includes the use of closed circuit television for
- 3 such purposes".

Amdt. No. 269

Amdt. No. 269

Calendar No. 223

92nd CONGRESS
1ST SESSION

S. 382

AMENDMENT

Intended to be proposed by Mr. MATULIAS to S. 382; a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

July 20 (legislative day, July 19), 1971

Ordered to lie on the table and to be printed

S. 382

IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JULY 19), 1971
Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. MATHIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political office, and for other purposes, viz:

1 On page 4, line 22, strike “(C)” and insert “(D)”.

2 On page 4, between lines 21 and 22 insert the following:

3 “(C) ‘central campaign committee’ means a polit-
4 ical committee (as defined in section 301(d) of the
5 Federal Elections Campaign Act of 1971) designated in
6 writing by a candidate as his agent for the purpose of the
7 certification of broadcast and nonbroadcast media expen-
8 ditures, and no candidate shall so designate more than
9 one such committee.”

10 On page 5, line 3, strike “(D)” and insert “(E)”.

Amdt. No. 270

1 On page 7 lines 16 and 17 strike out “a person specifi-
2 cally authorized by such candidate in writing to do so,” and
3 insert in lieu thereof the following: “the treasurer of his cen-
4 tral campaign committee”.

5 On page 13 lines 3 and 4 strike out “an individual specifi-
6 cally authorized by such candidate in writing to do so,” and
7 insert in lieu thereof the following: “the treasurer of his cen-
8 tral campaign committee (as defined by section 315 (c) (1)
9 (C) of the Communications Act of 1934) ”.

Amdt. No. 270

Calendar No. 223

92ND CONGRESS
1ST SESSION

S. 382

AMENDMENTS

Intended to be proposed by Mr. MATTHIAS to
S. 382, a bill to promote fair practices in the
conduct of election campaigns for Federal
political office, and for other purposes.

July 20 (legislative day, July 19), 1971

Ordered to lie on the table and to be printed

S. 382

IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JULY 19), 1971
Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. MATHIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices and for other purposes, viz: On page 7, beginning with line 25, strike down through line 20 on page 8 and substitute in lieu thereof:

- 1 “ (d) if a State by law and expressly—
2 “ (1) has provided that a primary or other elec-
3 tion for any office of such State or of a political sub-
4 division thereof is subject to this subsection, and
5 “ (2) has specified a limitation upon total ex-
6 penditures for the use of broadcasting stations on be-
7 half of the candidacy of each legally qualified candi-
8 date in such election, and
9 “ (3) has provided in any such law an un-

Amdt. No. 273

1 equivocal expression of intent to be bound by the
2 provisions of this section, and

3 “(4) has stipulated that the amount of such
4 limitation shall not exceed the amount which would
5 be determined for such election under subsection
6 (3) had such election been an election for a Fed-
7 eral elective office or nomination thereto;

8 then no station licensee may make any charge for the use
9 of such station by or on behalf of any legally qualified
10 candidate in such election unless such candidate, or a per-
11 son specifically authorized by such candidate in writing
12 to do so, certifies to such licensee in writing that the pay-
13 ment of such charge will not violate such limitation.”

Amdt. No. 273

Calendar No. 223

92ND CONGRESS
1ST SESSION

S. 382

AMENDMENT

Intended to be proposed by Mr. MATTHIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

JULY 20 (legislative day, JULY 19), 1971

Ordered to lie on the table and to be printed

IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JULY 19), 1971

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. MATHIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, viz:

1 On page 6, strike lines 9 through 13 and insert in lieu
2 thereof the following:

3 “For the purposes of computing the limitation provided
4 by the first sentence of this paragraph in connection with a
5 Presidential primary election, the resident population of vot-
6 ing age for the office of President shall be held and considered
7 to be the entire population of voting age for such office within
8 the State in which such primary election is conducted.
9 Amounts spent by or on behalf of any candidate for nomina-
10 tion for election to such office in connection with his primary

Amdt. No. 272

1 campaign in any State shall not exceed such limitation for
2 that State.”

3 On page 11, strike lines 19 through 23 and insert in lieu
4 thereof the following:

5 “For the purposes of computing the limitation provided
6 by the first sentence of this paragraph in connection with a
7 Presidential primary election, the resident population of vot-
8 ing age for the office of President shall be held and considered
9 to be the entire resident population of voting age for such
10 office within the State in which such primary election is con-
11 ducted. Amounts spent by or on behalf of any candidate for
12 nomination for election to such office in connection with his
13 primary campaign in any State shall not exceed such limita-
14 tion for that State.”

Amdt. No. 272

Calendar No. 223

**92^d CONGRESS
1st SESSION**

S. 382

AMENDMENTS

Intended to be proposed by Mr. MATTHIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

JULY 20 (legislative day, JULY 19), 1971

Ordered to lie on the table and to be printed

S. 382

IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JULY 19), 1971

Ordered to lie on the table and to be printed.

AMENDMENTS

Intended to be proposed by Mr. MATHIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, viz:

- 1 On page 14, line 22, strike "30" and insert in lieu thereof
- 2 "60".
- 3 On page 14, line 25, strike "120" and insert in lieu
- 4 thereof "60".

Amdt. No. 275

Amdt. No. 275

Calendar No. 223

**92ND CONGRESS
1ST SESSION**

S. 382

AMENDMENTS

Intended to be proposed by Mr. MATHEIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

JULY 20 (legislative day, JULY 19), 1971

Ordered to lie on the table and to be printed

IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JULY 19), 1971
Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. MATHIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, viz:

1 On page 22, strike out lines 9 and 10 and insert in lieu
2 thereof the following:

3 "SEC. 203. Section 608 of title 18, United States Code,
4 is amended to read as follows:

5 "§ 608. Limitations on contributions by candidate

6 " (a) No candidate for nomination for election, or elec-
7 tion, to Federal office may make expenditures from his per-
8 sonal funds, or the personal funds of his immediate family, in

Amdt. No. 277

1 connection with his campaign for such nomination or elec-
2 tion in excess of—

3 ““(1) \$50,000, in the case of a candidate for the
4 office of President or Vice President;

5 ““(2) \$35,000, in the case of a candidate for the
6 office of Senator; or

7 ““(3) \$25,000, in the case of a candidate for the
8 office of Representative, or Delegate or Resident Com-
9 missioner to the Congress.

10 ““(b) For purposes of this section, “immediate family”
11 means a candidate’s spouse, and any child, parent, grand-
12 parent, brother, or sister of the candidate, and the spouses
13 of such persons.

14 ““(c) Violation of the provisions of this section is pun-
15 ishable by a fine not to exceed \$1,000, imprisonment for
16 not to exceed one year, or both.’”

17 On page 24, strike out the matter between lines 17 and
18 18 and insert in lieu thereof the following:

“608. Limitations on contributions by a candidate.”;

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**92ND CONGRESS
1ST SESSION**

S. 382

AMENDMENTS

Intended to be proposed by Mr. MATTHIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

JULY 20 (legislative day, JULY 19), 1971

Ordered to lie on the table and to be printed

IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JULY 19), 1971

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. MATHIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, viz:

1 On page 24, line 9, strike the closing quotation marks.

2 On page 24, immediately before line 14, insert the fol-
3 lowing:

4 “(c) (1) No person shall compromise or settle any debt
5 incurred by a candidate, a political committee, or any person
6 acting on behalf of such candidate or committee, for goods or
7 services purchased or used in connection with the campaign of
8 such candidate, or in connection with any election, for less
9 than its full value.

10 “(2) Violation of the provisions of this section is punish-
11 able by a fine not to exceed \$1,000, imprisonment for not to
12 exceed one year, or both.”

Amdt. No. 278

Amdt. No. 278

Calendar No. 223

92^D CONGRESS
1ST SESSION

S. 382

AMENDMENTS

Intended to be proposed by Mr. MATTHIAS to
S. 382, a bill to promote fair practices in the
conduct of election campaigns for Federal
political offices, and for other purposes.

7001 20 (legislative day, July 10), 1971
Ordered to lie on the table and to be printed

92^D CONGRESS
1ST SESSION**S. 382**

IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JULY 19), 1971
Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. MATHIAS to S. 382, a bill to promote fair practice, in the conduct of election campaigns for Federal political offices, and for other purposes, viz: On page 28, strike lines 20 through 22 and insert in lieu thereof the following:

- 1 (i) "State" means each State of the United States, the
- 2 District of Columbia, the Commonwealth of Puerto Rico, and
- 3 any territory or possession of the United States.

Amdt. No. 280

Amdt. No. 280

Calendar No. 223

92ND CONGRESS
1ST SESSION

S. 382

AMENDMENT

Intended to be proposed by Mr. MATTHIAS to
S. 382, a bill to promote fair practices in the
conduct of election campaigns for Federal
political offices, and for other purposes.

JULY 20 (Legislative day, JULY 19), 1971

Ordered to lie on the table and to be printed

IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JULY 19), 1971
Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. MATHIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, viz:

- 1 On page 29, line 6, before the period, insert a comma and
- 2 the following: "and no such expenditure shall be made unless
- 3 such committee is registered with the Comptroller General
- 4 in accordance with the provisions of section 303".

Amdt. No. 281

Amdt. No. 281

Calendar No. 223

92ND CONGRESS
1ST SESSION

S. 382

AMENDMENT

Intended to be proposed by Mr. MATTHIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

JULY 20 (legislative day, JULY 19), 1971

Ordered to lie on the table and to be printed

IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JULY 19), 1971

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. MATHIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, viz:

1 On page 29, line 11, after "address" insert the follow-
2 ing: "(occupation and the principal place of business, if
3 any)".

4 On page 29, line 20, after "address" insert the follow-
5 ing: "(occupation and the principal place of business, if
6 any)".

7 On page 30, line 1, after "address" insert the follow-
8 ing: "(occupation and the principal place of business, if
9 any)".

Amdt. No. 282

1 On page 34, line 9, after "address" insert the follow-
2 ing: "(occupation and the principal place of business, if
3 any)".

4 On page 35, line 3, after "addresses" insert the follow-
5 ing: "(occupations and the principal places of business, if
6 any)".

7 On page 35, line 16, after "address" insert the follow-
8 ing: "(occupation and the principal place of business, if
9 any)".

10 On page 35, line 22, after "address" insert the follow-
11 ing: "(occupation and the principal place of business, if
12 any)".

Amdt. No. 282

Calendar No. 223

92ND CONGRESS
1ST SESSION

S. 382

AMENDMENTS

Intended to be proposed by Mr. MATTHIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

JULY 20 (legislative day, JULY 19), 1971

Ordered to lie on the table and to be printed

IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JULY 19), 1971

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. MATHIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, viz:

1 On page 32, line 20, after "repositories", insert a comma
2 and "and all transfer agents."

3 On page 36, line 8, strike "and".

4 On page 36, between lines 8 and 9, insert the following:

5 “(13) the transfer from any bank or other deposi-
6 tory of more than 10 percent of the amount reported
7 under paragraph (1) of this subsection to any person,
8 including the amount so transferred and the name and
9 address of the bank or other depository from which it

Amdt. No. 283

1 was transferred and the person to whom it was trans-
2 ferred; and”.

3 On page 36, line 9, strike “(13)”, and insert in lieu
4 thereof “(14)”.

5 On page 36, line 15, after the period, insert the follow-
6 ing: “If more than one transfer of funds, to which paragraph
7 (13) of subsection (b) of this section applies, occurs between
8 the date on which a report under this section was last filed and
9 the date on which such a report is next due, the treasurer of
10 the political committee whose funds are so transferred, shall
11 report such transfers within twenty-four hours after each
12 transfer after the first such transfer occurs”.

Amdt. No. 283

Calendar No. 223

92^D CONGRESS
1ST SESSION

S. 382

AMENDMENTS

Intended to be proposed by Mr. MATTHIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

JULY 20 (legislative day, JULY 19), 1971

Ordered to lie on the table and to be printed

IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JULY 19), 1971

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. MATHIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, viz:

- 1 On page 36, line 8, strike the semicolon and the word
- 2 "and" and insert in lieu thereof: "and a continuous reporting
- 3 of their debts and obligations after the election at such periods
- 4 as the Comptroller General may require until such debts and
- 5 obligations are extinguished; and"

Amdt. No. 286

Amdt. No. 286

Calendar No. 223

92ND CONGRESS
1ST SESSION

S. 382

AMENDMENT

Intended to be proposed by Mr. MARTIN to
S. 382, a bill to promote fair practices in the
conduct of election campaigns for Federal
political offices, and for other purposes.

JULY 29 (Legislative Day, JULY 19), 1971
Ordered to lie on the table and to be printed

IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JULY 19), 1971
Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. MATTHIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, viz:

- 1 On page 41, line 7, beginning with "receipt", strike
- 2 through line 10 and insert in lieu thereof "receipt;".
- 3 On page 45, line 7, beginning with "receipt," strike
- 4 through line 10, and insert in lieu thereof "receipt;".
- 5 On page 45, line 3, after "orderly" insert the following:
- 6 "and uniform".

Amdt. No. 288

Amdt. No. 288

Calendar No. 223

**92^D CONGRESS
1ST SESSION**

S. 382

AMENDMENTS

Intended to be proposed by Mr. MARRIUS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

JULY 20 (legislative day, JULY 19), 1971

Ordered to lie on the table and to be printed

 IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JULY 19), 1971
 Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. MATHIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, viz: On page 52, after line 17, add the following:

1 TITLE V—CAMPAIGN MAIL

2 SHORT TITLE

3 SEC. 501. This title may be cited as the "Congressional
 4 Campaign Mail Act".

5 DEFINITIONS

6 SEC. 502. As used in this title—

7 (1) "Federal office" means the office of Senator, or
 8 Representative in, or Delegate or Resident Commissioner
 9 to the Congress;

Amdt. No. 291

1 (2) "major party candidate" means—

2 (A) the legally qualified candidate of a political
3 party whose candidate in the next preceding general
4 election for the same Federal office received at least
5 30 per centum of the total number of votes cast for
6 all candidates for such office; or

7 (B) any legally qualified candidate for elec-
8 tion to a Federal office who is not affiliated with a
9 political party and who was a candidate for the
10 same office in the next preceding general election
11 for such office and who received at least 30 percent
12 of the total number of votes cast in such election
13 for all candidates for such office;

14 (3) "minor party candidate" means any legally
15 qualified candidate for election to Federal office who is
16 not a major party candidate;

17 (4) "State" means each of the United States, the
18 District of Columbia, and the Commonwealth of Puerto
19 Rico; and

20 (5) "campaign mail" means campaign literature
21 mailed by a candidate for nomination for election, or
22 election, to Federal office in connection with his cam-
23 paign for nomination or election.

24 **RATES**

25 **SEC. 503.** On and after the first day of January follow-
26 ing the date of enactment of this Act, campaign mail which

1 is mailed in accordance with section 504 of this title and
2 regulations promulgated by the Postal Service to carry out
3 the provisions of this title (and the Postal Service is au-
4 thorized to promulgate such regulations) —

5 (1) shall be considered matter mailed by a qual-
6 ified nonprofit organization under section 4452 (b) of
7 title 39, United States Code, as such section existed on
8 August 11, 1970; and

9 (2) may be mailed at the same rates of postage
10 that any such organization is authorized to mail matter
11 under such section or section 3626 of such title, as
12 enacted by section 2 of the Postal Reorganization Act.

13 **ELIGIBILITY**

14 **SEC. 504.** (a) A major party candidate in a general or
15 special election shall be eligible to mail a number of pieces of
16 campaign mail equal to two times the number of persons reg-
17 istered to vote in the State in which he seeks election, in the
18 case of a candidate for election as Senator or as Delegate or
19 Resident Commissioner to the Congress, or in the district in
20 which he seeks election in the case of a candidate for election
21 as a Member of the House of Representatives.

22 (b) A minor party candidate in a general or special
23 election shall be eligible to mail a number of pieces of cam-
24 paign mail equal to the number of persons registered to vote
25 in the State in which he seeks election, in the case of a can-

1 didate for election as Senator or as Delegate or Resident
2 Commissioner to the Congress, or in the district in which he
3 seeks election, in the case of a candidate for election as a
4 Member of the House of Representatives.

5 (c) Any candidate for nomination for election to Fed-
6 eral office shall be eligible to mail a number of pieces of cam-
7 paign mail equal to—

8 (1) two times the number of persons registered to
9 vote in the State in which he seeks such nomination, in
10 the case of a candidate for nomination for election as
11 Senator or as Delegate or Resident Commissioner to the
12 Congress, or in the district in which he seeks such
13 nomination, in the case of a candidate for nomination for
14 election as a Member of the House of Representatives, if
15 such candidate secures the signatures of such persons
16 equal to 5 per centum of such number; or

17 (2) the number of persons registered to vote in the
18 State in which he seeks such nomination, in the case of
19 a candidate for nomination for election as Senator, or as
20 Delegate or Resident Commissioner to the Congress, or
21 in the district in which he seeks such nomination, in the
22 case of a candidate for nomination for election as a Mem-
23 ber of the House of Representatives, if such candidate
24 secures the signatures of such persons equal to 3 per
25 centum of such number.

1 (d) (1) The Postal Service may enter into contracts or
2 other arrangements with the government of any State or po-
3 litical subdivision thereof in order to obtain information as to
4 the number of persons registered in any State or district, and
5 to verify signatures obtained by candidates for the purposes
6 of subsection (c).

7 (2) In the event that the number of persons registered
8 to vote in any State or district is unavailable to the Postal
9 Service, the number of persons registered to vote in such
10 State or district shall be held and considered to be 150 per
11 centum of the total number of votes cast in the next preceding
12 general election for all candidates for the office which a candi-
13 date for Federal office is seeking.

Amdt. No. 291

Calendar No. 223

**92^d CONGRESS
1st Session**

S. 382

AMENDMENT

Intended to be proposed by Mr. MATTHIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

JULY 20 (legislative day, JULY 19), 1971

Ordered to lie on the table and to be printed

IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JULY 19), 1971

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. MATHIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, viz:

- 1 On page 3, line 23, before "reasonable" the first time
- 2 that it appears in such line insert: "non-discriminatory and".
- 3 On page 3, line 25, strike "candidacy", and insert: "can-
- 4 didacy; or for willful or repeated failure to charge in a non-
- 5 discriminatory and reasonable manner for the use of a
- 6 broadcasting station".

Amdt. No. 293

Amdt. No. 293

Calendar No. 223

91ST CONGRESS
2^D Session

S. 382

AMENDMENTS

Intended to be proposed by Mr. MAURIAS to S. 382, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

JULY 20 (legislative day, July 19), 1971

Ordered to lie on the table and to be printed

SENATE
FLOOR DEBATE
ON
S.382
JULY 20, 1971

\$1 million funding for the terrestrial electric power development program;

(2) Modified Gravel amendment appropriating an additional \$2.3 million for purpose of nuclear power-plant safety research;

(3) Dole amendment barring funds for acquisition of a fee simple interest in land for construction and development of nuclear waste facilities; and

(4) Modified Gravel amendment No. 255, increasing by \$1.2 million, to a total of \$2.029 billion, funds for "operating expenses," and earmarking \$31 million of such funds for controlled thermonuclear diffusion research and development; and

Rejected:

(1) By 37 yeas to 57 nays, modified Gravel amendment No. 260, canceling for fiscal year 1972 presently planned CANNIKIN underground nuclear test to be conducted in October at Amchitka, Alaska; and

(2) By 29 yeas to 64 nays, Stevens amendment providing that the detonation of underground nuclear test CANNIKIN be delayed until the end of fiscal year 1972 or until the completion of the SALT talks.

S. 2150, Senate companion measure, was indefinitely postponed;

Pages 26038-26101

National Guard technicians: Senate took from the calendar, passed without amendment, and sent to the House S. 2296, establishing ceiling of 53,100 the number of National Guard technicians which may be employed at any one time beginning in fiscal year 1973; and

Pages 26011-26013

Tariff: Senate took from the calendar, passed with amendments and returned to the House H.R. 4590, to provide for permanent duty free treatment of calcined bauxite, bauxite ore, aluminum hydroxide and oxide, and certain other items.

Pages 26013-26014

Federal Election Campaign Practices: Senate laid down and made its pending business S. 382, to promote fair practices in the conduct of election campaigns for Federal political offices.

Page 26192

President's Messages—Reports: Senate received the following two messages from the President:

(1) Transmitting report of the National Capital Housing Authority for the fiscal year 1970—referred to Committee on the District of Columbia; and

(2) Transmitting Third Annual Report on the Administration of the Natural Gas Pipeline Safety Act of 1968—referred to Committee on Commerce.

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Nominations: Senate received the nominations of Frank P. Sanders, of Maryland, to be an Assistant Secretary of the Navy;

Rush Moody, Jr., of Texas, to be a member of the Federal Power Commission; and

William A. Goffe, of Oklahoma, to be a judge of the U.S. Tax Court.

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Record Votes: Four record votes were taken today.

Pages 26036, 26060, 26067, 26101

Adjournment: Senate met at 10 a.m. and adjourned at 4:48 p.m.

Pages 26192-26193

Committee Meetings

APPROPRIATIONS—HEW

Committee on Appropriations: Labor-HEW Subcommittee continued hearings on fiscal 1972 budget estimates for the Department of Health, Education, and Welfare, receiving testimony in behalf of funds for the National Institutes of Health from its Director, Dr. Robert Q. Marston.

Hearings continue tomorrow.

MILITARY CONSTRUCTION AUTHORIZATIONS

Committee on Armed Services: Subcommittee on Military Construction, in executive session, marked up and approved for full committee consideration S. 1531, fiscal 1972 authorizations for military construction.

COMMITTEE BUSINESS

Committee on Commerce: Committee, in executive session, ordered favorably reported the following bills:

S. 1437, to amend the Airport and Airway Development and Revenue Act relative to preservation of funds and priorities for airport and airway programs (amended);

S. 1275, to amend the maritime lien provisions of the Ship Mortgage Act of 1920 (amended);

H.R. 9181, to bring the Northwest Fisheries Act of 1950 as amended, into accord with two new protocols which amend the International Convention for the Northwest Atlantic Fisheries; and

S. 1273, to extend until June 30, 1973, the fish research and experimentation program, and authorize appropriations therefor.

Also, committee approved proposed prospectus for construction of Department of Transportation Compliance Test Facility at East Liberty, Ohio; and 104 nominations in the National Oceanic and Atmospheric Administration received by the Senate on July 19.

SUGAR ACT AMENDMENTS

Committee on Finance: Committee, in executive session, ordered favorably reported with amendments H.R. 8865, proposed Sugar Act Amendments of 1971.

CUBA

Committee on Foreign Relations: Committee met in executive session to receive a briefing on U.S. policy toward Cuba from the following Department of State witnesses: Charles A. Meyer, Assistant Secretary for

Mr. President, I ask unanimous consent that the joint resolution may be made part of my remarks.

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

S.J. RES. 134

Joint resolution to authorize and direct the President to proclaim September 12 through 19, 1971, to be "American Field-Service Week"

Whereas the American Field Service, originally founded as a volunteer ambulance corps to the French armies in 1914, performed with great sacrifice and distinction its task of transporting supplies and carrying the wounded in World War I and later in World War II and in 1946, created an international education program for high school students;

Whereas the aim of the American Field Service international scholarship programs is to promote understanding, friendship, and knowledge between the peoples of the world by arranging an interchange of secondary school students between the United States and other countries;

Whereas this is the twenty-fifth anniversary of the American Field Service international scholarship programs which have given over fifty-nine thousand students from every continent the opportunity to broaden their knowledge of other cultures and gain new insights into their own to the end that the peoples of all nations will benefit from their enriched understanding;

Whereas thousands of voluntary workers in communities throughout the United States and in over sixty countries of the world work together to implement this privately sponsored, non-political activity which serves as an extraordinary model of international cooperation; and

Whereas high tribute should be paid to the American Field Service for fostering a service of such worldwide importance, in the hope that thereby the goal of permanent peace so prevalent in all our minds today, can eventually be achieved: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and directed to proclaim the period beginning September 12, 1971, and ending September 19, 1971, as "American Field Service Week," and to call upon the citizens of the United States, especially schools and other educational institutions and organizations, to observe such period with appropriate ceremonies and activities.

By Mr. TOWER:

S.J. Res. 135. A joint resolution to authorize and request the President to issue annually a proclamation designating 1 day of each year as "National Law Officers Appreciation Day." Referred to the Committee on the Judiciary.

LAW OFFICERS APPRECIATION DAY

Mr. TOWER. Mr. President, I introduce for appropriate reference a joint resolution which would establish 1 day each year as "National Law Officers Appreciation Day." I believe that it is altogether fitting and proper that we have 1 day set aside in which we can pay proper respect and appreciation to those persons in our country who daily risk their lives in the fight against crime so that we may live securely in our homes. These men bear the brunt of the criticism of society and the violence, both organized and unorganized, that is all too prevalent in our Nation today.

At no other time in our history has

the law enforcement officer been under greater stress than that under which he must operate today. To the old crimes with which he has long had to live, there have been added new ones such as violent protest with the resultant riots and general disrespect of all forms of property and rights of the law-abiding citizens. It is definitely time that we honor the patrolman who day after day and night after night is on the beat protecting our society from its domestic enemies. At times recently, this man must have wondered if anyone really knew that he was around or if anyone really cared that he was risking his life and well-being in order that the rest of us might continue to enjoy our ordered liberty. The time has come to give this lone man our full support and tell him that we are with him; that the struggle against crime is the struggle of all of us; that we fully appreciate the sacrifices that he is making.

Mr. President, I hope that many of my colleagues will join with me in cosponsoring this joint resolution. I intend to solicit these cosponsors at the earliest possible date. For the information of the Senate, I ask unanimous consent that my joint resolution be printed at this point in the RECORD.

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

S.J. RES. 135

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue annually a proclamation designating one day of each year, to be determined by the President, as "National Law Officers Appreciation Day", and calling upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1017

At the request of Mr. MONDALE, the Senator from Wyoming (Mr. MCGEE) was added as a cosponsor of S. 1017, the Clean Lakes Act of 1971.

S. 1311

At the request of Mr. PEARSON, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 1311, the Newsmen's Privilege Act.

S. 1603

At the request of Mr. EAGLETON, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1603, a bill to provide an elected Mayor and City Council for the District of Columbia, and for other purposes.

S. 1899

At the request of Mr. FONG, the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. PELL), the Senator from Nevada (Mr. CANNON), the Senator from Alaska (Mr. STEVENS), the Senator from New Jersey (Mr. CASE), the Senator from Oregon (Mr. HATFIELD), the Senator from Utah (Mr. BENNETT), the Senator from Montana (Mr. METCALF), the Senator from Nebraska (Mr. HRUSKA), the Sen-

ator from Nevada (Mr. BIBLE), the Senator from Alaska (Mr. GRAVEL), and the Senator from New York (Mr. JAVITS) were added as cosponsors of S. 1899, a bill to permit visitors from designated countries to enter the United States for a period of up to 90 days without obtaining a visitor's visa.

S. 2071

At the request of Mr. MOSS, the Senator from Illinois (Mr. STEVENSON), The Senator from Indiana (Mr. HARTKE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from California (Mr. CRANSTON), the Senator from New Jersey (Mr. CASE), the Senator from Idaho (Mr. CHURCH), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. MAGNUSON), and the Senator from New York (Mr. JAVITS), were added as cosponsors of S. 2071, a bill to provide for the care, housing, education, training, and adoption of certain orphaned children in Vietnam.

S. 2231

At the request of Mr. MCGOVERN, the Senator from Indiana (Mr. BAYH), was added as a cosponsor of S. 2231, a bill to require the appropriations be made specifically to the Central Intelligence Agency.

S. 2258

At the request of Mr. GRIFFIN, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 2258, the Motor Vehicle Air Pollution Control Acceleration Act.

S. 2285

At the request of Mr. GRIFFIN, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of S. 2285, the bill to repeal excise taxes on passenger automobiles.

S.J. RES. 79

At the request of Mr. HARTKE, the Senator from Iowa (Mr. HUGHES) and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of Senate Joint Resolution 79, the Equal Rights Amendment.

S.J. RES. 126

At the request of Mr. EAGLETON, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of Senate Joint Resolution 126, the National Volunteer Blood Donor Month resolution.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

S. CON. RES. 21

At the request of Mr. MONDALE, the Senator from Michigan (Mr. HART) was added as a cosponsor of Senate Concurrent Resolution 21, to suspend military aid to Pakistan.

FEDERAL ELECTION CAMPAIGN ACT OF 1971—AMENDMENTS

AMENDMENT NO. 263

(Ordered to be printed and to lie on the table.)

Mr. SPONG. Mr. President, I send to the desk an amendment to the Federal Elections Campaign Act of 1971 and ask that it be printed and held at the desk.

The purpose of this amendment is to require political committees which support more than one candidate for election to itemize in their reports the expenditures made in behalf of each individual candidate.

As presently worded, the bill requires committees to disclose only the amount, date and purpose of expenditures in excess of \$100 and the names of the persons to whom payments were made. But it does not hold political committees to the same requirement which is imposed on all other groups; namely, to report "the name of the candidate for the benefit of whose campaign the goods or services were purchased."

I believe this is essential information which, if not provided, could vitiate the whole reporting requirement. Candidates could evade the purpose of the act by simply channeling a large share of their campaign spending through party committees. This has been done in the past.

Under this bill, the committees would not be required to disclose how much of what they spent went for the benefit of candidate X or candidate Y. Nor would the candidates themselves have to report that information since they are responsible only for what they personally spend, not what is spent in their behalf.

The net result then is that the public would never have a full accounting of how much a candidate spent to be elected.

One of the purposes of this bill is to enlist public pressure as a means of holding campaign spending within reasonable bounds. That can only work where the public has all the facts and that is what my amendment seeks to provide.

In requiring political committees to itemize expenditures for each candidate, it is recognized that some spending will be for the entire slate of candidates as a slate. I assume the Comptroller General or the Federal Elections Commission, as the case may be, will provide for such situations in its reporting regulations.

When I proposed this amendment at the Rules Committee hearing, I was assured that it was the intent of the committee to require such itemized committee reports. I am hopeful, therefore, that the manager of the bill will support this amendment which will remove any question about the meaning of this section.

AMENDMENT NO. 264

(Ordered to be printed and to lie on the table.)

Mr. PROUTY. Mr. President, I am sure that all of us look forward to the forthcoming consideration of S. 382, The Federal Elections Campaign Act of 1971.

As a ranking member of both the Senate Commerce Committee, and the Committee on Rules and Administration I have become deeply involved in the development of what I believe to be a most significant piece of legislation. I sincerely hope that all Members of this body will give careful consideration to all the provisions contained in S. 382.

Today, Mr. President, I send to the desk a technical amendment to S. 382, and ask that it be printed immediately following my remarks.

In the Committee on Rules and Admin-

istration I had an amendment adopted by a vote 6 to 3, which would require all organizations soliciting political contributions to affix the following notification on their requests for contributions.

In compliance with Federal law a report has been (or will be) filed with the Comptroller General of the United States showing a detailed account of our receipts and expenditures. A copy of that report is available at a charge from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C.

Subsequent to the adoption of my amendment by the committee, I was informed by legislative council that in order to clarify the authority for the Public Printer to make a charge for such documents language should be included in the bill to that effect. My amendment simply clarifies that point.

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

AMENDMENT NO. 264

On page 30, line 23, before "Any" insert "(1)".

On page 31, between lines 7 and 8, insert the following:

"(2) (A) The Comptroller General shall compile and furnish to the Public Printer not later than the last day of March of each year, an annual report for each political committee which has filed a report with him under this title during the period from March 10 of the preceding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain—

"(i) a copy of the statement of organization of the political committee required under section 303, together with any amendments thereto; and

"(ii) a copy of each report filed by such committee under section 304 from March 10 of the preceding year through January 31 of the year in which the annual report is so furnished to the Public Printer.

"(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the Comptroller General."

AMENDMENT NO. 266

(Ordered to be printed and to lie on the table.)

Mr. HUMPHREY. Mr. President, in the next few days the Senate will be considering S. 382, the Federal Elections Campaign Act of 1971.

I am now announcing my intention to amend this important legislation, and I now offer the amendment for printing. At the appropriate time, I will call up the Federal voter registration amendment to S. 382 which will enable all citizens of the United States to register to vote in Federal elections at the time they complete their Federal income tax returns.

The Internal Revenue Service reaches 95 percent of the American people each year. It is an organization which has a reputation for responsibility, efficiency, and confidentiality which are necessary for the proper functioning of a national voter registration program.

Those persons who do not file a Federal tax return would be able to obtain a voter registration form from their local post office. All persons who register under this optional program—with their tax

return or with the form obtained at the post office—would receive a Federal certificate of registration.

My amendment to S. 382 does not eliminate State registration laws. Persons can register through the Internal Revenue Service only if they are also eligible to register under applicable State laws. I do not view the Federal voter registration amendment as abridging the rights of any State. The amendment is designed to make Federal registration a convenience rather than a hindrance.

In the election of 1968, 40 percent of the American electorate did not vote. I believe the Federal voter registration amendment is an important first step in the direction of true universal suffrage in the United States.

Mr. President, I ask unanimous consent that my amendment to S. 382 be printed in the RECORD.

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

AMENDMENT NO. 266

"On page 52, after line 17, add the following:

TITLE V—REGISTRATION OF FEDERAL VOTERS

REGISTRATION FORMS

SEC. 501. (a) The Secretary shall prepare, in consultation with the Attorney General and the election officials of the various States, a standard form which may be used to register to vote in Federal elections by any citizen who is qualified to register for voting in such elections. Two copies of such form shall be included with each income tax return mailed to a taxpayer by the Internal Revenue Service and additional copies of such form shall be available at any Internal Revenue Service office. The Secretary shall enter into arrangements with the Postmaster General under which additional copies of such form shall be available in each Post Office. The Secretary shall undertake to notify persons who do not receive such forms by mail of their right to register to vote by using such forms. Such notification shall be by public advertisement or such other means as may be effective. Where appropriate, such notification and such forms shall be in English and in the predominant non-English language used in an area.

(b) Any person who elects to register for voting in Federal elections using the form provided under subsection (a) shall complete such form and sign it. The completed form shall be returned to the Internal Revenue Service and such person shall be registered to vote in Federal elections in the State in which he resides, in accordance with such procedures as may be prescribed by the Secretary, if such person is otherwise qualified to vote in such Federal election.

(c) The Secretary shall issue to any person registered to vote in Federal elections under this section a certificate of registration which shall be held and considered to be prima facie evidence of such registration.

NOTICE TO STATE ELECTION OFFICIALS

SEC. 502. (a) Under such regulations as the Secretary may prescribe, there shall be furnished to the appropriate election officials of any State all necessary and appropriate information regarding persons registered under section 501 to vote in Federal elections held in such State. On and after the time such information has been so furnished to the appropriate election officials of any State in the case of any person, such person shall be deemed to have met all the requirements for registration for voting in Federal elections held in such State. Any such registration for voting shall continue in effect for the

same period of time it would have been in effect had such person registered under the applicable State law.

(b) Registration under this section of any person for voting in Federal elections held in any State shall constitute valid registration for voting in elections held in such State other than Federal elections whenever the laws of such State so provide.

PROHIBITION OF NATIONAL REGISTRY

SEC. 503. No national registry of persons shall be compiled or maintained from information derived under this title.

REPORT BY THE SECRETARY

SEC. 504. The Secretary shall report to the Congress one year from the date of enactment of this Act with respect to registration of voters under this title together with any recommendations he may have, including recommendations for additional legislation, for the more effective administration of voter registration under this title.

SEC. 505. (a) The provisions of section (11) (C) of the Voting Rights Act of 1965 shall apply to false registration under this title and other fraudulent acts and conspiracies in connection with this title.

(b) Whenever the Attorney General has reason to believe that a State or political subdivision is denying or attempting to deny to any person the right to vote in any election in violation of this title, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with section 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 228 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

(c) Any person who deprives, or attempts to deprive, any other person of any right secured by the first section of this title shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

REGULATIONS

SEC. 506. The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this title.

DEFINITIONS

SEC. 507. As used in this title, the term—

(1) "State" means each of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

(2) "Federal election" means any general, special, or primary election held for the purpose of nominating any candidate for election, or electing any candidate, as President, Vice President, presidential elector, Senator, Representative, or Delegate or Resident Commissioner to the Congress; and

(3) "Secretary" means the Secretary of the Treasury or his delegate.

AMENDMENTS NOS. 267 THROUGH 293

(Ordered to be printed and to lie on the table.)

COMMENTS ON S. 382—CAMPAIGN REFORM

Mr. MATHIAS. Mr. President, the matter of campaign reform will soon confront us all. S. 382 has been reported out of the Rules Committee and awaits consideration by the Senate. I have thoroughly reviewed and studied the bill; I think the bill has the laudable objective of restoring to the American people confidence and credibility in the electoral process. The committees dealing with the legislation have done a commendable job in view of the constitutional hurdles and the complexity of the problem.

I do not wish to speak generally about the need for campaign reform, for I made my feelings clear in the introduc-

tory remarks to S. 956, the Scott-Mathias bill. However, to demonstrate now my sincere desire to have tough and comprehensive reform legislation, I have gone over S. 382 with a most careful eye. I would like to tell the Members of the Senate of the difficulties which I encountered in S. 382; and, I plan to introduce amendments where I feel it is appropriate to do so.

S. 382 is divided into four distinct and independent titles; title I deals with broadcast media and nonbroadcast media; title II covers the criminal code amendments; title III handles the reporting and disclosure sections of the bill; and title IV covers amendments to the Internal Revenue Code of 1954. I will proceed to talk about each title separately, excluding any comments on title IV.

TITLE I. MEDIA

CONCEPT OF FAIRNESS

Section 315(a), the section in the Communications Act which puts a legislative mandate on licensees to treat all candidates similarly and equally in the allocation of free time has become burdensome to both the broadcast station and the candidate. The major candidates cannot get on the air to publicly expose their views unless the broadcast station decides to treat equally all other candidates—minor, fringe, and even casual candidates would take part in the gratuity. This spirit of fairness and equality is in keeping with the legislative intentions of 315(a) as well as with court decisions interpreting this section.

This legislative objection of nondiscrimination among the candidates was built into 315(a)'s promulgated rules and regulations. For instance, regulations clearly prohibit discrimination among candidates with regard to charges and access. Section 315(a) speaks of affording "equal opportunities" to all candidates.

The broadcast station often avoided the above problem by not granting free time to any candidate. This, as we know, though a decision based perhaps on good business judgment, was not in the best interests of the electorate nor was it fulfilling the licensee's obligation within the political process. Everyone—including the broadcast industry—has recognized the need for change. The industry and the Congress have both agreed on legislation which would give the broadcast industry the opportunity—and the discretion—to give only "major" candidates free access.

S. 382 attempts to solve the dilemma by taking Federal elections out of the purview of 135(a). I question this legislative approach.

If you take Federal elections out of 315(a), the question arises as to whether those rules, regulations, court decisions and ancillary laws would still apply to those now exempt Federal elections in order to guarantee the concept of equality and fairness among the "major" candidates. The FCC was unwilling to conjecture whether these guidelines would in fact apply. It would seem to me that a more direct route and one which would give the station less discretion and opportunity would be to simply exempt minor Federal candidates from this application of section 315(a).

There would be difficulty, I admit, in defining such a group as "major" or "minor" candidate. However, S. 956 contained such a definition in the franking privilege section of the bill. And the FCC would have to make certain anyhow what it meant by "major" if it wanted to give guidance to its licensees under the presently drafted bill as to the extent of permissible exclusions of candidates.

If these guidelines under the present 315(a) as applied to Federal elections would not now apply to S. 382, a licensee could discriminate as to charges under the bill.

A candidate for Federal office running under the purview of S. 382 could have three possible charges given to him by a licensee within the stated 105-day period prior to election. The station can give the candidate free time, charge lower than lowest unit cost, or the lowest unit cost. Section 101(b) page 3, line 9, speaks of the licensee being prohibited during this period from exceeding the lowest unit cost. Strictly construed, this does not prohibit giving charges lower than the lowest unit cost.

I have been told by the committee that if one is granted a charge which is lower than the lowest unit cost, that the new charge would then become the new lowest unit cost and all candidates charged higher than this rate would get a pro-rated refund in the excess amount. This interpretation cannot be derived by reading the bill or the appropriate hearings. Such an interpretation is quite unreasonable and indeed stretched. The matter of the refund is not mentioned at all in the bill and on the merits, it could cause innumerable problems for a candidate in his spending plans within the bill's ceiling.

There would be, it seems to me, only two prohibitions or guidelines for stations in their charges and treatment of candidates. First, the station would be prohibited under threat of revocation of its license—section 101(b), page 3, line 22, and the following of the drafted bill—from "willful or repeated failures to allow reasonable access or to permit reasonable amounts of time." Note that this section mentions any access; thus, if a candidate is ready, willing, and able to go on the media, the licensee could not then prevent his entry within the normal rules and customs of the broadcast industry. However, this would not prevent him from discriminating as to charges. Second, the fairness doctrine—section 315(a) would still apply, guaranteeing that the station would treat all issues equally and fairly. Notwithstanding these two recognized prohibitions, unless this latter doctrine is stretched to apply to charges and the matter of free time, the licensees could still discriminate in both these areas.

Even if the committee would clear up through amendments the matter of the meaning of lowest unit cost, this would only take care of the problem of discrimination as to charges lower than the lowest unit cost and not cover discrimination in the area of free time.

At this time, I am planning to offer amendments which will prohibit under the threat of revocation of license the discrimination as to free time by a licensee by amending subsection (7) on page 3 of

the bill to this effect. This would also remedy in part what I consider to be a most unwise delegation of power to the FCC. Congress should begin to use its pen rather than its power to delegate its authority to achieve recognized public policy.

I understand there might be some attempt to delete this entire subsection (7). If such an objective is accomplished, a move which I will aggressively oppose, I will offer an amendment annexed to the previous subsection, hoping to accomplish the same objective.

S. 956, in its title III, attempts to codify the fairness doctrine in order to assure its application to campaign reform legislation. Perhaps a similar move might be considered by the committee.

COVERAGE—FEDERAL ELECTIVE OFFICE

Section 102 deals with the spending limitation of candidates for Federal office. It should be noted that unlike the reporting and disclosure title, the first two titles exclude coverage of the party conventions, caucus and so forth. It is omission is understandable, however, we should make it clear—a caveat should be made—that Congress will fill the void if the omission is abused.

COVERAGE—THE CANDIDATE

Subsection (c) of section 102, page 4, line 12 and the following, as well as section 103(a) (3), page 9, line 21, and the following defines "legally qualified candidate." Unless a candidate comes within this legislative definition, he is free to spend as much as he wants and is excluded from the spending limitations of the bill.

The definition, as presently drafted, has two parts: First, that the candidate qualify under Federal law—in the case of the office of Senator, this merely means that he be 30 years of age and a naturalized citizen; and second, he qualify under applicable State law. This is patently not enough. As drafted, both provisions omit any affirmative actions by the candidate, and only contemplate the passive, more formal acts of qualifying oneself for candidacy.

There might be situations in which a candidate could not as yet qualify under State law, though clearly a candidate in the eye of both the public and himself. Take the State law which requires for instance a period of days to follow from time of registration to the time in which he formally qualifies as a candidate under applicable State law. Does that mean that during those preceding days, the candidate can have a "Roman carnival" with regard to campaign expenditures? Obviously, if all States allowed write-in candidates, this would not be a serious problem for then every inchoate candidate would qualify under "applicable State law." However, we cannot control nor predict changes in State elections laws; thus, it would be wise to close this omission.

The FCC has in its regulations a definition of candidate which is broader than the one contained in S. 382 and one which might cover the above example. However, it could be argued quite persuasively, I think, that this congressionally declared definition supercedes the regulatory one.

I recommend that we add a third

provision—a section (C) or (3) as the case may be, which would include in the alternative the candidate who spends or accepts contributions, or acquiesces the spending or contributing in behalf of his candidacy.

I agree that a candidate should be a candidate for the purposes of the spending ceiling only when he performs "the last act" of noncandidacy, as distinguished from the reporting and disclosure section which should cover "his first act," so to speak. However, as presently drafted, the loophole is much too big.

THE MECHANICS OF THE SPENDING CEILING

I said in my introductory remarks to S. 956, as well as before the Commerce Committee hearings on S. 956, that spending ceilings are basically unenforceable, arbitrary, and unconstitutional. S. 382 confirms that view. As drafted, I feel strongly that S. 382 will most likely be dragged through the courts to the disadvantage of campaign reform, and create a prosecutorial nightmare for the Federal Government.

As we know, S. 382 sets forth spending ceilings for all candidates to Federal office. As drafted those ceilings are 0.05 cent times the number of resident population in that political subdivision for the nonbroadcast media and a similar 0.05 cent spending limitation for the broadcast media. The Rules Committee added an amendment which would make these figures interchangeable; thus making the spending ceiling 10 cents for both broadcast media and nonbroadcast media, allowing the candidate to choose how he wants to divide his money among the two. I imagine this will become a major amendment for debate on the Senate floor. I only hope that the amounts derived will be based more on the public's interest and recognized data on campaign costs, rather than on political considerations.

However, my concern is with the mechanics of the spending ceiling—how broadcast media and nonbroadcast media charges are attributed to each candidate.

The two sections in both the broadcast media and nonbroadcast media sections which are of concern to me are the definitions of "use of broadcast stations by or on behalf of any candidate" and the appropriate certification sections. The former forms the perimeter and basis for the latter. In other words, if an advertisement or media presentation comes within this definition, according to the interpretation by the committee, it cannot be viewed unless it receives certification by some candidate and thus the costs of that presentation are attributed to that candidate's spending ceiling.

In addition the definition becomes the basis for eligibility for lowest unit cost charges by a licensee.

Again, I feel the bill is unclear as to the process of certification. A close reading of the bill with regard to the certification process could raise other meanings than those derived by the committee. I hope the committee, through appropriate amendments, will make clear its intentions.

Thus, this definition's intent and meaning is of immense significance. Let us take a look at this definition as it ap-

pears in section 102, page 4, line 17, and the following, and section 103(a) (4), page 10, line 3, and the following.

"The use of broadcast stations by or on behalf of any candidate," the definition states, includes—giving the FCC discretion to add criteria—First, amounts spent advocating a candidate's election, second, amounts spent urging defeat of one's opponent, or third, amounts spent derogating his opponent's stand on campaign issues. Note that the definition contemplates advertisements both by candidate and on behalf of the candidate.

The latter requirement dealing with campaign issues is most objectionable. Let me cite a hypothetical example on how this becomes a real problem. Suppose a group wants to put on the air an advertisement urging support for air pollution legislation. The group goes to the broadcast station and first shows the ad to the licensee who in turn determines whether the advertisement comes within one of the three criteria mentioned above. The ad, for sake of example, makes no mention of any candidate's name in an effort to elect or defeat a particular candidate. The question then becomes is it derogation of a candidate's stand on some campaign issue? Ecology will presumably be an inherent issue in the elections to come.

The licensee would then make a determination—under the spirit of reasonableness as pronounced by the Commerce Committee hearings—as to whether the ad is in derogation of some candidate's stand. If he decides it is, he would then call the candidate who would presumably benefit from such a viewing and ask for certification. The candidate would then have to view the advertisement to see whether it would be worth attributing the costs of the ad to his spending ceiling. If it is not worth the candidate's certification, the pollution fighters are precluded from expressing their views. The situation becomes ludicrous when this group becomes the purchaser in behalf of the candidate which set the lowest unit cost scheme in the first place—under the present committee interpretation of the bill.

And if the candidate certifies, the group's ad is viewed as an advertisement associated with that candidate and charged the lowest unit cost for the viewing. If the ad is not considered a particular campaign issue, it can go on the air with normal commercial charges and subject to the normal customs and regulations of the industry.

Under present interpretation by the committee, if an applicant or candidate is dissatisfied with a decision by the broadcast station, he may appeal to the FCC for a final ruling on the matter.

The above example highlights the serious problems which I believe most would have with this bill.

The bill violates the public's right of free expression and free association which our Constitution guarantees. A group can no longer independently express itself on an issue related to a campaign unless they associate themselves with a particular candidate for purposes of certification and receive certification by a candidate. If both are not consented to, the expression is completely forbidden.

This, to me, is repugnant to America's ideals of freedom, the right to free expression and unabated participation in the electoral process.

It strips groups of any independence. It encourages—it directs—groups to be dependent upon a candidate. Independence of views is discouraged, dependence fostered. We all know how dependency in the political arena breeds obligations and inhibition of expression. The bill discourages the open discussion of substantive issues and controversy and encourages fireside Wall Street ads to influence one's candidacy. Noninvolvement and ignorance can easily be its by-product.

I find the bill tampering and upsetting the delicate balance of first amendment rights and the right of the Federal Government to legislate for the general welfare. The harm created by the bill, quite frankly, exceeds the harm attempted to be corrected. I doubt whether the first amendment permits statutory authorization for one person to determine whether a group or an individual can express their political views in such forms as newspapers, magazines, billboard facilities, and other periodicals as contemplated by S. 382.

The bill gives to the local broadcast stations, the FCC and sellers, in the non-broadcast media, enormous and dangerous powers to interpret the intent of Congress. This is another example of "delegation run wild." A station for example would on a case by case approach decide what ad is considered to be related to a particular campaign, whether it is major campaign issue or an issue which is in derogation of a particular candidate's stand. Do we want to delegate such authority? I for one do not. In addition, this delegation of judicial functions to the FCC raises some serious constitutional issues.

The bill at the same time gives too much authority to us—the prospective candidates, for the candidates would in essence control—in the strictest sense of that word—the political and quasi-political expression during 105 days prior to the election. This, I believe is an unreasonable power to bestow upon us. I can imagine interest groups running around from one candidate to another in an atmosphere of prior censorship and prior restraint in an attempt to guarantee certification. The public's right to know should not be curtailed by what the candidate wants to tell.

The only safeguards for the public to assure equality and nondiscrimination by the licensee in these instances are the fussy area of the "fairness doctrine" and the test of reasonableness as pronounced by the committee—a test which is found nowhere within the language of the bill. Congress must set forth explicit guidelines as to its intent and objectives within the bill.

It seems to me that if an advertisement does not specifically mention or reasonably refer to a candidate either in support of his candidacy or in derogation of his opponent, then that advertisement should be able to be viewed and be subject to the ordinary charges and process of exclusion and inclusion practiced by the broadcast and nonbroadcast industry.

In other words if it does not appear that the purchaser is controlled by the candidate or is attempting to influence the election of a candidate, he should not be governed by the certification provisions. If this is the intent of the committee and the Congress, it certainly is not clear in the present bill.

I believe the above problems can be resolved within the framework of the bill as drafted. And to this end, I am planning to make the following amendments.

I will offer amendments to change the definition of "use of broadcast time" to make it limited to the criteria of "influencing" the outcome of an election. The word "influencing" has an appropriate reference in the definition of "contribution" in title III. It would seem logical if one gives to another to influence his candidacy that amount, or value thereof, should be reported and disclosed as well as attributed toward his spending ceiling if that "giving" was in the form of a purchase of time or space. The amendment would exclude any reference to "campaign issue" and the dangerous authority given to the broadcast media and nonbroadcast media in this area.

This amendment would clear up the issue of negative campaigning for only if the ad is viewed to influence an election should it come within the certification rule.

This still does not dispense with all the first amendment problems for still the candidate could control those ads which are intended to influence his election. I do believe my amendment is a useful and workable compromise. Quite frankly, I do not believe that the Congress can enact a constitutionally sound bill on spending limitations. I have felt this way since cosponsoring S. 956 and my feelings were made even more distinct while studying the mechanics of S. 382.

One area which the bill omits and which should be considered by the full Senate, is the matter of injunctive relief by the candidate. What is the remedy if another candidate who watches the expenses of his opponent—a fact which should be expected under this legislation—discovers that he will soon exceed his limit by a certain expenditure? What can he do? As drafted, the bill affords no relief. We should seriously consider inserting a provision similar to that contained in title III for injunctive relief to any aggrieved party.

PREDICTABILITY OF AUTHORIZED PERSON

In both the broadcast media—section 102, page 7, lines 16 and 17—and the non-broadcast media—section 103, page 13, lines 3 and 4—the candidate or "a person specifically authorized" is given authority to certify for purposes of cost attribution within the spending ceiling. This person should not be one merely "authorized" by the candidate, for that person may vary from candidate to candidate, but rather should be a predictable person easily ascertained by the appropriate Federal authority and the broadcast station seeking certification.

I will offer amendments to make this person one who will be registered with the appropriate Federal authority and correspond to the person in title III who

is responsible for the reporting and disclosure of the candidate's contributions and expenditures. A central campaign committee will be required in both titles to achieve these objectives. This concept was introduced in S. 956, the Scott-Mathias bill and is again, I believe, needed for sound campaign reform legislation.

SCOPE OF MEDIA

Section 102, on page 5, line 3 and the following outlines the coverage of the bill for purposes of the broadcast media. The definition clearly omits the use of closed circuit television. This, I believe, is a possible loophole. We have no way of forecasting the use of such a medium.

I understand that to put such media under the jurisdiction of the FCC, at this time, would be questionable. Its authority over certain kinds of cable television are currently in dispute. Thus to avoid the jurisdictional question—at least until the FCC's lines of authority are clearly drawn—the closed circuit TV question could be adequately handled in the bill by amending section 101's definition of the "use of broadcast stations" to include this medium. I plan to offer such an amendment.

PRESIDENTIAL ELECTIONS

Section 102—page 6, line 9 and the following—and section 103(c)(1), page 11, line 19 and the following deals with the spending limitations for presidential primaries. The language reasonably construed is interpreted to mean that a president calculates how much he can spend in any one primary by first determining how much he can legally spend in the Nation—which is \$0.05 times the number of resident population. Taking this figure, he can then divide that amount by as many primaries as he wishes to enter. He may spend it all in one State's primary or enter three, 10, or 50.

The language in general is fairly vague and should be tightened up. For instance, when it refers to the "resident population," for the purposes of this section, is it talking about resident Democrats or Republicans, or the resident population of the entire State? I have proceeded on the assumption of the latter interpretation.

This approach, I believe, discourages broad base participation by all States and their respective citizens. The Congress should declare a policy that it desires more presidential primaries, and that it desires more citizens of more States to have a realistic opportunity to determine the party nominee for President. It is unfair for a presidential aspirant to choose to enter one State's primary to the exclusion of another and yet use that State's population base for the purpose of spending ceilings in the primary of his choice.

An amendment will be offered which will limit the amount a president can spend to \$0.05 times the estimated number of resident population of each State in which the candidate enters a primary. This amendment would not be limiting a candidate's choice but rather encouraging him to go into more primaries which in the end will result in a more responsive system of nominating a

president. In the general election, no similar restrictions would be applied and the presidential nominee may spend as much as he wants within the established ceiling in each State or geographical region.

PROBLEM OF STATE SOVEREIGNTIES

Section 102—page 7, line 25, and the following—of the broadcast section provides that if the Federal Communications Commission makes certain findings as to the applicability of State law then that State's candidates will come within the purview of the bill as it pertains to licensees' certification and spending ceilings. I have no objection to the laudable objection of uniformity and permissive compliance with Federal law, but I do find constitutionally suspicious the concept of a Federal agency—in this case the FCC—determining the applicability of State law. This should be left to the States and their judicial process. I can see States and their governments resenting this preemption enough not to attempt to make uniform their election laws. The need for uniformity is clearly outweighed by constitutional protection of State sovereignty in the area of judicial affairs.

I plan to introduce an amendment which attempts to remedy this by providing that the State must specifically declare its intention in the State legislature to come within the Federal law. In addition, the Commission's determination would be omitted making the act completely permissive in nature on behalf of the State.

NONBROADCAST MEDIA COVERAGE: DIRECT MAILING

It should be noted that direct mailings are omitted from the spending ceiling in the nonbroadcast media section. There are sound reasons for its omission. One statewide mailing, for example, could eat up the entire nonbroadcast media ceiling. Also, it would be easy to avoid the application of ceilings by receiving large donations of stamps. And, as previously mentioned, a limit on direct mailings would really aggravate the constitutional question of free expression.

I plan to propose a franking amendment similar to the one offered in S. 956, for all candidates in varying degrees at reduced rates. If a cost-free franking privilege amendment is offered to all candidates rather than a reduced rate privilege which I prefer, I would then offer an amendment to have the direct mailings included in the nonbroadcast media coverage, for then, statewide mailings would be free and all others should be attributed to the spending ceiling.

EQUALITY BETWEEN THE BROADCAST MEDIA SECTIONS AND NONBROADCAST MEDIA

It is absolutely imperative that we treat alike broadcast media and nonbroadcast media. This was one of the President's requests; it is a fair and equitable principle to guide the bill. And I believe if not done, the bill will fail to meet constitutional requirements. I, of course, recognize the difficulty of complete equal treatment under the law, due to constitutional and jurisdictional problems of Federal law over nonbroadcast

media. Nonetheless, an attempt must be made within a realistic framework to create such a parity.

Several parts of the bill come to mind which fail to meet this requirement. Firstly, as we know there is nothing in the nonbroadcast media which is equivalent to the fairness doctrine and related nondiscriminatory principles as they appear in the broadcast media section. The nonbroadcast media seller is virtually free to discriminate; the bill makes no attempt to remedy the problem.

In the broadcast media, if a licensee charges lower than lowest unit cost, according to the intent of the committee, that new rate then becomes the new lowest unit cost, and a refund is given to all candidates, making all candidates equal before the licensee. In the nonbroadcast media, free space, goods, or services or a reduction below the lowest unit cost is equivalent to a contribution—a term which is meaningless for there are no limitations on contributions—only spending. In the nonbroadcast media, reductions in cost are discouraged and yet the favored candidate can benefit from a gift which is not attributed to his spending ceiling. In the broadcast media section, presumably free time and reductions in cost are encouraged.

An amendment will be offered which will attempt to solve this particular disparity without getting into any constitutional problems of jurisdiction over the nonbroadcast media. If the nonbroadcast media charges one candidate less than the other—or gives one candidate free space, goods, or services, and not the other, the amendment will provide that the amount saved by the candidate shall be considered a contribution and expenditure and attributed toward his ceiling limitation. Thus, if candidates are treated differently by a nonbroadcast media seller, then the favored treatment should rightfully be considered a contribution and an expenditure and attributed toward the spending limitation. This is a means of gaining equality among the candidates without controlling the nonbroadcast media. The latter is free to charge and treat the candidates as it chooses; however, the candidate must take the consequences.

The second inequality is more patent. Violation of sections dealing with the broadcast media is 10 years or \$1,000. For the nonbroadcast media it is 5 years or \$5,000 or both. This unequal treatment becomes unworkable when you consider the present interchangeability of the spending limitations for broadcast media and nonbroadcast media. As presently drafted, if one exceeds the spending limit, he could say with impunity that he violated that sector which has the lesser penalty.

Two amendments will be offered. One will make both sanctions equal to the nonbroadcast media violations—subsection (f)—the other will insert in both, the qualification of "knowingly and willfully." This will take the sanction out of the "malum prohibitum" arena and into those criminal statutes which require intent and knowledge by the violator. If this is not done, a strict liability would

be given to the actions of candidates; a responsibility which would be overbearing to the candidates. I believe it would be a lot more realistic to create a joint criminal responsibility and I hope the committee would consider such an amendment.

NOTIFICATION BY NONBROADCAST MEDIA

There is nothing in the bill as drafted, as it pertains to nonbroadcast media, which would require the sellers of nonbroadcast media to notify the FCC of any certification or even keep appropriate records. Such is not the case for the broadcast media sellers, for the FCC has extensive regulations for bookkeeping and notification procedures.

I will offer an amendment which will make mandatory similar notifications by nonbroadcast media when it sells goods and services under the certification section of the bill. It can certainly be argued that if the seller of the nonbroadcast media wants to partake in Federal elections—an act which is purely permissive in nature—he then must comply with all related Federal regulations.

EFFECTIVE DATE

The bill as presented to the floor recommends the effective date for title I to be 30 days after enactment in the case of section 101(b) and 120 days for section 102. Such a variance dismisses the equality of importance between the two, and the 120-day stipulation is too long for purposes of guaranteeing coverage of the next election.

I will offer an amendment to make both 60 days.

TITLE II: CRIMINAL CODE AMENDMENTS BANK LOANS

Section 201—page 16, line 15 and the following—defines "contributions" for the purposes of this criminal title. A bank loan is properly exempt from the term "contribution." This is in keeping with recent court decisions, as well as policy decisions which attempt to encourage candidates to seek money from recognized and established money institutions. After all, the more money available through banks, the less the candidate has to go to "other" sources with their obligatory attachments.

However, loans should not be exempt from contributions, if they are given out of the ordinary course of business. For instance, if the bank alters its ordinary customs and regulations and gives money to a candidate the preference over another, such a loan should be considered a contribution. An amendment will be offered to add the words "in the ordinary course of business" after the word "regulations" which appears on pages 16 and 17, lines 20 and 22, respectively.

This amendment is offered in an attempt to prohibit discrimination toward any candidate in a Federal election by any banking institution. We must make all necessary efforts to assure this objective of equality throughout the entire legislation. This is another amendment offered to achieve this objective.

COLLATERAL

Section 206 on page 23 creates a new section to protect those service businesses whose rates are regulated by the Fed-

eral Government. The committee attempts to protect those businesses which provide transportation and public services to candidates by requiring full collateral for prospective services. This is a laudable policy in light of numerous and large unpaid bills in all these areas. However, I feel it is equally important to protect the other providers of services by offering an amendment prohibiting all others from compromising a debt for less than its face value. This would assure that those who deal with a federally regulated industry would not be put on a safer, higher level of protection, than those who do not.

CONTRIBUTION LIMITATIONS

S. 956 contained what I believe to be a section necessary in any campaign reform legislation. It reenacted section 608 of title 18 of the United States Code in the area of contribution limitations to limit the amount of money a candidate by himself or through his family, can give to influence his candidacy. In the case of a presidential election, the limitation was \$50,000; in a senatorial election, \$35,000; and an election held for the office of representative, delegate, or resident commissioner, the limitation was \$25,000.

I intend to reintroduce this concept as an amendment to S. 382.

I feel a candidate should not be able to buy off any election in his behalf. Men and women elected to Federal office must be elected and chosen by their constituency and not by themselves.

Although I realize it is impossible to equalize all candidates before the public, I feel strongly that a deep pocket should not be a license to serve the public. If our Government is to represent all of America and its diversified economic interests, we must assure that not only the rich have an opportunity to serve.

A more plenary view on this subject appeared in my introductory remarks to S. 956.

TITLE III. REPORTING AND DISCLOSURE

Title III is the most important part of the 1971 campaign reform. It deals with the public's right to know. It guarantees responsive government as well as an alert and well-informed public. And, it is for these reasons, title III must be comprehensive and tough.

DEFINITION OF STATE

The first amendment which I feel is necessary is perfecting in nature. Title II and title III have two different definitions of "State." One appears on page 18, lines 19 through 22; the other on page 28, lines 20 through 22. It can be argued that the second definition's reference is inclusive and the "State" is limited in definition to the District of Columbia, the Commonwealth of Puerto Rico, and so forth. This drafting oversight should be corrected so no problem could be raised as to the jurisdiction of the bill.

An amendment will be offered to change this latter definition to conform with the definition on page 18.

FULL REPORTING AND DISCLOSURE

Throughout the bill, the name and address of a donor, seller, agent, and so forth, is required on some report. Accordingly, one may list his name and box office and satisfy the law.

This I feel is inadequate. It is important that the public and the regulating agency fully recognize and understand an individual's affiliation and financed ties with a candidate. If merely one's name and box office address or even a nonbusiness mailing address appear on a form 5 days prior to an election, there is hardly enough time for anyone interested in reporting to the public to get a complete and accurate picture of the candidate's financial affiliations. It is for these reasons that I will offer an amendment which will require that each person's principal place of business and occupation appear on the appropriate reporting forms.

EXPENDITURES IN BEHALF OF A POLITICAL COMMITTEE

Section 302(c)(3) as well as 302(d) require the treasurer of a political committee to keep a detailed account of all expenditures by such political committee or in behalf of such committee. This latter provision is to cover those individuals who buy services for a candidate. In addition, since this expenditure by the donor would be considered a contribution for purposes of the spending ceilings, it is important to have a cross-check. However, when page 35 requires expenditures to be reported to the Commission or the GAO, as the case may be, it leaves out this essential "in behalf of such committee" language and only refers to expenditures by such committee. The detailed list kept by the committee of these type expenditures is useless unless it is properly reported and disclosed to the Commission.

On page 35, line 18, I plan to offer an amendment to insert the words "or in behalf of such committee." This will assure reporting of the same expenditure information as is required to be kept by the treasurer.

An additional matter comes to mind in talking about this disclosure provision as it relates to expenditures. It is not clear whether this section covers the detailed reporting of services performed by multiservice corporations. If, for example, X, a multifaceted corporation, does \$10,000 worth of business for a candidate in the area of printing, advertising, mailings, and so forth, would these enumerated services be listed separately with their respective costs or would the report only indicate the bulk amount of \$10,000 and generally state the purposes for the expenditure?

In other words, does the word "each" on line 35 refer to the aggregate expenditure of each expenditure within the aggregate? Section 302(d) requires such a detailed report. This again is the section requiring merely that the treasurer keep certain data available for inspection. However, it is questionable whether the same amount of detail is required in the reporting section.

S. 956 contained such specificity and it seems to me it would be good policy to again make it part of this legislation. If this situation is not covered by the bill, I hope the committee will make the appropriate amendments.

TRANSFERS

As we all know, in the close ranks of political campaigns the adroit and able campaign treasurer is a most valuable

asset of any candidate. The value a candidate places on such men is directly linked to the extraordinary costs of political campaigns and the need to expertly manage funds to obtain maximum results. These financial demands have too often bred abuses.

One particular abuse is not covered by S. 382. The rapid transfers of funds in any campaign coupled with the increased use of credit facilities permit a pyramiding of credit and hence of purchasing power which might significantly affect the relative posture of candidates in any one election. Although it is impossible to equalize financial positions of candidates, nor prevent the manipulation of money to one's benefit, it is important that the public know what the candidate is doing with the moneys received.

S. 382 as drafted does not disclose and report all the possible transfers, which might occur during a campaign. Section 303(b) subsection (9) should include a listing of all transfer agents as well as the now required banks, safety deposit boxes or other repositories. Such an amendment will be offered.

Subsection (b)(1) of section 304, the section dealing with reports by political committees, in addition should contain some provision to alert the Commission or the GAO, as the case may be, of rapid transfers of money. The definition of contribution and expenditure in title III contain provisions which include transfers between political committees. However, the problem arises when there is a transfer between banks or a nonpolitical committee.

An amendment will be offered to require reporting of all transfers, their recipients and amounts which are more than 10 percent of the amount of cash in each reporting period. In addition, if the 10-percent transfer occurs more than once during the reporting period, it would then have to be reported within 24 hours to the appropriate Federal agency.

CONTRIBUTIONS IN EXCESS OF \$100

S. 382 requires only the reporting of contributions to the Federal agency which are "in excess" of \$100. Reliable data presented at the hearings as well as published in numerous reports, indicate that by requiring reports in excess of \$100 you omit a substantial number of \$100 contributions.

It would seem logical that a person would write a check or give cash in the amount of \$100 rather than in the amount of \$101. This is a serious loophole which I feel must be filled. I will offer an amendment to delete the words "in excess" to achieve the above objective of including those \$100 contributions.

CONTINUOUS REPORTS AFTER ELECTION

Subsection 12 of section 304 on page 36 requires the reporting of all debts and obligations owed by or to the committee. This is a laudable objective. However, the obligation by the candidate should extend beyond the election. The public should know whether a debt has been fully paid or whether it lingers on unsatisfied. The reporting of the debt is only half of the obligation owed.

I will offer an amendment which will

add a provision to subsection 12 requiring such continuous reporting of debts and obligations to the appropriate Federal agency until they are completely extinguished.

CENTRAL CAMPAIGN COMMITTEE

As noted earlier in the remarks associated with title I of this bill, I intend to offer an amendment to that title creating a Central Campaign Committee for the purpose of making predictable that person who along with the candidate, is permitted to certify to costs attributed to the candidate's ceiling.

In title III I will offer an amendment which will expand the duties of this committee and in so doing make both titles work hand in hand. An amendment will be offered in section 304 (a)—page 33, line 21 and following; the section which sets forth the requirements of the reports for political committees. The amendment will require all contributions and expenditures for a particular candidate to be submitted to the Commission through his central campaign committee. This would have the effect of centralizing the reporting procedure of the candidate, as well as providing an effective check for all other political committees operating in the candidate's behalf.

The Central Campaign Committee would then logically be those people designated by the candidate who would be certifying costs for purposes of spending ceilings and would be reporting all contributions and expenditures. Such a centralization and predictability is absolutely essential if we are to have a meaningful, enforceable, and workable reform bill.

PURCHASER AND "USER"

Section 305 in the presently drafted bill contains reporting requirements for those other than a political committee. Among those listed are those businesses whose rates are regulated by the ICC, FCC, or CAB. Section (h) (1) (A) requires the name of the purchaser and the candidate for the benefit whose campaign, the services or goods were purchased. The "user" of such goods and services has been omitted. It is possible, it seems to me, for the purchaser and the candidate to be a different person than the user of such goods and services. This is in keeping with other provisions which enable acts "in behalf of" a candidate.

I will offer an amendment which will insert the word "user" in section 305(b) (1) (A) on page 34, line 14 and following.

PROPER DISCLOSURE

Title III of S. 382 sets forth a comprehensive and somewhat complex arrangement for the reporting of facts during an election for Federal office. However, there is little or nothing which guarantees exposure of these facts to the public and without this necessary ingredient the reporting becomes a mere academic exercise.

I will offer an amendment which will offer two methods of remedy for this lack of public exposure. The amendment would require the reports to be published in the CONGRESSIONAL RECORD and in papers of general circulation within the political jurisdiction representing the

election. In both, the Commission or the GAO, as the case may be, will disseminate the condensed version to the appropriate recipients. In both, the expenses will be incurred by the Federal Government.

PRESERVATION OF RECORDS

Sections 308 and 309 contain provisions for preservation of the records reported to the Commission or the GAO, as the case may be, and the clerk of the U.S. district courts. In both a distinction is made between House races and other Federal elections. Information pertaining to House elections are preserved for 5 years—in all others the period of preservation is 10. I feel this distinction is unnecessary and unreasonable in light of the equality of the harm and the protection afforded the public intended in all Federal elections. We cannot put those elections to the House of Representatives on a lesser plane of exposure than all others.

I will offer an amendment to enable all records in all Federal elections to be preserved for 10 years. Quite frankly, I would prefer such reports to be preserved in perpetuity. This would not be impractical considering the modern methods of recordation. If offered, I would support such an amendment; however, I feel this prior amendment at this point is a realistic compromise.

In addition, S. 382 does not direct the district courts throughout the United States to preserve and maintain these reports in a uniform manner. In consonance with other amendments to this legislation, it is again necessary to make predictable and uniform reports filed for public disclosure. Although the report itself would be uniform, there is nothing to direct uniformity of organization. By adding the words "and uniform" in section 309(b) (1), page 45, line 3, we would accomplish this objective.

INDEPENDENT COMMISSION

I strongly believe that if we are going to have a workable and realistic scheme of reporting and disclosing campaign activities, it must be coordinated and directed by an independent Federal agency—a nonpolitical entity. I find if such duties were given to the Congress through each Chamber's clerks, it would defeat the entire objective of the bill. The GAO is a useful compromise, but quite frankly we cannot afford to compromise in this essential element of the legislation. GAO as an arm of the Congress would still be tainted with suspicion by the public and subjected to possible controls by the Congress.

I will offer an amendment to establish an Independent Election Commission; it will be similar to the version as introduced in S. 956.

S. 382 which has the GAO performing these services, does not give this Federal agency any subpoena authority—a necessary investigatory power. This should be considered if the Senate, in my view, unwisely decides to retain the GAO as the coordinating Federal agency.

TITLE V

I am proposing to add a new title to the bill which would create a franking

privilege for all candidates at reduced rates. This amendment was contained in S. 956 and has been adequately explained in the introductory remarks to that bill.

The amendment serves the objective of providing the means for all candidates to have equitable access to the public and is a realistic way of reducing campaign costs.

Mr. President, I ask unanimous consent that the full text of the amendments referred to above be printed in the RECORD at this time.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 267

On page 4, line 5, strike "(e)" and insert "(f)".

On page 8, line 20, strike the closing quotation marks.

On page, between lines 20 and 21, insert the following:

(e) One who willfully and knowingly violates the provisions of subsection (c) or (d) of this section shall be punished by a fine not to exceed \$5,000 or imprisonment for a period not to exceed five years, or both. The provisions of sections 501 through 503 of this Act shall not apply to violations of such subsection.

On page 31, strike lines 19 through 21 and insert in lieu thereof:

(f) One who willfully and knowingly violates the provisions of this section shall be punished by a fine not to exceed \$5,000 or imprisonment of not more than five years, or both.

AMENDMENT No. 268

On page 4, strike out lines 17 through 21 and insert in lieu thereof the following:

"(B) 'use of broadcasting stations by or on behalf of any candidate' means any broadcast made for the purpose of influencing the nomination for election, or election, of any legally qualified candidate to Federal elective office in which any individual is identified, explicitly or implicitly, as a candidate for such office.

On page 10, strike out lines 3 through 8 and insert in lieu thereof the following:

(4) "use of any nonbroadcast communications medium by or on behalf of a candidate" means any use of a nonbroadcast communications medium for the purpose of influencing the nomination for election, or election, of any legally qualified candidate to Federal elective office which identifies, explicitly or implicitly, any individual as a candidate for such office.

AMENDMENT No. 269

On page 4, line 21, before the semicolon insert the following: "and includes the use of closed circuit television for such purposes".

AMENDMENT No. 270

On page 4, line 22, strike "(C)" and insert "(E)".

On page 4, between lines 21 and 22 insert the following:

"(C) 'central campaign committee' means a political committee (as defined in Section 301 d) of the Federal Elections Campaign Act of 1971) designated in writing by a candidate as his agent for the purpose of the certification of broadcast and nonbroadcast media expenditures, and no candidate shall so designate more than one such committee."

On page 5, line 3, strike "(D)" and insert "(E)".

On page 7, lines 16 and 17, strike out "a person specifically authorized by such candidate in writing to do so," and insert in lieu thereof the following:

"the treasurer of his central campaign committee".

On page 13, lines 3 and 4, strike out "an individual specifically authorized by such candidate in writing to do so," and insert in lieu thereof the following:

"the treasurer of his central campaign committee (as defined by section 315(c)(1) (C) of the Communications Act of 1934)".

AMENDMENT No. 271

On page 5, line 2 before the semicolon insert the following: "or (3) has publicly announced his candidacy for such office or has knowledge or information that any other person or political committee has received contributions or made expenditures for the purpose of bringing about his nomination for election, or election, to such an office and has not notified that person or political committee in writing to cease receiving such contributions or making such expenditures".

On page 10, line 2 before the semicolon insert a comma and the following: "or (C) has publicly announced his candidacy for such office or who has knowledge or information that any other person or political committee has received contributions or made expenditures for the purpose of bringing about his nomination for election, or election, to such an office and has not notified that person or political committee in writing to cease receiving such contributions or making such expenditures".

AMENDMENT No. 272

On page 6, strike lines 9 through 13 and insert in lieu thereof the following: "For the purposes of computing the limitation provided by the first sentence of this paragraph in connection with a Presidential primary election, the resident population of voting age for the office of President shall be held and considered to be the entire population of voting age for such office within the State in which such primary election is conducted. Amounts spent by or on behalf of any candidate for nomination for election to such office in connection with his primary campaign in any State shall not exceed such limitation for that State.

On page 11, strike lines 19 through 23 and insert in lieu thereof the following: "For the purposes of computing the limitation provided by the first sentence of this paragraph in connection with a Presidential primary election, the resident population of voting age for the office of President shall be held and considered to be the entire resident population of voting age for such office within the State in which such primary election is conducted.

Amounts spent by or on behalf of any candidate for nomination for election to such office in connection with his primary campaign in any State shall not exceed such limitation for that State".

AMENDMENT No. 273

On page 7, beginning with line 25 strike down through line 20 on page 2, and substitute in lieu thereof:

"(d) if a State by law clearly and expressly

"(1) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection, and

"(2) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election, and

"(3) has provided in any such law an unequivocal expression of intent to be bound by the provisions of this section, and

"(4) has stipulated that the amount of such limitation shall not exceed the amount which would be determined for such election under subsection (3) had such election

been an election for a Federal elective office, or nomination thereto;

then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate such limitation."

AMENDMENT No. 274

On page 13, strike lines 7 through 18, and insert in lieu thereof the following: "A copy of such certification shall be forwarded within 24 hours of its receipt by the person furnishing such services, to the Comptroller General. Any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate at a rate which is less than the rate normally charged by such person for such use shall accord the same rate to all other candidates for the same office and shall be deemed to have made a contribution to such candidate in an amount equal to the excess of the rate normally charged over the rate charged such candidate. Any such contribution shall be deemed to be an expenditure by the candidate and shall be counted towards the expenditure limitations of paragraph (1) of subsection (c) of this section".

AMENDMENT No. 275

On page 14, line 22, strike "30" and insert in lieu thereof "60".

On page 14, line 25, strike "120" and insert in lieu thereof "60".

AMENDMENT No. 276

On page 16, line 20, insert after the word "regulations," the following: "and in the ordinary course of business".

On page 17, line 22, insert after the word "regulations," the following: "and in the ordinary course of business".

AMENDMENT No. 277

On page 22, strike out lines 9 and 10 and insert in lieu thereof the following:

SEC. 203. Section 608 of title 18, United States Code, is amended to read as follows: "§ 608. Limitations on contributions by candidate

"(a) No candidate for nomination for election, or election, to Federal office may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for such nomination or election in excess of—

"(1) \$50,000, in the case of a candidate for the office of President or Vice President;

"(2) \$35,000 in the case of a candidate for the office of Senator; or

"(3) \$25,000 in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"(b) For purposes of this section, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed \$1,000 imprisonment for not to exceed one year, or both."

On page 24, strike out the matter between lines 17 and 18 and insert in lieu thereof the following: "608. Limitations on contributions by a candidate.";

AMENDMENT No. 278

On page 24, line 9, strike the closing quotation marks.

On page 24, immediately before line 14, insert the following:

(c) "(1) No person shall compromise or settle any debt incurred by a candidate, a

political committee, or any person acting on behalf of such candidate or committee, for goods or services purchased or used in connection with the campaign of such candidate, or in connection with any election, for less than its full value.

"(2) Violation of the provisions of this section is punishable by a fine not to exceed \$1,000, imprisonment for not to exceed one year, or both."

AMENDMENT No. 279

On page 26, between lines 14 and 15 insert the following:

"(e) 'central campaign committee' means a political committee designated in writing by a candidate as his agent for reporting contributions and expenditures to the Comptroller General and no candidate shall so designate more than one such committee."

On page 26, line 15, strike "(e)" and insert in lieu thereof: "(f)".

On page 27, line 15, strike "(f)" and insert in lieu thereof: "(g)".

On page 28, line 14, strike "(g)" and insert in lieu thereof: "(h)".

On page 28, line 16, strike "(h)" and insert in lieu thereof: "(i)".

On page 28, line 20, strike "(i)" and insert in lieu thereof: "(j)".

On page 33, line 21, after "office" insert: "through his or her central campaign committee".

AMENDMENT No. 280

On page 28, strike lines 20 through 22 and insert in lieu thereof the following:

(1) "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

AMENDMENT No. 281

On page 29, line 6, before the period, insert a comma and the following: "and no such expenditure shall be made unless such committee is registered with the Comptroller General in accordance with the provisions of section 303".

AMENDMENT No. 282

On page 29, line 11, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 29, line 20, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 30, line 1, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 34, line 9, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 35, line 3, after "address" insert the following: "(occupations and the principal places of business, if any)".

On page 35, line 16, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 35, line 22, after "address" insert the following: "(occupation and the principal place of business, if any)".

AMENDMENT No. 283

On page 32, line 20, after "repositories", insert a comma and "and all transfer agents."

On page 36, line 8, strike "and".

On page 36, between lines 8 and 9, insert the following:

"(13) the transfer from any bank or other depository of more than 10 percent of the amount reported under paragraph (1) of this subsection to any person, including the amount so transferred and the name and address of the bank or other depository from which it was transferred and the person to whom it was transferred; and".

On page 36, line 9, strike "(13)", and insert in lieu thereof "(14)".

On page 36, line 15, after the period, insert the following:

"If more than one transfer of funds, to which paragraph (13) of subsection (b) of this section applies, occurs between the date on which a report under this section was last filed and the date on which such a report is next due, the treasurer of the political committee whose funds are so transferred, shall report such transfers within 24 hours after each transfer after the first such transfer occurs".

AMENDMENT No. 284

On page 34, line 14, strike "in excess of \$100" and insert in lieu thereof: "of \$100 or more".

AMENDMENT No. 285

On page 35, line 18, after "committee" insert: "or on behalf of such committee".

AMENDMENT No. 286

On page 36, line 8, strike the semicolon and the word "and" and insert in lieu thereof: "and a continuous reporting of their debts and obligations after the election at such periods as the Comptroller General may require until such debts and obligations are extinguished; and"

AMENDMENT No. 287

On page 37, line 14, before "purchaser", insert "the user and the".

AMENDMENT No. 288

On page 41, line 7, beginning with "receipt", strike through line 10 and insert in lieu thereof "receipt";

On page 45, line 7, beginning with "receipt," strike through line 10, and insert in lieu thereof "receipt";

On page 45, line 3, after "orderly" insert the following: "and uniform".

AMENDMENT No. 289

On page 44, between lines 13 and 14 insert the following:

"(c) Reports required under sections 304, 305, and 307 shall be published, in a form to be developed by the Comptroller General under section 308(a) (2) which shall reduce as much as possible the volume of reported materials, but retain such information as may accurately reflect the true levels of all contributions to and expenditures by candidates and political committees, in the Congressional Record next published after such reports are made available for public inspection and copying under section 308(a) (4). However, if there is no Congressional Record published on any of the four days following the date on which such reports are made available for public inspection and copying, then a Congressional Record containing such reports shall be published on the fifth day following such date.

"(d) Reports published pursuant to the provisions of section 308(c) shall be published by and at the expense of the Comptroller General in the next issue of a newspaper of general circulation following the publication of such reports in the Congressional Record. Such publication shall be according to the following specifications:

(1) (a) Reports for a candidate for the House of Representatives shall be published in the two newspapers of largest general publication within the Congressional district in which he is a candidate.

(b) Reports for a candidate for the United States Senate shall be published in the five newspapers of largest general circulation within the State in which he is a candidate.

(c) Reports made with respect to a candidate for election to the Presidency shall be furnished to such a newspaper in each State in which the candidate's name appears on the official ballot for the expression of a preference for the nomination of persons for

election to such office or for election of Presidential electors.

(2) Reports of all other candidates for Federal elective office shall be published in a manner to be prescribed by the Comptroller General, but such publication shall be as broad as practicable.

AMENDMENT No. 290

Following the last title of this bill, insert the following new title:

LIMITATIONS ON POLITICAL CONTRIBUTIONS, EXPENDITURES AND PURCHASES

(A) (1) No person, other than a political committee or a candidate, may make contributions directly or indirectly during any calendar year in an aggregate amount in excess of

(A) \$25,000 to any candidate for the office of President in connection with his campaigns for nomination for election, and election to such office;

(B) \$15,000 to any candidate for the office of Senator in connection with his campaigns for nomination for election, and election, to such office;

(C) \$5,000 to any candidate for the office of Representative or Delegate or Resident Commissioner to the Congress, in connection with his campaigns for nomination for election, and election, to such office.

(2) Amounts contributed to a political committee which make contributions to or expenditures on behalf of only one candidate shall be held and considered to be contributions to such candidate. Amounts contributed to the candidate of any party for the office of Vice President shall be held and considered to be contributions to the candidate of the same party for the office of President.

(3) Indirect contributions are defined as the transfer of funds from a donor to a candidate through one or more other persons, including members of the donor's family, without a fair market return to the donor for the money thus expended. When such indirect contributions are made in a way to conceal the origin of the contributions, any citizen eligible to vote in the election in which the receiving candidate is standing or any public prosecutor at any jurisdiction which the receiving candidate will represent, may seek a court injunction requiring such indirect contributions to be assessed against the original donor and counted toward his limit. If such action is not taken and a donor exceeds his limit without refund from the candidate, beginning on the day of the election in which the candidate is standing the donor is subject to criminal prosecution for any contributions he has made under the meaning of this act that exceed his lawful limit. If a person through whom such contributions have been channeled willingly aided the original contributor to exceed his lawful limit, he too shall be subject to criminal prosecution.

(b) In addition to the limit set forth in section (a) no person, other than a political committee, may make aggregate contributions to any political committee organized to support two or more candidates or any number of such committees in excess of \$10,000. Nor may any such person specify how his contribution to a political committee supporting two or more candidates should be apportioned among the candidates the committee is supporting. All such contributions must be deposited in the committee's general fund to be dispensed at the committee's judgment.

(c) A committee that is expending funds with the substantial purpose of affecting the election or defeat of a candidate shall be considered a political committee under the meaning of this Act, even if it is ostensibly organized to support an issue. Any citizen eligible to vote in the election that is allegedly influenced by such a committee has

standing to show in court that the committee is a political committee required to observe the restrictions bearing on other political committees (both) regarding the amount that can be legally contributed to these committees and regarding the manner in which and the amount these committees can legally spend in behalf of a candidate. In judging whether such a committee is in fact a political committee the court may consider, among other things, its organizational history, the geographic distribution of its expenditures, and the degree to which its stand on the issue suggests to the voter a choice of candidates.

(d) (1) No political committee or candidate may sell any goods, commodities, advertising, articles, or services to any person other than a political committee or candidate. No person other than a political committee or candidate may purchase any goods, commodities, advertising, articles, or services from a political committee or a candidate.

(2) This subsection shall not apply to a sale or purchase—

(A) of any political campaign pin, button, badge, flag, emblem, hat, banner, or similar campaign souvenir or any political campaign literature or publications (but shall apply to sales of advertising including the sale of space in any publication), for prices not exceeding \$25 each;

(B) tickets to political events or gatherings;

(C) of food or drink for a charge not substantially in excess of the normal charge therefor; or

(D) made in the course of the usual and known business, trade, or profession of any person or which is a normal arm's-length transaction between persons, or a transaction between a candidate and his spouse, child or parent.

(e) In all cases of violations of this section by a partnership, committee, association, corporation, or other organization or group of persons, the officers, directors, or managing heads thereof who knowingly and willfully participate in such violation shall be punished as herein provided.

(f) Any candidate adjudged guilty of the willful receipt of funds in violation of this provision shall be fined not more than \$5,000 or imprisoned for not more than five years, or both. A contributor who violates this section shall be fined an amount, not tax-deductible, twice as large as the amount by which he exceeded his limit and shall be subject to imprisonment for no more than one year.

AMENDMENT No. 291

On page 52, after line 17, add the following:

TITLE V—CAMPAIGN MAIL

SHORT TITLE

SEC. 501. This title may be cited as the "Congressional Campaign Mail Act".

DEFINITIONS

SEC. 502. As used in this title—

(1) "Federal office" means the office of Senator, or Representative in, or Delegate or Resident Commissioner to the Congress;

(2) "major party candidate" means—

(A) the legally qualified candidate of a political party whose candidate in the next preceding general election for the same Federal office received at least 30 percent of the total number of votes cast for all candidates for such office; or

(B) any legally qualified candidate for election to a Federal office who is not affiliated with a political party and who was a candidate for the same office in the next preceding general election for such office and who received at least 30 percent of the total number of votes cast in such election for all candidates for such office;

(3) "minor party candidate" means any legally qualified candidate for election to

Federal office who is not a major party candidate;

(4) "State" means each of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(5) "campaign mail" means campaign literature mailed by a candidate for nomination for election, or election, to Federal office in connection with his campaign for nomination or election.

RATES

SEC. 503. On and after the first day of January following the date of enactment of this Act, campaign mail which is mailed in accordance with section 504 of this title and regulations promulgated by the Postal Service to carry out the provisions of this title (and the Postal Service is authorized to promulgate such regulations) —

(1) shall be considered matter mailed by a qualified non-profit organization under section 4452(b) of title 39, United States Code, as such section existed on August 11, 1970; and

(2) may be mailed at the same rates of postage that any such organization is authorized to mail matter under such section or section 3626 of such title, as enacted by section 2 of the Postal Reorganization Act.

ELIGIBILITY

SEC. 504. (a) A major party candidate in a general or special election shall be eligible to mail a number of pieces of campaign mail equal to two times the number of persons registered to vote in the State in which he seeks election, in the case of a candidate for election as Senator or as Delegate or Resident Commissioner to the Congress, or in the district in which he seeks election, in the case of a candidate for election as a Member of the House of Representatives.

(b) A minor party candidate in a general or special election shall be eligible to mail a number of pieces of campaign mail equal to the number of persons registered to vote in the State in which he seeks election, in the case of a candidate for election as Senator or as Delegate or Resident Commissioner to the Congress, or in the district in which he seeks election, in the case of a candidate for election as a Member of the House of Representatives.

(c) Any candidate for nomination for election to Federal office shall be eligible to mail a number of pieces of campaign mail to equal to —

(1) two times the number of persons registered to vote in the State in which he seeks such nomination, in the case of a candidate for nomination for election as Senator or as Delegate or Resident Commissioner to the Congress, or in the district in which he seeks such nomination, in the case of a candidate for nomination for election as a Member of the House of Representatives, if such candidate secures the signatures of such persons equal to 5 percent of such number; or

(2) the number of persons registered to vote in the State in which he seeks such nomination, in the case of a candidate for nomination for election as Senator, or as Delegate or Resident Commissioner to the Congress, or in the district in which he seeks such nomination, in the case of a candidate for nomination for election as a Member of the House of Representatives, if such candidate secures the signatures of such persons equal to 3 percent of such number.

(d) (1) The Postal Service may enter into contracts or other arrangements with the government of any State or political subdivision thereof in order to obtain information as to the number of persons registered in any State or district, and to verify signatures obtained by candidates for the purposes of subsection (c).

(2) In the event that the number of persons registered to vote in any State or dis-

trict is unavailable to the Postal Service, the number of persons registered to vote in such State or district shall be held and considered to be 150 percent of the total number of votes cast in the next preceding general election for all candidates for the office which a candidate for Federal office is seeking.

AMENDMENT No. 292

On page 28, strike lines 14 and 15, and insert in lieu thereof the following:

(g) "Commission" means the Federal Elections Commission;

On page 30, line 13, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 31, line 2, strike "Comptroller General" and insert in lieu thereof "Federal Elections Commission".

On page 31, line 13, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 31, lines 20 and 21, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 31, line 21, strike "he" and insert in lieu thereof "it".

On page 32, line 25, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 33, line 3, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 33, line 10, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 33, lines 21 and 22, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 33, line 23, strike "him" and insert in lieu thereof "it".

On page 34, line 3, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 36, line 7, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 36, line 10, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 37, line 1, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 37, line 12, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 38, lines 3 and 4, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 38, lines 21 and 22, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 38, line 23, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 39, line 6, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 40, line 6, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 40, lines 10 and 11, strike "COMPTROLLER GENERAL" and insert in lieu thereof "COMMISSION".

On page 40, line 13, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 40, line 15, strike "him" and insert in lieu thereof "it".

On page 40, line 24, strike "him" and insert in lieu thereof "it".

On page 41, line 18, strike "he" and insert in lieu thereof "it".

On page 41, line 24, strike "he" and insert in lieu thereof "it".

On page 42, line 9, strike "he" and insert in lieu thereof "it".

On page 42, line 23, strike "Comptroller" and insert in lieu thereof "Commission".

On page 42, line 24, strike "General."

On page 42, line 24, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 43, line 1, strike "he" and insert in lieu thereof "it".

On page 43, lines 4 and 5, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 44, lines 16 and 17, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 44, line 22, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 44, line 25, strike "he" and insert in lieu thereof "it".

On page 45, between lines 21 and 22, insert the following:

FEDERAL ELECTIONS COMMISSION

SEC. 310. (a) (1) There is hereby created a commission to be known as the Federal Elections Commission (referred to hereafter in this Act as "Commission"), which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) A person may not be appointed to the Commission —

(A) if at the time of his appointment he was not a member of a major political party, or

(B) if his appointment results in more than three persons from his party being members of the Commission. For purposes of this paragraph, the term "major political party" means a national political party whose candidate for President received either the largest or the next largest popular vote in the preceding presidential election.

(3) One of the original members shall be appointed for a term of two years, one for a term of four years, one for a term of six years, one for a term of eight years, and one for a term of ten years beginning from the effective date of this title, but their successors shall be appointed for terms of ten years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

(e) (1) Members of the Commission shall, while serving on the business of the Commission, be entitled to receive compensation at a rate fixed by the Director of the Office of Management and Budget, but not exceeding \$100 per day, including travel time; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(2) The Commission shall, in accordance with chapter 51 of title 5, United States Code, and subchapter III of chapter 53 of title 5, United States Code, appoint and fix the compensation of an Executive Director and such other officers, agents, attorneys, and employees as it deems necessary to assist it in the performance of its functions.

(3) The Executive Director shall be the

chief administrative officer of the Commission. He shall perform his duties under the direction and supervision of the Commission, and the Commission may delegate any of its functions, other than the making of regulations to him.

(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all of its power at any other place.

(g) All officers, agents, attorneys, and employees of the Commission shall be subject to the provisions of sections 7324 and 7325 of title 5, United States Code, notwithstanding any exemption contained therein.

(h) It shall be the duty of the Commission—

(1) to develop prescribed forms for the making of the reports and statements required by this title;

(2) to prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements required by this title;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

(4) to make reports and statements filed with it available for public inspection and copying during regular office hours within 24 hours after filing and to make copying facilities available;

(5) to preserve such reports and statements for a period of ten years from date of receipt;

(6) to prepare and publish, within ten working days after the thirty-first day of January and the tenth days of March, June, and September of each year, and within three calendar days after the due dates of the reports required to be filed on the fifteenth and fifth days preceding an election, summaries of the respective reports received which shall contain, in addition to such other information as the Commission may determine, compilations disclosing the total receipts and expenditures appearing in each report by categories of amounts as the Commission shall determine, and shall also include the full name and address and amount of contribution of each person, listed alphabetically, shown to have contributed the sum of \$100 or more; and such summaries shall be grouped according to candidates and parties;

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as the Commission shall determine and broken down into candidate, party, and nonparty expenditures; (C) total amounts contributed according to such categories of amounts as the Commission shall determine; and (D) aggregate amounts contributed by any contributor shown to have contributed the sum of \$100 or more during any calendar year;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as it may deem appropriate;

(10) to assure wide dissemination of summaries and reports;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provisions of this title;

(12) to report suspected violations of law to the appropriate law enforcement authorities; and

(13) to prescribe rules and regulations to carry out the provisions of this title.

(i) For the purpose of any audit or investigation provided for in paragraph (11) of subsection (k) of this section or in section 308(b), the provisions of sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50) are hereby made applicable to the jurisdiction, powers, and duties of the Commission, or any officer designated by it, except that the attendance of a witness may not be required outside of the State where he is found, resides, or transacts business, and the production of evidence may not be required outside the State where such evidence is kept.

On page 45, line 23, strike "Sec. 310." and insert in lieu thereof "Sec. 311."

On page 46, line 4, strike "Sec. 311." and insert in lieu thereof "Sec. 312."

On page 46, line 8, strike "Sec. 312." and insert in lieu thereof "Sec. 313."

On page 46, line 13, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 46, line 20, strike "Sec. 313." and insert in lieu thereof "Sec. 314."

On page 47, line 2, strike "Sec. 314." and insert in lieu thereof "Sec. 315."

AMENDMENT NO. 293

On page 3, line 23, before "reasonable" the first time that it appears in such line insert: "non-discriminatory and".

On page 3, line 25, strike "candidate", and insert: "candidate; or for willful or repeated failure to charge in a non-discriminatory and reasonable manner for the use of a broadcasting station".

THE HEALTH SECURITY ACT— AMENDMENT

AMENDMENT NO. 265

(Ordered to be printed and referred to the Committee on Finance.)

MENTAL HEALTH CARE BENEFITS

Mr. MOSS. Mr. President, as a result of the dedicated and thoughtful work of countless people over years of time, mental illness has almost attained the public concern and understanding it deserves and needs. We are nearly to the point where an individual can seek psychiatric help without people thinking he is "crazy." In short, mental health hopefully will be dealt with in the same way as physical health in the not so distant future. Unfortunately, because of recent actions by the present administration, the future of these important and beneficial developments is in doubt.

In his message to Congress on health care last February, the President examined in detail the problems of our medical delivery system. He stated we were facing a "massive crisis," and that good care had become too scarce and too expensive for many; nonexistent for some. He cited the need for great changes in that system to insure decent care for all. But the President failed to mention the whole area of mental health, as if it were not an integral part of our Nation's well-being.

The Department of Health, Education, and Welfare issued this May a white paper entitled "Toward a Comprehensive Health Policy for the 1970's." The Department chose to describe the health policy as comprehensive, yet nothing was discussed concerning mental illness.

Not unexpectedly, when the President's health care plans, the National Health Insurance Partnership Act, and the Family Health Insurance Plan for low-

income people, were introduced 2 months ago, mental health care benefits were absent.

The absence of these benefits in the proposal would be comprehensible if our present system was taking care of mental health care needs better than it is other problems. Yet the opposite is true. Indicators of performance, such as the number of people covered by insurance, extent of coverage, and proportion of those needing help who are treated, all show that if any part of our health care system demands improvement, it is in mental health. A good illustration is that the Director of the National Institute on Mental Health tells us that only 5 percent of the children who require treatment for emotional disturbances or mental illness receive it.

The administration's stance would be easier to understand if the problem were not so serious. But no one can deny the significance of mental illness.

One out of 10 Americans suffers pain and anguish as a result of some form of mental or emotional illness.

Fifteen to thirty percent of the workforce is seriously handicapped by emotional problems.

One-fourth of employee absenteeism is based on emotional factors.

Sixty-five to eighty percent of the people separated from jobs are dropped for personal rather than technical or economic reasons.

Personal factors account for nine tenths of industrial accidents.

Its total annual drain on the economy has been estimated at over \$20 billion.

The American people realize the magnitude of the problem. Asked to identify those areas in which they felt the Government should be more active, those responding in a recent national poll placed mental health third, following only air and water pollution control.

We could accept the Department's thinking if the problem were going away. The facts show otherwise. The attitudes and behavior of the mentally ill may lead to divorce, disharmonious family relationships, excessive gambling, promiscuity, alcoholism, drug abuse, or crime. We are all too aware of the growth of these problems.

The position taken by those who support the National Health Insurance Partnership Act would make more sense if mental and physical health were not connected. However, all the work done in this field has demonstrated how interrelated the different kinds of illnesses are. We all know from common experience physiological problems are often the result of mental disorders, and that sickness or accidents many times cause emotional difficulties.

A recent study of a large group of people shows this interrelationship, and at the same time suggests how our health care system can work more effectively. Where outpatient psychiatric referral was available, utilization of medical services was markedly reduced. Fifty-six percent of those enrolled in this prepaid group practice program made fewer visits to the internal medicine department and 48 percent had fewer laboratory procedures performed. Several other studies

The last publicly-released HUD review slapped the Atlanta Model Cities agency on the wrist for failing to audit its 28 operating agencies.

So HUD took the bull by the horns and inspected accounting records of six agencies. It found "certain deficiencies" in two of the six "which we believe could have been detected by regular on-site monitoring of fiscal transactions."

Without identifying the errant agencies, HUD said its reviews disclosed:

"(1) Ineligible expenditures; (2) lack of documentation to support expenditures; (3) improper or no bank reconciliations; (4) checks not countersigned by two officers; (5) use of petty cash as a source from which to borrow money, and (6) purchase orders and/or contracts not available for inspection."

Needless to say, HUD recommended that Model Cities "give priority" to monitoring fiscal activities of its operating agencies.

Another snafu in coordination, according to the federal auditors, involved Model Cities' failure to document follow-up action it takes to correct deficiencies uncovered in evaluation reports.

Yet another section of the audit reveals the Model Cities agency has not bothered to obtain copies of the administrative policies of its various operating agencies.

The auditors said Model Cities should review the administrative policies and procedures of the operating agencies "and take exception to any cost which is in excess of those costs allowed by (Model Cities') own administrative policy."

Another eyebrow-raiser was failure of the Model Cities agency to document the basis on which contractors are selected or consultant fees paid.

Model Cities, the audit noted, awarded contracts to nine consulting firms. Not a word was found in the contract files to indicate how many other prospective contractors—if any—were considered, the basis on which the winners were chosen or how the fees were decided.

The auditors said the city purchasing agent advised them that the city does not require bids for professional services.

But they added: "We believe, however, that in any HUD-assisted program the consultant services contract files should, as a minimum, include the following information:

- (1) An explanation of how the amount of compensation or reimbursement to be paid was determined.
- (2) Identification of each prospective contractor considered.
- (3) Summary of bids and proposals, if any, received.

(4) Justification for non-competitive procurement of contract services and reasons for selection of the contractor, or justification for selection of other than the lowest bidder in competitive procurement.

Singled out for special attention by the auditors was James S. Robinson, doing business as Urban East Housing Consultant.

Urban East, no longer under contract, received \$144,569, including \$30,000 for "consultant and contract services."

What concerned the auditors was the absence of any cost breakdown to justify \$30,000 for consultant and contract services.

In a classic piece of bureaucratic understatement, the auditors commented, "We believe, however, that even though this contract is being phased out that the operating agency should furnish the (Model Cities agency) some evidence of the reasonableness of the value of services rendered."

Here's what an Atlanta Urban Observatory housing study had to say about Urban East:

"The role of Urban East in housing development is something of an enigma from information and evaluations derived from our informants. Most of our informants agree

that Urban East has accomplished very little in stimulating new housing."

The report said the firm's specific responsibility "is variably interpreted by our informants."

Some described it as a stop-gap organization designed to aid individual families in arranging for new housing.

Urban East told the academic evaluators that its broad responsibilities included counseling families with legal difficulties in existing housing, supervision of management in housing projects, developing feasibility studies for housing construction, aiding residents in applying for housing assistance under low-interest federal programs and locating sponsors for new housing on designated tracts.

But like other agencies involved in the no-go housing effort, Urban East's role was described by Urban Observatory officials as "fuzzy" and its ability to generate new housing "remained at a continuous level of inadequacy."

THE PERSIAN GULF

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 1971

Mr. HAMILTON. Mr. Speaker, the Persian Gulf could become an increasingly important for the United States in the next decade. Without radical changes in the U.S. fuel and natural gas priorities and many new discoveries of energy deposits, the United States will, in the late 1970's and early 1980's, have to import more than a third of its oil from the Persian Gulf according to a State Department estimate. These estimates, however, never approach the nearly 90 percent dependency of Western Europe and Japan on Middle East oil.

Unfortunately, this time of increased potential importance of the oil deposits in the gulf corresponds with a time of increased potential political instability. The correct British decision to end its fig leaf of protection in the lower gulf area will have repercussions on an area that has changed little politically over the last century.

Many of the dormant political rivalries that could bring the whole gulf area to the brink of a period of violent upheaval were recently documented in an excellent article by David Holden entitled "The Persian Gulf: After the British Raj," which appeared in the July 1971 issue of Foreign Affairs.

The two major causes of the rivalries in the gulf area are religious and ethnic: the Persians or Iranians are mostly on the north side and the Arabs on the south side of the gulf; and the inhabitants of the area are both Shi'i and Sunni Muslims, the two largest sects in Islam. The Arab side of the gulf is predominantly Sunni, except for parts of the lower gulf, and Iraq and Iran are largely Shi'i.

In an area of small states, there are four major gulf powers, each of which is trying to assert some kind of great presence or influence as the British leave. Iran sees only increasing instability on the Arab side of the gulf and in order to protect her position, she indicates that she will reclaim three small

islands near the mouth of the gulf—the Straits of Hormuz. Both Iraq and Saudi Arabia have interests in improving their respective positions in the area; they also spend some time feuding with each other. Kuwait, a small state with a big purse, is quietly using its influence to insure greater political stability in the lower Arab gulf.

Ten small entities occupy the rest of the Arab side of the gulf, but their smallness is accompanied by longstanding tribal rivalries and a penchant for being unable to reason together. Oman has been independent for some time and, indeed, had relations with the United States in the 1830's. Today Oman faces a south Yemeni and Chinese-inspired revolt at its back door. Bahrain, an island which refines and produces oil, is also seeking independence, and Qatar, a smaller producer of oil, is expected to follow. The seven remaining Trucial States, so-called because of the treaty relationship with England since the 1830's, are, with varying degrees of enthusiasm, considering the possibility of joining together in a federation which the British seek to establish before they depart at the end of 1971. Recently, six of the Trucial States ratified a federation constitution but there may be more changes before the British leave. Indeed, old family feuds between tribal leaders and the disparities between rich oil sheikhdoms and their very poor fishing communities threaten such a conglomeration before it comes into being.

Whether all these states will be able to stand alone remains to be seen. The revolutionary forces in the Arab world are becoming increasingly vocal and dominant. If social change and massive education are not given to the entire population of the area, tribal leaders, kings and sultans will be overthrown. For the United States there is only the role of providing technical assistance and acquainting itself with the problems of the region. In this exercise, David Holden's article is most useful. It follows:

THE PERSIAN GULF: AFTER THE BRITISH RAJ
(By David Holden)

When Sir Alec Douglas-Home, the British Foreign Secretary, told the House of Commons in March that all permanent British forces in the Persian Gulf would be withdrawn by the beginning of 1972 he signaled the end of the last important vestige of the nineteenth century's *Pax Britannica* and opened the door to what could be a major, and possibly painful, reconstruction of the Middle Eastern map.

Ever since Britain signed her first Arabian treaty with the Sultan of Muscat in 1798, in a successful attempt to close the Gulf to French naval forces during the Napoleonic wars, a "special relationship" has existed between Britain and the territories around the Gulf. In Persia, as Iran was generally known until after the Second World War, the British established a sphere of interest so important to them as an answer to Russia's imperial designs upon India that for a time in the nineteenth century there were two separate British diplomatic missions in Tehran—one appointed by the British Government in India and the other from the London Foreign Office. On the Arab shore of the Gulf the relationship was for many decades more arbitrary and more tenuous, being based essentially upon the exercise of Britain's maritime power over a number of

As in case of the McClellan resolution, the Bridges amendment was unanimously and overwhelmingly adopted in the Senate—by the vote of 76 to 0 on June 3, 1953. Twenty other members of the Senate, absent for the vote, recorded themselves that day in favor of the provision.

Long after the passions of the Korean war had subsided, section 105 lived on in the annual appropriation bill as a silent reminder of a bygone era. It was never discussed in the Senate or House reports, and it was rarely mentioned in the floor debates. Now, at last it has passed quietly from the scene, and almost no one mourns its loss.

I ask unanimous consent that the table be printed in the RECORD.

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

LEGISLATIVE HISTORY OF SECTION 105 OF PAST STATE DEPARTMENT APPROPRIATION ACTS

Fiscal year	Bill	Public Law	Date signed	Section
1972	H.R. 9272			(0)
1971	H.R. 17575	91-472	Oct. 21, 1970	105
1970	H.R. 12964	91-153	Dec. 24, 1969	105
1965	H.R. 17522	90-470	Aug. 9, 1968	105
1968	H.R. 10345	90-133	Nov. 8, 1967	105
1967	H.R. 18119	89-797	Nov. 8, 1966	105
1966	H.R. 8639	89-164	Sept. 2, 1965	105
1965	H.R. 11134	88-527	Aug. 31, 1964	105
1967	H.R. 7063	88-245	Dec. 30, 1963	105
1963	H.R. 12580	87-848	Oct. 18, 1962	105
1962	H.R. 7371	87-267	Sept. 21, 1961	105
1961	H.R. 11666	86-678	Aug. 31, 1960	105
1967	H.R. 7343	86-84	July 13, 1959	105
1959	H.R. 12478	85-477	June 30, 1958	105
1953	H.R. 6877	83-49	June 11, 1957	105
1957	H.R. 14721	84-608	June 20, 1956	110
1956	H.R. 5502	84-33	July 7, 1955	110
1955	H.R. 8067	83-47	July 2, 1954	110
1954	H.R. 4974	83-193	Aug. 5, 1953	111

¹ No. Revision

RUSSIA DENIES JEWISH EXODUS

Mr. PROXMIER. Mr. President, the Government of the Soviet Union has taken another step to sabotage the Soviet Jews' struggle for freedom. According to last night's Washington Star, the number of Soviet Jews leaving Russia dropped from an average of 36 a day to an average of five a day.

The Soviets are selling freedom. In order to leave the Jews must pay 4,000 rubles or \$4,440—3 years' wages for the average working man—for the required documents.

This is just one more step by the Soviets in their campaign to persecute the Jewish population in that country. Although the Soviet Union is trying to convince the world that it does not discriminate against Soviet Jewry, the facts prove differently. As long as the world sits back and idly watches, the Russian Government will continue its "anti-Jewish" campaign. This body must do everything in its power to assist the Soviet Jews' move toward freedom.

I ask unanimous consent that the article from the Evening Star be printed in the RECORD.

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

JEWISH EMIGRATION CUT BY SOVIET LAID TO ARABS

Moscow.—The Soviet government has drastically reduced Jewish emigration to Israel, cutting the number of daily departures from an average of 36 to 5.

Unofficial Soviet sources blamed the new restrictions on Arab criticism and on a bureaucratic snarl that developed after emigration was greatly increased in March.

The Soviet Union's Arab allies were upset over the increased flow of Russian Jewish emigrants, fearing they were swelling the ranks of Israeli military units.

The informants said the low level of emigration is likely to continue until the department that handles the emigrants is reorganized to take care of the load.

Meanwhile, Jewish sources reported that the Jews who do get out are being required to pay 4,000 rubles—\$4,440 at the official rate—for exit visa, passport and renunciation of Soviet citizenship. And one source said the government is now confiscating the deposits of Jewish emigrants in the state savings program, which takes 10 per cent of all salaries.

"We have managed so far, and we will not let that stop us," said one Jewish source.

In March the Soviet government allowed Jewish emigration to increase from 83 to 1,500 a month following Jewish demonstrations in Moscow and international criticism of the trial of 10 Jews who planned to hijack a plane to get to Israel.

FEDERAL ELECTIONS CAMPAIGN ACT OF 1971

Mr. MANSFIELD. Mr. President, I move that the Senate turn to the consideration of Calendar No. 223, S. 382, so that it may become the pending business.

The PRESIDING OFFICER (Mr. CASE). The bill will be stated by title. The ASSISTANT LEGISLATIVE CLERK. A bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to and the Senate proceeded to consider the bill which had been reported with amendments.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 382, the Federal Elections Campaign Act of 1971.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR ADJOURNMENT UNTIL 9:45 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when

the Senate completes its business today, it stand in adjournment until 9:45 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATORS MAGNUSON, JACKSON, AND SYMINGTON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, after the recognition of the two leaders under the standing order tomorrow, the following Senators be recognized, each for not to exceed 15 minutes, and in the order stated: Messrs. MAGNUSON, JACKSON, and SYMINGTON.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the order recognizing Senators on tomorrow, there be a period for the transaction of routine morning business, with statements limited therein to 3 minutes, for not to exceed 30 minutes.

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

ORDER TO LAY UNFINISHED BUSINESS BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the transaction of routine morning business on tomorrow, the Chair lay before the Senate the unfinished business.

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, there will be no further votes today.

I suggest the absence of a quorum. I hope that it will be the last quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows: The Senate will convene at 9:45 a.m.

Following the recognition of the two leaders under the standing order, the following Senators will be recognized in the order stated, each for not to exceed

SENATE
FLOOR DEBATE
ON
S.382
JULY 21, 1971

sharing legislation, and will resume consideration tomorrow.

Joint Committee Meetings

ECONOMIC REVIEW

Joint Economic Committee: Committee resumed hearings to review midyear economic conditions, having as its witnesses John Kenneth Galbraith, professor of economics, Harvard University; Homer Jones, former vice president, Federal Reserve Bank of St. Louis; and Franco Modigliani, professor of economics, MIT.

Hearings continue tomorrow.

Wednesday, July 21, 1971

Senate

Chamber Action

Routine Proceedings, pages 26322-26392

Bills Introduced: 12 bills and two resolutions were introduced, as follows: S. 2319-2330; S.J. Res. 136; and S. Con. Res. 35. Page 26325

Bills Reported: Reports were made as follows:

S. 389, private bill (S. Rept. 92-274);

S.J. Res. 105, to designate 1971 as the "Year of World Minority Language Groups" (S. Rept. 92-275);

S. Con. Res. 35, favoring suspension of 13 deportation cases under the Immigration and Nationality Act (S. Rept. 92-276);

S.J. Res. 132, to extend the duration of copyright protection in certain cases (S. Rept. 92-277);

H.R. 5208, to authorize funds for procurement of vessels and other Coast Guard facilities for fiscal year 1972, with amendments (S. Rept. 92-278);

S. 733, creating an additional judicial district in the State of Louisiana (S. Rept. 92-279);

S. 1866, private bill, with an amendment (S. Rept. 92-280);

S. 2330, permitting the retirement of U.S. judges with long periods of service (S. Rept. 92-281);

S. 2072, to exempt until December 31, 1971 from specific provisions of Egg Products Inspection Act, plants which are unable to acquire pasteurization equipment with an amendment (S. Rept. 92-282); and

1970 Annual Report of Judiciary Subcommittee on Antitrust and Monopoly, with individual views (S. Rept. 92-283).

Pages 26324-26325

CXVII—DD—26—Part 38

Bills Referred: Sundry House-passed bills were referred to appropriate committees.

By unanimous consent, S. 986, requiring minimum disclosure standards for written consumer products against defect, was referred to the Committee on the Judiciary until October 15, 1971. Pages 26408, 26440

Bills Held at Desk: By unanimous consent, H.R. 4762, VA medical information exchange, and H.J. Res. 3, creating Joint Committee on the Environment, were ordered to be held at the desk. Page 26392

Measure Passed:

Appalachian regional development: By 88 yeas to 2 nays, Senate passed S. 2317, authorizing funds for the extension of the Public Works and Economic Development Act and of the Appalachian regional development program, after adopting Gravel amendment authorizing \$500,000 to continue through June 30, 1973, the Federal Field Committee for Development Planning in Alaska for the purpose of planning economic development programs in cooperation with that State. Pages 26427-26434

Federal Election Campaign Practices: Senate began consideration of S. 382, to promote fair practices in the conduct of election campaigns for Federal elective office, and by unanimous consent, the bill is considered as having been amended in the form as reported by the Committee on Rules and Administration, and as thus amended will be treated as original text for purpose of further amendment. Pending at adjournment was Pastore amendment in the nature of a substitute.

Also by unanimous consent, it was agreed that, during the further consideration of this bill, debate thereon will be limited to 16 hours, with 30 minutes on any germane amendment thereto, with the exception of an amendment to be offered by Senator Dominick and two amendments to be offered by Senator Prouty, on each of which there will be a 3-hour debate limitation, and on an amendment to be offered by Senator Fannin and one to be offered by Senator Stevens, on each of which there will be a 2-hour time limitation. It was further agreed that during the consideration of this measure it will be in order for the leadership to have laid before the Senate for its immediate consideration any legislation agreed upon by the joint leadership. Pages 26392-26403

Emergency Loan Guarantees: Senate began consideration of S. 2308, to authorize Federal guaranteed loans to private enterprises, adopting, by 56 yeas to 36 nays, motion to table motion to recommit the bill to the Committee on Banking, Housing and Urban Affairs, with instructions that it be reported back by July 29, 1971. Pages 26403-26427, 26434-26440

JUNE 29, 1971.

Hon. WILLIAM P. ROGERS,
The Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: On June 7 a State Department spokesman told the press that the United States support for Thai troops in Laos began as a program authorized by President Kennedy, that the troops are in Laos at the request of the Prime Minister of Laos and that United States financing of these troops is "fully consistent with all pertinent legislation." As Chairman of the Subcommittee on United States Security Agreements and Commitments Abroad, I am interested in obtaining background information and documentation relevant to these assertions by the Department's spokesman.

In this connection we would appreciate your furnishing the Subcommittee with the following information.

(1) A description of the specific decisions taken by President Kennedy to authorize United States funding of Thai troops in Laos, and of the subsequent actions taken by United States diplomatic and military authorities to implement such decisions.

(2) An explanation of the funding procedure used to provide financial support for Thai troops pursuant to President Kennedy's original authorization.

(3) A description of Prime Minister Souvanna Phouma's request for Thai troops, including answers to the following specific questions:

a. When was the Prime Minister's request (or requests) made?

b. In what form was the request made?

c. To whom and to what government or governments was it addressed?

d. What specifically did the Prime Minister request?

e. What did the Prime Minister's request say with regard to arrangements for financial support and publicity concerning Thai troops?

f. What response was given to the Prime Minister by the person, government or governments to whom the request was addressed?

(4) An explanation of how Souvanna's request relates to the various undertakings of the Royal Lao Government in the Geneva Agreements of 1962.

(5) A detailed explanation of any discussions, arrangements and agreements, formal or informal, involving the United States Government and the Royal Lao Government or the Government of Thailand relative to past or present United States financing and support for Thai troops in Laos.

(6) An identification of the departments or agencies which have provided funds for support of each of the various programs involving Thai troops in Laos.

Because the above request is relevant to the Senate's consideration of pending legislation having to do with United States expenditures in Laos, we would respectfully request that the information be provided at earliest opportunity.

Sincerely,

STUART SYMINGTON,

Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad.

Mr. SYMINGTON. Mr. President, this is getting to be quite an interesting development. When there was a crisis in the British Government in 1936, a story was around that Sir Winston Churchill suggested the King use the King's men. If, in accordance with press reports, the CIA is conducting a war in Laos, we might call them the President's men, people operating not only without the approval of Congress, but also without its knowledge.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

AMENDMENTS NOS. 295 THROUGH 300

(Ordered to be printed and to lie on the table.)

Mr. BELLMON submitted six amendments intended to be proposed by him to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

AMENDMENTS NOS. 301 THROUGH 305 AND 310
THROUGH 314

(Ordered to be printed and to lie on the table.)

Mr. PACKWOOD submitted 10 amendments intended to be proposed by him to the bill (S. 382), supra.

AMENDMENT NO. 306

(Ordered to be printed and to lie on the table.)

Mr. ALLEN. Mr. President, I submit an amendment to S. 382, and ask unanimous consent that the amendment be printed at this point in the Record.

I also ask unanimous consent that certain supplemental views relating to the bill, presented by me, be printed in the Record.

There being no objection, the amendment and material were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 306

On page 15, line 8, insert "608," before "610".

On page 22, strike lines 9 and 10, and insert in lieu thereof the following:

Sec. 203. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitation upon certain campaign expenditures

"(a) No candidate shall make or authorize expenditures on behalf of his candidacy, or to influence the outcome of the election in which he is a candidate, for goods or services other than broadcast communications media (as regulated by section 315(b) of the Communications Act of 1934) and nonbroadcast communications media (as regulated by section 103 of the Federal Election Campaign Act of 1971) in excess of—

"(1) 10 cents multiplied by the estimate of resident population of voting age for the office for which he seeks nomination for election or to which he seeks election, as determined by the Bureau of the Census in June of the year preceding the year in which the election is to be held; or

"(2) \$60,000, if greater than the amount determined under clause (1).

"(b) No person may make any charge for goods or services (other than those regulated by section 315 (c) of the Communications Act of 1934 (relating to broadcast communications media) or by section 103 of the Federal Election Campaign Act of 1971 (relating to certain nonbroadcast communications media)) furnished to or on behalf of a candidate in connection with his campaign for nomination for election, or election, unless such candidate, or an individual authorized by such candidate to do so, certifies to such person that the payment of such charge will not violate subsection (a). Any person who furnishes such goods or services to or for the benefit of a candidate without charge therefor shall be deemed to have made a contribution to such candidate in an amount equal to the amount normally charged by such person for such goods or services. Any person who furnishes such goods or services to or for the benefit of a candidate at a charge which is less than the charge usually made by such person for such goods or services

shall be deemed to have made a contribution to such candidate in an amount equal to the excess of the amount usually charged for such goods or services over the amount charged such candidate.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed \$5,000."

On page 24, between lines 17 and 18, strike the item relating to section 608 of title 18, United States Code, and insert in lieu thereof the following:

"608. Limitation upon certain campaign expenditures.".

SUPPLEMENTAL VIEWS OF MR. ALLEN

While I voted to order reported from our Committee on Rules and Administration the bill, S. 382, as amended, I feel that it is subject to the objection that it does not limit the overall cost of campaigning. While commendable in purpose and potentially effective in the limited area of its operation, it simply does not go far enough.

The bill would limit campaign expenditures in two categories only, (1) broadcast media advertising, and (2) nonbroadcast media advertising, such as newspapers, magazines and other periodicals, and billboard facilities.

The limit set is 5¢ for each person of voting age for such office and each of the two categories of advertising. However, the expenditures are interchangeable, so that actually a limit of 10¢ for each person of voting age for such office is provided, to be divided as the candidate wishes between the two categories.

In most cases, the limits set are much higher than those set by S. 3637 which passed during the 91st Congress but was vetoed by the President and his veto sustained.

In the President's veto message, he said that S. 3637 did not limit the overall cost of campaigning. Neither does S. 382.

He also said in his message:

"The problem with campaign spending is not radio and television; the problem is spending. This bill plugs only one hole in a sieve.

"Candidates who had and wanted to spend large sums of money, could and would simply shift their advertising out of radio and television into other media—magazines, newspapers, billboards, pamphlets, and direct mail. There would be no restriction on the amount they could spend in these media.

"Hence, nothing in this bill would mean less campaign spending.

"In fact, the bill might tend to increase rather than decrease the total amount that candidates spend in their campaigns. It is a fact of political life that in many Congressional districts and States a candidate can reach more voters per dollar through radio and TV than any other means of communication. Severely limiting the use of TV and radio in these areas would only force the candidate to spend more by requiring him to use more expensive techniques.

"By restricting the amount of time a candidate can obtain on television and radio, this legislation would severely limit the ability of many candidates to get their message to the greatest number of the electorate. The people deserve to know more, not less, about the candidates and where they stand."

These same criticisms apply to S. 382 except that nonbroadcast media advertising has been limited along with radio and TV.

The President seemingly favors an overall limitation on expenditures and with this position I agree.

The bill places no limit on expenditures for mass mailings, for handbills, brochures, printing, WATS lines, telephones, postage, campaign headquarters (state and various local ones), unlimited campaign workers, airplane rentals and tickets, buses, trains (special and regular), campaign newspapers,

movie theatre film advertisements, campaign staffs, public relation firms, production expenses for broadcasts, public opinion polls, paid campaigners and poll watchers, novelties, bumper stickers, sample ballots.

I feel that an overall limit should be placed on the total amount of campaign contributions and expenditures that a candidate may receive or spend.

I would feel that a limit of 10c or less per person of voting age for an office should be set for all expenditures not limited by the broadcast and nonbroadcast media advertising limitations.

Total contributions that might be received could thus be limited to 20c or less per person of voting age for such office. This limitation on the total amount of contributions would probably be more effective than merely adding the 10c or less limitation for all expenses other than media advertising. I would also feel that the candidate's own expenditures should be treated as contributions to the campaign.

I submit that there is even greater need to limit expenditure for nonmedia advertising than for media advertising. Media advertising is open and aboveboard and available for all to see. Overuse of media advertising might even be counter-productive if the electorate felt that the candidate was overspending in that field. The nonmedia expenditures would not be as apparent to the public but could be as effective and as expensive. It would be in the field of nonmedia expenditures that irregularities, or corrupt practices or abuses, if any, might be more likely to occur. A limit should be placed on nonmedia expenditures, and I plan to offer an amendment providing for such a limit.

JAMES B. ALLEN.

AMENDMENT NO. 307

(Ordered to be printed and to lie on the table.)

COMPARABLE UNIT RATE AMENDMENT

Mr. STEVENS. Mr. President, today I am introducing an amendment to S. 382, to promote fair campaign practices in Federal elections, which is designed to prevent political candidates from reaping an economic windfall because of the lowest unit rate provisions of this legislation.

Specifically, my amendment would alter section 101(b), which deals with broadcast media, by eliminating the requirement that such media charge political candidates for Federal elective office their lowest unit rate during the 45-day period preceding a primary election and the 60-day period preceding a special or general election and by substituting in lieu thereof a requirement that such candidates be assessed the rates charged for the "same class and amount of time and same frequency of use" during the specified periods. Similarly, my amendment would change section 103(b), which deals with nonbroadcast media, by eliminating the lowest unit pricing requirement and substituting a requirement that candidates be assessed the rate charged others by the person furnishing such medium for the "same class and amount of space and same frequency of use" during the time periods stipulated in the bill.

As presently written, sections 101(b) and 103(b) would require that a candidate purchasing prime television and radio time or buying space in the printed media be provided the same preferential rates that the media now gives its volume customers in order to attract additional advertising. Thus, these provisions would give volume advertising rates to a pre-

ferred group the members of which may very well not qualify under the usual volume and space criteria. In this sense, we are creating a discriminatory preference.

While I joined in voting to report S. 382, which I believe to be an important step forward in Federal campaign reform, I am strongly opposed to the concept of lowest unit pricing. One of the primary purposes of S. 382 is to limit political campaign expenditures. This is the effect of other sections of the bill. However, since sections 101(b) and 103(b) would drastically increase the value of the political dollar during the specified periods, this laudable goal would be partially thwarted. This is so because the amount of time and advertising space which a candidate could purchase with a specific amount of money would be substantially increased. Thus, these provisions are nothing more than a giveaway within the overall context of a limitation on political expenditures. If sections 101(b) and 103(b) are enacted, the broadcast and nonbroadcast media will be jammed during election time with political advertisements that do not meet the usual lowest unit pricing criteria.

In addition to thwarting one of the major purposes of S. 382, these provisions would have an extremely adverse economic impact on small broadcasters and elements of the print media. This impact would result from the fact that sections 101(b) and 103(b) would compel many elements of the media to give politicians bargain rates during prime time or in advertising space which could be more profitably utilized if allocated to other customers. In order to survive, some components of the media would find it necessary to abandon lowest unit pricing altogether. In many instances, the loss of income incurred by those radio and television stations, newspapers, and magazines which decide to retain lowest unit pricing would be just as great as for those which abandon it.

In my State of Alaska, which has many small broadcasters and elements of the print media, the economic consequences of sections 101(b) and 103(b) would be specially acute. The Alaska media is doing its best to provide our small population with modern, quality news and programming services; however, they are doing so on what often amounts to a shoe-string budget. To impose additional economic burdens on an industry which is now beleaguered by high taxes and other problems would result in the collapse of some broadcasters, newspapers, and other publications. This would be most unfortunate.

On a nationwide basis, the failure of some media elements would result in the increasing aggregation of communications resources in a few individuals and corporations. This type of aggregation is foreign to one of the basic tenets of our democracy; that is, that our citizens should be exposed to many ideas and points of view from which the best ideas will ultimately emerge. Over the years, we have seen an alarming decrease in the number of newspapers which serve the various cities of this Nation. This decrease is due to many factors. I do not want to see the Congress, through the

enactment of restrictive legislation, add another factor which is sure to accelerate the trend toward the consolidation of communications media.

In many parts of Alaska and in other rural areas throughout the Nation, the collapse of small broadcast and print media would result in the termination of all sources of information, not just the end of a healthy competition between different sources. Again, one of the basic premises of our democracy would be violated since the citizenry in these areas would not have the information necessary to make the type of informed decisions upon which the ideological health of our Nation is so heavily dependent. In addition, in places like Alaska where access to weather data and public service information is so important to the safety of the people, the collapse of the commercial media would mean that Federal, State, and local governments would have to provide all such essential information. This would be most costly and unnecessary, especially in view of the willingness of the commercial media to disseminate public service information provided that governmental regulation does not deprive them of the economic wherewithal to do so.

Mr. President, I believe that the considerations which I have referred to today are compelling reasons for the elimination of the lowest unit pricing concept from S. 382, which, as amended by the Committees on Commerce and Rules, is indeed an important statement of political campaign reform. Accordingly, I ask the Members of this body to act favorably on the amendment which I have just described.

I ask unanimous consent that the amendment be printed at this point in the CONGRESSIONAL RECORD. In addition, I also request that the rate schedule of certain broadcast and nonbroadcast media in my State be printed in order to document further the contentions which I have made today.

There being no objection, the amendment and material were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 307

On page 3, line 14, strike out "amount of time" and insert in lieu thereof "class and amount of time and same frequency of use".

On page 10, line 6, strike out "amount of space," and insert in lieu thereof "class and amount of space and same frequency of use".

KWKO FM STEREO, 102.1 MHZ—COMMERCIAL ANNOUNCEMENTS						
Weekly rates	6	12	18	24	30	
1 minute:						
AAA.....	5.50	5.00	4.85	4.60	4.35	4.10
AA.....	4.25	4.00	3.80	3.60	3.40	3.20
ROS.....	4.00	.....	3.60	3.40	3.20	.....
½ minute:						
AAA.....	4.50	4.00	3.90	3.70	3.50	3.20
AA.....	3.25	3.00	2.80	2.60	2.50	2.30
ROS.....	2.50	.....	2.40	2.30	2.20	.....
13 week						
26 week						
52 week						
Earned rate:						
1 minute.....	3.80	.....	3.50	.....	3.00	.....
½ minute.....	2.75	.....	2.60	.....	2.10	.....

Notes: AAA: Monday through Friday, 7 to 9 a.m. and 5 to 11 p.m. Saturday and Sunday, 9 a.m. to 11 p.m. AA: Monday through Friday, 9 a.m. to 5 p.m. ROS: Monday through Sunday, 6 a.m. to 1 a.m. ER: Earned rate is based on a minimum 13 week schedule with no less than 3 announcements per week. Air time is ROS between 7 a.m. and 11 p.m.

KBYR—ANCHORAGE, SINGLE RATE CARD NO. 1, JAN. 1, 1971

Times per week (seconds)	AAA 1	AA 2	A 3
1 Time:			
60.....	12.50	11.00	9.50
30.....	10.00	9.00	8.50
3 Time:			
60.....	12.00	10.50	9.00
30.....	9.50	8.50	8.00
6 Time:			
60.....	11.50	10.00	8.50
30.....	9.00	8.00	7.50
12 Time:			
60.....	10.00	8.50	7.00
30.....	8.00	7.00	6.50
18 Time:			
60.....	9.00	7.50	6.00
30.....	7.00	6.00	5.50
24 Time:			
60.....	8.00	6.50	5.00
30.....	6.00	5.00	4.50

1 Class AAA time: Monday to Friday, 6 to 9 a.m. and 3 to 7 p.m. Saturday, 9 to 7 p.m., Sunday 12 noon to 7 p.m.
 2 Class AA time: Monday to Friday, 9 a.m. to 3 p.m. Saturday, 6 to 9 a.m. Sunday, 6 a.m. to 12 noon.
 3 Class A time: Monday to Sunday, 7 p.m. to 12 midnight.
 Class B time: All remaining times.
 Note: 10 seconds 50 percent of comparable minute rate, excluding A and B rates. Minimum charge \$4.

ALL ANNOUNCEMENTS COMBINE FOR FREQUENCY DISCOUNTS

[Total audience plan, 1/2 AAA, 1/2 AA.]

	60 seconds	30 seconds
Plan 1—12 per week (each).....	9	7.25
Plan 2—18 per week (each).....	8	6.25
Plan 3—24 per week (each).....	7	5.25

Note: Annual discounts: 208 times, use 6 plan weekly rates; 426 times, use 12 plan weekly rates; 780 times, use 18 plan weekly rates; 1,040 times, use 24 plan weekly rates.

KNIK—FM ANCHORAGE—SINGLE RATE CARD NO. 2, JUNE 1, 1971

Times per week (seconds)	AAA	AA	A
1 time:			
60.....	9.60	7.00	5.00
30.....	7.70	5.60	4.00
3 times:			
60.....	8.20	6.00	4.40
30.....	6.60	4.80	3.50
6 times:			
60.....	7.40	5.40	4.00
30.....	5.90	4.30	3.20
12 times:			
60.....	6.20	4.80	3.60
30.....	5.00	3.80	2.80
18 times:			
60.....	5.80	4.40	3.60
30.....	4.60	3.50	2.40
24 times:			
60.....	5.20	4.00	2.80
30.....	4.20	3.20	2.20

NOTES

Time segments:
 Class AAA time: Monday to Friday, 6 to 9 a.m. and 3 to 7 p.m. Saturday, 9 a.m. to 7 p.m. Sunday, 12 noon to 7 p.m.
 Class AA time: Monday to Friday, 9 a.m. to 3 p.m. Saturday, 6 to 9 a.m. Sunday, 6 a.m. to 12 noon.
 Class A time: Monday to Sunday, 7 p.m. to 12 midnight.
 Class B time: All remaining times.
 ROS: Use AA rates.
 B rates available on request.
 10 seconds—50 percent of comparable minute rate, excluding A and B rates. Minimum charge \$2.
 All announcements combine for frequency discounts.

Total audience plan (1/2 AAA and 1/2 AA)	Per week	60 seconds	30 seconds
Plan 1.....	12	5.50	4.40
Plan 2.....	18	5.10	4.00
Plan 3.....	24	4.60	3.70

Frequency discounts:
 208 times, use 6 plan weekly rates.
 426 times, use 12 plan weekly rates.
 780 times, use 18 plan weekly rates.
 1,040 times, use 24 plan weekly rates.

KENI RADIO, POST OFFICE BOX 1160, ANCHORAGE, ALASKA

(Local rate card No. 8, effective Aug. 1, 1969)

Times	hour	1/2 hour	1/4 hour	10 minutes	5 minutes
1.....	\$180	\$55	\$35	\$25	\$20
26.....	85	50	30	22	18
52.....	75	42	25	18	15

PRIME TIME—AAA, MONDAY THROUGH FRIDAY 6 A.M. AND 4-6 P.M.—SATURDAY 10 A.M.-6 P.M. SUNDAY 12 NOON-6 P.M.

60-second minimum—weekly:	30-second minimum—weekly:
3 for \$25.50, at \$8.50.	3 for \$21, at \$7.
10 for \$80, at \$8.	10 for \$65, at \$6.50.
20 for \$150, at \$7.50.	20 for \$120, at \$6.

PREFERRED TIME—AA, 9 A.M. 4 P.M.

60-second minimum—weekly:
3 for \$22.50 at \$7.50.
10 for \$70 at \$7.
20 for \$130 at \$6.50.

30-second minimum—weekly:
3 for \$18 at \$6.
10 for \$55 at \$5.50.
20 for \$100 at \$5.

BEST TIME AVAILABLE ANNOUNCEMENTS

60-second minimum—\$5.50; each—6 p.m. to 6 a.m.
 30-second minimum—\$4.50 each—6 p.m. to 6 a.m.
 10-second identification announcements—minimum 10 spots 50 percent of applicable 60-second rate.

ALASKA BROADCASTING SYSTEM, GENERAL RATE CARD, KTVA-TV, CHANNEL 11

Programs	1	26	52	Spot announcements	1	13	26	52	104	156	260
60 minutes:				60 seconds:							
A.....	\$300.00	\$250.00	\$200.00	A.....	\$80.00	\$75.00	\$70.00	\$65.00	\$60.00	\$55.00	\$50.00
B.....	225.00	187.50	150.00	B.....	60.00	56.25	52.50	48.75	45.00	41.25	37.50
C.....	150.00	125.00	100.00	C.....	40.00	37.50	35.00	32.50	30.00	27.50	25.00
30 minutes:				30 seconds:							
A.....	200.00	150.00	115.00	A.....	48.00	45.00	42.00	39.00	36.00	33.00	30.00
B.....	150.00	112.50	86.25	B.....	36.00	33.75	31.50	29.25	27.00	24.75	22.50
C.....	100.00	75.00	57.50	C.....	24.00	22.50	21.00	19.50	18.00	16.50	15.00
15 minutes:				20 seconds:							
A.....	150.00	125.00	95.00	A.....	40.00	37.50	35.00	32.50	30.00	27.50	25.00
B.....	112.50	95.25	71.25	B.....	30.00	28.00	26.25	24.50	22.50	20.50	18.75
C.....	75.00	62.50	47.50	C.....	20.00	18.75	17.50	16.25	15.00	13.75	12.50
5 minutes:				10 seconds:							
A.....	100.00	80.00	70.00	A.....	32.00	30.00	28.00	26.00	24.00	22.00	20.00
B.....	75.00	60.00	52.50	B.....	24.00	22.50	21.00	19.50	18.00	16.50	15.00
C.....	50.00	40.00	35.00	C.....	16.00	15.00	14.00	13.00	12.00	11.00	10.00

NOTES

Time classifications:
 A—7 p.m. to 10 p.m. daily.
 6 p.m. to 10:30 p.m. Sunday.
 B—5 p.m. to 7 p.m. and 10 p.m. to 11 p.m. daily.
 4 p.m. to 6 p.m. and 10:30 p.m. to 11 p.m. Sunday.
 C—All other times.

Weekly Rate:
 3 times 104 rate.
 5 times 156 rate.
 10 times 260 rate.

KYAK (RATE CARD NO. 4, EFFECTIVE APR. 1, 1971)

	60's	30's
Weekly AAA rates:		
25 times.....	9.00	7.50
29 times.....	10.50	9.00
15 times.....	12.00	10.50
10 times.....	13.50	12.00
5 times or less.....	15.00	13.50

	60's	30's
Weekly AA rates:		
25 times.....	7.50	6.50
20 times.....	9.00	8.00
15 times.....	10.50	9.50
10 times.....	12.00	11.00
5 times or less.....	13.50	12.50
Weekly A rates:		
25 times.....	5.00	4.00
20 times.....	5.50	4.50
15 times.....	6.00	5.00
10 times.....	7.00	6.00
5 times or less.....	8.00	7.00

	60's	30's
Weekly B rates:		
25 times.....	4.00	3.00
20 times.....	4.50	3.50
15 times.....	5.00	4.00
10 times.....	6.00	5.00
5 times or less.....	7.00	6.00

Note: Total audience plan (various times) 4 times a day, A—AAA time: 60 seconds (120 mo) \$6.60; 30 seconds (120 mo) \$4.60.

KFRB RADIO—OPEN RATES EFFECTIVE JUNE 15, 1970

SPOT ANNOUNCEMENTS		"A" time (6 a.m. to 6 p.m.)	
Specified	ROS	Specified	ROS
60 second	\$6.00	\$6.00	\$5.50
30 second	5.00	5.00	4.50
20 second	4.00	4.00	3.50

"B" time (6 p.m. to 6 a.m.)

Specified	ROS
60 second	\$4.50
30 second	3.50
20 second	2.75

RETAILER'S PACKAGES

Time and number per day	Days			
	5 days	7 days	20 days	30 days
30 second:				
5 (2 "A", 3 "B")	\$70	\$95	\$250	\$350
8 (4 "A", 4 "B")	110	150	360	530
60 second:				
5 (2 "A", 3 "B")	95	140	350	520
8 (4 "A", 4 "B")	150	215	550	830

Programs: 60 minute, \$85; 30 minute, \$60; 15 minute, \$35; 10 minute, \$26; 5 minute, \$16.
 Specials: 4 10-minute remotes (within 2 days), \$75; 4-hour remote from business, \$225; daily 2-minute feature (5 times), \$40 per week; daily 5-minute feature (5 times), \$50 per week; CBS News, half sponsorship, \$240 per month; CBS News, full sponsorship, \$400 per month. Discounts: 3 month contract, 5 percent; 6 month contract, 10 percent.

Note: Local retailers only—Spots ROS—No discounts.

MIDNIGHT SUN BROADCASTERS, INC., KFAR FAIRBANKS, ALASKA

	Number of times								
	1	13	26	52	104	156	260	312	365
1 hour	\$90.75	\$87.00	\$83.40	\$81.70	\$76.35	\$72.60	\$68.92	\$65.20	\$61.90
1/2 hour	58.20	54.45	50.80	49.15	43.40	41.70	40.05	36.30	32.65
1/4 hour	34.65	32.65	31.00	28.90	27.25	25.60	23.55	21.90	18.15
5 minutes	21.90	19.80	18.05	17.35	15.30	14.50	13.65	10.75	9.90
1 minute	10.25	8.60	7.25	5.70	5.60	5.30	5.00	4.65	4.20
30 seconds	5.95	5.25	5.00	4.75	4.65	4.50	4.35	4.00	3.70

SPOT PACKAGE RATES—RUN OF SCHEDULE

MINUTES	30 SECONDS	
	10 per week	15 per week
10 per week	\$57.00	\$47.50
15 per week	84.00	69.75
20 per week	106.00	90.00
25 per week	125.00	108.75
30 per week	139.50	120.00
35 per week	147.00	129.50
50 in 10 days	198.00	175.00

Note: 10 second spots—10 per day at \$25. Minimum of 5 per day at \$15.

Special times are 20 percent additional. All spots are preemptible for special events.

KINY-TV-CHANNEL 8, JUNEAU, NBC, ABC, EFFECTIVE: APRIL 1, 1970

	Times—						Times—						
	1	26	52	104	156	260	1	26	52	104	156	260	
Class AA: 7:00-10:00 p.m. daily:													
1 hour	\$84.00	\$72.00	\$60.00				1 minute	\$7.00	\$23.00	\$22.00	\$20.00	\$18.00	\$17.00
1/2 hour	51.00	48.00	45.00				30 seconds	17.00	14.00	13.00	12.00	11.00	10.00
1/4 hour	42.00	39.00	36.00				20 seconds	14.00	12.00	11.00	10.00	9.00	8.00
Class A: 6:00-7:00 p.m. daily 10:00-10:30 p.m. daily:													
1 hour	63.00	54.00	45.00				10 seconds	11.00	10.00	9.00	8.00	7.50	7.00
1/2 hour	38.00	36.00	34.00				1 minute	7.00	18.00	17.00	15.00	14.00	12.00
1/4 hour	32.00	29.00	27.00				30 seconds	12.00	11.00	10.00	9.00	8.00	7.50
Class B: 5:00 to 6:00 p.m. daily 10:30 to 12:00 midnight daily:													
1 hour	50.00	43.00	36.00				20 seconds	10.00	9.00	8.00	7.50	7.00	6.50
1/2 hour	30.00	29.00	27.00				10 seconds	8.00	7.00	6.50	6.00	5.50	5.00
1/4 hour	25.00	23.00	22.00				1 minute	15.00	14.00	13.00	12.00	11.00	9.00
Class C: All other times:													
1 hour	38.00	34.00	31.00				30 seconds	9.00	8.50	8.00	7.00	6.50	6.00
1/2 hour	22.00	21.00	19.00				20 seconds	8.00	7.00	6.50	6.00	5.50	5.00
1/4 hour	16.00	14.00	13.00				10 seconds	6.00	5.50	5.00	4.50	4.00	3.50
							1 minute	11.00	10.00	9.00	8.00	7.00	6.00
							30 seconds	6.50	6.00	5.50	5.00	4.50	4.00
							20 seconds	5.50	5.00	4.50	4.00	3.50	3.00
							10 seconds	4.50	4.00	3.50	3.00	2.50	2.00

KINY-RADIO, 800 KHZ; JUNEAU, ALASKA; NBC, ABC, EFFECTIVE: APRIL 1, 1970

	Times—						
	1	13	26	52	104	156	260
Specified time:							
1 hour	\$50.00	\$48.00	\$46.00	\$45.00	\$42.00	\$40.00	\$38.00
1/2 hour	32.00	30.00	28.00	27.00	25.00	23.00	22.00
1/4 hour	19.00	18.00	17.00	16.00	15.00	14.00	13.00
5 minutes	12.00	11.00	10.00	9.50	8.50	8.00	7.50
1 minute	6.50	6.00	5.50	5.00	4.50	4.25	4.00
30 seconds	4.00	3.75	3.50	3.25	3.25	3.00	2.75
10 seconds	2.00						

Package plans:

Short term packages: Radio (must run in 3 day period) run of station:	
10 to 30 sec. ROS spots	130
20 to 30 sec. ROS spots	60
30 to 30 sec. ROS spots	75
10 to 30 sec. ROS spots	50
20 to 60 sec. ROS spots	100
30 to 60 sec. ROS spots	130
Short term packages: Television (must run in 3 day period) Class AA time:	
10 to 30 sec. AA spots	160
20 to 30 sec. AA spots	190
30 to 30 sec. AA spots	220
10 to 60 sec. AA spots	200
20 to 60 sec. AA spots	270
30 to 60 sec. AA spots	310

Note: 3 plan, earns 104 times rate; 5 plan, earns 156 times rate; 10 plan, earns 260 times rate.

KJNO RADIO, JUNEAU—RETAIL RATE CARD EFFECTIVE JAN. 1, 1970, RATES NET TO STATION

Number of times	Times							Number of times	Times						
	1 hour	30 minutes	15 minutes	10 minutes	5 minutes	1 minute	30 seconds		1 hour	30 minutes	15 minutes	10 minutes	5 minutes	1 minute	30 seconds
3,000								156	\$43.00	\$31.00	\$14.25	\$11.00	\$7.00	\$3.75	\$2.75
2,000								104	47.50	33.00	15.00	12.50	8.75	3.80	2.80
1,500								52	49.75	34.25	17.50	13.25	9.25	4.00	2.85
1,000								26	52.50	35.25	18.50	13.50	9.80	4.25	3.10
624								13	57.00	37.00	19.00	14.25	10.00	4.35	3.20
312	\$39.00	\$28.50	\$10.00	\$9.05	\$5.50	3.15	2.20	1	60.00	40.00	22.50	16.00	10.50	4.45	3.30
260	40.50	30.00	13.25	10.00	6.35	3.65	2.65								

SPOT PACKAGES

	60 seconds	30 seconds	10 seconds
300 ads within 1-month period.	810.00	516.00	1/2 60-second rate.
150 ads within 1-month period.	429.00	314.00	
100 ads within 1-month period.	314.00	220.00	
50 ads within 1-month period.	170.50	121.00	
25 ads within 1-month period.	90.75	63.25	
15 ads within 2-week period.	59.50	43.00	

KFQD RADIO, ANCHORAGE ALASKA

Yearly (weekly) duration	Drive time 6-10a 3-7p	Housewife time 10a-3p 7-9a	Other time
60 seconds	10.00	8.50	6.75
30 seconds	7.50	6.40	5.10
260 (20 to 29):			
60 seconds	9.00	7.60	6.00
30 seconds	6.70	5.70	4.50
500 (30 to 39):			
60 seconds	8.50	7.20	5.70
30 seconds	6.40	5.40	4.20
1,000 (40 or more):			
60 seconds	7.50	6.40	5.00
30 seconds	5.60	4.80	3.75

COMBINATION PACKAGES

Weekly and duration	Drive-housewife-other	Cost
1C: 60 seconds	2-5-3	\$80
30 seconds		
2C: 60 seconds	4-10-6	145
30 seconds		
3C: 60 seconds	6-15-9	198
30 seconds		

Note: Specified takes next higher rate (10 seconds is 50 percent of minute) (Saturday and Sunday take housewife time).

Note: 10 seconds is 50 percent of minute.

PROGRAMS

Yearly	1 hour	30 minutes	15 minutes	5 minutes
1	125.00	75.00	50	20
5	112.50	67.50	45	18

MIDNIGHT SUN BROADCASTERS, INC., KFAR-TV (CHANNEL 2) FAIRBANKS (NBC-ABC) EFFECTIVE NOV. 1, 1969

CLASS AA: 7-10 P.M. DAILY

CLASS B: 5-6 P.M. DAILY AND 10:30-12 MIDNIGHT DAILY

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour	\$168	\$144	\$120			
1/2 hour	102	96	90			
1/4 hour	84	78	72			
1 minute	55	46	44	\$39	\$36	\$33
30 seconds	33	28	26	23	22	20
20 seconds	28	23	22	20	18	17
10 seconds	22	19	17	16	14	13

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour	\$101	\$86	\$72			
1/2 hour	61	58	54			
1/4 hour	53	47	43			
1 minute	30	28	26	\$23	\$21	\$19
30 seconds	18	17	16	14	13	11
20 seconds	15	14	13	12	11	10
10 seconds	13	12	11	10	9	8

CLASS A: 6-7 P.M. DAILY AND 10-10:30 P.M. DAILY

CLASS C: ALL OTHER TIMES

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour	\$126	\$108	\$90			
1/2 hour	77	72	68			
1/4 hour	63	59	54			
1 minute	41	35	33	\$29	\$27	\$25
30 seconds	25	21	20	17	16	14
20 seconds	20	17	16	14	13	12
10 seconds	16	14	13	12	11	10

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour	\$67	\$58	\$48			
1/2 hour	41	38	36			
1/4 hour	34	31	29			
1 minute	21	19	17	\$15	\$13	\$11
30 seconds	13	11	10	9	8	7
20 seconds	11	10	9	8	7	5
10 seconds	9	8	7	6	5	4

Note 3-plan—earns 104-time rate; 5-plan—earns 156-time rate; 10-plan—earns 260-time rate.

KTVF 11, FAIRBANKS, ALASKA—EFFECTIVE SEPT. 1, 1970

CLASS "A" (7 TO 10:30 P.M. DAILY)

SPOT ANNOUNCEMENTS	Number of times					
	1	26	52	104	156	260
60 seconds	40	35	32	30.00	28.00	25.00
30 seconds	24	21	19	18.00	17.00	15.00
10 seconds	16	14	12	10.00	9.00	8.00
60 seconds	30	27	24	22.00	21.00	19.00
30 seconds	18	16	14	13.00	12.00	10.00
10 seconds	12	11	10	9.00	8.00	7.00

CLASS "C" (ALL OTHER TIMES)	Number of times					
	1	26	52	104	156	260
60 seconds	20	18	16	14.00	13.00	12.00
30 seconds	12	10	9	8.00	7.50	7.00
10 seconds	8	7	6	5.50	5.00	4.50

Note: There is a \$10 charge for 60-second announcements done live or on video tape in studio.

PROGRAMS

	Class "A" (Number of times)			Studio charge	Class "B" and "C" (Number of times)		
	1	26	52		1	26	52
5 minutes	50	40	35	15	35	24	20
15 minutes	75	60	50	20	45	36	30
30 minutes	120	100	80	30	75	60	50
60 minutes	180	150	125	40	110	90	75

MIDNIGHT SUN BROADCASTERS, INC., KENI-TV (CHANNEL 2), ANCHORAGE (NBC-ABC), EFFECTIVE NOV. 1, 1969

CLASS AA: 7 TO 10 P.M. DAILY

CLASS B: 5 TO 6 P.M. AND 10:30 TO 12 MIDNIGHT DAILY

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour.....	\$280	\$240	\$200			
1/2 hour.....	170	160	150			
1/4 hour.....	140	130	120			
1 minute.....	101	87	83	\$75	\$70	\$65
30 seconds.....	61	52	50	45	42	39
20 seconds.....	51	44	42	38	35	33
10 seconds.....	40	35	33	30	28	26

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour.....	\$168	\$144	\$120			
1/2 hour.....	102	96	90			
1/4 hour.....	84	78	72			
1 minute.....	58	54	51	\$47	\$43	\$39
30 seconds.....	34	32	30	27	25	23
20 seconds.....	29	27	26	24	22	20
10 seconds.....	23	22	21	19	17	16

CLASS A: 6 TO 7 P.M. AND 10 TO 10:30 P.M. DAILY

CLASS C: ALL OTHER TIMES

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour.....	\$210	\$180	\$150			
1/2 hour.....	128	120	113			
1/4 hour.....	105	98	90			
1 minute.....	76	66	63	\$57	\$53	\$49
30 seconds.....	45	39	38	33	31	29
20 seconds.....	38	33	31	28	27	25
10 seconds.....	30	26	25	23	21	20

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour.....	\$112	\$96	\$80			
1/2 hour.....	68	64	60			
1/4 hour.....	56	52	48			
1 minute.....	37	34	31	\$27	\$24	\$20
30 seconds.....	22	20	18	16	14	12
20 seconds.....	19	17	16	14	12	10
10 seconds.....	15	14	13	11	10	8

Note: 3 plan—Earns 104-time rate; 5 plan—Earns 156-time rate; 10 plan—Earns 260-time rate.

MIDNIGHT SUN BROADCASTERS, INC.—KFAR-TV (CHANNEL 2) FAIRBANKS (NBC-ABC)

(National rate card No. 8, effective Aug. 1, 1969)

CLASS AA: 7-10 P.M. DAILY

CLASS B: 5-6 P.M. AND 10:30-12 MIDNIGHT DAILY

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour.....	\$168	\$144	\$120			
1/2 hour.....	102	96	90			
1/4 hour.....	84	78	72			
1 minute.....	55	46	44	\$39	\$36	\$33
30 seconds.....	33	28	26	23	22	20
20 seconds.....	28	23	22	20	18	17
10 seconds.....	22	19	17	16	14	13

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour.....	\$101	\$86	\$72			
1/2 hour.....	61	58	54			
1/4 hour.....	50	47	43			
1 minute.....	30	28	26	\$23	\$21	\$19
30 seconds.....	18	17	16	14	13	11
20 seconds.....	15	14	13	12	11	10
10 seconds.....	13	12	11	10	9	8

CLASS A: 6-7 P.M. AND 10-10:30 P.M. DAILY

CLASS C: ALL OTHER TIMES

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour.....	\$126	\$108	\$90			
1/2 hour.....	77	72	68			
1/4 hour.....	63	59	54			
1 minute.....	41	35	33	\$29	\$27	\$25
30 seconds.....	25	21	20	17	16	15
20 seconds.....	20	17	16	14	13	12
10 seconds.....	16	14	13	12	11	10

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour.....	\$67	\$58	\$48			
1/2 hour.....	41	38	36			
1/4 hour.....	34	31	29			
1 minute.....	21	19	17	\$15	\$13	\$11
30 seconds.....	13	11	10	9	8	7
20 seconds.....	11	10	9	8	7	5
10 seconds.....	9	8	7	6	5	4

Note: 3 plan—earns 104-time rate; 5 plan—earns 156-time rate; 10 plan—earns 260-time rate; 3 station buy earns 15-percent discount.

MIDNIGHT SUN BROADCASTERS, INC.—KINY-TV (CHANNEL 8) JUNEAU (NBC-ABC)

(National rate card No. 8, effective Aug. 1, 1969)

Class AA: 7 to 10 p.m. Daily

CLASS B: 5 TO 6 P.M. AND 10:30 TO 12 MIDNIGHT DAILY

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour.....	\$84.00	\$72.00	\$60.00			
1/2 hour.....	51.00	48.00	45.00			
1/4 hour.....	42.00	39.00	36.00			
1 minute.....	27.00	23.00	22.00	\$20.00	\$18.00	\$17.00
30 seconds.....	17.00	14.00	13.00	12.00	11.00	10.00
20 seconds.....	14.00	12.00	11.00	10.00	9.00	8.00
10 seconds.....	11.00	10.00	9.00	8.00	7.50	7.00

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour.....	\$40.00	\$41.00	\$36.00			
1/2 hour.....	31.00	29.00	27.00			
1/4 hour.....	25.00	23.00	22.00			
1 minute.....	15.00	14.00	13.00	\$12.00	\$11.00	\$9.00
30 seconds.....	9.00	8.50	8.00	7.00	6.50	6.00
20 seconds.....	8.00	7.00	6.50	6.00	5.50	5.00
10 seconds.....	6.00	5.50	5.00	4.50	4.00	3.50

CLASS A: 6 TO 7 P.M. AND 10 TO 10:30 P.M. DAILY

CLASS C: ALL OTHER TIMES

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour.....	\$63.00	\$54.00	\$45.00			
1/2 hour.....	38.00	36.00	34.00			
1/4 hour.....	32.00	29.00	27.00			
1 minute.....	20.00	18.00	17.00	\$15.00	\$14.00	\$12.00
30 seconds.....	12.00	11.00	10.00	9.00	8.00	7.50
20 seconds.....	10.00	9.00	8.00	7.50	7.00	6.50
10 seconds.....	8.00	7.00	6.50	6.00	5.50	5.00

	1 time	26 times	52 times	104 times	156 times	260 times
1 hour.....	\$38.00	\$24.00	\$31.00			
1/2 hour.....	22.00	21.00	19.00			
1/4 hour.....	16.00	14.00	13.00			
1 minute.....	11.00	10.00	9.00	\$8.00	\$7.00	\$6.00
30 seconds.....	6.50	6.00	5.50	5.00	4.50	4.00
20 seconds.....	5.50	5.00	4.50	4.00	3.50	3.00
10 seconds.....	4.50	4.00	3.50	3.00	2.50	2.00

Note: 3 plan—Earns 104-time rate; 5 plan—Earns 156-time rate; 10 plan—Earns 260-time rate; 3 station buy earns 15-percent discount.

MIDNIGHT SUN BROADCASTERS, INC.—2 STATION COMBINATION WEEKLY SPOT PACKAGE: KENI-TV (CHANNEL 2) ANCHORAGE (NBC-ABC) AND KFAR-TV (CHANNEL 2) FAIRBANKS (NBC-ABC)

(National rate card No. 8, effective Aug. 1, 1969)

CLASS AA: 7-10 P.M. DAILY

	1 time	3 times	5 times	10 times
60 seconds.....	\$131.50	\$93.50	\$86.50	\$79.00
30 seconds.....	79.00	56.00	52.00	47.50
20 seconds.....	66.50	47.50	43.00	40.50
10 seconds.....	52.00	38.00	34.00	31.50

CLASS B: 5-6 P.M. AND 10:30-12 MIDNIGHT DAILY

	1 time	3 times	5 times	10 times
60 seconds.....	\$72.00	\$56.00	\$50.00	\$45.00
30 seconds.....	43.00	33.50	30.50	30.00
20 seconds.....	36.00	29.00	26.00	23.50
10 seconds.....	30.00	23.50	20.50	19.00

CLASS A: 6-7 P.M. AND 10-10:30 P.M. DAILY

	1 time	3 times	5 times	10 times
60 seconds.....	\$98.00	\$70.00	\$65.00	\$59.50
30 seconds.....	59.50	41.50	38.50	36.00
20 seconds.....	48.50	34.00	32.50	29.50
10 seconds.....	38.00	28.50	26.00	24.50

CLASS C: ALL OTHER TIMES

	1 time	3 times	5 times	10 times
60 seconds.....	\$50.00	\$36.00	\$31.50	\$26.00
30 seconds.....	30.50	21.50	19.00	16.00
20 seconds.....	26.00	19.00	16.00	12.50
10 seconds.....	20.50	14.50	12.50	10.00

MIDNIGHT SUN BROADCASTERS, INC.—3 STATION COMBINATION WEEKLY SPOT PACKAGE: KENI-TV (CHANNEL 2) ANCHORAGE (NBC-ABC); KFAR-TV (CHANNEL 2) FAIRBANKS (NBC-ABC); KINY-TV (CHANNEL 8) JUNEAU (NBC-ABC)

(National rate card No. 8, effective Aug. 1, 1969)

CLASS AA: 7 TO 10 P.M. DAILY

CLASS AA: 7 TO 10 P.M. DAILY

	1 time	3 times	5 times	10 times
60 seconds.....	\$147.00	\$105.50	\$97.00	\$89.00
30 seconds.....	89.50	63.00	58.65	53.50
20 seconds.....	75.00	70.50	48.50	45.00
10 seconds.....	59.00	42.50	38.50	35.50

CLASS B: 5 TO 6 P.M. AND 10:30 TO 12 MIDNIGHT DAILY

	1 time	3 times	5 times	10 times
60 seconds.....	\$80.00	\$63.00	\$57.00	\$50.00
30 seconds.....	48.50	37.50	34.50	30.50
20 seconds.....	41.00	32.50	29.50	26.50
10 seconds.....	33.00	26.00	23.00	21.00

CLASS A: 6 TO 7 P.M. AND 10 TO 10:30 P.M. DAILY

	1 time	3 times	5 times	10 times
60 seconds.....	\$110.00	\$79.00	\$73.00	\$66.50
30 seconds.....	66.50	47.00	43.50	40.50
20 seconds.....	54.50	39.00	36.50	33.50
10 seconds.....	43.50	32.50	29.50	27.00

CLASS C: ALL OTHER TIMES

	1 time	3 times	5 times	10 times
60 seconds.....	\$57.00	\$41.00	\$35.50	\$30.00
30 seconds.....	34.50	25.00	21.50	18.50
20 seconds.....	29.50	21.00	18.50	14.50
10 seconds.....	23.50	16.00	14.00	11.00

FAIRBANKS DAILY NEWS-MINER DISPLAY ADVERTISING RATES, REVISED NOV. 1, 1970

	Net ¹	Gross
Open rate, without contract.....	\$2.70	\$3.00

NONCONTRACT DISPLAY RATES

Church services, benefits, rummage sales, charitable entertainments, community enterprises.....	\$2.25	\$2.50
Cash advertising: Professional sports events, transient amusements and the like.....	2.70	3.00
Political advertising.....	2.70	3.00
All political advertising cash with copy.		

TOURIST GUIDE

	Net ¹	Gross
Per inch per edition.....	\$2.70	\$3.00

¹ Net rates apply only when account is current and payment is received no later than the 15th of the following month.

COLOR RATES

	Extra charges	
	Net ¹	Gross
1 color and black:		
Full page or less.....	\$54.00	\$60.00
Double truck.....	157.50	175.00
2 colors and black:		
Full page or less.....	103.50	115.00
Double truck.....	211.50	235.00
3 colors and black:		
Full page or less.....	153.00	170.00
Double truck.....	346.50	385.00

TABLOID SECTIONS

[A full tabloid page is the equivalent of one-half of a standard page in the Daily News-Miner. The format for tabloid pages is four columns that are wider than conventional columns, thus adding extra space in width to each column inch. Space in tabloid sections is charged as follows:]

Basic space	Tabloid inches
Tabloid:	
Double Truck.....	180
Full Page.....	92
¾ Page.....	69
½ Page.....	46
¼ Page.....	23
⅛ Page.....	11½
⅙ Page.....	6

Note: Space in all tabloid sections will be charged as shown above to both contract and noncontract advertisers.

PROGRESS EDITION

	Net ¹	Gross
Tabloid:		
Double truck.....	\$630	\$700
Full page.....	324	360
¾ page.....	252	280
½ page.....	180	200
¼ page.....	99	110
⅛ page.....	54	60

NOTES

Contract advertisers: Advertisers having annual contracts for display space in the Daily News-Miner will be charged at their established contract rate, plus \$1 per inch (gross) for advertising in the Progress edition.
Progress edition color: Color in the Progress edition will be charged at the rate shown on this card, plus \$21.50 for each color. This color charge applies alike to contract and noncontract advertisers.

PREPRINTS (INSERTS)

Preprints are charged at ¼ advertisers gross rate or \$500, whichever is greater. Number of column inches is computed by measuring to the nearest column width by inches deep times number of pages.

ANNUAL CONTRACTS FOR MINIMUM WEEKLY SPACE

	Per column inch	
	Net rate ¹	Gross rate
At least 2 inches each of 50 weeks.....	\$2.34	\$2.60
At least 6 inches each of 50 weeks.....	2.25	2.50
At least 12 inches each of 50 weeks.....	2.205	2.45
At least 30 inches each of 50 weeks.....	2.151	2.39
At least 60 inches each of 50 weeks.....	2.115	2.35
At least 120 inches each of 50 weeks.....	2.061	2.29
At least 189 inches each of 50 weeks.....	2.025	2.25
At least 350 inches each of 50 weeks.....	1.989	2.21
At least 500 inches each of 50 weeks.....	1.953	2.17
At least 750 inches each of 50 weeks.....	1.917	2.13

ANNUAL CONTRACTS FOR YEARLY BULK SPACE WITH AND WITHOUT MONTHLY MINIMUM SPACE

350 inches within 12 months.....	\$2.637	\$2.93
With at least 20 inches every month.....	2.529	2.81
750 inches within 12 months.....	2.538	2.82
With at least 45 inches every month.....	2.439	2.71
1,250 inches within 12 months.....	2.43	2.70
With at least 75 inches every month.....	2.34	2.60
2,500 inches within 12 months.....	2.331	2.59
With at least 150 inches every month.....	2.25	2.50
5,000 inches within 12 months.....	2.241	2.49
With at least 300 inches every month.....	2.16	2.40
10,000 inches within 12 months.....	2.151	2.39
With at least 600 inches every month.....	2.07	2.30

FOR YOUR CONVENIENCE USE THIS HANDY SCALE OF NET COSTS IN PLANNING YOUR ADVERTISING INVESTMENT

Form of contract	Average or minimum weekly net cost	Average or minimum monthly net cost	Total annual net cost	Total annual space (inches)	Net rate	Form of contract	Average or minimum weekly net cost	Average or minimum monthly net cost	Total annual net cost	Total annual space (inches)	Net rate
2 inches weekly	\$4.68	\$18.72	\$234.00	100	\$2.34	2,500 inches annually	\$116.55	\$485.63	\$5,827.50	2,500	\$2.331
6 inches weekly	13.50	54.00	675.00	300	2.25	60 inches weekly	126.90	528.75	6,345.00	3,000	2.115
350 inches with 20 inches monthly	17.70	50.58	885.15	350	2.529	5,000 inches with 300 inches monthly	162.00	648.00	10,800.00	5,000	2.16
350 inches annually	18.45	76.81	922.95	350	2.637	5,000 inches annually	233.44	933.75	11,205.00	5,000	2.241
12 inches weekly	26.46	105.84	1,323.00	600	2.205	120 inches weekly	247.32	1,483.92	12,366.00	6,000	2.061
750 inches with 45 inches monthly	36.59	109.76	1,829.25	750	2.439	189 inches weekly	382.73	1,594.69	19,136.25	9,450	2.025
750 inches annually	38.07	158.63	1,903.50	750	2.538	10,000 inches with 600 inches monthly	414.00	1,242.00	20,700.00	10,000	2.07
1,250 inches with 75 inches monthly	58.50	175.50	2,925.00	1,250	2.34	10,000 inches annually	430.20	1,792.50	21,510.00	10,000	2.151
1,250 annually	60.75	253.12	3,037.50	1,250	2.43	350 inches weekly	685.65	2,742.60	34,282.50	17,500	1.989
30 inches weekly	64.53	258.12	3,226.50	1,500	2.151	500 inches weekly	976.50	3,906.00	48,825.00	25,000	1.953
2,500 inches with 150 inches monthly	112.50	337.50	5,625.00	2,500	2.25	750 inches weekly	1,437.50	5,750.00	71,875.00	37,500	1.917

1 Denotes minimum weekly or monthly cost. Other figures are average cost per week or per month.

TUNDRA TIMES ADVERTISING RATES
 Reg. display ads: \$2 per column inch.
 Business directory: \$1.50 per column inch.
 Half page: \$67.50.
 Full page: \$128.
 Classified: 35 cents per line; 1st insertion; 25 cents thereafter
 Legal advertising: 25 cents per line; 1st insertion; 20 cents thereafter.

DISPLAY ADVERTISING RATES

	Per inch
Monthly rates:	
10 inches	\$2.70
20 inches	2.60
30 inches	2.50
40 inches	2.40
50 inches	2.30
60 inches	2.20
70 inches	2.10
80 inches	2.00

Note: Monthly rates will be determined by the number of inches used during the month.

Double truck rates: One full column, 16 inches, will be added to two pages for a total of 176 inches for a double truck ad.
 National advertising rate: Per line, \$0.20.
 Political and propaganda: Cash with copy, this is required by U.S. Public Law 722. Charged at normal display rate.

SOUTHEAST ALASKA EMPIRE
 Guaranteed position charge: 10 percent.
 Repeat ad discount—Ads 42 inches or larger may be repeated 1 time at half the earned rate within the same billing period if no changes in copy are made.
 Business directory listing—2 inches, 3 times a week, 6 months contract, \$25 per month.
 Preprint insert charges—30 percent of earned rate plus \$30 handling fee, figured on a full page minimum. Insert must show "Supplement to S. E. Alaska Empire" in upper right hand corner of supplement front page.
 Save—A big 5 cent per col. inch. A 5 cent per inch discount may be taken if paid by 10th of month following billing date unless an unpaid balance is due.
 Advertising rates open rate \$2.60 per col. inch National line rate: 19c per agate line.
 Contract rates—Daily contract rate 4 col. inch minimum (Per col. inch) \$1.55.

YEARLY CONTRACT BULK RATES—FOR SEASONAL ADVERTISERS

Column inches	Billed rate
1,200 to 2,999 inches per year	\$1.85
3,000 to 5,999 inches per year	1.75
6,000 to 8,999 inches per year	1.65
9,000 to 10,000 inches per year	1.55
Full page or more weekly	1.35

YEARLY CONTRACT RATES ON MONTHLY BASIS—FOR CONSISTANT ADVERTISERS

Column inches	Billed rate
25 to 99	\$1.95
100 to 249	1.85
250 to 499	1.75
500 to 749	1.65
750 to 849	1.55
Full page or more weekly	1.35

20 percent discount granted to charitable and nonprofit organizations.

DISPLAY ADVERTISING RATES—EFFECTIVE NOV. 1, 1969
 per column inch

Open—without contract..... \$3.00

ANNUAL CONTRACTS FOR WEEKLY SPACE

At least 4 inches each of 50 weeks	2.32
At least 8 inches each of 50 weeks	2.20
At least 15 inches each of 50 weeks	2.12
At least 30 inches each of 50 weeks	2.05
At least 60 inches each of 50 weeks	1.98
At least 100 inches each of 50 weeks	1.92
At least 172 inches each of 50 weeks	1.88
At least 344 inches each of 50 weeks	1.84
At least 500 inches each of 50 weeks	1.80
At least 750 inches each of 50 weeks	1.76
At least 1,000 inches each of 50 weeks	1.72
At least 1,500 inches each of 50 weeks	1.68

ANNUAL CONTRACTS FOR BULK SPACE, WITH AND WITHOUT MINIMUM MONTHLY SPACE

300 inches within 1 year	\$2.65
With at least 15 inches every month	2.55
500 inches within 1 year	2.54
With at least 30 inches every month	2.45
1,000 inches within 1 year	2.44
With at least 60 inches every month	2.35
1,500 inches within 1 year	2.34
With at least 90 inches every month	2.25
2,500 inches within 1 year	2.24
With at least 150 inches every month	2.16
3,500 inches within 1 year	2.15
With at least 210 inches every month	2.07
5,000 inches within 1 year	2.08
With at least 300 inches every month	2.02
10,000 inches within 1 year	2.03
With at least 600 inches every month	1.95
15,000 inches within 1 year	1.96
With at least 900 inches every month	1.89
25,000 inches within 1 year	1.90
With at least 1,500 inches every month	1.83
35,000 inches within 1 year	1.84
With at least 2,100 inches every month	1.79

MONTHLY EARNED RATES WITHOUT CONTRACT—FOR TOTAL SPACE USED IN 1 CALENDAR YEAR

Up to 30 inches—Open rate	\$3.00
30 to 299 inches	2.65
300 to 499 inches	2.50
500 to 999 inches	2.40
1,000 to 1,749 inches	2.30
1,750 to 2,999 inches	2.20
3,000 to 4,999 inches	2.10
5,000 inches or more	2.00

EXTRA CHARGES FOR COLOR

Black and 1 color; no minimum:	
Up to 1 page	\$65.00
Double truck	\$0.00
Black and two colors; 70 inch minimum:	
Up to 1 page	110.00
Double truck	160.00
Black and 3 colors; 70 inch minimum:	
Up to 1 page	160.00
Double truck	240.00
Front page 2d sec., 2 cols. by 5 inches only; flat	50.00
Legal and public notices; per line	.30

ANCHORAGE DAILY NEWS, ANCHORAGE, ALASKA
RETAIL STORE ADVERTISING RATES, EFFECTIVE MAY 1, 1971

Per column inch

	Daily	Sunday	Wednesday
Open—Without contract	\$1.31	\$2.10	\$2.25

ANNUAL CONTRACTS FOR WEEKLY SPACE

	Per column inch		
	Daily	Sunday	Wednesday
At least—			
4 inches each of 50 weeks	\$1.05	\$1.80	\$1.95
8 inches each of 50 weeks	1.00	1.65	1.80
15 inches each of 50 weeks	.95	1.55	1.72
30 inches each of 50 weeks	.91	1.45	1.65
60 inches each of 50 weeks	.87	1.35	1.56
100 inches each of 50 weeks	.84	1.25	1.48
172 inches each of 50 weeks	.80	1.15	1.37
350 inches each of 50 weeks	.75	1.10	1.24
500 inches each of 50 weeks	.71	1.07	1.21
750 inches each of 50 weeks	.67	1.05	1.19
1,000 inches each of 50 weeks	.63	1.03	1.17
1,500 inches each of 50 weeks	.60	1.00	1.16
per page (21" X 8 columns)	176.00	302.40	327.60
	168.00	277.20	302.40
	159.60	260.40	288.96
	152.88	243.60	277.20
	146.16	226.80	262.08
	141.12	210.00	248.64
	134.40	193.20	233.16
	126.00	184.80	208.32
	119.28	179.76	203.28
	112.66	176.40	199.92
	105.84	173.04	196.56
	100.80	168.00	194.88

COMBINATION PAGE RATES

	Wednesday/Sunday or Wednesday	Wednesday and 1 other weekday in same week	Sunday and 1 other weekday except Wednesday	Any 2 days in 7 except Wednesday or Sunday
	\$574.63	\$459.65	\$433.80	\$321.79
	523.73	425.05	406.03	303.61
	492.01	381.70	376.74	285.88
	462.27	351.00	352.04	271.40
	428.85	358.10	327.84	256.43
	394.34	335.08	307.23	242.67
	355.50	306.10	283.38	225.72
	321.18	273.09	253.62	205.89

Wednesday/ Sunday or Wednesday	Wednesday and 1 other weekday in same week	Sunday and 1 other weekday except Wednesday	Any 2 days in 7 except Wednesday or Sunday
\$306.48	\$258.05	\$235.99	\$190.88
295.30	245.20	220.19	176.66
283.38	231.84	204.42	162.30
270.13	220.08	192.20	150.08

1 Same full page and published 2 days in 7-day period with no copy change on second run except date of sale and store hours. To qualify for discount, combination running dates must be specified on original order. 50 percent of combination linage counts toward fulfillment of annual contracts for weekly space.

ANNUAL CONTRACTS FOR BULK SPACE, WITH AND WITHOUT MINIMUM MONTHLY SPACE

Within 1 year	Daily	Sunday	Wednes- day
300 inches.....	\$1.25	\$1.90	\$2.05
With at least 15 inches every month.....	1.20	1.76	1.91
500 inches.....	1.19	1.75	1.90
With at least 30 inches every month.....	1.15	1.66	1.85
1,000 inches.....	1.14	1.65	1.84
With at least 60 inches every month.....	1.10	1.59	1.78
1,500 inches.....	1.09	1.58	1.77
With at least 90 inches every month.....	1.05	1.52	1.71
2,500 inches.....	1.04	1.51	1.70
With at least 150 inches every month.....	1.00	1.47	1.64
3,500 inches.....	.99	1.46	1.63
With at least 210 inches every month.....	.96	1.42	1.57
5,000 inches.....	.95	1.41	1.56
With at least 300 inches every month.....	.93	1.34	1.47
10,000 inches.....	.92	1.33	1.46
With at least 600 inches every month.....	.90	1.24	1.39
15,000 inches.....	.89	1.24	1.38
With at least 900 inches every month.....	.87	1.17	1.32
25,000 inches.....	.86	1.16	1.31
With at least 1,500 inches every month.....	.84	1.11	1.28
35,000 inches.....	.84	1.11	1.28
With at least 2,100 inches every month.....	.80	1.05	1.24
40,000 inches.....	.80	1.05	1.24
With at least 2,500 inches every month.....	.72	1.02	1.20
60,000 inches.....	.64	1.02	1.20
With at least 4,000 inches every month.....	.60	.98	1.16
210.00	219.20	344.40	320.88
201.60	295.68	320.88	319.20
199.92	294.00	319.20	310.80
193.20	278.88	310.80	299.04
191.52	277.20	299.04	297.36
184.80	267.12	297.36	287.28
183.12	265.44	287.28	285.60
176.40	255.36	285.60	275.52
174.72	253.68	275.52	273.84
168.00	246.96	273.84	263.76
166.32	245.28	263.76	262.08
161.28	238.56	262.08	246.96
159.60	236.88	246.96	245.28
156.24	225.12	245.28	233.52
154.56	223.44	233.52	231.84
151.20	210.00	231.84	221.76
149.52	208.32	221.76	220.08
146.16	196.56	220.08	215.04
144.48	199.88	215.04	215.04
141.12	186.48	215.04	208.32
134.40	176.40	208.32	201.60
134.40	176.40	201.60	210.60
120.96	171.36	210.60	194.88
107.52	171.36	194.88	
100.80	164.64		

MONTHLY EARNED RATES WITHOUT CONTRACT FOR TOTAL SPACE USED IN 1 CALENDAR MONTH

	Daily	Sunday	Wednes- day
Up to 30 inches.....	\$1.31	\$2.10	\$2.25
30 to 299 inches.....	1.16	1.85	1.99
300 to 499 inches.....	1.09	1.75	1.87
500 to 999 inches.....	1.05	1.68	1.80
1,000 to 1,749 inches.....	1.00	1.61	1.72
1,750 to 2,999 inches.....	.96	1.53	1.65
3,000 to 4,999 inches.....	.91	1.47	1.57
5,000 and up inches.....	.87	1.40	1.50

EXTRA CHARGES FOR COLOR AD/ERTISEMENT

	Additional
1 color and black.....	\$25.00
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The following discounts from contract rates will be allowed when (1) 75 percent of the copy is in newspaper office 10 full days before publication, and (2) complete copy is in 5 full days before publication.

Number of full pages:	Inches billed	Number of tab pages	Inches billed	Discount applicable (percent)
4.....	672	8	560	5
6.....	1,008	12	840	7
8.....	1,344	16	1,120	10
10.....	1,680	20	1,400	10

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AMENDMENT NO. 315

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK. Mr. President, I send to the desk an amendment to S. 382, the Federal Election Campaign Act of 1971, and ask that it be printed. This amendment is aimed at correcting what I view as a great infringement on the rights of individual union members in the United States—the use of union dues funds by labor organizations for political purposes.

Direct use of union dues money for supporting presidential, senatorial, or congressional candidates in campaigns is now illegal under title 18, section 610, of the United States Code. However, labor leaders can and do use dues money in State and local elections; and, as we all know, it is quite simple to get around this law by setting up a separate committee to support political candidates. This is frequently accomplished with only the thinnest veil of disguise.

When this happens, the individual union member from whom these funds are obtained has no choice of how the moneys are to be used. The choice of financially supporting particular candidates is that of union leaders, not the individual union members.

The individual member is often put in the position of contributing to the support of a candidate with whom he does not agree. The only remedy available to a union member is to bring a law suit

to get back part of his dues if he does not agree with the union leader's choice of candidates. This remedy is expensive, inadequate, and, in reality, impractical. The cost of such a law suit, even in the nature of a class action, would be many times that of the dues paid. The remedy is fine in theory; in reality, it is non-existent.

Mr. President, my amendment is of particular importance in today's society where the political funds controlled by a large union coupled with the impact of today's sophisticated communications media could reverse the outcome of an election. My amendment would not halt a union from engaging in legitimate political activities involving particular issues or legislation. The unions, like other organizations, have a right to engage in activities which will further legitimate goals and objectives of their members. This is the job which is assigned to the union by the employees it represents. However, it is not the job of the labor union to use dues money which is often collected involuntarily under a union security agreement for the selection of officeholders. My amendment would only preclude the use by a labor organization or any other group or person of moneys collected from employees who are required to pay dues, fees, or assessments as a condition of employment.

The net effect of my amendment would be to allow all union members to contribute or not contribute to the political cause of their choosing. This would be accomplished without dilution of legitimate union political influence.

The amendment is a fair and equitable solution to the serious problem of abuse of individual political rights. I hope my colleagues in the Senate will support such necessary legislation.

EMERGENCY LOAN GUARANTEE ACT OF 1971

AMENDMENT NO. 309

(Ordered to be printed and to lie on the table.)

EMERGENCY LOANS FOR U.S. BUSINESS AND AGRICULTURE

Mr. MCGOVERN. Mr. President, the proposed Federal guarantees of a \$2 billion loan to the Lockheed Corp. graphically demonstrate the abuse of the American taxpayer which is perpetrated for the benefit of the oft-decried but still flourishing military-industrial complex. In the words of John Kenneth Galbraith, the loan guarantees at issue represent nothing so much as "socialism for the rich."

Approval of these guarantees will commit this Government to act vigorously to protect a mismanaged corporation's profits, many of which have been accrued from bungled Government contracts. It will insure the profits of the 24 major banks which have pleaded so touchingly for these guarantees. But it will also continue this Nation's sad neglect of the needs of small business, minority-run enterprise, and small farms. And the gnawing question whether Lockheed can

ever be a solvent, stable company under the present management in the present economy would be ignored.

It is clear that the Federal Government has no business in bailing out big business. Just this sort of intertwining of business and government warps policy decisions to the extent that the interests of the taxpaying citizens are ignored. The integrity of the Federal Government should not be compromised by rushing into the breach every time a major corporation flounders.

However unpleasant such a policy of loan guarantees appears when considered in the abstract, it becomes odious in the sordid case of the Lockheed Corp. This company has been living off Government contracts for the last 20 years, during which time it has not built a successful large commercial airplane.

Lockheed has to its credit one of the most egregious abuses of a public contract in recent history: the C-5A cargo plane. The C-5A contract was awarded to Lockheed because the company deliberately underbid by 10 percent the sum required to complete the contract, misleading the Defense Department. Lockheed went on to pile up a \$2 billion cost overrun, while the unit cost of the C-5A skyrocketed from \$23 million to \$60 million apiece. And the General Accounting Office recently reported that the giant cargo plane was unable to perform up to requirements.

Lockheed has also recorded smaller violations of the public trust. The Cheyenne helicopter program, which was scheduled to have been deployed by now, is still in the research and development stage due to the company's underestimation of cost and technical problems. A severe overrun has also been incurred on the SRAM rocket motor, which according to the GAO is still technically deficient. Both programs had fixed price contracts which were renegotiated to Lockheed's advantage.

None of this is surprising considering the recent disclosure by a former Lockheed executive of the rampant inefficiency and corporate irresponsibility within the company. For this is but a partial presentation of the mass of evidence that does not merely cloud Lockheed's reputation but which indicts the company for extreme incompetence and mismanagement.

The corporate picture does not brighten when we turn to the specific project in question—the L-1011 or Tri-Star commercial jet. Lockheed has had \$400 million in loans until now for the project. The banks have refused further loans without Federal guarantees. They apparently recognize that their money is bound to be misallocated and misspent if they grant the loans. And they can further see that even if the Tri-Star is finally completed, the company only has 110 firm orders for commercial sale, well under the 300-plus mark which must be reached for the company to break even on the project.

No bank would survive if it loaned money under such circumstances. And why should the Federal Government make the loan? This Government has already put up \$500 million in assets as

collateral for loans for Lockheed for the C-5A. Should the company go bankrupt—an eventuality which should never be dismissed when dealing with this company—it is highly unlikely that the Government will be able to recover its funds. And Lockheed does not even say that this \$250 million it all it needs to complete the Tri-Star program, leaving the door open for future loan applications.

The one appealing argument the proponents of this measure have put forth is the protection of 31,000 Lockheed jobs through the guarantee of these loans. But a better way to protect these jobs would be to have the company declare bankruptcy, reorganize, and rid itself of the present catastrophic management. One advantage of capitalism is that an inefficient company that cannot operate profitably must change or go under. But Congress is now asked to prevent this alternative from arising. Under such bankruptcy proceedings most of Lockheed's job openings would remain. And it is difficult to take seriously the administration's interest in providing jobs in light of the recent veto of a public works bill that would have established 200,000 jobs in the construction industry.

Perhaps, though, we should look at the situation through the eyes of Lockheed's competitors, and their employees. Both McDonnell-Douglas and Boeing are under great financial pressure, and will undoubtedly be at an unfair competitive disadvantage if Lockheed gets its loan guarantees. Shall this Government then guarantee loans for the other two companies to protect their jobs? Or shall we restrict ourselves to insuring the profits of only one company in the field? In either case the result would be an undermining of any element of free enterprise left in the aircraft industry.

An attempt has been made to obscure the purpose of the legislation by asking for \$2 billion in loan guarantees, ostensibly for any large business which is in similar trouble. That does not change the fact that this legislation is designed to save Lockheed. It compounds the harm that will be done by this measure, however, by opening the door for future guaranteed loans to future Lockheeds. Earlier we were presented with the possibility of saving one company; now we see that the Federal Government is to become the lifeguard for all companies.

Thus, I oppose this measure. The Government should not be in the business of helping giant corporations to continue their incompetence. The job issue which has been raised concerns me, but is not so serious as Lockheed would have us think when compared with the dangerous precedents which would be set. This measure is one way to hasten the disappearance of free enterprise in this country as mammoth, inefficient, and Government-subsidized companies take over the landscape.

However, because the matter has progressed to the floor of the Senate, I am asking for some measure of economic justice by introducing an amendment to establish an equal \$2 billion amount of loan guarantees for small businesses and farmers.

Just as Lockheed faces problems—mostly of its own making—many farmers

and merchants are suffering from the effects of inflation and tight credit. There are now more than 10,000 small businesses across the Nation which are in danger of collapsing in this time of inflation-recession. Approval of this bill may clinch the failure of these companies, for banks will again be encouraged to loan to major corporations, which are protected by the Government, rather than to small businesses, which are at the mercy of an unfriendly marketplace.

This Nation must begin to address itself to the issue of the quality of the life we all share. We must decide now whether as a matter of national policy we will show preference for the assembly line over the small shop, corporate agriculture over the family farm, chainstores over neighborhood merchants. The resources of this Nation would be appropriately and profitably spent aiding the small businessman, the small farmer, and the minority businessman, all of whom are discriminated against by the structure of our financial and economic system. Two billion dollars of loan guarantees would go a long way toward helping the little man in our economy.

Surely, our values and our sense of justice have not been so perverted that we hasten to prop up Lockheed with its many failures and demonstrable irresponsibility in dealing with public moneys, while we abandon the sturdy entrepreneur who stands alone in industry, agriculture, and commerce. The economic deck is stacked stolidly against the individual, and this bill simply puts another ace up the sleeves of large corporations. I implore this body to spurn the attempt to make Government the handmaiden of big business.

The amendment which I am introducing would at least extend the same open hand to our farmers and small businessmen. For those who want to provide assistance to our major corporations—deemed "major" because of their size—it should not be difficult to recognize that we should also provide help to the small businessman and farmer who, in the aggregate, constitute the major underpinning of our economy.

Thus, in the name of economic justice, any Senator who supports the bill before us should have no difficulty in supporting this amendment.

Mr. President, I ask unanimous consent that the text of the amendment that I am introducing be printed in the RECORD at this point.

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

AMENDMENT No. 309

On page 2, line 14, insert the following: "In the case of guarantees of loans to farm owners or proprietors of small businesses under section 4(a)(3), the Board may delegate its authority to consider and grant or deny loan guarantees under this Act to the Farmers Home Administration or the Small Business Administration."

On page 3, line 11, insert the following new paragraph:

"(3) The requirements of clause (1)(A) of this section shall not apply in the case of a loan guarantee to a farmer owner or proprietor of a small business within the definition of section 3, United States Code 632."

On page 7, line 25, strike out "\$2,000,000,-000" and insert in lieu thereof "\$4,000,000,-000".

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 159

At the request of Mr. SAXBE, the Senator from Alaska (Mr. STEVENS) and the Senator from Colorado (Mr. ALLOTT) were added as cosponsors of amendment No. 159, intended to be proposed to S. 1657, the International Security Assistance Act of 1971.

AMENDMENT NO. 238

At the request of Mr. PEARSON, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of amendment No. 238, intended to be proposed to S. 382, a bill to establish a Federal Elections Commission.

AMENDMENT NO. 245

At the request of Mr. BAKER, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of amendment No. 245, intended to be proposed to S. 2201, a bill to amend the servicemen's group life insurance program to extend conversion privileges and insurance coverage from 120 days to 1 year after discharge or release from active duty or active duty for training.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Rodney Doane Bennett, Jr., of Maryland, to be an examiner in chief, U.S. Patent Office, vice Isaac C. Stone, resigned.

Erereton Sturtevant, of Delaware, to be an examiner in chief, U.S. Patent Office, vice George A. Gorecki, resigned.

On behalf of the Committee on the Judiciary notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, July 28, 1971, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, July 28, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Paul Benson, of North Dakota, to be U.S. district judge for the district of North Dakota, vice Ronald N. Davis, retiring.

C. Stanley Blair, of Maryland, to be U.S. district judge for the district of Maryland, vice a new position created by Public Law 91-272, approved June 2, 1970.

Charles L. Brieant, Jr., of New York, to be U.S. district judge, southern district

of New York, vice John F. McGohey, retired.

Albert V. Bryan, Jr., of Virginia, to be U.S. district judge, eastern district of Virginia, vice a new position created by Public Law 91-272, approved June 2, 1970.

Malcolm M. Lucas, of California, to be U.S. district judge, central district of California, vice a new position created by Public Law 91-272, approved June 2, 1970.

Lawrence T. Lydick, of California, to be U.S. district judge, central district of California, vice Thurmond Clarke, deceased.

Herbert F. Murray, of Maryland, to be U.S. district judge for the district of Maryland, vice Roszel C. Thomsen, retired.

Spencer M. Williams, of California, to be U.S. district judge, northern district of California, vice a new position created by Public Law 91-272, approved June 2, 1970.

Joseph H. Young, of Maryland, to be U.S. district judge for the District of Maryland, vice R. Dorsey Watkins, retiring.

William H. Timbers, of Connecticut, to be U.S. circuit judge, second circuit, vice Robert P. Anderson, retired.

David Luke Norman, of the District of Columbia, to be an Assistant Attorney General, vice Jerris Leonard.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. McCLELLAN), the Senator from Nebraska (Mr. HRUSKA), and myself as chairman.

NOTICE OF HEARINGS BY SUBCOMMITTEE ON LABOR

Mr. WILLIAMS. Mr. President, I would like to announce that the Subcommittee on Labor will hold public hearings beginning July 27, 1971, in room 4232 of the New Senate Office Building to receive the testimony of persons who have participated in private pension plans of private industry and who for various reasons have not received the pension benefits they believed they would receive.

NOTICE OF HEARINGS OF THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

Mr. MONDALE. Mr. President, in accordance with the requirements of section 111(a) of the Legislative Reorganization Act of 1970, I announce that the Select Committee on Equal Educational Opportunity will hold hearings on July 27, 28, and 29, 1971, at 10 a.m. in rooms 1318, 1202, and G-308 New Senate Office Building respectively on urban education in the black community.

ADDITIONAL STATEMENTS

SUSPENSION OF AMERICAN AID TO PAKISTAN

Mr. SAXBE. Mr. President, I take great pleasure in announcing that the senior Senator from Colorado (Mr. AL-

LOTT) has agreed to cosponsor the Saxbe-Church amendment suspending American aid to Pakistan until adequate relief measures are undertaken in East Pakistan. In agreeing to cosponsor this amendment the Senator from Colorado stated:

It appears that West Pakistan is more concerned with military measures against East Pakistan, and is uninterested or incompetent regarding the desperate business of alleviating the suffering of East Pakistan.

We cannot control the actions of the West Pakistan government, but we should insist that American aid be used to alleviate the suffering, not intensify it.

Mr. President, I am aware that Pakistan may have been instrumental in arranging the Kissinger trip to China. I hope that we were not required to pay too high a price for Pakistan's role in this affair.

Mr. President, I invite the attention of Senators to further press accounts on Pakistan and ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

From the Washington Evening Star, July 20, 1971]

BENGALI ADVOCATES OF PEACE WARNED ABOUT COLLABORATION

(By Henry S. Bradsher)

DACCA, EAST PAKISTAN.—Kondukar Mahabur Rahman does not sleep at home any more. It is unsafe.

He moves about warily during the daytime. At night he hides in the home of one friend or another. He is afraid of being murdered.

Rahman is a member of the peace committee at Jhikargacha, a small town near the Indian border on the road to Calcutta. Peace committees have been established all over East Pakistan since the army crack-down to collaborate with martial law authorities.

Rahman said he had received a threatening letter signed by the East Pakistan Communist party warning against collaboration.

Two peace committee chairmen in nearby villages have been killed, he said. He's worried.

LETTER OF WARNING

To the south, at Khulna, the top civil official for the southwestern part of East Pakistan, Commissioner Hasan Zaman, has received an unsigned letter warning him to quit working for the martial law regime or he would be killed. The chief police official for the area also was threatened. Both live behind armed guards.

The clandestine radio of the "Bangla Desh government," now—exiled opponents of rule from West Pakistan, frequently reports "executions" of peace committee members and other alleged enemies of the East Pakistani people.

While peace committee members are afraid of assassination, residents of a number of villages say they are afraid of peace committee members as well as the army.

ACCUSATION MADE

The peace committee members are accused of using their positions to even old political scores and for common gangsterism.

According to some prominent Bengali leaders, the most discredited and disreputable men came forward after the initial bloodshed in March and April to offer their services to the army. "They are people who would do anything for money or a plane ticket to Geneva", one leader said.

Many members are politicians who were

wiped out when Mujibur Rahman's Awami League got 72 percent of the vote in last December's elections in East Pakistan. The League is now banned and Rahman is awaiting trial for treason.

President A. M. Yahya Khan has said by-elections will be held to fill the National Assembly seats of Awami League members whom the government thinks guilty of crimes.

GOVERNMENT GAINS

So far the government is known to have won over only about 20 of 160 Awami League members of the National Assembly. It hopes to pressure more into denouncing Mujibur Rahman, thus reducing its embarrassment at the lack of local support and limiting the number of by-elections.

Peace committee members apparently hope to win the by-elections and resume the political roles from which the voters dumped them in the free election Dec. 7.

The organizer of the peace committees was Khwaja Khairuddin, an old politician who got only 20 percent of the vote against "Sheikh Mujib" in Khairuddin's old Dacca constituency in December.

Khairuddin explained that the peace committees are supposed to provide communication between the people and the government.

FORMING AUXILIARIES

They are raising their own armed auxiliaries, he said.

Khairuddin estimated the number of peace committee members killed in the last two months at between 300 and 400.

He has been threatened and goes around Dacca with a carload of armed men.

The officer directing civil affairs in East Pakistan, Maj. Gen. Rao Farman Ali Khan, said the number of peace committee members killed was only about 100 and only 20 of them were important leaders.

But both a sampling of several areas and impressions of observers here suggest Khairuddin and right and the general was trying to play down the problem.

In Jessor district, where Jhikargacha is located, 421 committee members were reported killed in recent weeks. In Khulna district, 33 reportedly were killed.

These districts probably have higher than average tolls, but still the province-wide total seems high.

LITTLE MEANING SEEN

Gen. Farman said almost every Bengali working for or with the government in a prominent position has received a threatening letter. Therefore, he contended, the letters have little meaning—they would be more frightening if more selective.

This did not sound like the kind of reasoning with which Kondukar Mahaburur Tahman would agree, but there was no chance to go back and try it out on him.

Unable to spread its forces around enough to protect all peace committee members, as well as all bridges and other important points in the province, the army has tried to protect them with terror.

There have been reports of retaliatory killings of villagers where peace committee members have been murdered. Although this could not be directly confirmed, it followed logically from the announced policy of holding an area collectively responsible for anything that goes wrong in it.

REMINISCENT OF VIETNAM

The pattern of local representatives of the central authority having to sleep away from home in order to escape assassination is reminiscent of Vietnam.

The tests of security there is whether the village headmen or foreign advisers can sleep in their own residences.

But for all the atrocities of Vietnam, the Saigon government has never followed the practice of retaliating against the villagers when the headman gets murdered. There

the assumption is that the villagers are likely to be as much in fear of and opposed to Viet Cong terror bands as the government's agents are.

Here, however, martial law authorities from West Pakistan seem to assume that underground assassins represent the feelings of the common people and the way to stop them is to bring pressure on the people.

[From the Washington Post, July 21, 1971]
REBELS MOVE FREELY IN PAKISTAN
 (By Lee Lescaze)

DACCA.—The guerrilla leader waited until two foreign reporters had been in the village for about 10 minutes before he appeared from behind a house, unarmed, but followed by a young man carrying a rifle.

He had agreed to the meeting on the condition that neither his name nor the name of the village he now lives in be reported.

He appeared to be so confident of his safety that no security guards were posted on the muddy road the reporters walked to reach him.

The Pakistan government said the only significant Liberation Army (Mukti Fauj) guerrilla elements fighting for East Pakistan's independence operate from sanctuaries across the Indian border, making hit-and-run raids.

The guerrilla, who is deputy leader of a platoon of 37 men, freely conceded that almost all his ammunition and weapons come from India and that he once took his unit into India after a successful ambush of army soldiers that he knew would bring reprisals.

However, he says that his band has been living in the same predominantly Moslem village since it returned from India June 29 and intends to stay well inside East Pakistan.

His men avoid the main roads some 5 miles from their base during the daytime, but otherwise they move freely, the guerrilla said. The night belongs to them and in the day, they have no fear of encountering soldiers in the waterlogged paddies and jute fields of this low-lying land.

They get no pay, but occasionally receive money from across the border which they use to pay for food. Some, the guerrilla explained, is not paid for. "We go from house to house picking up voluntary contributions."

He said the local farmers didn't mind supporting his men and were happy to have them in the village. Residents of a nearby village said later that they resented giving up scarce food, but that they preferred the guerrillas to the army.

All of the platoon's leaders are veterans of the Bengali regiments of the Pakistan army. The deputy leader served for 21 years as a noncommissioned officer before he retired a year ago.

He said that seven platoon members had regular military backgrounds and 30 are students recruited locally after the Pakistan army struck and the civil war began March 25.

The platoon operates independently, but has frequent contact with another platoon of roughly equal size that lives in a nearby village.

They receive no orders from higher military authorities, but send written reports of their actions by runner across the border to guerrilla camps in India, he said.

His men have sten guns, light machine guns and adequate supplies of ammunition, dynamite and mines, the guerrilla leader said. He added they have no shortage of medicine.

At the moment he is not interested in finding new recruits and appears to rely for ultimate victory on large numbers of guerrillas now training in India. He maintains that 200,000 will shortly move across the border to attack the army in his sector, but that figure seems enormously exaggerated.

He is suspicious of strangers and explained that if a man arrived in the village wanting to enlist, he would be shot as a Pakistan

army agent. He was also determined that his platoon will execute any soldier taken prisoner, but none have been captured alive yet.

The largest action his unit has participated in was an ambush that he and other local residents believe killed more than 20 Pakistani soldiers in April.

It was after that fire-fight that he retreated to India, where he was housed and cared for by the Indian army. From the battles he watched at the border, he confirmed Pakistan's allegation that Indian artillery and mortars often fire across the border in support of guerrilla attacks on the Pakistan army.

Since returning to East Pakistan, his platoon has been relatively inactive considering their freedom of movement in a generally undefended countryside.

They ambushed an army truck and believe they wounded one soldier. Most recently, they raided a police station and captured 13 rifles without suffering or inflicting any casualties after the sentry fled.

The deputy platoon leader says that his unit has not suffered any casualties since the war began and that no one has deserted from his command.

He was reticent about future plans, but made it clear that his men will use their dynamite and mines to cut roads in an effort to further limit the movement of the army which relies on its jeeps and trucks and rarely ventures into the countryside.

In addition to harassing the army and police, the guerrillas want to assassinate members of the Peace Committees—groups of local people who work with the army and often decide for the army which local villagers are reliable and which should be arrested or shot.

Reports of Peace Committee members being killed are common throughout East Pakistan. The deputy platoon leader's men have caught and murdered one.

Their victim had ordered the murder of two men and, by the guerrilla leader's account, was not unprepared for their retribution.

He asked for an hour to say good-bye to his mother and after that time had elapsed, he emerged from the house and faced a "people's court" the guerrillas had hastily assembled by waking up several neighbors.

The unsurprising verdict was guilty and the guerrillas led him about a mile to the main road, where they shot him and left his body by the roadside.

Like the Pakistan army, the guerrillas have given themselves the power of life and death. The leader remarked that he had spent the last night unsuccessfully looking for another Peace Committee member who is marked for assassination.

He believes in the outlawed Awami League of Sheikh Mujibur Rahman which won Pakistan's first national election last December.

He sees the guerrilla movement as the military arm of the Awami League and is confident that the Awami League will become the ruling party when East Pakistan wins its independence.

He spoke unemotionally about his guerrilla activities and his view of the future, predicting that he would not have to live in East Pakistan's villages for long.

So far, the guerrilla leader has run a leisurely, relatively painless underground resistance struggle since March 25.

Most observers here do not share his conviction that the civil war will end soon. His platoon is likely to see much more fighting before there will be a chance that his goal can be achieved.

PAKISTAN REBELS BLAST DACCA POWER PLANTS

DACCA, EAST PAKISTAN.—East Pakistani rebels carrying automatic weapons stormed three power plants in Dacca and blasted them out of commission, leaving major industrial

until today when the Washington Post in its lead editorial recognized the import and potential impact of this measure.

The Post's highly favorable editorial is encouraging to me and I commend it to Senators who will soon be considering this historic measure.

Mr. President, I ask unanimous consent that this editorial be printed in the RECORD.

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

[From the Washington Post, July 21, 1971]

AIM FOR HIGHER EDUCATION

With little fanfare the Senate Committee on Labor and Public Welfare last week reported out a higher education bill which—if it were to receive adequate funding—would lay a firm new foundation for federal support for higher education. Sponsored by Senator Pell, it would (1) establish a student grant program which would appreciably lower the barriers to higher education facing young people from low and lower-middle income families, and (2) give substantial financial aid to the colleges and universities that bear the cost of educating students from these income groups.

The proposed student grant program would depart from present legislation by introducing the principle of "entitlement" to student aid: i.e., anyone falling under the bill's definition of "needy" and "student" would be entitled to a federal grant. Any student in good standing at an accredited college, university or post-secondary vocational school would be eligible for a grant equal to \$1,400 a year minus a "family contribution" depending on family income, assets, number of children and so forth. A student whose family's resources were too meager to permit them to make any contribution would receive the full \$1,400 from the government; a student whose family could contribute \$800 would receive \$600, and so forth.

It should be noted that the bill does not guarantee everyone the right to go to college. Decisions about who should be admitted and what constitutes "good standing" are left to institutions of higher education themselves, but once admitted to student status everyone would have a right to aid if he could show a need. The principle of entitlement to student aid strikes us as both sound and just, although it will be expensive to implement.

Post-secondary education has become, rightly or wrongly, a virtual necessity for a dignified, well-paying job—a passport into the mainstream of American life. But the passports are issued unequally among the rich and the poor. In almost any group of high school graduates of roughly equal "ability" (as measured by high school grades or test scores) one finds a much higher proportion receiving higher education among upper than low income groups. The real inequality is even greater, of course, because low-income students have less chance of finishing high school and less chance of scoring well on conventional tests even if their true ability is high.

In recent years federal student aid programs have grown rapidly, and many low-income students have gone to college who would not have made it without the government money. But current programs are still far from adequate. The Education Opportunity Grant program has been meagerly funded by the Congress—approved requests far exceed available funds. Moreover, the program seems virtually designed to maximize the uncertainty facing the student. Funds are allotted to states in accordance with a formula that bears little relation to needs and some states are able to fill a far higher proportion of requests than others. Within states, funds are doled out by college student aid officers with different views of

"need" (recent attempts by the Office of Education to target funds on the lowest income students have not yet had much effect—largely because hardly any new funds have been available). A student may be turned down for aid at one college, although a neighboring college would have been able to give him money—if he had only known. Colleges as well as students are unhappy with the uncertainty. Some have made efforts to encourage low-income students to apply, only to find they did not have any funds to offer them. Many college recruiters believe low-income students would work much harder in high school if they could be assured of funds for college.

The Nixon administration has also embraced the principle of student aid but the administration's student aid proposal, more complex and less generous than the Pell Bill, has not been enthusiastically received, or even well understood, on Capitol Hill. We believe the grant provisions of the Pell Bill are superior, partly because they are easier to comprehend and seem less likely to burden low income students with heavy debt.

Another important feature of the Pell Bill is a substantial program of aid to higher education institutions that enroll recipients of the proposed grants. A college, university or vocational school would receive a "cost of instruction allowance" for each federally aided student it enrolled. A very small college would receive \$500 for each federally aided student, while larger ones would receive lower amounts ranging down to \$100 per federally aided student.

The "cost of instruction" provision recognizes that no student pays his own way and that the federal government has an obligation, if it is adding to enrollment by passing out student aid, to help colleges meet the costs imposed by the extra students. The program would constitute a major form of federal aid to higher education institutions, not unlike the Green Bill now under consideration in the House. But unlike the Green Bill, which gives institutions federal money for every student enrolled, the Pell Bill would channel the aid toward institutions bearing the heaviest burden of educating low income students. This type of aid has been called a "bribe" to open educational gates to the poor. We prefer to think of it as an incentive to act in the national interest.

The particular cost of instruction formula in the Pell Bill could be improved. The present version is excessively favorable to small colleges. Unfortunately, the average small college, like the family farm, is probably an uneconomic anachronism more worthy of fond nostalgia than rescue with federal funds. Moreover, the Pell formula, which gives colleges a flat sum for each aided student (rather than a percentage of the aid granted) may encourage colleges to take in several marginally needy students in preference to one extremely needy one.

Basically, however, the Pell Bill is a good one. It is our hope that it will pass the Senate and that its passage will jar the House out of its current deadlock and enable passage of a major new higher education act in this session.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

ORDER TO HOLD BILL AND JOINT RESOLUTION AT THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that H.R. 4762, a bill to extend the authority of the Adminis-

trator of Veterans' Affairs to establish and carry out a program of exchange of medical information and House Joint Resolution 3, to establish a Joint Committee on the Environment, when received from the House, be held at the desk.

This has been cleared all around.

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

FEDERAL ELECTIONS CAMPAIGN ACT OF 1971

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate S. 382, which the clerk will state by title.

The second assistant legislative clerk read as follows:

A bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce and from the Committee on Rules and Administration with amendments.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I should like to state that, last evening, a series of negotiations were carried on in the office of the distinguished Republican leader, to see whether an agreement could be arrived at by means of which a time limitation could be agreed upon to assure the final disposition of the pending business. If such an agreement could be reached then it was—and still is—the intention of the leadership to lay the pending business aside and call up the bill reported by the Committee on Banking, Housing, and Urban Affairs, S. 2308, a bill to authorize emergency loan guarantees to major business enterprises.

On the basis of the negotiations carried on at that time—in which I did not participate except indirectly, but the distinguished deputy majority leader acting for me did—an agreement was arrived at which, of course, is subject to affirmation by the Senate as a whole.

If the agreement is entered into, I think it would allow us to carry on our business in an orderly and expeditious way, with the rights of all Senators being protected fully.

I should like at this time to ask the distinguished deputy majority leader to present to the Senate the unanimous-consent request which was worked out last evening and which is subject to this body's approval.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the further consideration of S. 382,

the so-called Federal elections campaign bill, the bill be considered as having been amended in the form as reported by the Committee on Rules and Administration, and that the bill as thus amended be treated as original text for the purpose of further amendments; that it be ordered, and that it be in order, immediately, for the distinguished Senator from Rhode Island (Mr. PASTORE) to offer a substitute for the entire bill; provided further, that it shall be in order at any time during the consideration of S. 382 for the majority leader or his designee to have laid before the Senate for its immediate consideration any of the following:

S. 2308, the emergency loan guarantee bill.

The HEW appropriation bill.

The Department of Transportation appropriation bill.

The public works appropriation bill.

The Appalachian regional development bill.

The Sugar Act.

Or other measures as agreed upon by the majority leader and the minority leader, and proceed with the consideration of any one of them until final disposition thereof, or at the discretion of the majority leader; provided further, that the debate on S. 382 be limited to 16 hours, the time to be equally divided between the majority and minority leaders or their designees, and that debate on any amendment be limited to 30 minutes, the time to be equally divided between the mover of such amendment and the majority leader or his designee, with the exception as to time for debate of the following amendments:

An amendment by the distinguished Senator from Colorado (Mr. DOMINICK), on which there would be 3 hours, equally divided.

Two amendments by the distinguished Senator from Vermont (Mr. PROUTY), on each of which there would be 3 hours, equally divided.

One amendment by the distinguished Senator from Arizona (Mr. FANNIN), on which there would be 2 hours, equally divided.

One amendment by the distinguished Senator from Alaska (Mr. STEVENS), on which there would be 2 hours, equally divided.

Provided further, that no amendment not germane shall be received, and that no motion to table the amendment in the nature of a substitute by the distinguished Senator from Rhode Island (Mr. PASTORE), shall be in order; provided finally, that the majority and minority leaders or their designees may allot time under their control, for debate of the bill, to any Senator on any amendment, motion, or appeal, with the exception of a motion to lay on the table.

Mr. SPONG. Mr. President, reserving the right to object, I wonder if the distinguished deputy majority leader would answer a question for me. If this is agreed to, it would require the unanimous consent of the Senate for any non-germane amendment to be subsequently offered; is that correct?

Mr. BYRD of West Virginia. That is correct.

Mr. SPONG. The distinguished Senator from New Jersey (Mr. CASE) and I have considered the introduction of an amendment which may be ruled non-germane. It concerns public disclosure for judges, Members of Congress, and others.

We would prefer that this be considered after a hearing by the proper committee. The chairman of the subcommittee, the distinguished Senator from Nevada (Mr. CANNON), has been busy with hearings on this bill. We would prefer that hearings on the measure which the distinguished Senator from New Jersey (Mr. CASE) and I have introduced, be held before bringing it to the Senate.

Nevertheless, we believe that our proposal relates to the legislation now before us, regardless of any ruling, and we are hopeful that early hearings can be held on our measure.

Mr. CANNON. Mr. President, I would be happy to assure the distinguished Senator from Virginia that we would schedule hearings on his proposal.

His proposal is similar to one which the Senate acted on before, several years ago. I offered that as an amendment, to require full disclosure on the part of Senators, the judiciary, the executive, and legislative branches. It passed the Senate. I think that we should hold hearings on the bill and I would not like to see it tied to this bill when we have the opportunity to make some headway in the field of election reform.

So, I would be willing to assure the Senator that I will schedule hearings sometime after the recess, at an early date in the fall, and give him hearings on the proposal.

Mr. SPONG. Mr. President, I thank the Senator from Nevada. I share his wish that we move forward with this legislation. On that basis I have no objection to the agreement. I again thank the Senator from Nevada.

Mr. SCOTT. Mr. President, would the distinguished assistant majority leader yield?

Mr. BYRD of West Virginia. Mr. President, I yield to the distinguished minority leader.

Mr. SCOTT. Mr. President, I would reserve the right to object and, of course, I will not object. I rise for the purpose of saying that I am in favor of the unanimous-consent request. It was worked out very carefully and with great consideration for the concerns of many Senators. It has been possible to have it accepted by the good will of a number of Senators having different concerns as to various bills.

I would like to indicate now that it is my intention to designate as manager of the bill on this side of the aisle the distinguished Senator from Vermont (Mr. PROUTY), the ranking minority member of the Committee on Rules and Administration, with the understanding that he would work out allocations of time with the distinguished ranking minority member of the Committee on Commerce, the Senator from New Hampshire (Mr. COTTON).

I understand from the Senator from

Vermont that that can and will be done. For that reason I do so designate the Senator from Vermont, as I have indicated.

Mr. WEICKER. Mr. President, reserving the right to object, I would like to address an inquiry to the Senator from West Virginia. It is my understanding that the limitation on time and also the procedure as contained in the unanimous consent request apply only to S. 382.

Mr. BYRD of West Virginia. The Senator is precisely correct. At the direction of the distinguished majority leader, it was made to do so.

Mr. WEICKER. Mr. President, such limitations do not in any way apply to the exceptions, at least to the bills or to the matters which were contained in the request?

Mr. BYRD of West Virginia. Mr. President, would the Senator clarify his question?

Mr. WEICKER. I refer specifically to the matters which the Senator referred to, both the loan bill, S. 2308, and the various appropriations bills.

Mr. BYRD of West Virginia. Mr. President, may I say that the limitation on time that has been proposed at the direction of the majority leader deals only with S. 382, the Federal Elections Campaign bill.

Mr. WEICKER. I thank the Senator from West Virginia.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The unanimous-consent agreement is as follows:

Ordered, That, effective on Wednesday, July 21, 1971, during the further consideration of S. 382, to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, the bill be considered as having been amended in the form as reported by the Committee on Rules and Administration, and that the bill as thus amended be treated as original text for the purpose of further amendment, and that it be in order immediately for the Senator from Rhode Island (Mr. Pastore) to offer a substitute for the entire bill.

Provided further, That it shall be in order at any time during the consideration of S. 382 for the Majority Leader or his designee to have laid before the Senate for its immediate consideration any of the following bills: (1) S. 2308, Cal. 264; (2) the Appalachian Regional Development Bill; (3) H.R. 9667, Transportation and Related Agencies Appropriation Bill; (4) Labor HEW Appropriations, and (5) the Public Works Appropriation Bill, or other bills agreed upon by the Majority and Minority Leaders, and proceed with the consideration of any one of them until they are disposed of, or at the discretion of the Majority Leader.

Provided further, That debate on S. 382 be limited to 16 hours to be equally divided by the Majority and Minority Leaders or their designees, and debate on any amendment to the bill be limited to 30 minutes to be equally divided and controlled by the mover of the amendment and the Majority Leader or his designee with the exception as to time for debate on the following amendment: three hours on an amendment to be offered by the Senator from Colorado (Mr. Dominick); three hours on each of two amendments to be designated by the Senator from Vermont (Mr. Prouty); two

hours on an amendment to be offered by the Senator from Arizona (Mr. Fannin); and two hours on an amendment to be offered by the Senator from Alaska (Mr. Stevens).

Provided further, That no amendment not germane shall be received, and that no motion to table the substitute amendment to be offered by the Senator from Rhode Island (Mr. Pastore) shall be in order. *Provided further*, That time for debate of the bill may be yielded by the Leaders or their designees on any pending amendment, motion (except a motion to table), or appeal. (July 21, 1971)

The PRESIDING OFFICER. In accordance with the unanimous consent agreement, the bill is considered as having been amended in the form as reported by the Committee on Rules and Administration, and as thus amended the bill will be treated as original text for the purpose of further amendment.

The text of the bill as amended and being treated as original text for purpose of further amendment is as follows:

S. 382

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 "Federal Election Campaign Act of 1971".

TITLE I—AMENDMENTS TO COMMUNICATIONS ACT OF 1934; LIMITATIONS ON CAMPAIGN EXPENDITURES FOR NONBROADCAST COMMUNICATIONS MEDIA

EXCEPTION TO EQUAL TIME REQUIREMENTS AND CHARGE LIMITATIONS

SEC. 101. (a) Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting after "public office" in the first sentence thereof a comma and the following: "other than Federal elective office (as defined in subsection (c) of this section): *Provided*, That such Federal candidates are given the maximum flexibility in the choice of program format."

(b) Section 315(b) of such Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

"(1) during the forty-five days preceding the date of a primary election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same amount of time during the same period; and

"(2) at any other time, the charges made for comparable use of such station by other users thereof."

(c) Section 312(a) of such Act is amended by striking "or" at the end of clause (5), striking the period at the end of clause (6) and inserting in lieu thereof a semicolon and "or", and adding at the end of such section 312(a) the following new clause:

"(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate on behalf of his candidacy."

EXPENDITURES LIMITATIONS FOR CANDIDATES FOR MAJOR ELECTIVE OFFICES

SEC. 102. Section 315 of the Communications Act of 1934 is further amended by redesignating subsection (c) as subsection (e) and by inserting immediately before such subsection the following new subsections.

"(c) (1) For purposes of this subsection (d), the term—

"(A) 'Federal elective office' means the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress;

"(B) 'use of broadcasting stations by or on behalf of any candidate' includes not only broadcasts advocating such candidate's election, but also broadcasts urging the defeat of his opponent or derogating his opponent's stand on campaign issues;

"(C) 'legally qualified candidate' means any person who (1) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (2) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors; and

"(D) 'broadcasting station' includes a community antenna television system, and the terms 'licensee' and 'station licensee' when used with respect to a community antenna television system, mean the operator of such system.

"(2) (A) No legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of—

(i) 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

(ii) \$30,000, if greater than the amount determined under clause (1)

A legally qualified candidate for nomination for election to the office of President may not spend a total amount for all primary elections held for such office in which he is a candidate in excess of the limitation provided by the first sentence of this paragraph.

"(B) In addition to the amount which he may spend under paragraph (2) (A) of this subsection for the use of broadcast communications media in connection with his campaign, a candidate for Federal office may spend for such use any unspent portion of the amount he is authorized to spend for the use of nonbroadcast communications media under section 103 of the Federal Election Campaign Act of 1971.

"(3) Amounts spent for the use of broadcasting stations on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of broadcasting stations by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this subsection, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

"(4) No station licensee may make any charge for the use of such station by or on behalf of any candidate for Federal elective office (or for nomination to such office) unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate paragraph (2).

"(5) Broadcasting stations and candidates shall file with the Commission such reports at such times and containing such information as the Commission shall prescribe for the purpose of this subsection and, in the case of broadcasting stations, subsection (d).

"(d) If the Commission determines that—

"(1) a State by law—

"(A) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection, and

"(B) has specified a limitation upon total expenditures for the use of broadcasting sta-

tions on behalf of the candidacy of each legally qualified candidate in such election, and

"(2) the amount of such limitation does not exceed the amount which would be determined for such election under subsection (c) had such election been an election for a Federal elective office, or nomination thereto, then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate such limitation."

LIMITATIONS OF CAMPAIGN EXPENDITURES FOR NONBROADCAST COMMUNICATIONS MEDIA

SEC. 103. (a) For purposes of this section, the term—

(1) "Federal elective office" means the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress;

(2) "nonbroadcast communications medium" means newspapers, magazines and other periodical publications, and billboard facilities;

(3) "legally qualified candidate" means any person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors; and

(4) "use of any nonbroadcast communications media by or on behalf of any candidate" includes not only amounts spent for advocating a candidate's election, but also amounts spent for urging the defeat of his opponent or derogating his opponent's stand on campaign issues.

(b) During the forty-five days preceding the date of any primary election, and during the sixty days preceding the date of any general or special election, the charges made for the use of any nonbroadcast communications medium by an individual who is a legally qualified candidate for Federal elective office shall not exceed the lowest unit rate charged others by the person furnishing such medium for the same amount of space.

(c) (1) No legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of nonbroadcast communications media on behalf of his candidacy in such election a total amount in excess of—

(A) 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

(B) \$30,000, if greater than the amount determined under subparagraph (A).

A legally qualified candidate for nomination for election to the office of President may not spend a total amount for all primary elections held for such office in which he is a candidate in excess of the limitation provided by the first sentence of this paragraph.

(2) In addition to the amount which he may spend under this subsection for the use of nonbroadcast communications media in connection with his campaign, a candidate for Federal office may spend for such use any unspent portion of the amount he is authorized to spend for the use of broadcast communications media under section 315 (c) of the Communications Act of 1934 (47 U.S.C. 315 (c)).

(d) Amounts spent for the use of nonbroadcast communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this section, be deemed to have been spent by such candidate. Amounts spent for the use of nonbroadcast communications media by or on behalf

of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(e) No person may make any charge for the use of any nonbroadcast communications medium by or on behalf of any candidate for Federal elective office (or for nomination to such office) unless such candidate, or an individual specifically authorized by such candidate in writing to do so, certifies to such person that the payment of such charge will not violate subsection (c). Any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate without charge therefor shall be deemed to have made a contribution to such candidate in an amount equal to the amount normally charged by such person for such use. Any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate at a rate which is less than the rate normally charged by such person for such use shall be deemed to have made a contribution to such candidate in an amount equal to the excess of the rate normally charged over the rate charged such candidate.

(f) Violation of the provisions of this section is punishable by a fine not to exceed \$5,000, imprisonment for not to exceed five years, or both.

**COST-OF-LIVING INCREASE IN LIMITATION
FORMULA**

Sec. 104. (a) For purposes of this section, the term—

(1) "price index" means the annual average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

(2) "base period" means the calendar year 1970.

(b) Commencing immediately after the end of 1971, and after the end of each calendar year thereafter, as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall determine the difference between the price index for the immediately preceding calendar year and the price index for the base period. The amount computed under section 315(c)(2)(a)(i) of the Communications Act of 1934 (as added by section 102 of this Act) and under section 103(c)(1)(A) of this Act shall be increased by such per centum difference (excluding any fraction of a per centum) and rounded to the next highest cent. Each amount so increased shall be the amount in effect for the twelve months following the end of such calendar year.

EFFECTIVE DATE

Sec. 105. This title shall take effect on the date of enactment of this Act, except that—

(1) the amendment made by section 101 (b) shall take effect 30 days after such date; and

(2) Section 102 shall take effect on such date as the Federal Communications Commission shall prescribe, but not later than 120 days after the date of enactment of this Act.

TITLE II—CRIMINAL CODE AMENDMENTS

Sec. 201. Section 591 of title 18, United States Code, is amended to read as follows:

§ 591. Definition

"When used in sections 597, 599, 600, 602, 610, 611, and 614 of this title—

"(a) 'election' means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (6) a primary election held for the section of delegates to a national

nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(b) 'candidate' means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

"(c) 'Federal office' means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

"(d) 'political committee' means any individual, committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

"(e) 'contribution' means—

"(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

"(3) a transfer of funds between political committees; and

"(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or political committee, without charge for any such purpose;

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and

"(3) a transfer of funds between political committees;

"(g) 'person' and 'whoever' mean an individual, partnership, committee, association, corporation, or any other organization or group of persons; and

"(h) 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States."

Sec. 202. Section 600 of title 18, United States Code, is amended to read as follows:

§ 600. Promise of employment or other benefit for political activity

"Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

Sec. 203. Section 608 of title 18, United States Code, is repealed.

Sec. 204. Section 609 of title 18, United States Code, is repealed.

Sec. 205. Section 611 of title 18, United States Code, is amended to read as follows:

§ 611. Contributions by Government contractors

"Whoever—

"(a) entering into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, as any time between the commencement of negotiations for and the later of (1) the completion of performance under, or (2) the termination of negotiations for, such contract or furnishing of material, supplies, equipment land or buildings, directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

"(b) knowingly solicits any such contribution from any such person for any such purpose during any such period; shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

Sec. 206. Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new section:

§ 614. Extension of credit to candidates for Federal office by certain industries

"(a) No business, the rates and charges for which are regulated by the Civil Aeronautics Board, the Federal Communications Commission, or the Interstate Commerce Commission, shall extend credit, for services rendered or goods furnished to any candidate or to any other person on behalf of such candidates unless the debt so created is secured in full by property, bond, or other security. This section shall not apply to a use of such service or goods by a candidate for purposes not related to his campaign for nomination for election, or election, to Federal office, if the candidate so certifies in writing to that business.

"(b) Violation of the provisions of this section is punishable by a fine not to exceed \$1,000, or (in the case of an individual who intentionally violates such provision) imprisonment for not to exceed one year, or both."

Sec. 207. The table of sections for chapter 29 of title 18, United States Code, is amended by—

(1) striking out the item relating to section 608 and inserting in lieu thereof the following:

"608. Repealed.";

(2) striking out the item relating to section 609 and inserting in lieu thereof the following:

"609. Repealed.";

(3) striking out the item relating to section 611 and inserting in lieu thereof the following:

"611. Contributions by Government contractors."; and

(4) adding at the end of such table the following: "614. Extension of credit to candidates for Federal office by certain industries."

TITLE III—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

DEFINITIONS

Sec. 301. When used in this part—

(a) "election" means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(b) "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees; and

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement whether or not legally enforceable, to make an expenditure; and

(3) a transfer of funds between political committees;

(g) "Comptroller General" means the Comptroller General of the United States;

(h) "person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons; and

(1) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

ORGANIZATION OF POLITICAL COMMITTEES

Sec. 302. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) all contributions made to or for such committee;

(2) the full name and mailing address of every person making any contribution, and the date and amount thereof;

(3) all expenditures made by or on behalf of such committee; and

(4) the full name and mailing address of every person to whom any expenditure is made, and the date and amount thereof.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of \$100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds \$100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the Comptroller General.

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or

on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

(f) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"In compliance with Federal law a report has been (or will be) filed with the Comptroller General of the United States showing a detailed account of our receipts and expenditures. A copy of that report is available at a charge from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402."

REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

Sec. 303. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall file with the Comptroller General a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of \$1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the Comptroller General at such time as he prescribes.

(b) The statement of organization shall include—

(1) the name and address of the committee;

(2) the names, addresses, and relationships of affiliated or connected organizations;

(3) the area, scope, or jurisdiction of the committee;

(4) the name, address, and position of the custodian of books and accounts;

(5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;

(6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;

(7) a statement whether the committee is a continuing one;

(8) the disposition of residual funds which will be made in the event of dissolution;

(9) a listing of all banks, safety deposit boxes, or other repositories used;

(10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and

(11) such other information as shall be required by the Comptroller General.

(c) Any change in information previously submitted in a statement of organization shall be reported to the Comptroller General within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall so notify the Comptroller General.

REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

Sec. 304. (a) Each treasurer of a political committee supporting a candidate or candidate for election to Federal office and each candidate for election to such office, shall file with the Comptroller General reports of receipts and expenditures on forms to be prescribed or approved by him. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding

the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the Comptroller General may prescribe, which shall not be less than five days before the date of filing.

(b) Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events) within the calendar year in an aggregate amount or value in excess of \$100, together with the amount and date of such contributions;

(3) the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (2);

(4) the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all such transfers;

(5) each loan to or from any person within the calendar year in an aggregate amount or value in excess of \$100, together with the full names and mailing addresses of the lender and endorsers, if any, and the date and amount of such loans;

(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(7) each contribution, rebate, refund, or other receipt in excess of \$100 not otherwise listed under paragraphs (2) through (6);

(8) the total sum of all receipts by or for such committee or candidate during the reporting period;

(9) the full name and mailing address of each person to whom an expenditure or expenditures have been made by such committee or candidate within the calendar year in an aggregate amount or value in excess of \$100, and the amount, date, and purpose of each such expenditure;

(10) the full name and mailing address of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of \$100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(11) the total sum of expenditures made by such committee or candidate during the calendar year;

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the Comptroller General may prescribe; and

(13) such other information as shall be required by the Comptroller General.

(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.

REPORTS BY OTHERS THAN POLITICAL COMMITTEES

SEC. 305. (a) Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess

of \$100 within a calendar year shall file with the Comptroller General a statement containing the information required by section 304. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

(b) (1) Any business, the rates and charges for which are regulated by the Civil Aeronautics Board, the Federal Communications Commission, or the Interstate Commerce Commission, which furnishes goods or services to or for the use of a candidate in connection with his campaign for nomination for election, or election, to Federal office, or to a political committee for use in connection with such a campaign, shall file with the Comptroller General a statement disclosing—

(A) the name of the purchaser and the name of the candidate for the benefit of whose campaign the goods or services were purchased;

(B) a specific description of the goods or services furnished and the quantity or measure thereof, if appropriate;

(C) any amount of the price of such goods or services not paid in advance of their being furnished to the purchaser;

(D) any unpaid balance of the price of such goods or services as of the reporting date;

(E) a description of the type and value of any bond, collateral, or other security securing such unpaid balance; and

(F) such other information as the Comptroller General shall require by published regulation.

(2) Reports required under paragraph (1) of this subsection shall be filed on the dates on which reports by political committees are filed, and shall be cumulative. A copy of each report required of a business under paragraph (1) shall be filed with the department or agency by which such business is so regulated.

FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

SEC. 306. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the Comptroller General in a published regulation.

(c) The Comptroller General may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 304 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

(d) The Comptroller General shall, by published regulations of general applicability prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

REPORTS ON CONVENTION FINANCING

SEC. 307. Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President, shall within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with Comptroller General a full and complete financial statement, in such form and detail as he may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

DUTIES OF THE COMPTROLLER GENERAL

SEC. 308. (a) It shall be the duty of the Comptroller General—

(1) to develop prescribed forms for the making of the reports and statements required to be filed with him under this title;

(2) to prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make such reports and statements;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

(4) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person;

(5) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as he shall determine and broken down into candidate, party, and nonparty expenditures on the National, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as he shall determine and broken down into contributions on the National, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of \$100;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as he may deem appropriate;

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provisions of this title

(12) to report apparent violations of law to the appropriate law enforcement authorities; and

(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

(b) (1) Any person who believes a violation of this title has occurred may file a complaint with the Comptroller General. If the

Comptroller General determines there is substantial reason to believe such a violation has occurred, he shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the Comptroller General, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

(2) In any action brought under paragraph (1) of this subsection, subpoenas for witnesses who are required to attend a United States district court may run into any other district.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States Court of Appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

(4) The judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

STATEMENTS FILED WITH CLERK OF UNITED STATES COURT

SEC. 309. (a) A copy of each statement required to be filed with the Comptroller General by this title shall be filed with the clerk of the United States district court for the judicial district in which is located the principal office of the political committee or, in the case of a statement filed by a candidate or other person, in which is located such person's residence. The Comptroller General may require the filing of reports and statements required by this title with the clerks of other United States district courts where he determines the public interest will be served thereby.

(b) It shall be the duty of the clerk of a United States district court under subsection (a) —

(1) to receive and maintain in an orderly manner all reports and statements required by this title to be filed with such clerks;

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipts;

(3) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

SEC. 310. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

PENALTY FOR VIOLATIONS

SEC. 311. Any person who violates any of the provisions of this title shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

STATE LAWS NOT AFFECTED

SEC. 312. (a) Nothing in this title shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this title.

(b) The Comptroller General shall encourage, and cooperate with the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

PARTIAL INVALIDITY

SEC. 313. If any provision of this title, or the application thereof, to any person or circumstance is held invalid, the validity of the remainder of the title and the application of such provision to other persons and circumstances shall not be affected thereby.

REPEALING CLAUSE

SEC. 314. (a) The Federal Corrupt Practices Act, 1925 (2 U.S.C. §§ 241-256) is repealed.

(b) In case of any conviction under this title, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

TITLE IV—TAX INCENTIVES FOR CONTRIBUTIONS TO CANDIDATES FOR FEDERAL OFFICE

INCOME TAX CREDIT

SEC. 401. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. CONTRIBUTIONS TO CANDIDATES FOR ELECTIVE FEDERAL OFFICE

"(a) GENERAL RULE.—There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, an amount equal to one-half of the political contributions (as defined in subsection (c)) payment of which is made by such individual within the taxable year.

"(b) LIMITATIONS.—

"(1) AMOUNT.—The credit allowed by subsection (a) shall not exceed \$20 for any taxable year.

"(2) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property).

"(3) VERIFICATION.—The credit allowed by subsection (a) shall be allowed with respect to any political contribution, only if such political contribution is verified in such manner as the Secretary or his delegate shall prescribe by regulations.

"(c) DEFINITION OF POLITICAL CONTRIBUTION.—For purposes of this section, the term 'political contribution' means a contribution or gift to—

"(1) an individual whose name is presented for election as President of the United States, Vice President of the United States, an elector for President or Vice President of the United States, a Member of the Senate, or a Member of (or Delegate to) the House of Representatives in a general or special election, in a primary election, or in a convention of a political party, for use by such individual to further his candidacy for any such office, or

"(2) a committee acting in behalf of an individual or individuals described in paragraph (1), for use by such committee to further the candidacy of such individual or individuals.

"(d) ELECTION TO TAKE DEDUCTION IN LIEU OF CREDIT.—This section shall not apply in the case of any taxpayer who, for the taxable year, elects to take the deduction provided by section 218 (relating to deduction for contributions to candidates for elective Federal office). Such election shall be made in such manner and at such time as the Secretary or his delegate shall prescribe by regulations.

"(e) CROSS REFERENCE.—

"For disallowance of credit to estates and trusts, see section 642(a)(3)."

(b) The table of sections for such subpart is amended by striking out

"Sec. 40. Overpayments of tax."

and inserting in lieu thereof

"Sec. 40. Contributions to candidates for elective Federal office.

"Sec. 41. Overpayments of tax."

(c) Section 642(a) of the Internal Revenue Code of 1954 (relating to credits against tax for estates and trusts) is amended by adding at the end thereof a new paragraph as follows:

"(3) POLITICAL CONTRIBUTIONS.—An estate or trust shall not be allowed the credit against tax for political contributions to candidates for elective Federal office provided by section 40."

DEDUCTION IN LIEU OF CREDIT

SEC. 402. (a) Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by renumbering section 218 as 219, and by inserting after section 217 the following new section:

"SEC. 218. CONTRIBUTIONS TO CANDIDATES FOR ELECTIVE FEDERAL OFFICE.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction any political contribution (as defined in subsection (c)) payment of which is made by such individual within the taxable year.

"(b) LIMITATIONS.—

"(1) AMOUNT.—The deduction under subsection (a) shall not exceed \$100 for any taxable year.

"(2) VERIFICATION.—The deduction under subsection (a) shall be allowed, with respect to any political contribution, only if such political contribution is verified in such manner as the Secretary or his delegate shall prescribe by regulations.

"(c) DEFINITION OF POLITICAL CONTRIBUTION.—For purposes of this section, the term 'political contribution' means a contribution or gift to—

"(1) an individual whose name is presented for election as President of the United States, Vice President of the United States, an elector for President or Vice President of the United States, a Member of the Senate, or a Member of (or Delegate to) the House of Representatives in a general or special election, in a primary election, or in a convention of a political party, for use by such individual to further his candidacy for any such office; or

"(2) a committee acting in behalf of an individual or individuals described in paragraph (1), for use by such committee to fur-

the candidacy of such individual or individuals.

"(d) ELECTION TO TAKE CREDIT IN LIEU OF DEDUCTION.—This section shall not apply in the case of any taxpayer who, for the taxable year, elects to take the credit against tax provided by section 40 (relating to credit against tax for contributions to candidates for elective Federal office). Such election shall be made in such manner and at such time as the Secretary or his delegate shall prescribe by regulations.

"(e) CROSS REFERENCE.—

"For disallowance of deduction to estates and trusts, see section 642(1)."

(b) The table of sections for such part is amended by striking out

"Sec. 218. Cross references."

and inserting in lieu thereof

"Sec. 218. Contributions to candidates for elective Federal office.

"Sec. 219. Cross references."

(c) Section 642 of the Internal Revenue Code of 1954 (relating to special rules for credits and deductions for estates and trusts) is amended by redesignating subsection (1) as subsection (j), and by inserting after subsection (h) a new subsection as follows:

"(1) POLITICAL CONTRIBUTIONS.—An estate or trust shall not be allowed the deduction for contributions to candidates for elective Federal office provided by section 218."

EFFECTIVE DATE

SEC. 403. The amendments made by sections 401 and 402 shall apply to taxable years ending after December 31, 1970, but only with respect to contributions or gifts payment of which is made after such date.

Mr. MANSFIELD. Mr. President, I yield the time on the bill which has been assigned to me to the Senator from Rhode Island, the manager of the pending bill.

AMENDMENT NO. 308

Mr. PASTORE. Mr. President, in furtherance of the unanimous-consent agreement, I send to the desk on behalf of myself and also the Senator from Georgia (Mr. TALMADGE), the Senator from Montana (Mr. MANSFIELD), and the Senator from Nevada (Mr. CANNON), an amendment in the nature of a substitute.

The PRESIDING OFFICER. The amendment will be stated.

The amendment in the nature of a substitute reads as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That this Act may be cited as the "Federal Election Campaign Act of 1971"."

TITLE I—AMENDMENTS TO COMMUNICATIONS ACT OF 1934; LIMITATIONS ON CAMPAIGN EXPENDITURES FOR NONBROADCAST COMMUNICATIONS MEDIA

EXCEPTION TO EQUAL TIME REQUIREMENTS AND CHARGE LIMITATIONS

SEC. 101. (a) Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting after "public office" in the first sentence thereof a comma and the following: "other than the office of President or Vice President of the United States."

(b) Section 315(b) of such Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

"(1) during the forty-five days preceding the date of a primary election and during the sixty days preceding the date of a general or special election in which such person is a

candidate, the lowest unit charge of the station for the same amount of time during the same period; and

"(2) at any other time, the charges made for comparable use of such station by other users thereof."

(c) Section 312(a) of such Act is amended by striking "or" at the end of clause (5), striking the period at the end of clause (6) and inserting in lieu thereof a semicolon and "or", and adding at the end of such section 312(a) the following new clause

"(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate on behalf of his candidacy."

EXPENDITURE LIMITATIONS FOR CANDIDATES FOR MAJOR ELECTIVE OFFICES

SEC. 102. Section 315 of the Communications Act of 1934 is further amended by redesignating subsection (c) as subsection (e) and by inserting immediately before such subsection the following new subsections:

"(c) (1) For purposes of this subsection and subsection (d), the term—

"(A) 'Federal elective office' means the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress;

"(B) 'use of broadcasting stations by or on behalf of any candidate' includes not only broadcasts advocating such candidate's election, but also broadcasts urging the defeat of his opponent or derogating his opponent's stand on campaign issues;

"(C) 'legally qualified candidate' means any person who (1) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (2) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors; and

"(D) 'broadcasting station' includes a community antenna television system, and the terms 'licensee' and 'station licensee' when used with respect to a community antenna television system, mean the operator of such system.

"(2) No legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of—

"(A) 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

"(B) \$30,000, if greater than the amount determined under subparagraph (A).

A legally qualified candidate for nomination for election to the office of President may not spend a total amount for all primary elections held for such office in which he is a candidate in excess of the limitation provided by the first sentence of this paragraph.

"(3) Amounts spent for the use of broadcasting stations on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of broadcasting stations by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this subsection, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

"(4) No station licensee may make any charge for the use of such station by or on behalf of any candidate for Federal elective office (or for nomination to such office) unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that

the payment of such charge will not violate paragraph (2).

"(5) Broadcasting stations and candidates shall file with the Commission such reports at such times and containing such information as the Commission shall prescribe for the purpose of this subsection and, in the case of broadcasting stations, subsection (d).

"(d) If the Commission determines that—

"(1) a State by law—

"(A) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection, and

"(B) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election, and

"(2) the amount of such limitation does not exceed the amount which would be determined for such election under subsection (c) had such election been an election for a Federal elective office, or nomination thereto, then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate such limitation."

LIMITATIONS ON CAMPAIGN EXPENDITURES FOR NONBROADCAST COMMUNICATIONS MEDIA

SEC. 103. (a) For purposes of this section, the term—

(1) "Federal elective office" means the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress;

(2) "nonbroadcast communications medium" means newspapers, magazines and other periodical publications, and billboard facilities;

(3) "legally qualified candidate" means any person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors; and

(4) "use of any nonbroadcast communications media by or on behalf of any candidate" includes not only amounts spent for advocating a candidate's election, but also amounts spent for urging the defeat of his opponent or derogating his opponent's stand on campaign issues.

(b) During the forty-five days preceding the date of any primary election, and during the sixty days preceding the date of any general or special election, the charges made for the use of any nonbroadcast communications medium by an individual who is a legally qualified candidate for Federal elective office shall not exceed the lowest unit rate charged others by the person furnishing such medium for the same amount of space.

(c) No legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of nonbroadcast communications media on behalf of his candidacy in such election a total amount in excess of

(1) 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

(2) \$30,000, if greater than the amount determined under clause (1).

A legally qualified candidate for nomination for election to the office of President may not spend a total amount for all primary elections held for such office in which he is a candidate in excess of the limitation provided by the first sentence of this paragraph.

(d) Amounts spent for the use of non-

broadcast communications media on behalf of any legally qualified candidate for major Federal elective office (or for nomination to such office) shall, for the purposes of this section, be deemed to have been spent by such candidate. Amounts spent for the use of nonbroadcast communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(c) No person may make any charge for the use of any nonbroadcast communications medium by or on behalf of any candidate for Federal elective office (or for nomination to such office) unless such candidate, or an individual specifically authorized by such candidate in writing to do so, certifies to such person that the payment of such charge will not violate subsection (c). Any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate without charge therefor shall be deemed to have made a contribution to such candidate in an amount equal to the amount normally charged for such person for such use. Any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate at a rate which is less than the rate normally charged by such person for such use shall be deemed to have made a contribution to such candidate in an amount equal to the excess of the rate normally charged over the rate charged such candidate.

(f) Violation of the provisions of this section is punishable by a fine not to exceed \$5,000, imprisonment for not to exceed five years, or both.

COST-OF-LIVING INCREASE IN LIMITATION FORMULA

SEC. 104. (a) For purposes of this section, the term—

(1) "price index" means the annual average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

(2) "base period" means the calendar year 1970.

(b) Commencing immediately after the end of 1971, and after the end of each calendar year thereafter, as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall determine the difference between the price index for the immediately preceding calendar year and the price index for the base period. The amount computed under section 315(c)(2)(A) of the Communications Act of 1934 (as added by section 102 of this Act) and under section 103(c)(1) of this Act shall be increased by such per centum difference (excluding any fraction of a per centum) and rounded to the next highest cent. Each amount so increased shall be the amount in effect for the twelve months following the end of such calendar year.

EFFECTIVE DATE

SEC. 105. This title shall take effect on the date of enactment of this Act, except that—

(1) the amendment made by section 101 (b) shall take effect 30 days after such date; and

(2) section 102 shall take effect on such date as the Federal Communications Commission shall prescribe, but not later than 120 days after the date of enactment of this Act.

TITLE II—CRIMINAL CODE AMENDMENTS

SEC. 201. Section 591 of title 18, United States Code, is amended to read as follows:

"§ 591. Definitions.

"When used in sections 597, 599, 600, 602, 610, 611, and 614 of this title—

"(a) 'election' means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(b) 'candidate' means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

"(c) 'Federal office' means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

"(d) 'political committee' means any individual, committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

"(e) 'contribution' means—

"(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

"(3) a transfer of funds between political committees; and

"(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or political committee without charge for any such purpose;

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and

"(3) a transfer of funds between political committees;

"(g) 'person' and 'whoever' mean an individual, partnership, committee, association, corporation, or any other organization or group of persons; and

"(h) 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States."

SEC. 202. Section 600 of title 18, United States Code, is amended to read as follows:

"§ 600. Promise of employment or other benefit for political activity

"Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidates or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

SEC. 203. Section 608 of title 18, United States Code, is repealed.

SEC. 204. Section 609 of title 18, United States Code, is repealed.

SEC. 205. Section 611 of title 18, United States Code, is amended to read as follows:

"§ 611. Contributions by Government contractors

"Whoever—

"(a) entering into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (1) the completion of performance under, or (2) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land or buildings, directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

"(b) knowingly solicits any such contribution from any such person for any such purpose during any such period;

shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

SEC. 206. The table of sections for chapter 29 of title 18, United States Code, is amended by—

(1) striking out the item relating to section 608 and inserting in lieu thereof the following:

"608. Repealed.";

(2) striking out the item relating to section 609 and inserting in lieu thereof the following:

"609. Repealed."; and

(3) striking out the item relating to section 611 and inserting in lieu thereof the following:

"611. Contributions by Government contractors."

CAMPAIGN FUNDS

DEFINITIONS

SEC. 301. When used in this title—

(1) "election" means (1) a general, special,

primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party,

(4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(b) "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees; and

(4) the payment, by any person other than a candidate or political committee, or compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement whether or not legally enforceable, to make an expenditure; and

(3) a transfer of funds between political committees;

(g) "Comptroller General" means the Comptroller General of the United States;

(h) "person" means an individual, partnership, committee, association, corporation,

labor organization, and any other organization or group of persons; and

(i) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

ORGANIZATION OF POLITICAL COMMITTEES

SEC. 302. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) all contributions made to or for such committee;

(2) the full name and mailing address of every person making any contribution, and the date and amount thereof;

(3) all expenditures made by or on behalf of such committee; and

(4) the full name and mailing address of every person to whom any expenditure is made, and the date and amount thereof.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of \$100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds \$100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the Comptroller General.

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 303. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall file with the Comptroller General a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of \$1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the Comptroller General at such time as he prescribes.

(b) The statement of organization shall include—

(1) the name and address of the committee;

(2) the names, addresses, and relationships of affiliated or connected organizations;

(3) the area, scope, or jurisdiction of the committee;

(4) the name, address, and position of the custodian of books and accounts;

(5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;

(6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;

(7) a statement whether the committee is a continuing one;

(8) the disposition of residual funds which will be made in the event of dissolution;

(9) a listing of all banks, safety deposit boxes, or other repositories used;

(10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and

(11) such other information as shall be required by the Comptroller General.

(c) Any change in information previously submitted in a statement of organization shall be reported to the Comptroller General within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall so notify the Comptroller General.

REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

SEC. 304. (a) Each treasurer of a political committee supporting a candidate or candidates for election to Federal office and each candidate for election to such office, shall file with the Comptroller General reports of receipts and expenditures on forms to be prescribed or approved by him. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the Comptroller General may prescribe, which shall not be less than five days before the date of filing.

(b) Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events) within the calendar year in an aggregate amount or value in excess of \$100, together with the amount and date of such contributions;

(3) the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (2);

(4) the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all such transfers;

(5) each loan to or from any person within the calendar year in an aggregate amount or value in excess of \$100, together with the full names and mailing addresses of the lender and endorsers, if any, and the date and amount of such loans;

(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(7) each contribution, rebate, refund, or other receipt in excess of \$100 not otherwise listed under paragraphs (2) through (6);

(8) the total sum of all receipts by or for such committee or candidate during the reporting period;

(9) the full name and mailing address of each person to whom an expenditure or expenditures have been made by such committee or candidate within the calendar year in an aggregate amount or value in excess of \$100, and the amount, date, and purpose of each such expenditure;

(10) the full name and mailing address of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of \$100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(11) the total sum of expenditures made by such committee or candidate during the calendar year;

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the Comptroller General may prescribe; and

(13) such other information as shall be required by the Comptroller General.

(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.

REPORTS BY OTHERS THAN POLITICAL COMMITTEES

Sec. 305. Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of \$100 within a calendar year shall file with the Comptroller General a statement containing the information required by section 304. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

Sec. 306. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the Comptroller General in a published regulation.

(c) The Comptroller General may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 304 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

(d) The Comptroller General shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and prom-

ises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

REPORTS ON CONVENTION FINANCING

Sec. 307. Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President, shall, within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the Comptroller General a full and complete financial statement, in such form and detail as he may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

DUTIES OF THE COMPTROLLER GENERAL

Sec. 308. (a) It shall be the duty of the Comptroller General—

(1) to develop prescribed forms for the making of the reports and statements required to be filed with him under this title;

(2) to prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make such reports and statements;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

(4) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person;

(5) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as he shall determine and broken down into candidate, party, and nonparty expenditures on the National, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as he shall determine and broken down into contributions on the National, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of \$100;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as he may deem appropriate;

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provision of this title;

(12) to report apparent violations of law to the appropriate law enforcement authorities; and

(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

(b) (1) Any person who believes a violation of this title has occurred may file a complaint with the Comptroller General. If the Comptroller General determines there is substantial reason to believe such a violation has occurred, he shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the Comptroller General, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

(2) In any action brought under paragraph (1) of this subsection, subpoenas for witnesses who are required to attend a United States district court may run into any other district.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States Court of Appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

(4) The judgment of the court of appeals affirming or setting aside, in whole or in part any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

STATEMENTS FILED WITH CLERK OF UNITED STATES COURT

Sec. 309. (a) A copy of each statement required to be filed with the Comptroller General by this title shall be filed with the clerk of the United States district court for the judicial district in which is located the principal office of the political committee or, in the case of a statement filed by a candidate or other person, in which is located such person's residence. The Comptroller General may require the filing of reports and statements required by this title with the clerks of other United States district courts where he determines the public interest will be served thereby.

(b) It shall be the duty of the clerk of a United States district court under subsection (a)—

(1) to receive and maintain in an orderly manner all reports and statements required by this title to be filed with such clerks;

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(3) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

SEC. 310. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

PENALTY FOR VIOLATIONS

SEC. 311. Any person who violates any of the provisions of this title shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

STATE LAWS NOT AFFECTED

SEC. 312. (a) Nothing in this title shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this title.

(b) The Comptroller General shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

PARTIAL INVALIDITY

SEC. 313. If any provision of this title, or the application thereof, to any person or circumstance is held invalid, the validity of the remainder of the title and the application of such provision to other persons and circumstances shall not be affected thereby.

REPEALING CLAUSE

SEC. 314. (a) the Federal Corrupt Practices Act, 1925 (2 U.S.C. §§ 241-256) is repealed.

(b) In case of any conviction under this title, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

EMERGENCY LOAN GUARANTEE ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate turn to the consideration of Calendar No. 264, S. 2308.

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

The legislative clerk read as follows:

A bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. SPARKMAN. Mr. President, I ask unanimous consent that we may have additional staff members on the floor from the Committee on Banking, Housing and Urban Affairs during the consideration of this measure.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, what was the request?

Mr. SPARKMAN. I asked unanimous consent that we may have additional staff members from the committee on the floor during the consideration of the measure.

Mr. BYRD of West Virginia. Would the Senator limit the number of staff members?

Mr. SPARKMAN. I will limit it to eight.

Mr. BYRD of West Virginia. I have no objection.

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

Mr. TAFT. Mr. President, I ask unanimous consent that I may have two staff members on the floor during the debate on S. 2308.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—and I do not intend to object—would the Senator make it clear that those staff members will not remain on the floor during rollcall votes?

Mr. TAFT. I certainly will do that.

Mr. BYRD of West Virginia. No objection.

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

Mr. WEICKER. Mr. President, I ask unanimous consent that I may be permitted to have two staff members on the floor during the debate on this measure, provided they will not be on the floor during any rollcall votes.

Mr. BYRD of West Virginia. No objection.

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

Mr. SPARKMAN. Mr. President, a parliamentary inquiry, and I would like to direct the inquiry to the distinguished Senator from West Virginia, as I present it to the Chair.

The PRESIDING OFFICER. The Senator will state it.

Mr. SPARKMAN. As I understand it, we have a standing rule, informal though it may be, that staff members generally do not remain on the floor during rollcall votes. Is that correct?

Mr. BYRD of West Virginia. Mr. President, if I may respond, the unanimous-consent agreement that was entered into at the beginning of the session with respect to staff personnel not remaining on the floor of the Senate during a rollcall vote was made to apply only to clerks of Senators but not to clerks of committees.

Mr. SPARKMAN. I am grateful to the deputy leader for that clarification.

Mr. CRANSTON. Mr. President, I ask also that I may have two staff members on the floor during the consideration of this measure, with the understanding that they will not remain in the Chamber during rollcall votes.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—and I shall not object—I would like to state that I will have to object if such requests continue to be made, except on the part of Senators who have leading assignments in connection with the bill before the Senate; I do not object to the requests thus far made—with the stipulation that those staff people who are given the privilege of the floor stay seated and be quiet; else, Mr. President, I shall have to ask the Chair to call them to order.

Mr. SPARKMAN. Mr. President, again I invite the attention of the Senator from West Virginia to this: I fully agree with his statement, and may I say that those who have made requests do have a vital interest in the legislation.

Mr. BYRD of West Virginia. Yes. I understand that.

Mr. SPARKMAN. I also suggest that, insofar as it may be practicable, while a Member of the Senate may have two staff members here not more than one of them should sit on the floor with him, and the other should probably stay in the rear of the Chamber. I should think that would be satisfactory.

Mr. BYRD of West Virginia. If the Senator will yield further, Mr. President, I would hope that those Senators who have asked for additional staff members to have the privilege of the floor would supply the names of those staff members to the Sergeant at Arms, so that the order may be precisely and appropriately implemented.

Mr. SPARKMAN. That is with respect to the individual Senators rather than the committee?

Mr. BYRD of West Virginia. No.

Mr. SPARKMAN. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, if I may ask the Senator to yield one additional time—

Mr. SPARKMAN. Yes, indeed.

Mr. BYRD of West Virginia. Mr. President, I hope that it is the understanding of the Sergeant at Arms—and if it is not clear, I ask unanimous consent—that staff members of committees which have no jurisdiction over the measure being considered at a particular time are not included in that regulation which allows up to four staff members of any one committee to remain on the floor at any one time without unanimous consent being granted.

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

Mr. SPARKMAN. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a section-by-section summary of S. 2308, the bill under consideration, and I invite the attention of Senators to this summary when they have an opportunity to read it.

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

SENATE
FLOOR DEBATE
ON
S.382
JULY 22, 1971

constantly seeking suggestions for better ways to achieve energy security with all possible fairness to all. But energy security is, to my mind, an overriding consideration for those like myself, who have the formal responsibility that you not be cold and dark and powerless through energy shortage.

In his recent energy message the President announced that the Department of the Interior would establish a five-year advance schedule for off-shore oil and gas leasing. The Department of the Interior has advised that there are several likely prospects for natural gas and oil off the East Coast, including one off New England, if suitable environmental safeguards are provided. Here you might have an ultimate answer to a better fuel situation in New England.

As you balance the environmental implications with your fuel needs you should recognize that the alternative may be an ever-increasing flow of ship-borne oil. In 1969 there were approximately 525,000 tanker and tanker barge entries into seacoast ports of the United States, of which 1,244 were into the Portland Maine, harbor alone. Even the most conservative estimates indicate this volume of oil-bearing traffic may rise to over 750,000 entries by 1975.

Each of these vessels is a pollution hazard, and an accident to just one large tanker may cause an oil spill much greater than the entire amount involved in the blow-out off Santa Barbara. As a specific case in point, just two months before the damaging Santa Barbara occurrence, the tanker Keo broke up off Massachusetts because of hull failure and spilled 210,000 barrels of volatile #4 oil, far more oil than was lost in the California misfortune.

Our way of life wants more than adequate energy on a day-to-day basis. We want our energy to be consistent with the quality of life we seek to achieve. We want it secure from external disruptions over which our country has no control. We want it at a reasonable cost and without excessive concentration of private economic control.

We Americans do not have to choose between adequate energy and clean air and water. Both are necessary and will be attained; but we will have some troublesome years of transition in effecting these parallel objectives.

In energy as in every other field, problems come with progress. But progress has solved far more than it created. I have only to think back to the kerosene lamp, the woodburning stove and the horse-drawn plow to find reassurance. Today's energy problems are a great challenge. But we of our country have met and surmounted great challenges before, one of the first being the establishment of a sturdy society in New England. You have a great tradition. The first steps in surmounting a great challenge in our democratic system are to understand and to consult about the problems with which we must grapple. I hope these remarks have made a small contribution to that end.

UNIVERSAL VOTER REGISTRATION AMENDMENT TO FEDERAL ELECTION CAMPAIGN ACT

Mr. KENNEDY. Mr. President, next week, during the debate on S. 382, the Federal Election Campaign Act of 1971, I intend to introduce an amendment to establish a system of universal voter registration for the Nation.

In large measure, the dismal turnout of American voters on election day is the result of the fact that the path to the polls is too often an obstacle course for the voter, instead of the incentive to total participation it ought to be. Each year, tens of millions of citizens are disfran-

chised by archaic requirements of registration and residence that should long since have gone the way of the poll tax.

Statistics demonstrate the appalling record of voter participation that America has compiled in recent years. Only 61 percent of our eligible voters actually went to the polls in the 1968 presidential election. Forty-seven million people stayed home, at a time when the winner—President Nixon—was receiving only 31 million votes. Incredible as it may seem, half again as many people stayed away from the polls and voted for the man who is our President.

Indeed, it is fair to say that, of all the great democracies of the Western World, the voting record of America is probably the worst. In 1970 in Britain, 72 percent of the eligible voters went to the polls, and they called it one of the lowest turnouts in history, the lowest since 1935, the cause of the Labor Party defeat. In the most recent elections in other democratic nations, the turnout has been even higher—75 percent in Ireland, 76 percent in Canada, 80 percent in France, 87 percent in Germany, 89 percent in Sweden and Denmark.

At the same time, however, we know that Americans who are registered are Americans who vote. In the 1968 Presidential election, 89 percent of the voters who were registered actually went to the polls and cast their ballots. The heart of the problem, therefore, is the inadequate system of voter registration that now bars millions of our citizens from participation in the most basic right of all in our democratic society—the right to vote. Just as the enactment of the 18-year-old vote last year marked a significant milestone in broadening the base of the electorate, so I believe the next major milestone must be comprehensive reform in our voter registration procedures.

The system of universal voter registration I propose would be based on a simple post card method and computer technology. It would be administered by a new agency to be established in the Census Bureau. Any citizen could register to vote simply by filling in his name, address, and date of birth on a post card form and mailing it to the new agency. Merely by filling out his address on the form, the citizen would determine his voting residence. There would be no requirement of residence for a specific period of time. At a single stroke, therefore, the system would do away not only with burdensome registration requirements, but also with unfair residence requirements that operate to bar voters in almost every State.

With the assistance of computers, the information would be stored, divided according to election districts, and made available by the Census Agency to appropriate State and local election officials, as the official list of eligible voters.

Use of the new voter registration list would be mandatory in Federal elections, and optional for State and local elections. I believe, however, that the simplicity, efficiency, and cost savings of the system would lead to its rapid acceptance for State and local elections as well, so that within a brief period of time, the

Nation would have a truly universal voter registration system for all elections. Our system of democracy deserves no less.

A detailed description of the plan follows:

SUMMARY OF UNIVERSAL VOTER REGISTRATION AMENDMENT

1. A new agency—the Universal Voter Registration Administration (UVRA)—will be established in the Census Bureau. UVRA will be authorized to organize and administer a program of universal voter registration for all Federal elections, and to assist states in their registration for state and local elections.

2. A computer center at UVRA will be established to compile voter rolls on computer tapes. The information compiled will be the name, address, zip code, party designation, date of birth and local precinct of individuals registering to vote.

3. Individuals will register through post card voter registration forms, to be mailed to UVRA. Where appropriate, bilingual forms will be available. The cards will be postage free and will be of the type which allows visual scanning by computers to read the information. The post card form will contain a line for the signature of the individual wishing to register, and the penalty for fraud will be printed on the card. The post card forms will be widely available in all post offices and will also be available to private voter registration groups.

4. To avoid objections based on potential infringements of the right of privacy, UVRA information will not be available to any other Federal agency, and UVRA will not draw on information collected for other purposes by other Federal data centers such as the Internal Revenue Service or the Social Security Administration. The UVRA system will be used for voter registration and no other purpose. Individuals not wishing to register through UVRA will still be able to register through state and local election offices.

UVRA registration will close approximately 30 days before primary or general elections. At that time, the UVRA will compile lists of registered voters by local precincts, and forward the lists to the appropriate state or local election officials. Simply by having his name on the list, any person will thereby be authorized to vote in Federal elections. States will be able to supplement and update the lists in advance of the election.

5. UVRA will be authorized to publicize its lists at appropriate intervals, so that individuals may make changes and additions.

6. UVRA will be authorized to inform individuals of the location of their local polling places.

7. UVRA will be authorized to conduct a media campaign to inform voters of the new registration program, and to encourage voters to register early and spread the computer load evenly throughout the year.

8. Use of the UVRA list will be mandatory for all Federal elections and optional for State and local elections. If state and local officials decide to use the UVRA lists for state and local elections, they may not delete anyone from the list for failure to meet other qualifications.

9. The UVRA is authorized to request information from the states on persons 18 or older who have died in the state since the last report, as well as other appropriate information directly related to the purpose of voter registration.

RELATIONS BETWEEN THE UNITED STATES AND RED CHINA

Mr. TOWER. Mr. President, the subject of Red China and the proper relations between the United States and that power have been much in the news lately.

SENATE
FLOOR DEBATE
ON
S.382
JULY 23, 1971



Mr. MANSFIELD. Mr. President, Thursday, July 15, the President of the United States announced to the Nation that an invitation had been extended to him to visit China sometime before May 1972.

The invitation followed his initiative in sending his personal adviser in national security affairs, Mr. Henry Kissinger, quietly to Peking to discuss questions of Sino-United States relations.

I must say, Mr. President, that the particular announcement caught me as it did many others, by complete surprise. In retrospect, however, it is a development which follows logically from the course which the President has been pursuing, to my personal knowledge, since February 1969. It is not unrelated to the progressive drawdown of U.S. forces from Vietnam. Nor is it unrelated to the Nixon doctrine of a lowered military profile in the Western Pacific. It is, moreover, in a direct line of policy descent with the easing of trade and travel restrictions with the Chinese People's Republic which has taken place under the present administration.

This unprecedented diplomatic initiative is, however, an enormous advance over these other measures. This journey for peace, as the President has termed it, constitutes a quantum leap forward in the Nation's diplomacy. It is an initiative which should not only be applauded, in my judgment, but support for it should be underscored by an articulation of the sentiment of the Congress.

To that end, Mr. President, I send to the desk on behalf of the minority leader and myself, a Senate concurrent resolution and ask that it be read and remain at the desk temporarily.

The PRESIDENT pro tempore. The concurrent resolution will be stated.

The assistant legislative clerk read the concurrent resolution, as follows:

S. CON. RES. 36

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be and is hereby commended for his outstanding initiative in furtherance of the foreign relations of the United States and world peace by deciding to undertake "a journey for peace" to the People's Republic of China.

Resolved, further, by the Senate (the House of Representatives concurring), That the Congress offer and does hereby offer its full faith and support to the President in carrying out the purposes of his journey.

The PRESIDENT pro tempore. Without objection, the concurrent resolution (S. Con. Res. 36) will be received and will lie at the desk.

(The concurrent resolution was subsequently referred to the Committee on Foreign Relations.)

Mr. SCOTT. Mr. President, I congratulate the distinguished majority leader on initiating this concurrent resolution, in which I am glad to join.

I feel that the majority of the Senate—perhaps all the Senate—on reading the concurrent resolution will wish to commend the President on a most important foreign policy decision, one which offers

a hope for peace. The hope is there. While there are risks, the hope is good, and we should wish the President every success on this most important venture of his entire term of office.

ADDITIONAL COSPONSORS OF
A RESOLUTION

SENATE RESOLUTION 145

At the request of Mr. TUNNEY, the Senator from Minnesota (Mr. Mondale) and the Senator from New York (Mr. JAVITS) were added as cosponsors of Senate Resolution 145, urging the Voice of America to broadcast in Yiddish to the Soviet Union.

EMERGENCY LOAN GUARANTEE
ACT—AMENDMENT

AMENDMENT NO. 322

(Ordered to be printed and to lie on the table.)

Mr. MILLER submitted an amendment intended to be proposed by him to the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

THE FEDERAL ELECTION CAMPAIGN
ACT OF 1971—AMENDMENTS

AMENDMENT NO. 321

(Ordered to be printed and to lie on the table.)

Mr. SCOTT. Mr. President, I am today submitting an amendment to S. 382, the Federal Elections Campaign Act of 1971. I ask unanimous consent that the amendment be printed and ordered to lie on the table pending consideration of S. 382 by the Senate.

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

Mr. SCOTT. Mr. President, this amendment is designed as a substitute for a provision already included in S. 382 which would prohibit the extension of unsecured credit, by certain federally regulated industries, to candidates for Federal office. This revised language takes into account the additional technical advice and assistance provided by the Civil Aeronautics Board, the Federal Communications Commission, the Interstate Commerce Commission, and the Department of Justice.

As rewritten, my amendment would still forbid the granting of unsecured credit to candidates by certain industries. But it would permit normal credit card transactions so long as routine safeguards are in accompaniment. Furthermore, to avoid placing the full burden of compliance on the business, the candidate would be required to identify himself as such before engaging in a transaction. And in order to allow for some degree of flexibility, the independent agencies involved here would be empowered to promulgate additional regulations, within 90 days, to carry out the provisions of the amendment. Finally, reports of the transactions would henceforth be contained in the reports of the

candidate, which are already required under the provisions of S. 382.

While existing law forbids corporations from making loans or advances to a candidate in connection with his campaign for Federal office, that provision has not generally been interpreted to preclude the extension of credit by an air carrier, for example, to a passenger or by a communications business to a subscriber. However, the practical effect of such extensions of credit is to create a debt. If the candidate charges communications or transportation services used in his campaign and fails to pay the bill, he has, in effect received an involuntary campaign contribution. The purpose of the prohibition contained in the amendment is to insure that certain regulated business will not be placed in a position of unlawfully, unavoidably, and unintentionally subsidizing political campaign expenses.

This revised amendment represents a significant technical improvement over the amendment originally adopted by the Rules Committee. Further background on the amendment itself is provided in my additional views on pages 109 through 113 of Senate Report No. 92-229. In those views, I deemed "absolutely essential the retention of this amendment to prohibit the extension of unsecured credit to political candidates." Information which has been collected at my request now more than justifies that comment.

Specifically, I asked the General Accounting Office for a complete accounting of all outstanding debts and negotiated settlements associated with certain federally regulated businesses in the course of past political campaigns. The compilation of data is nearly complete and it reveals what I consider to be clearly and totally unacceptable campaign practices by both political parties, not to mention the Federal common carriers themselves.

The information compiled speaks for itself—over \$2.1 million in outstanding airline bills and nearly \$400,000 in outstanding telephone bills. I think it is about time that we political candidates adhered to the fiscal responsibility and accountability standards which we set for others, be it the Pentagon or the Penn Central.

There are those who have said that this amendment is not necessary—that these businesses are fully capable of handling their own transactions. To hold such an opinion is to be completely unaware of the realities. Let us look at the problem as outlined by the General Telephone & Electronics Corp., the Nation's second largest telephone service with companies operating in 34 States. In his July 2, 1971, letter to me, the corporation's executive vice president for telephone operations, James J. Clerkin, Jr. said:

The GTE operating companies support in principle the requirement of Section 206 that the charges for telephone service rendered candidates be fully secured. As you are aware from statistics recently furnished the Federal Communications Commission, the telephone carriers have suffered financial losses in recent years on account of uncol-

lectible debts due the carriers from political committees. We agree that regulated carriers should be protected against involuntary financing of political campaigns.

The basic problem here arises from the inability of the carriers to obtain sufficiently large advance deposits from political customers. In setting the amount of advance deposits in the past, the carriers have been seriously handicapped by the difficulties in justifying deposits sufficient to cover all charges to be incurred in the future by such political customers, while remaining within the limits of Section 202 (a) of the Communications Act of 1934, 47 U.S.C. Section 202 (a), which in general prohibits unjust or unreasonable discrimination among customers.

Proposed Section 206 would make clear that the carriers are entitled to obtain full security in advance for communications charges to be incurred by or on behalf of political candidates.

It is important to note again, for additional emphasis, that current Federal Communications Commission law forbids "unjust or unreasonable discrimination" or "undue or unreasonable prejudice or disadvantages" in "charges, practices, classifications, regulations, facilities, or services for or in connection with like communication service."

The Justice Department has amplified further, and supported, the need for this amendment. Associate Deputy Attorney General Wallace H. Johnson, in a letter to me on July 2, 1971, said:

Existing law prohibits corporations from making, and candidates, committees or others from accepting loans, advances or other contributions in connection with campaigns for nomination or election to Federal office (18 U.S.C. 610). This provision has never been construed, however, to prohibit the furnishing of goods or services on personal credit in the normal course of business.

When airlines, telephone companies and other regulated businesses extend credit for services rendered to a candidate in connection with his campaign, the transaction is very similar to a loan of money. If the debt created by the extension of credit is not paid, the practical effect is the same as that of a cash campaign contribution. Accordingly, the amendments are consistent with both existing law and the purposes of S. 382.

Interstate Commerce Commission Chairman George Stafford has offered his views on the amendment. In a July 16, 1971, letter to me, Chairman Stafford wrote:

This amendment would reinforce the Interstate Commerce Act and past Commission rulings on the extension of credit. Section 222 (c) of the Act prohibits carriers from knowingly and willfully permitting any person to obtain transportation subject to the Act for less than the applicable rate. If a carrier fraudulently tries to evade the requirements of this section, it can be fined up to \$500 for an initial offense and up to \$2,000 for subsequent offenses. The Code of Federal Regulations prescribes the maximum number of days that a carrier may extend credit (see 49 CFR 1320-1324). This Commission has stated that the extension of credit to shippers is the exception and not the rule, and carriers must not extend credit as a matter of course but only when assured of payment. The Commission permits carriers to extend credit only when assured of payment, and that is the main object of the amendment under consideration.

Mr. President, I ask unanimous consent to have printed in the RECORD several documents relating to the indebtedness of political candidates to certain federally regulated businesses, and the amendment I have just submitted.

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

UNITED UTILITIES, INC.,
Kansas City, Mo., July 1, 1971.

MR. KELLY E. GRIFFITH,
Chief, Domestic Rates Division for Chief,
Common Carrier Bureau, Federal Communications Commission, Washington, D.C.

DEAR MR. GRIFFITH: Enclosed is the information requested in General Accounting Office letter of May 12, 1971 and June 10, 1971 insofar as we are able to comply.

Our records are not in form needed for expedient retrieval of this information as they are not categorized by class of account. Therefore, each account had to be examined and evaluated to determine if it fell within the category "campaign debts" (telephone service). We assume that this term (campaign debt) is intended to cover bills for telephone services to candidates during the campaign period which were not paid in full.

We have supplied the requested information for the General Election in the years 1968 and 1970 provided that the candidate's name, which will include such accounts as Citizens for —, is a part of the billed account. There are undoubtedly accounts that the very name shows some political affiliation but nothing would indicate support for a particular candidate. Due to the time and cost involved we did not attempt to identify and research these various organizations to determine if they supported local, state, or federal candidates and what candidates if they did happen to fall into the federal classification.

It would be an insurmountable task to provide the requested information from our records for primary elections. We will only be able to accomplish this if supplied with a list of primary candidates by year for each of our operating territories. The information we could then supply would be subject to the limitations for General Elections as discussed above.

The policies of the United Telephone System Companies with respect to billing and collection procedures of political campaign bad debts are not different than any other bad debt. When delinquent accounts develop, service is discontinued in accordance with filed tariffs and collection procedures begin. Specific administrative procedures vary slightly from one United Company to another but each company makes every reasonable effort to collect all amounts due. Where the known cost of collection exceeds the possible recovery the collection procedure is discontinued.

This information is submitted in accordance with your telephone agreement of June 23 to extend the due date to July 1, 1971.

Sincerely,

FRANK R. VENTURA.

POLITICAL CAMPAIGN DEBTS

	Amount	Phone number
United Telephone Co. of Florida: Wallace Campaign Headquarters— Final bill, Dec. 15, 1968; written off, Mar. 19, 1969; collected in full, Feb. 18, 1971...	\$13.23	813-763-4677

	Amount	Phone number
United Telephone Co. of Indiana: Kennedy Campaign Headquarters— Final bill, June 13, 1968; written off, Feb. 13, 1969.....	15.42	317-872-4691
Do.....	15.04	317-872-4391
Nixon campaign headquarters— Final bill, July 7, 1968.....	\$78.26	219-722-2171
written off, Nov. 13, 1968.....		
Wallace Campaign Headquarters— Final bill, Nov. 19, 1968.....	5.38	219-244-6405
written off, June 25, 1969.....		
McCarthy Campaign Headquarters— Final bill, June 11, 1968; written off, July 22, 1968.....	18.89	219-244-7626
Do.....	18.64	219-244-7627
McCarthy Campaign Headquarters— Final bill, June 25, 1968; written off, July 11, 1968.....	5.97	219-267-2596
New Jersey Telephone Co.: New Jersey Nixon Now Corp.— Final bill, June 5, 1968.....	23.26	201-827-6979
written off, Sept. 5, 1968.....		
United Telephone Co. of Ohio: Citizens for Robert E. Cecil— Final bill, Nov. 6, 1968; written off, May 28, 1969.....	85.32	513-592-1968
Citizens for Howard Metzbaum— Final bill, Jan. 8, 1971; written off, Feb. 19, 1971.....	20.47	513-225-4010
United Telephone Co. of the West: Nebraskans for Kennedy—Both removed May 15, 1968; both written off, Apr. 8, 1969.....	180.35	308-632-6194
	2.95	308-632-6312

GTE SERVICE CORP.,
Washington, D.C., July 16, 1971.

R: 9330.

MR. BEN WAPLE,
Secretary, Federal Communications Commission, Washington, D.C.

DEAR MR. SECRETARY: This letter is being written in response to the letters from the Chief, Domestic Rates Division of the Commission's Common Carrier Bureau, dated May 24 and July 7, 1971, to the Executive Vice President and General Counsel of GTE Service Corporation, Mr. Theodore F. Brophy. Mr. Brophy is presently out of the country, and I am responding in accordance with Mr. Brophy's letter to the Commission of July 9, 1971.

We are requested by the Commission to furnish on behalf of the GTE telephone operating companies certain information concerning uncontrollable accounts. Attachment No. 1 to Mr. Brophy's letter of June 25, 1971, indicated that the companies' books reflected no current outstanding debts for telephone service incurred by Federal candidates in the 1968 and 1970 campaigns and further indicated that election uncollectibles for years 1968-70 aggregated \$75,189.75. With reference to these uncollectibles, Mr. Brophy's letter of July 9 stated that, "although our operating telephone companies have written off as uncollectible the campaign debts referred to in item 3 of that letter, they are still making every effort to collect the unpaid amounts."

The attachment to this letter lists "information by billing party and by candidate for all campaign debts for telephone service written off as uncollectible in the years 1968, 1969 and 1970", as requested in the July 7 letter. Efforts have been made by the Service Corporation to confirm from company records the accuracy of the data submitted herewith, although counsel is informed that certain contemporaneous records regarding these accounts are no longer available.

Certain discrepancies between the aggregate figures submitted on June 25 and the itemized figures submitted herewith result from deletion of: (1) several accounts relating to candidates for State office which were included in the original compilation; (2) one account with a balance of less than one dollar, as to which no confirmation was

attempted; (iii) two accounts as to which payment has in fact been received; (iv) one account with a balance of \$25.65 which now appears to not be a political account; and (v) two 1968 accounts with balances of less

than \$300 each where the customer believes that the bills have been paid, and we have been unable to reconcile the customer's accounts and the companies' accounts in the time available.

I trust that the attachment supplies the additional information that you require. Respectfully submitted.

WILLIAM MALONE,
Resident Attorney.

POLITICAL CAMPAIGN DEBTS OF GENERAL TELEPHONE COMPANIES

Incurred by	Number of accounts	Amount owed	General Telephone Co. of—	Incurred by	Number of accounts	Amount owed	General Telephone Co. of—
McCarthy for President Headquarters.....	9	\$328.55	Midwest.	Citizens for Kennedy.....	1	19.98	Upstate New York.
Do.....	25	1,108.49	Northwest.	Kennedy headquarters.....	4	505.13	California.
Do.....	27	6,380.06	Indiana.	VIVA Kennedy.....	2	241.15	Do.
Do.....	12	42,185.34	California.	Democratic Campaign for Kennedy.....	1	196.17	Do.
Humphrey for President.....	1	8.98	Do.	Oregon for Kennedy.....	4	65.97	Northwest.
Humphrey Campaign for President.....	47	1,211.42	Pennsylvania.	Women for Nixon.....	1	59.65	Kentucky.
Muskie Campaign for President.....	5	177.22	Do.	Ohio Citizens for Nixon.....	1	498.30	Ohio.
Humphrey-Muskie.....	1	10.01	Florida.	Lake City, S.C. Republican Headquarters.....	1	84.09	Southwest.
Do.....	2	41.24	Upstate, New York.	Myrtle Beach, S.C. Republican Party.....	1	32.53	Do.
Humphrey-Muskie—Democratic National Committee.....	2	36.72	Do.	Wallace Campaign Headquarters.....	1	9.47	Illinois.
Do.....	2	100.86	Kentucky.	Wallace for President.....	1	100.00	California.
Do.....	25	731.30	Pennsylvania.	Tunney for Senate ¹	1	36.85	Do.
Do.....	6	99.53	Northwest.	Muskegon Volunteers for Phillip Hart ¹	1	163.27	Michigan.
Do.....	1	317.35	Michigan.	Ralph T. Smith for Senate ¹	9	200.72	Illinois.
Do.....	5	569.05	California.	Joe Lovingood for Congress ¹	1	148.06	Florida.
Humphrey-Muskie—Democrat Headquarters.....	3	263.87	Do.	Sperrazo for Congress.....	2	1,214.60	California.
Humphrey-Muskie—Democratic National Committee.....	1	32.65	Southwest.	LaFollette for Congress ¹	2	455.13	Do.
Humphrey-Muskie Campaign—black.....	1	44.98	Southeast.	Dan Chandler for Congress.....	1	323.12	Kentucky.
Humphrey-Muskie—Democratic National Committee.....	5	118.10	Ohio.	O'Dell for Congress ¹	1	1,152.91	Northwest.
Do.....	3	43.45	Southwest.	Wally Turner for Congress.....	1	654.86	Do.
Humphrey-Muskie—Venango County Democratic Committee.....	1	11.53	Pennsylvania.	McQuarry for Congress.....	1	306.40	Do.
Kennedy for President.....	35	1,931.41	Northwest.	Thorn for Congress.....	1	441.07	Do.
Do.....	2	335.39	California.	Hayden for Congress.....	1	490.52	California.
Do.....	14	3,328.44	Do.				
Do.....	15	570.43	Midwest.				
				Total indebtedness to general system.....		68,386.14	

¹ Billing owed from 1970 campaigns; all other figures are from 1968 campaigns.

NEW YORK, N.Y.,
June 22, 1971.
FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C.
Attention: Mr. Kelley E. Griffith, Chief, Domestic Rates Division.

GENTLEMEN: Information on political campaign obligations is attached for your transmittal to Senator Scott as requested in your letter dated May 24.

Because of the strike of Western Union employees called on June 1, this information is of necessity confined to the more recent better known situations subject to ready identification. Every effort has been made to include the major accounts which would be of interest to Senator Scott. There are undoubtedly other unpaid balances which can be identified by employees experienced in their particular ledgers. Also there may be other write-offs prior to 1968 campaigns.

These are believed to be very few in number and involve more nominal amounts. As promptly as possible, after the strike is settled, a supplemental report will be submitted on these other accounts.

While the interest of Senator Scott is in political campaign debts, our records contain no identification to segregate political from personal traffic. For members of the Congress, it is therefore necessary to list all present outstanding bills for personal account or in excess of allowances even though only a small portion of the balance, if any, may have been incurred in connection with political activity.

Along similar lines, the obligations of State Committees may have been incurred to finance in part the campaigns of Congressional candidates. Available information has therefore been included in the report on these accounts.

It will be noted that it is policy to grant credit to political candidates prior to nomination only when the account is guaranteed by the national political party or by a rank, prominent businessman, or other individual sponsor with sufficient responsibility to assure payment. As the result of experience on 1968 campaign debts, policy is to be tightened for services rendered prior to nomination. Thereafter any granting of credit is to be in the name of and at the request of the national political party.

It is regretted that complete information cannot be included in this report. As soon as the strike is settled, we shall be able to complete our investigation and will rush the additional data to you as promptly as possible.

Yours very truly,
A. I. CULLEN,
Vice President and Comptroller.

SCHEDULE I
OUTSTANDING ACCOUNTS, AS AT JUNE 15, 1971

Account	Amount of debt	Dates incurred	Account	Amount of debt	Dates incurred
McCarthy for President, Washington, D.C.....	\$14,485.41	May to September 1968.	Democratic National Committee, Washington, D.C.....	\$109,820.13	June 1968 to June 1969.
Rockefeller for President, Washington, D.C.....	5,190.52	May to July 1968.			January and February 1970.
Muskie Election Committee, Washington, D.C.....	5,907.34	November 1970.			December 1970 and May 1971.
Illinois Citizens for Nixon, Chicago, Ill.....	809.49	November 1968.			
Hoellen for Congress, Chicago, Ill.....	17.40	Do.	United Democrats for Humphrey, Washington, D.C.....	33,011.33	April to November 1968.
Republican National Committee, Washington, D.C.....	2,607.21	March to May 1971.	Citizens for Humphrey-Muskie, Washington, D.C.....	59,478.86	May to November 1968.
United Republican Fund (Ill.), Chicago, Ill.....	724.71	February 1970.	Humphrey for President, Washington, D.C.....	190.55	June to November 1968.
			Democratic National Committee (Ill.) Chicago, Ill.....	1,396.25	November 1968.
			Republican State Committee (Mich.) Lansing, Mich.....	1,221.95	1970.

SCHEDULE II
WRITEOFFS OF CAMPAIGN DEBTS

Name	Amount of debt	Date incurred	Date of writeoff
New York State Democratic Committee, New York, N.Y.....	\$2,903.96	July 1966 to February 1968.....	May 1970.
Rafferty for U.S. Senator, San Francisco, Calif.....	550.85	November 1968.....	October 1969.
Harold E. Stassen, Madison, N.J.....	1,484.70	February to April 1968.....	May 1970.

SCHEDULE III
SETTLEMENTS FOR LESS THAN AMOUNT DUE

Name	Amount of debt	Dates incurred	Date	Settlement Amount
Kennedy for President, Washington, D.C.	\$30,690.46	May and June 1961	July 1969	\$15,395.23

AMERICAN TELEPHONE & TELEGRAPH CO.,
New York, N.Y., July 7, 1971.
Mr. BERNARD STRASSBURG,
Chief, Common Carrier Bureau, Federal Communications Commission, Washington, D.C.

DEAR MR. STRASSBURG: This is in reply to your letters of May 24, 1971, and June 21, 1971 (file 9330), which enclosed copies of letters from the General Accounting Office (GAO) requesting that we obtain and furnish certain information regarding political campaign debts owed to the telephone companies.

In accordance with our initial reply of

June 17, 1971, we are enclosing data for the years 1968, 1969, and 1970 with respect to the amounts "written off as uncollectible." The term "written off as uncollectible" means that, in accordance with the F.C.C.-prescribed Uniform System of Accounts, we have charged our reserve for uncollectible accounts with amounts which are impracticable of collection. An amount is not considered to be impracticable of collection until after significant collection effort has been made. However, we do not consider any such amount as written off in the sense of discharging the debtor; nor do we discontinue collection efforts. All amounts there-

after collected as a result of continuing collection efforts are credited to the reserve account.

The remainder of the information, as specified in the revised GAO request transmitted with your June 21, 1971, letter, is being processed and we expect it to be available by August 2, 1971.

If you have any questions regarding the attached information, we shall be glad to discuss them at your convenience.

Sincerely,

D. E. EMERSON.

ACCOUNTS OF CANDIDATES FOR FEDERAL OFFICE
CLASSIFIED "WRITTEN-OFF AS UNCOLLECTABLE" DURING THE YEAR 1970

Company and billing name	Name of candidate	Federal office involved	Date of entry	Amount
New England—Nothing to report.				
Southern New England—Nothing to report.				
New York: B. Terry	McCarthy	President	Apr. 9, 1970	17.9
New Jersey—Nothing to report.				
Pennsylvania:				
Citizens Comm. for Humphrey	Humphrey	do	Jan. 1, 1970	66.2
Gerald Segal	do	do	Jan. 22, 1970	189.9
Do	do	do	do	17.4
Do	do	do	Jan. 4, 1970	105.0
Ally, Cnty. Rep. Comm.	Nixon-Agnew	do	Jan. 8, 1970	24.8
Reece for U.S. Senate	Reece	Senator	July 27, 1970	14.4
Ally, Cnty. Rep. Comm.	Nixon	President	Jan. 8, 1970	1,026.5
Do	do	do	Jan. 21, 1970	25.6
Total				1,470.1
C. & P. Co.—Nothing to report.				
C. & P. Maryland—Nothing to report.				
C. & P. Virginia—Nothing to report.				
C. & P. West Virginia—Nothing to report.				
Unable to locate billing party (bills returned—party unknown.)				
Southern Bell—Fred Steele, in care of Mrs. Funderburke	Steele	Representative	Feb. 23, 1970	126.90
South Central:				
McCarthy for President	McCarthy	President	Jan. 2, 1970	79.35
Do	do	do	do	62.69
Do	do	do	Feb. 23, 1970	1.44
Do	do	do	May 26, 1970	187.45
Kentuckians for Rockefeller	Rockefeller	do	Jan. 2, 1970	144.58
Total				475.52
Ohio:				
Ohio Committee for G. C. Wallace, American Independent Party, Inc.	Wallace	President	Jan. 6, 1970	44.37
McGovern for President Committee	McGovern	do	do	30
Wallace for President Committee	Wallace	do	do	16.67
Total				61.34
Cincinnati Bell—Nothing to report.				
Michigan—Nothing to report.				
Indiana—McCarthy for President	McCarthy	President	Dec. 12, 1970	51.20
Wisconsin—Nothing to report.				
Illinois: Rockefeller Campaign Hqtrs., Garon Creel Douglass, Chmn.	Rockefeller	do	June 22, 1970	1,173.52
Northwestern:				
McCarthy for President	McCarthy	do	1970	92
Democrats for McCarthy	do	do	1970	65.30
McCarthy for President	do	do	1970	124.30
Total				190.52
Southwestern: Breeding for Senator	Breeding	Senator	Jan. 29, 1970	321.68
Mountain: Nothing to report.				
Pacific Northwest:				
Buffalo National Party			August 1970	573.18
Grady Sanders	Sanders	Representative	Dec. 1970	8.30
Total				581.48

Footnotes at end of table.

ACCOUNTS OF CANDIDATES FOR FEDERAL OFFICE—Continued
 CLASSIFIED "WRITTEN-OFF AS UNCOLLECTABLE" DURING THE YEAR 1970—Continued

Company and billing name	Name of candidate	Federal office involved	Date of entry	Amount
Pacific:				
Bob Moss	Humphrey	President	Jan. 12, 1970	31.67
Kennedy Tour	Kennedy	do.	Jan. 9, 1970	18.97
Kennedy for President	do.	do.	do.	4.55
Do.	do.	do.	do.	35.95
Kennedy for President, Campaign Committee	do.	do.	Apr. 6, 1970	27.38
Do.	do.	do.	do.	6.20
Do.	do.	do.	do.	10.18
Do.	do.	do.	do.	4.19
Do.	do.	do.	do.	22.69
Do.	do.	do.	do.	30.26
Kennedy for President Committee	do.	do.	do.	10.06
Kennedy for President Campaign Committee	do.	do.	Mar. 9, 1970	37.51
Kennedy for President Committee	do.	do.	Mar. 18, 1970	3.07
Kennedy for President Campaign Committee	do.	do.	Apr. 6, 1970	34.00
Kennedy for President	do.	do.	Jan. 17, 1970	38.55
Do.	do.	do.	Jan. 13, 1970	31.60
Do.	do.	do.	do.	17.79
Do.	do.	do.	Jan. 21, 1970	46.31
Do.	do.	do.	do.	42.05
Pat Dugan	Nixon	do.	Jan. 16, 1970	35.59
McCarthy for President	McCarthy	do.	Jan. 13, 1970	5,703.59
Robert McLane	Brown	Senator	July 18, 1970	8.78
Brad Hill	do.	do.	Sept. 21, 1970	.63
William Malone	Cranston	do.	Aug. 3, 1970	7.64
John Mayfield, Jr.	Mayfield	do.	Sept. 14, 1970	12.81
Do.	do.	do.	do.	1.75
Evan J. McLean	Murphy	do.	Sept. 3, 1970	7.86
Clifford Young	Cohelan	Representative	Sept. 24, 1970	37.17
James E. Peterson	Dellums	do.	do.	.74
Total				6,268.64
New England:				
Ally. John Holland, c/o McCarthy for President	McCarthy	President	Dec. 24, 1969	55.17
Do.	do.	do.	do.	59.29
Do.	do.	do.	do.	29.54
Do.	do.	do.	do.	30.05
Do.	do.	do.	do.	29.64
Do.	do.	do.	do.	30.10
Do.	do.	do.	do.	56.99
Do.	do.	do.	Dec. 4, 1969	343.12
Do.	do.	do.	do.	385.39
Do.	do.	do.	do.	367.62
Do.	do.	do.	do.	260.81
Do.	do.	do.	do.	666.86
Do.	do.	do.	Nov. 10, 1969	196.88
Do.	do.	do.	do.	78.49
Do.	do.	do.	do.	74.50
Do.	do.	do.	do.	103.92
Do.	do.	do.	do.	112.28
Do.	do.	do.	do.	85.55
Do.	do.	do.	do.	54.79
Do.	do.	do.	do.	127.87
Do.	do.	do.	do.	178.67
Do.	do.	do.	do.	171.23
Do.	do.	do.	do.	106.72
Do.	do.	do.	Oct. 24, 1969	22.07
Do.	do.	do.	do.	25.91
Do.	do.	do.	do.	26.21
Do.	do.	do.	do.	24.45
Do.	do.	do.	do.	22.73
Do.	do.	do.	do.	24.09
Do.	do.	do.	do.	25.26
Do.	do.	do.	do.	21.57
Do.	do.	do.	do.	22.58
Do.	do.	do.	do.	20.76
Do.	do.	do.	do.	26.77
Do.	do.	do.	do.	23.89
Do.	do.	do.	do.	26.57
Do.	do.	do.	do.	23.89
Do.	do.	do.	do.	22.28
Do.	do.	do.	do.	15.34
Do.	do.	do.	do.	31.69
Do.	do.	do.	Sept. 16, 1969	208.05
Do.	do.	do.	do.	1,637.72
Do.	do.	do.	Nov. 10, 1969	18.01
Do.	do.	do.	Sept. 24, 1969	51.11
Do.	do.	do.	do.	26.92
Do.	do.	do.	do.	270.94
Do.	do.	do.	do.	53.13
Do.	do.	do.	do.	34.56
Do.	do.	do.	do.	294.71
Do.	do.	do.	do.	283.83
Do.	do.	do.	do.	110.20
Do.	do.	do.	do.	176.13
Do.	do.	do.	do.	175.98
Do.	do.	do.	do.	89.14
Do.	do.	do.	do.	100.72
Do.	do.	do.	do.	102.27
Do.	do.	do.	do.	100.25
Do.	do.	do.	Nov. 10, 1969	15.72
Total				7,710.50
Southern New England—Nothing to report.				
New York—Nothing to report.				
New Jersey—Nothing to report.				
Pennsylvania:				
Citizens for McCarthy	do.	President	Feb. 11, 1969	31.05
Do.	do.	do.	Jan. 17, 1969	13.65
Do.	do.	do.	Mar. 17, 1969	822.22
Ally. Cnty. Republican Comm.	Nixon	do.	Dec. 19, 1969	12.51
Total				879.43

Footnotes at end of table.

Company and billing name	Name of candidate	Federal office involved	Date of entry	Amount
C & P Co.: Wallace for President.....	Wallace.....	President.....	Nov. 1969	227.59
C & P, Maryland—Nothing to report.				
C & P, Virginia—Nothing to report.				
C & P, West Virginia—Nothing to report.				
Southern Bell:				
Zimmerman for U.S. Senate.....	Zimmerman.....	Senator.....	Feb. 11, 1969	66.00
Wallace for President—State Headquarters.....	Wallace.....	President.....	May 6, 1969	305.75
Total.....				371.75
South Central:				
McCarthy for President.....	McCarthy.....	President.....	Sept. 15, 1969	155.05
Do.....	do.....	do.....	Oct. 1, 1969	202.45
Total.....				357.50
Ohio—Nothing to report.				
Cincinnati Bell—Nothing to report.				
Michigan: Gary Frink for Congress.....	Frink.....	Representative.....	Jan. 16, 1969	1,247.57
Indiana:				
McCarthy for President.....	McCarthy.....	President.....	Dec. 1969	1,026.00
Do.....	do.....	do.....	do.....	190.00
Do.....	do.....	do.....	do.....	282.90
Do.....	do.....	do.....	do.....	28.50
Do.....	do.....	do.....	do.....	240.64
Do.....	do.....	do.....	do.....	606.16
Do.....	do.....	do.....	do.....	176.98
Do.....	do.....	do.....	do.....	28.04
Do.....	do.....	do.....	do.....	24.45
Do.....	do.....	do.....	do.....	90.96
Do.....	do.....	do.....	do.....	29.15
Do.....	do.....	do.....	do.....	22.61
Do.....	do.....	do.....	do.....	26.35
Do.....	do.....	do.....	do.....	41.17
Do.....	do.....	do.....	do.....	216.40
Do.....	do.....	do.....	do.....	299.14
Do.....	do.....	do.....	do.....	240.68
Do.....	do.....	do.....	do.....	1,184.46
Do.....	do.....	do.....	do.....	239.05
Do.....	do.....	do.....	do.....	60.66
Do.....	do.....	do.....	do.....	7,073.86
Do.....	do.....	do.....	do.....	787.48
Do.....	do.....	do.....	do.....	1,254.77
Do.....	do.....	do.....	do.....	791.71
Do.....	do.....	do.....	do.....	245.00
Do.....	do.....	do.....	do.....	18,113.75
Do.....	do.....	do.....	do.....	812.22
Do.....	do.....	do.....	do.....	599.61
Do.....	do.....	do.....	do.....	156.63
Do.....	do.....	do.....	do.....	816.74
Do.....	do.....	do.....	do.....	642.12
Do.....	do.....	do.....	do.....	404.70
Do.....	do.....	do.....	do.....	445.41
Do.....	do.....	do.....	do.....	1,858.50
Do.....	do.....	do.....	do.....	450.42
Do.....	do.....	do.....	do.....	25.96
Do.....	do.....	do.....	do.....	131.61
Do.....	do.....	do.....	do.....	141.15
Do.....	do.....	do.....	do.....	492.99
Do.....	do.....	do.....	do.....	25.95
Do.....	do.....	do.....	do.....	147.14
Do.....	do.....	do.....	do.....	147.14
Do.....	do.....	do.....	do.....	147.14
Do.....	do.....	do.....	do.....	147.14
Do.....	do.....	do.....	do.....	147.14
Do.....	do.....	do.....	do.....	147.14
Do.....	do.....	do.....	do.....	147.14
Do.....	do.....	do.....	do.....	147.14
Do.....	do.....	do.....	do.....	621.75
Do.....	do.....	do.....	do.....	615.00
Do.....	do.....	do.....	do.....	615.00
Do.....	do.....	do.....	do.....	615.00
Do.....	do.....	do.....	do.....	615.00
Do.....	do.....	do.....	do.....	615.00
Do.....	do.....	do.....	do.....	615.00
Do.....	do.....	do.....	do.....	615.00
Do.....	do.....	do.....	do.....	615.00
Do.....	do.....	do.....	do.....	620.89
Do.....	do.....	do.....	do.....	2,265.00
Total.....				48,399.65
Wisconsin—Nothing to report.				
Illinois—Nothing to report.				
Northwestern:				
McCarthy for President.....	McCarthy.....	President.....	1969	85.00
Do.....	do.....	do.....	1969	76.62
Do.....	do.....	do.....	1969	139.11
Democrats for McCarthy.....	do.....	do.....	1969	36.84
McCarthy Headquarters.....	do.....	do.....	1969	5,334.33
Total.....				5,671.90
Southwestern—Nothing to report.				
Mountain—Nothing to report.				

Footnotes at end of table.

ACCOUNTS OF CANDIDATES FOR FEDERAL OFFICE—Continued
 CLASSIFIED "WRITTEN-OFF AS UNCOLLECTABLE" DURING THE YEAR 1970—Continued

Company and billing name	Name of candidate	Federal office involved	Date of entry	Amount
Pacific Northwest—Nothing to report.				
Pacific:				
Californians for Humphrey, Inc.	Humphrey	President	Sept. 15, 1969	20.71
Sam Keith	do	do	Feb. 7, 1969	22.39
Nixon-Agnew Campaign	Nixon	do	Feb. 3, 1969	10.92
Nixon-Agnew	do	do	Jan. 31, 1969	.42
Nixon-Agnew Campaign Comm.	do	do	Feb. 17, 1969	1.25
Nixon-Agnew Campaign	do	do	May 21, 1969	23.45
Nixon-Agnew Campaign Comm.	do	do	do	34.98
Do	do	do	do	47.78
Democratic National Comm. for Muskie	Muskie	do	Sept. 15, 1969	34.98
Bob Walters	Wallace	do	Mar. 19, 1969	13.73
William C. Washington	McCarthy	do	July 30, 1969	112.16
John Atkisson	do	do	Oct. 10, 1969	256.02
McCarthy for President	do	do	Dec. 10, 1969	105.77
Do	do	do	do	234.67
McCarthy for President Comm.	do	do	Dec. 5, 1969	179.69
Richard Dentine	do	do	Nov. 28, 1969	67.23
Agnew-Nixon Campaign	Agnew	Vice President	Oct. 28, 1969	3.08
Do	do	do	May 28, 1969	21.99
Eli Broad	Cranston	Senator	Feb. 18, 1969	1.63
Do	do	do	Feb. 28, 1969	.55
Do	do	do	Feb. 7, 1969	.55
Do	do	do	do	1.01
Do	do	do	do	.71
Do	do	do	Feb. 17, 1969	.68
Do	do	do	do	6.67
Do	do	do	do	3.19
Do	do	do	do	.28
Do	do	do	Feb. 12, 1969	33.35
Do	do	do	Apr. 11, 1969	1.48
Rafferty for U.S. Senate	Rafferty	do	Mar. 4, 1969	26.59
Do	do	do	Aug. 19, 1969	
Total				1,267.91
New England—Nothing to report.				
Southern New England—Nothing to report.				
New York:				
J. A. Scheuer	Scheuer	Representative	Sept. 23, 1968	1.44
J. E. Resnick	Resnick	do	Sept. 27, 1968	2.50
Total				2.94
New Jersey—Nothing to report.				
Pennsylvania—Nothing to report.				
C. & P. Co.—Nothing to report.				
C. & P., Maryland—Nothing to report.				
C. & P., Virginia—Nothing to report.				
C. & P., West Virginia—Nothing to report.				
Southern Bell—Nothing to report.				
South Central:				
United Democrats for Humphrey	Humphrey	President	Nov. 15, 1968	22.63
Nashville Volunteers WATS for McCarthy	McCarthy	do	Nov. 8, 1968	15.84
Total				38.47
Nothing to report.				
Cincinnati Bell—Nothing to report.				
Michigan: McCarthy for President Headquarters	McCarthy	President	Nov. 27, 1968	7.53
Indiana—Nothing to report.				
Wisconsin—Nothing to report.				
Illinois—Nothing to report.				
Northwestern: McCarthy for President	McCarthy	President	1968	2.18
Southwestern:				
McCarthy for President	McCarthy	President	Dec. 3, 1968	20.57
Young Americans, Inc.	Wallace	do	Dec. 4, 1968	52.75
Total				73.32
Mountain—Nothing to report.				
Pacific Northwest—Nothing to report.				
Pacific:				
Serralle & Winner	Humphrey	President	Dec. 4, 1968	20
Kennedy Campaign	Kennedy	do	Sept. 20, 1968	33
Kennedy Tour	do	do	July 15, 1968	19
Do	do	do	do	19
William J. Lockyear	do	do	Aug. 5, 1968	40
Kennedy for President	do	do	Aug. 26, 1968	41
M. Conley, Kennedy for Pres.	do	do	Aug. 27, 1968	30
Kennedy Headquarters	do	do	June 27, 1968	47
McCarthy for President Hqtrs.	do	do	Aug. 28, 1968	47
Do	McCarthy	do	Oct. 10, 1968	35
McCarthy Headquarters	do	do	Oct. 17, 1968	36
William C. Washington	do	do	Oct. 15, 1968	46
Don Rothenberg	do	do	Aug. 27, 1968	28
John Atkisson	do	do	Sept. 6, 1968	20
McCarthy for President	do	do	Sept. 26, 1968	245
McCarthy for President Hqtrs.	do	do	Oct. 16, 1968	149
McCarthy for President	do	do	Oct. 10, 1968	189
McCarthy for President Hqtrs.	do	do	Oct. 7, 1968	74
Do	do	do	Nov. 11, 1968	58
Harry Garo	do	do	Oct. 10, 1968	77
McCarthy for President	do	do	Oct. 15, 1968	102
McCarthy for President Campaign	do	do	Oct. 2, 1968	120
Do	do	do	Sept. 5, 1968	276
Northern California McCarthy for President Campaign Hqtrs.	do	do	do	189
McCarthy for President Campaign	do	do	Sept. 26, 1968	241
George E. Brown, Jr.	Brown	Representative	Aug. 15, 1968	27
Bill Roberts	Kuchel	Senator	Aug. 27, 1968	30
Total				2,254

¹ As of July 7, 1971.

² Balances of less than \$1 are written-off automatically 30 days following bill without collection effort.

³ Balances of less than \$10 are written-off automatically following second routine letter requesting payment.

UNITED AIR LINES,
Chicago, Ill., June 14, 1971.

Re Information on Political Campaign Debts.
Mr. ALLAN CRAIG,
Director, Bureau of Accounts and Statistics,
Civil Aeronautics Board, Washington,
D.C.

DEAR SIR: In response to your letter of May 14, 1971, reference the above, please be advised that insofar as pertains to United:

1. Outstanding campaign debts for candidates for federal office from 1962, as of April 30, 1971, are:

A. Nixon-Agnew campaign—Oct. & Nov. 1968, \$75,107.55.

B. Humphrey-Muskie campaign—Oct. & Nov. 1968, \$79,083.65.

C. Democratic National Committee (incurred by R. F. Kennedy)—Mar. & Apr. 1968, \$12,651.97.

2. Eugene McCarthy and individuals acting for Mr. McCarthy incurred freight charges of approximately \$1,213.66 during his campaign in the latter part of 1968. These charges were incurred without benefit of his campaign ATP account or the endorser to that account. When the campaign organization went out of business, they offered to pay 50¢ on the dollar for this account. Since United had no endorser and no other hope of recovery, the account was settled for \$606.83 and an equal amount, \$606.83, was written off. This write-off occurred during early 1969.

3. From May through September, 1968, the Eugene McCarthy for President National Headquarters incurred indebtedness of \$34,386.03. Payment of \$5,000 was made by the National Headquarters. An additional \$425.00 representing the ATP deposit was also ap-

plied to the account. Litigation for the balance of \$28,961.03 was settled in March of 1971 for \$22,500.00. Approximately \$1,525.00 of the balance was for charges of questionable recoverability. If the case had been pursued to judgment, attorneys fees could have been ½ or approximately \$9,000.00, leaving a net to United of approximately \$18,000.00. Since the present settlement netted United \$20,000.00 (\$2,500.00 in fees to counsel), United's counsel recommended settlement at that figure.

4. There is no different policy and procedure with respect to billing and collection of debts incurred by candidates for federal office during political campaigns. The policy and procedure applied is in accord with United's tariffs, where applicable, and is the same for the billing and collection of these as for any other debts.

Very truly yours,
R. E. BRUNO,
Senior Vice President, Finance and Property.

AMERICAN AIRLINES,
New York, N.Y., June 10, 1971.

Mr. ALLAN CRAIG,
Director, Bureau of Accounts and Statistics,
Civil Aeronautics Board, Washington,
D.C.

Subject: Information on Political Campaign Debts.

DEAR MR. CRAIG: Concerning your May 14, 1971, letter re the above mentioned subject, we respectfully submit the following:

(1) Outstanding campaign debts incurred by candidates for Federal office from 1962 to the present.

Name of candidate or political organization	Balance Apr. 30, 1971	Year debt incurred			Prior 1968
		1970	1969	1968	
Republican National Finance Committee	\$151,871		\$18,587	\$13,284	
Richard M. Nixon	69,386		66,710	2,666	
National Democratic Committee	426,833	\$20,548	85,031	371,254	
Robert F. Kennedy	415,120		328	4,792	
Hubert H. Humphrey	138,762		120,113	8,649	
McCarthy for President	135,872			135,872	
Total	1,337,834	20,548	290,769	1,016,517	

(2) No campaign debts have been written off by American Airlines from 1962 to the present.

(3) No amounts owed by candidates for Federal office were settled by American Airlines for less than full value during the period 1962 to the present.

(4) With the one exception of actually proceeding with a courtroom litigation, which we have never done in the case of political parties, political organizations, or political candidates, no differences exist in our billing and collection procedures regarding candidates and others served by American Airlines. In the case of Universal Air Travel Plan charges, we bill twice monthly. In all other cases we bill monthly. Follow-up of delinquent accounts is done intermittently by phone and by letter supplemented with periodic personal visits. Because of the substandard credit relations American Airlines has experienced with the above, we have taken a firm position regarding the assumption of new political accounts. We now ask for personal guarantees in all cases involving individual candidates and can report that we have declined the applications of at least two well-known candidates in the last year where guarantees have not been forthcoming.

If there is any additional information you would require, we will be more than happy to provide it.

Very truly yours,
R. M. BRESSLER,
Vice President and Treasurer.

JOHNSON FLYING SERVICE, INC.,
Missoula, Mont., June 9, 1971.

ALLAN CRAIG,
Director, Bureau of Accounts and Statistics,
Civil Aeronautics Board, Washington,
D.C.

Subject: Information on Political Campaign Debts per your letter of May 14, 1971.

Our total campaign debts are \$2,910.38 and is for the following:

Hubert Humphrey Charged to Democratic National Committee, 2600 Virginia Avenue, Washington, D.C. 20037. Amount of debt: \$2,910.38. Date of debt: September 30, 1968.

2. We have had no writeoff of campaign debts from 1962 to present time.

3. We have not negotiated any settlement for less than the full amount due us for any political candidate.

4. We have tried by regular billing to collect this but they state that they cannot pay as they have a large quantity of debts and no money. In our regular collections that would have been turned into a collection agency for collection but in this case this would be a useless effort.

TONY J. SCHUMACHER,
Accountant for Johnson Flying Service, Inc., Box 1366, Missoula, Mont.

PIEDMONT AVIATION, INC.,
Winston-Salem, N.C., May 20, 1971.
Mr. ALLAN CRAIG,
Director, Bureau of Accounts and Statistics,
Civil Aeronautics Board, Washington,
D.C.

DEAR MR. CRAIG: The following information on political campaign debts is submitted

in response to your letter dated May 14, 1971.

(1) All outstanding campaign debts incurred by candidates for Federal office from 1962 to the present consist of a charge of \$2,285.20 for two charter trips from Charlotte, North Carolina to Washington, D.C. via Bluefield, West Virginia and Beckley, West Virginia on October 3, 1968. The trips were arranged for by the Democratic National Committee for the Democratic presidential candidate.

(2) No campaign debts have been written off from 1962 to the present.

(3) No campaign debts have been settled for less than the full amount due from 1962 to the present.

(4) Piedmont has no policies or procedures for billing and collection of campaign debts in any manner different from the policies and procedures followed for any other person or firm served by the Company.

Very truly yours,
T. W. MORTON,
Vice President-Finance.

TRANS WORLD AIRLINES, INC.,
Kansas City, Mo., June 2, 1971.

Mr. ALLAN CRAIG,
Director, Bureau of Accounts and Statistics,
Civil Aeronautics Board, Washington,
D.C.

Subject: Information on Political Campaign Debts Reference your letter dated May 14, 1971.

DEAR MR. CRAIG: The following information is submitted concerning political campaign debts owed to Trans World Airlines:

(1) *Outstanding Campaign Debts:* United Democrats for Humphrey, \$221,519.55, April, 1968 Humphrey Charter, \$25,091.04, October, 1966 Republic National Committee, \$13,196.05, October, 1968.

(2) *Write-offs of Campaign Debts:* McCarthy for President, write-off \$6,867.36, debt incurred 1968, written off 2/24/69.

(3) *Settled Debts:* McCarthy for President, total debt \$16,352.38, incurred 1968, negotiated settlement \$9,485.00, date settled November 14, 1968.

(4) *Statement of Procedures:* Political debts are handled in the same manner as any other account. Absolutely no special treatment is allowed.

Very truly yours,
A. D. CHAFFIN,
Assistant Treasurer.

JUNE 22, 1971.

To: Civil Aeronautics Board.
From: Aspen Airways, Inc.
Subject: Information on Political Campaign Debts.

Aspen submits the following information in response to the Boards' request of May 14, 1971.

Item 1. No outstanding campaign debts incurred by candidates for Federal office from 1962 to the present.

Item 2. Writeoffs of campaign debts from 1962 to the present as follows:

Candidate	Debt incurred	Total amount	Writeoff	Date
Kennedy	March 1968	\$1,381.95	\$921.10	October 1968
McCarthy	May 1968	2,020.69	1,020.69	Do.

Item 3. Settlement by carrier for less than the full amount due as shown.

McCarthy settlement in May 1968 in the amount of \$1,000.00.

Item 4. Aspens policies and procedures applied to political candidates and those applied to others served by the air carrier are the same; that being that 30 days after billing full payment is expected.

Submitted by:
LLOYD CARDA, Vice President.

WESTERN AIRLINES,
June 11, 1971.

Ref.: Your letter dated May 14, 1971.
Mr. ALLAN CRAIG,
Director, Bureau of Accounts and Statistics,
Civil Aeronautics Board, Washington,
D.C.

Subject: Information on political campaign debts.

Western has no procedures for treating debts incurred by candidates for federal offices differently from debts incurred by others. Our experience in this area has been minimal.

Therefore, the response to this questionnaire involved the special review of the current accounts and a perusal of debts written off to see if any involved candidates for federal offices.

As to the current accounts, there are no amounts due from customers which can be identified as campaign debts incurred by candidates for federal offices.

All delinquent accounts are pursued through standard collection practices.

As to the write-offs of debts of candidates for federal office since 1962, we can identify only one such debt. A "Ticket-by-Mail" invoice for \$376 was incurred in May 1968 and written off in September 1969. This invoice was related to the campaign of Senator Robert Kennedy and was incurred by Senator Ted Kennedy and a Mr. Burke.

It is not our practice to settle any debt for transportation, including any such debt incurred by a candidate for federal office, for less than the amount due. The perusal of our debt write-offs referred to above did not disclose any such settlements.

RODERICK G. LEITH,
Assistant Treasurer and Controller.

CONTINENTAL AIRLINES,
Los Angeles, Calif., May 24, 1971.
Mr. ALLAN CRAIG,
Director, Bureau of Accounts and Statistics,
Civil Aeronautics Board, Washington,
D.C.

DEAR MR. CRAIG: In response to the itemized questions in your letter of May 14, 1971, on the matter of information on political campaign debts, we submit the following answers:

(1) There are no outstanding campaign debts on our books incurred by candidates for Federal office from 1962 to the present.

(2) No campaign debts incurred by candidates for Federal office from 1962 to the present have been written off in their entirety. See (3) below for partial writeoff.

(3) In May, 1968, we operated a charter flight in connection with the "McCarthy for President" campaign, the billed amount of which was \$8,997.96. We received payment in the amount of \$4,500.00 on November 7, 1968, from "McCarthy Finance Committee" and the balance of \$4,497.96 was written off—also in November, 1968.

(4) We know of no specific policies and procedures of the certificated air carriers with respect to the billing for and collection of debts, incurred by candidates for Federal office during political campaigns. Insofar as our own policies and procedures are concerned, where we perform a service for an individual who is seeking Federal office, we apply the same policies and procedures to the collection of any resulting debt as we apply to any other person served by the Company.

Sincerely yours,

F. N. DAVEY.

EASTERN AIR LINES INCORPORATED,
MIAMI, FLA., June 14, 1971.

Mr. ALLAN CRAIG,
Director, Bureau of Accounts and Statistics,
Civil Aeronautics Board, Washington, D.C.
Subject: Information on Political Campaign Debts Your letter dated May 14, 1971.

DEAR MR. CRAIG: In compliance with the above, the following information is submitted:

1. Democratic National Committee, (Hubert H. Humphrey), (Edmund S. Muskie), \$208,-867.12 Balance May-August, 1968.

Republican National Committee \$112,823.44 Balance September-November, 1970.

2. In keeping with accepted accounting practices, the Democratic National Committee receivable was written off at the year-end 1969. However, the account remains under active collection procedures.

3. None.

4. Eastern's policies and procedures with respect to billing and collection of receivables provide for active pursuit for payment commensurate with the type of transaction and credit terms. Accounts receivable are not normally allowed to remain on the books for more than one year after reaching collection status. The policy further provides that where there is reasonable potential for obtaining full or partial payment of the balance, collection activity will be continued beyond the anniversary date. All receivables are reviewed in year-end closing and as a normal procedure, the write-offs are reviewed by Price Waterhouse, our contract audit firm. Our policies with respect to debts incurred by candidates for Federal office during political campaigns are the same as those applied to others.

Sincerely,

J. R. LYNCH.

Mr. SCOTT. Mr. President, this amendment is intended to supersede the amendment which prohibits extension of unsecured credit by certain federally regulated industries to candidates for Federal office. The purpose is to take into account the additional technical advice and assistance provided by the Civil Aeronautics Board, the Federal Communications Commission, the Interstate Commerce Commission, and the Department of Justice.

As rewritten, the amendment would still forbid the granting of unsecured credit to candidates by certain industries, when it would permit normal credit card transactions so long as routine safeguards are in accompaniment.

The supporting data will indicate that hundreds of thousands of dollars are remaining unpaid to airlines, telegraph companies, telephone companies, and others, and that these unpaid amounts are usually written off by the companies which, in effect, amounts to corporate contributions to both political parties, which are forbidden by law.

I hope that when I call up the amendment at the proper time, it will receive the support of Senators of both political parties, as this business of trying to run political campaign on-the-cuff is distinctly unfair and places a burden which not only should not be on the companies but is actually forcing them into making involuntary and illegal contributions.

I yield back the remainder of my time.

AMENDMENT NO. 324

(Ordered to be printed and to lie on the table.)

Mr. STEVENSON. Mr. President, the most troublesome political advertisements are TV spot commercials. Although spots can serve legitimate functions, they are also vehicles for political hucksterism, demagoguery, and superficiality.

For that reason, the Senator from Indiana (Mr. HARTKE) and I offer amendment 324 to S. 382. This amendment establishes a subceiling of 3½ cents per voting-age person for spots, defined as TV ads of less than 5 minutes duration.

As a practical matter, however, the amendment applies almost entirely to ads of 1 minute and under, since there is virtually no TV advertising sold in segments of more than 1 minute but less than 5 minutes. The amendment is based on the simple proposition that if a candidate wants to spend his full 5 cents on TV advertising, the least he can do is spend 1½ cents of it on longer ads which offer an opportunity for the treatment of issues.

This subceiling applies to candidates for Federal office and for Governor and Lieutenant Governor.

I ask unanimous consent that the text of the amendment be printed at this point in the RECORD.

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

AMENDMENT NO. 324

On page 6, change the period in line 8 to a semicolon and insert the following immediately thereafter.

"provided that notwithstanding any other provision of this Act, no legally qualified candidate or person or organization acting on behalf of such a candidate in any primary, runoff, general, or special election for Governor, Lieutenant Governor, or Federal elective office shall spend for the purchase of television time in segments of less than five minutes duration an amount greater than 3½ cents multiplied by the estimate of resident population of voting age as determined in subparagraph (1) of this paragraph, or \$21,000, whichever is greater."

AMENDMENT NO. 325

(Ordered to be printed and to lie on the table.)

Mr. FANNIN, for himself, Mr. TOWER, Mr. BROCK, Mr. GURNEY, Mr. CURTIS, Mr. HANSEN, and Mr. GOLDWATER, submitted an amendment intended to be proposed by them jointly, to the bill (S. 382), supra.

AMENDMENT NO. 327

Mr. GRAVEL submitted an amendment intended to be proposed by him to the bill (S. 382), supra.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 23, 1971, he presented to the President of the United States the enrolled bill (S. 699) to require a radio-telephone on certain vessels while navigating upon specified waters of the United States.

ADDITIONAL STATEMENTS

CONTINUED INFLATION—DISAPPOINTING INCREASE IN CONSUMER PRICES

Mr. PROXMIRE. Mr. President, the increase in the cost of living for June, announced by the Bureau of Labor Statistics today, reaffirms that the administration's do-nothing attitude with respect to incomes policy is a costly mistake. The Consumer Price Index rose 0.5 percent in June on a seasonally adjusted basis, an increase of 6 percent at an annual rate. This figure is especially significant since the CPI rose at an annual rate of 7.2 percent in May, following several months of slower price increases.

The 6-percent rise in June was due to larger than normal increases in the price

SENATE
FLOOR DEBATE
ON
S.382
JULY 26, 1971

been introduced, and I hope the President takes note of it, even if the Senate does not act immediately.

Mr. HARTKE. I hope the President takes a suggestion from the resolution that what we are really doing is saying that the Constitution is the supreme law of the land and there is a way to change it if the people want to.

Historically, the concept that the President had treaty-making powers was not considered until 10 days before the final draft of the Constitution; the original draft gave all power to the Senate.

One other factor is extremely important in view of the announcement of the President's visit to Mainland China. Here we are with the President going to a country which has not been formally recognized by this country. Elements of secrecy have shrouded our preliminary negotiations, even though we are not at war with China and there is no evidence that our national security would have been damaged if Dr. Kissinger had gone over with full knowledge of the pending visit. There is no information what was decided in the 20 hours of discussion that I know of.

Perhaps Senators have other information as to the extent of those discussions, but there has been no information as to what ultimately is going to be discussed of a substantive nature affecting the future of the United States and its foreign relations. I think all the circumstances, in view of the Pentagon papers, indicate that there is good reason for the Senate to be in the position of advising and consenting, and that good reason relates not only to the warmaking power, which power has now taken 55,000 lives in Indochina, but goes also to the treaty-making power.

Here the argument goes that the President might not want to conclude the war that has been in existence, even though it might be the desire of the Senate to conclude it and even though it might be the desire of the people to conclude it as expressed to the Senate.

So the advice of the Senate section of the Constitution does not relate merely to the advice that the President might request, but advice could come from the Senate on its own desire. In other words, it should be the coequal branch of government which makes our system different from an authoritarian system and keeps it from being a one-man show.

Mr. FULBRIGHT. The Senator is right. Our experience proves the soundness of the constitutional system. There are other instances of intervention without consultation of the Congress that we could mention in the last 50 or 75 years. It is only since the era of recurring wars, it seems to me, that there has been a real departure from the traditional role between the Congress and the Executive in these matters. There should have been a great deal more reliance and more trust in the Congress on the part of the Executive, but under the impact of several wars—certainly beginning with World War I—and the disastrous Wilsonian experience, and subsequently the present disaster, there a distortion of our constitutional system has developed.

I think this resolution is a step in the

right direction, and is especially timely in view of the Senate's recent passage of the Mansfield amendment, which, in the context of the pending draft bill, has still been enacted. I really do not understand why the administration is so determined not to accept the Mansfield amendment. It is a valid statement of policy, and it seems to me that the Senate is entitled to make that statement. It was actually given advice there, only through a different vehicle, and I think it was well within the Senate's responsibility to do it, and I think history will prove the advice was correct advice. I hope that provision will be accepted.

I certainly commend the Senator from Indiana for introducing this measure. I am glad to see that there are Members of this body who do not believe that, because something has been the practice, because the Constitution has been ignored, we have to accept it. There is a sound constitutional principle involved also—the mere fact that the Constitution has been ignored in some respects does not mean those derelictions became the law of the land.

The ACTING PRESIDENT pro tempore. The Senator's 15 minutes have expired.

Mr. HARTKE. Mr. President, I simply want to thank the chairman of the Foreign Relations Committee for his excellent analysis and his assurances that early hearings would be held, and also for the kind words he had to say concerning the resolution.

SENATE CONCURRENT RESOLUTION 37—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE 150TH ANNIVERSARY OF THE TRANSFER OF FLORIDA FROM SPAIN TO THE UNITED STATES

(Referred to the Committee on the Judiciary.)

Mr. CHILES submitted the following concurrent resolution:

S. CON. RES. 37

Whereas, the month of July, 1971 marks the 150th anniversary of the transfer of the sovereignty of Florida from Spain to the United States, and

Whereas it was on July 17, 1821 the 23 star emblem of America was raised from a flag-staff at Pensacola, Florida, and

Whereas the event marked the establishment of Pensacola, Florida, as the territorial capital of this frontier land, and

Whereas Major General Andrew Jackson, commanding U.S. troops, then became the first Territorial Governor of Florida, and

Whereas the people of Pensacola, Florida this year observed the sesquicentennial of the occasion by celebrating with community events, parades, festivities, the presence of many dignitaries including representatives of foreign governments, and

Whereas this occasion was marked with a symbolic changing of the flags and the reenactment of the original transfer in 1821, and

Whereas the people of Pensacola, Florida acted in concert to bring attention to this historic occasion through various committees including the Andrew Jackson Committee chaired by the Honorable Pat Dodson, and

Whereas the Pensacola area, since the original transfer, has become known worldwide for its bountiful beaches, pleasant streets, warm hospitality, and for the beauties of nature as well as for the role the area has played in the national defense and history of the United States, be it therefore

Resolved, That the Congress of the United States extends its greetings to the people of Pensacola and to all the people of Florida on the occasion of the 150th anniversary of the transfer of sovereignty of Florida from Spain to the United States and that a copy of this resolution be transmitted to the Mayor of the City of Pensacola and to the Governor of the State of Florida.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 33

At the request of Mr. BROCK, the Senator from Colorado (Mr. ALLOTT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Indiana (Mr. HARTKE), the Senator from Oregon (Mr. HATFIELD), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of Senate Concurrent Resolution 33 regarding the persecution of Jews and other minorities in Russia.

EMERGENCY LOAN GUARANTEE ACT—AMENDMENTS

AMENDMENTS NOS. 329 THROUGH 333

(Ordered to be printed and to lie on the table.)

Mr. PROXMIRE submitted five amendments intended to be proposed by him to the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

AMENDMENTS NO. 334

(Ordered to be printed and to lie on the table.)

Mr. BAYH submitted an amendment intended to be proposed by him to the bill (S. 2308), supra.

AMENDMENT NO. 335

(Ordered to be printed and to lie on the table.)

Mr. TAFT submitted an amendment intended to be proposed by him to the bill (S. 2308), supra.

FEDERAL ELECTION CAMPAIGN ACT—AMENDMENT

AMENDMENT NO. 335

(Ordered to be printed and to lie on the table.)

INCOME TAX CREDIT FOR POLITICAL CONTRIBUTIONS

Mr. KENNEDY. Mr. President, I submit an amendment to S. 382, the Federal Election Campaign Act of 1971, and I ask that it lie on the table and be printed.

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

Mr. KENNEDY. Mr. President, the amendment would establish a tax credit for political contributions. Under this title, a total of up to \$50 for a single individual, or \$100 for a married couple, would be allowed as a credit against Federal income taxes for contributions to political parties or candidates. The credit would be available for contributions to all elections—primaries or general elections—and to candidates at all levels—Federal, State, or local. Equally important, the credit would be for 100

percent of the amount of the contribution up to the stated limit.

The concept of tax credits for political contributions has had a distinguished history of support over the past decade. In 1962, President Kennedy's Commission on Campaign Costs issued its report, entitled "Financing Presidential Campaigns." One of the major recommendations in the Commission's report was the enactment of a tax credit for political contributions. As the report stated:

The recommended credit is intended to encourage large numbers of small gifts. The bulk of * * * campaign funds available to both parties is now supplied by a relatively small group of contributors, giving sums ranging from a few hundred to several thousands of dollars * * * We hope that this * * * incentive to small gifts will stimulate the massive giving needed by the parties. If it does not, other forms of governmental subsidy may be inevitable.

Virtually every major study of the political process in recent years has endorsed the concept of the tax credit, and the idea has also been pursued extensively in Congress.

In his message to Congress on "The Political Process in America," in May 1967, President Johnson recommended that Congress undertake an extensive review of the methods of financing election campaigns, by methods such as direct appropriations, tax credits or deductions, treasury vouchers, and various matching grant plans.

Then, in November 1967, after comprehensive hearings and executive sessions by the Senate Finance Committee on numerous proposals, the committee favorably reported H.R. 4890, the "Honest Elections Act of 1967." As recommended by the committee, the bill contained a number of major provisions, including an income tax credit of up to \$25 for one-half of the political contributions made by a taxpayer. All but one of the 17 members of the committee supported this provision.

Subsequently, in the 91st Congress, together with Senator JAMES PEARSON of Kansas, I offered a tax credit amendment on the Senate floor during the debate on the Tax Reform Act of 1969. The amendment was narrowly defeated by margin of 50-45, but the vote was complicated by the fact that the amendment had itself been amended on the Senate floor to add provisions for the reporting and disclosure of campaign contributions, so that no full debate on the merits of the tax credit was possible.

In light of this prior history, I am confident that a majority of the full Senate favors a tax credit for political contributions, and I hope that such a provision may become part of our Internal Revenue Code in time for the 1972 election campaign.

The tax credit approach to financing political campaigns has several major advantages over all other methods that have been proposed for financing such campaigns.

First, the tax credit approach will provide a significant incentive for participation in the political process by a large proportion of the electorate. One of the most important goals in recent proposals to reform the political process has been

to stimulate greater public participation in election campaigns. I believe that the modest tax credit I have proposed will significantly encourage political parties to solicit contributions from small donors. In recent election years, for example, there have been millions of individual campaign contributors, the overwhelming majority of whom were \$1 or \$2 contributors. By offering a tax credit for the full amount of contributions by small donors, we will encourage many more individuals to contribute, and will encourage existing small contributors to raise their contributions to a more substantial level.

Second, by encouraging contributions from small donors, the tax credit will help to break down the excessive reliance by candidates on large contributors. As a result, the credit will help to restore public faith in the integrity of the election process. It will help to eliminate the ambiguous relationships created for the successful candidate, in which he is obligated—or at least appears to be obligated—to his large contributors.

Third, the tax credit leaves the decision on the allocation of public funds, through the tax subsidy mechanism, to the choice of the individual taxpayer himself. This point is the central distinction between the tax credit approach and the various proposals made in recent years for the direct financing of political campaigns. Under the tax credit approach, unlike these other proposals, the Federal Government plays no part in determining which candidates or committees are to receive public funds or the amount of such funds that are to be made available to particular candidates. It is the citizen, and the citizen alone, who makes this determination.

Fourth, the tax credit offers financial assistance to candidates not only at the general election stage, but at the primary stage as well, where such assistance can often be of crucial importance.

Fifth, the tax credit offers assistance to candidates not only at the presidential level, but at the congressional, State, and local level as well. This point is especially important. As Senator Robert Kennedy stated in 1967:

Presidential candidates do not spring, like Minerva, from the brow of Jove. Men earn consideration for the Presidency by their performance in other public office—most often governor or senator. The expense of nomination to a governorship or a Senate seat—especially in the large states from which most Presidential candidates are drawn—is by itself a substantial barrier to all but men of wealth or their favored candidates. Thus, fair consideration for the Presidency itself requires public support for campaigns for lesser offices at all levels. This support can only come from tax incentives to individual contributions.

Before proposing this amendment, I gave serious consideration to including a tax deduction as an alternative to the tax credit. A tax deduction approach would have many of the advantages of a tax credit, especially with respect to the encouragement of individual choice and participation in the political process. However, a tax deduction would cause substantial inequities and disparities in the benefits afforded contributors. Those

in the highest tax brackets, at whom the incentive should be least directed, would receive the greatest benefits, whereas taxpayers in the lowest brackets would receive the smallest benefits. Therefore, the proposed amendment contains no provision for a tax deduction.

I ask unanimous consent that the amendment may be printed at this point in the RECORD.

Because of the constitutional difficulty involved in the initiation of revenue measures in the Senate it may not be possible to include tax incentives for political contributors in S. 382 itself. If that proves to be the case, it is my hope that the Senate will consider the addition of such incentives to an appropriate House-passed bill at the earliest reasonable opportunity after the passage of S. 382.

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

AMENDMENT No. 335

Delete title IV and insert in lieu thereof the following:

TITLE IV—INCOME TAX CREDIT FOR POLITICAL CONTRIBUTIONS

ALLOWANCE OF CREDIT

SEC. 401. Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"SEC. 40. POLITICAL CONTRIBUTIONS.

"(a) GENERAL RULE.—In the case of an individual there shall be allowed, as a credit against the tax imposed by this chapter for the taxable year, an amount equal to so much of the political contributions as does not exceed \$50, payment of which is made by the taxpayer within the taxable year.

"(b) LIMITATIONS.—

"(1) MARRIED INDIVIDUALS.—In the case of a joint return of a husband and wife under section 6013, the credit allowed by subsection (a) shall not exceed \$100. In the case of a separate return of a married individual, the credit allowed by subsection (a) shall not exceed \$50.

"(2) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partially tax-exempt interest), section 37 (relating to retirement income), and section 38 (relating to investment in certain depreciable property).

"(3) VERIFICATION.—The credit allowed by subsection (a) shall be allowed, with respect to any political contribution, only if such political contribution is verified in such manner as the Secretary or his delegate shall prescribe by regulations.

"(c) DEFINITIONS.—For purposes of this section—

"(1) POLITICAL CONTRIBUTION.—The term 'political contribution' means a contribution or gift of money to—

"(A) an individual who is a candidate for nomination or election to any Federal, State, or local elective public office in any primary, general, or special election, or in any National, State, or local convention or caucus of a political party, for use by such individual to further his candidacy for nomination or election to such office;

"(B) any committee, association, or organization (whether or not incorporated) organized and operated exclusively for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals who are candidates for nomination or election to any Federal, State,

or local elective public office, for use by such committee, association, or organization to further the candidacy of such individual or individuals for nomination or election to such office;

"(C) the national committee of a national political party;

"(D) the State committee of a national political party as designated by the national committee of such party; or

"(E) a local committee of a national political party as designated by the State committee of such party designated under subparagraph (D).

"(2) CANDIDATE.—The term 'candidate' means, with respect to any Federal, State, or local elective public office, an individual who—

"(A) has publicly announced that he is a candidate for nomination or election to such office; and

"(B) meets the qualifications prescribed by law to hold such office.

"(3) NATIONAL POLITICAL PARTY.—The term 'national political party' means—

"(A) in the case of contributions made during a taxable year of the taxpayer in which the electors of President and Vice President are chosen, a political party presenting candidates or electors for such offices on the official election ballot of ten or more States, or

"(B) in the case of contributions made during any other taxable year of the taxpayer, a political party which met the qualifications described in subparagraph (A) in the last preceding election of a President and Vice President.

"(4) STATE AND LOCAL.—The term 'State' means the various States and the District of Columbia; and the term 'local' means a political subdivision or part thereof, or two or more political subdivisions or parts thereof, of a State.

"(d) CROSS REFERENCES.—
"For disallowance of credits to estates and trusts, see section 642(a) (3)."

CLERICAL AND TECHNICAL AMENDMENTS

SEC. 402. (a) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof

"Sec. 40. Political contributions.
"Sec. 41. Overpayments of tax."

(b) Section 642(a) (relating to credits against tax for estates and trusts) is amended by adding at the end thereof the following new paragraph:

"(c) POLITICAL CONTRIBUTIONS.—An estate or trust shall not be allowed the credit against tax for political contributions provided by section 40."

EFFECTIVE DATE

SEC. 403. The amendments made by sections 401 and 402 shall apply to taxable years ending after December 31, 1971, but only with respect to political contributions payment of which is made after such date.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 238

At the request of Mr. PEARSON, the Senator from Alaska (Mr. GRAVEL) and the Senator from Pennsylvania (Mr. SCOTT) were added as cosponsors of amendment No. 238 intended to be proposed to S. 382, a bill to establish a Federal Elections Commission.

AMENDMENT NO. 252

At the request of Mr. CRANSTON, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of amendment No. 252, intended to be proposed to S. 2108, the Veterans Drug and Alcohol Treatment and Rehabilitation Act of 1971.

NOTICE OF HEARINGS ON NOMINATIONS

Mr. PASTORE. Mr. President, the Senate section of the Joint Committee on Atomic Energy will hold a public hearing on Tuesday, August 3, 1971, at 4 p.m., in room S407, U.S. Capitol on the nominations of James R. Schlesinger and William O. Doub to be members of the Atomic Energy Commission.

Mr. Schlesinger has been nominated to fill the remainder of the term of Glenn T. Seaborg which expires on June 30, 1975.

Mr. Doub has been nominated to be a member of the AEC for a 5-year term expiring on June 30, 1976. He is scheduled to fill the vacancy previously held by Theos Thompson, deceased.

I ask unanimous consent to have printed in the RECORD the biographies of Mr. Schlesinger and Mr. Doub which were provided to the Joint Committee with the submission of their nominations to the Atomic Energy Commission.

There being no objection, the biographies were ordered to be printed in the RECORD, as follows:

JAMES R. SCHLESINGER

James R. Schlesinger was named an Assistant Director of the Budget Bureau shortly after President Nixon's inauguration. His initial responsibilities were in the areas of national security and international programs and science policy.

In the Fall of 1969 he was named Acting Deputy Director of the Budget Bureau and later served as Acting Budget Director during the transition to Office of Management and Budget. As Acting Deputy Director, Mr. Schlesinger was responsible for natural resources programs and environmental policy. He served as the Budget Bureau's representative on the Environmental Quality Council. During that year, the budget and programs of the Interior Department were under his purview, and he was intimately involved in the planning for the Council on Environmental Quality, as well as the establishment of the new Environmental Protection Agency. In the Summer of 1970, he was named Assistant Director of the newly formed Office of Management and Budget with responsibility for national security and international programs.

Prior to joining the Nixon Administration, Mr. Schlesinger had been Director of Strategic Studies at the Rand Corporation, Santa Monica, California, where he had written extensively on the role of systems analyses in relation to political decision-making. He was also engaged in applying those techniques to strategy and to force structure determination. During that period he was a Consultant to the Bureau of the Budget on atomic energy matters. While at Rand he had served as Project Leader of a study on the control of nuclear proliferation which Rand had undertaken for the Federal Government.

Before his association with Rand, Mr. Schlesinger had been an Associate Professor of Economics at the University of Virginia. At that time he was recognized for work on monetary and fiscal policy and on the mechanics of inflation, and served as a Consultant to the Board of Governors of the Federal Reserve System. During 1957 he served as Consultant to the Naval War College. His book, "The Political Economy of National Security", was published in 1960.

Mr. Schlesinger received his A.B. degree in Economics (summa cum laude) from Harvard University in 1950. That same year he was the winner of the Frederick Sheldon Prize Fellowship, which enabled him to

spend a year visiting some twenty-two countries. In 1951 he returned to Harvard, earning the A.M. degree in 1952, and his Ph.D. in 1956, both in Economics. His dissertation was on "Wage-cost-price Relationships and Economic Progress". At the same time, he served as Teaching Fellow in Economics, Teaching Fellow in Social Sciences, and Tutor in Eliot House.

Mr. Schlesinger was born in New York City on February 15, 1929. He is married to the former Rachel Mellinger of Springfield, Ohio. They reside with their eight children, who range in age from 3 months to 16 years, in Arlington, Virginia.

WILLIAM OFFUTT DOUB

PERSONAL DATA

Born, Cumberland, Maryland, September 3, 1931.

Married, 1959. Two sons, ages 7 and 11.

Life-long resident of Maryland.

Episcopalian.

EDUCATION

Public schools, Allegheny County, Maryland.

Staunton Military Academy (one year); Washington and Jefferson College, A.B. 1953.

University of Maryland, School of Law, LL. B. 1956.

PROFESSIONAL DATA

Law Clerk, The Baltimore & Ohio Railroad Company, June 1956 to October 1957.

Bartlett, Poe & Claggett, law firm, Baltimore, Maryland, 1957 through 1961 (firm dissolved).

Niles, Barton & Wilmer, law firm, Partner, Baltimore, Maryland, 1961- ; (301) 539-3340.

Lecturer, Mount Vernon Law School, Suretyship and Federal Jurisdiction, 1965-1966 (night school).

CHARACTER OF PRACTICE AND REPRESENTATIVE CLIENTS

General Business, Corporate and Trial Practice; Representative Corporate Clients: Maryland National Bank, Kavanaugh's of Maryland, Inc., Lincoln National Life Insurance Company, Tongue, Brooks & Company, The Coca-Cola Company, Connecticut General Life Insurance Company, Occidental Life Insurance Company; also rather large practice in fields of Trusts and Estates and municipal Bond matters.

SUMMARY OF PUBLIC SERVICES AND CIVIC ACTIVITIES

Republican Candidate for Attorney General of Maryland, 1966.

Chairman, Lawyers Division, United Fund, 1964.

Chairman, Minimum Wage Commission, Baltimore City, 1964-1966.

People's Counsel to the Maryland Public Service Commission and the Metropolitan Transit Authority, 1967-1968.

Chairman, Maryland Public Service Commission, 1968; reappointed 1971.

Vice-Chairman, Washington Metropolitan Area Transit Commission, 1968-

President's Air Quality Advisory Board, 1970-3-year term.

First Vice President and Member of Executive Committee, Great Lakes Conference of Public Utility Commissioners, 1969 through 1970; (President, July 1971).

Executive Committee, National Association of Regulatory Utility Commissioners, 1969-

Member, Executive Advisory Committee, Federal Power Commission, 1969-

Chairman, Committee on Electrical and Nuclear Energy, National Association of Regulatory Utility Commissioners, 1969-

Maryland Governor's representative, Northeast Regional Transportation Committee, 1968-

Deputy for Emergency Transportation, Maryland Civil Defense Agency, 1968-1971.

Committee on Mental Retardation, Department of Health and Mental Hygiene, State of Maryland; 1968-1969.

Citizens Commission of Maryland Government (Wills Commission).

Baltimore Association for Retarded Children, Inc., Director.

National Foundation—March of Dimes, Director.

Maryland State Bar Association: Chairman, Young Lawyers Committee (approximately 1958); Committee on Legal Biography (approximately 1965); Committee on Laws (1970-71).

Baltimore Bar Association: Chairman, Law Day Committee, 1966; Unauthorized Practice of Law Committee, 1967.

American Bar Association: Vice Chairman Subcommittee on Financing, Procurement, Management and Miscellaneous; Problems of the Committee on Small Businesses.

ADDITIONAL STATEMENTS

THE AUTO EXCISE TAX

Mr. GRIFFIN. Mr. President, I ask unanimous consent that an editorial entitled "Time to Cut Tax on Cars," published in the Pontiac Press, be printed in the RECORD.

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

[From the Pontiac Press, July 21, 1971]

TIME TO CUT TAX ON CARS

Perhaps Michigan's two Senators, Robert Griffin and Phillip Hart, can be accused of regionalism in cosponsoring a bill to end the 7 percent excise tax on automobiles. But if this be so, let us have more of it.

On a \$3,000 car, this strange tax adds \$210 to the price.

The special tax was placed on automobiles during World War II. Its intent was not only revenue-raising but to discourage car buying in a wartime economy.

Almost every year since the war, someone has suggested removing the tax, but for various reasons it was left on.

Now seems to be a good time to finally get rid of it. The stimulation to Michigan's economy is obvious. But then more cars mean more steel, more fabrics, more rubber, and more money left in the hands of consumers all over the U.S.

Although the federal budget may suffer temporarily from this lack of income, in the long run, most economists would insist more actual income would result.

We wish Griffin and Hart success in their efforts.

ORGANIZATIONS SUPPORTING WELFARE REFORM

Mr. RIBICOFF. Mr. President, tomorrow the Senate Finance Committee will begin hearings on H.R. 1, which contains a major revision of this Nation's system for providing relief to its needy citizens. Welfare reform should not be viewed narrowly as just another program, but rather as the most direct way to win the war on poverty. The package of amendments which I introduced last week to H.R. 1 will, I am convinced, make this legislation the best hope for bringing 25 million Americans back into the mainstream of American society.

In the next few months many diverse groups, legislators, citizens, and the administration will be proposing additions, deletions, and modifications to H.R. 1. It is important, therefore, that we recog-

nize the large areas of agreement which already exist among those seeking to reform our welfare system.

Widespread agreement exists on major proposals such as the increase of payment levels to at least the poverty level, the Federal assumption of costs, and administration under a uniform system, the provision of public and private sector jobs paying no less than the minimum wage with basic suitability protection, the provision of day-care services for those in manpower training programs or jobs, optional registration in such programs for mothers with preschool children, and fiscal relief for States and localities from the cost burdens of public assistance.

These proposals are included in the amendments to H.R. 1 I introduced last week. In addition, recent policy statements of several groups and organizations have also publicly supported these improvements in H.R. 1.

The history of welfare reform legislation in the last 2 years dramatically illustrates that no one claims his own proposals are chiseled in granite and represent the definitive answer to the chaos of the present welfare nonsystem. My proposals as well as those of the President, the Ways and Means Committee, and other major participants have been modified from time to time—not only to attain a politically achievable consensus, but also in recognition of the fact that none of us knows all the answers about how well or badly one or another proposal will work. We must be willing to observe a new system in operation and be ready to make changes where needed. Fewer changes will be necessitated, however, if we begin Senate consideration on the basis of common ground already achieved.

I ask unanimous consent that the accompanying policy statements be printed at this point in the RECORD.

There being no objection, the policy statements were ordered to be printed in the RECORD, as follows:

STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON WELFARE REFORM, BAL HARBOUR, FLA., FEBRUARY 15, 1971.

The Administration's welfare reform program needs substantial improvement before the AFL-CIO could support its enactment.

Inflation, unemployment, inadequate and costly health care, inferior education, to name just a few—have forced more and more people on to the public assistance rolls. Indeed, the more the causes of poverty are ignored the greater the welfare "problem" will become.

The battle against poverty must be waged on two fronts—eliminating the causes of poverty so that fewer people will have to depend on welfare and improving the welfare program for those who must rely on it.

Jobs at decent wages and adequate social insurance payments would make it possible for millions to climb out of poverty.

By making unemployment a national policy to fight inflation, the Administration has virtually brought the decline of poverty to a halt.

In 1969 the decrease in poverty (defined for that year as \$3700 for a four-person family) came almost to a standstill. With worsening economic conditions and expanding joblessness in 1970, it is probable that the long-term trend away from poverty has even been reversed.

Who are the poor?

More than 5½ million people, or about one-quarter of all the poor, are poor although the breadwinner works full-time all year. Their road out of poverty lies in decent jobs covered by a minimum wage raised to at least \$2 an hour.

In proportion to their numbers, the elderly are twice as poor as the rest of the population. Approximately one-fifth of all people in poverty can live out their years in dignity and comfort only if Social Security benefits are substantially improved.

But there are some people—especially mothers with children in their care and large families headed by low-earnings workers—who will depend on welfare for their daily needs. Seven million of the poor, or 29 percent of all poor people, are in families headed by a woman. The Administration's welfare bill falls far short of what is needed to provide the answer to their poverty.

When, in the Summer of 1969, the President first announced his welfare reform proposal, he called for a payment level of \$1,600 a year—less than \$8.00 a week per person. But if a bill should be enacted in the coming months, it cannot be implemented until mid-1973 after many more months of inflation.

The AFL-CIO calls for reaching as rapidly as possible a national minimum welfare payment of no less than the government-defined poverty level. Until this level is reached, food stamps should be maintained at an adequate level or cashed out at their full value. Welfare payments should at least keep pace with the cost of living.

The AFL-CIO strongly opposes the provision in the Welfare Reform bill which could require recipients to take jobs under conditions denying them basic minimum protections. As reported by the House Ways and Means Committee in the last Congress, job assignments would have had to take account of such elements of suitability as the degree of risk to the individual's health and safety, his physical fitness for the work, prior training length of unemployment and distance from work. Although workers have long had these protections under unemployment compensation, the House of Representatives removed them from the bill it passed. The Congress must reverse this shameful disregard of the well-being and dignity of welfare recipients, by including these basic job protections in this year's legislation.

The potential for exploitation of welfare recipients was all the greater in the bill the House passed last year because it would have forced welfare recipients into jobs paying substandard wages. This is an unconscionable requirement which we will adamantly resist.

The basic purpose stated in the Fair Labor Standards Act is to eliminate as rapidly as possible "labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency and general well-being of workers." To require large numbers of people to take jobs at subminimum wages or lose their welfare payments on which they and their families depend for the bare necessities of life would constitute an outrageous attack on the most defenseless and disadvantaged sector of our population.

The impact of such action would be far broader than the forced assignment of welfare recipients to substandard jobs. There is not the slightest doubt that requiring welfare recipients to take jobs below the FLSA rate will make it all the more difficult for employed family heads now working at jobs paying substandard wages to improve their incomes.

The Welfare Reform legislation must provide that jobs to which welfare recipients are assigned must pay wages at a rate equal to the prevailing wage in the locality or the federal or state minimum wage, whichever is

mutual defense agreement. Peking lacks the military capacity to seize Taiwan by amphibious or airborne attack—and shows no plans of acquiring the necessary capacity in the near future.

Accordingly, I would urge the Administration to issue a declaration of intent to withdraw U.S. forces from Taiwan, concurrently with the withdrawal from Vietnam—as an important and timely element in the effort to defuse the Chinese Representation status of Taiwan issues before the pressure of time locks us (and Peking) into our old positions of confrontation in the U.N. this fall.

In reviewing the terms of S. Res. 37—which was introduced back on February 2—I am struck by how much forward movement has been achieved in the direction advocated by its terms respecting overall U.S.-China relations. We have had, of course, the dramatic break-through of "ping-pong" diplomacy.

Also, I wish to take this opportunity to commend President Nixon for his important initiatives respecting trade regulations, the lifting of travel restrictions, and the continued projection of a diplomatic posture of reconciliation with mainland China. Moreover, the press has carried numerous reports of intensive reviews, discussions and diplomatic exchanges by the Nixon Administration respecting a new position of the Chinese representation issue. The task is not simple but the timing is urgent.

The time has now come, in my judgment, for the U.S. to play an active role in finding a new formula which will provide for U.N. membership for the People's Republic of China, carrying with it occupancy of the permanent seat on the Security Council and to provide for continuing U.N. membership participation for the Republic of China on Taiwan. This is clearly the best policy for the U.S., and I believe that it is at least an interim solution which would command broad support in the General Assembly.

It is possible that either or both Peking and Taipei might refuse to participate in the U.N. under the conditions I have suggested. That would be most regrettable, in my judgment. Nonetheless, the door would always then be open to both to participate—and at a minimum, the absence of Peking from the U.N. no longer would be the result of an outmoded, unrealistic and counterproductive policy of the U.S.

A number of the younger, more "left" inclined U.S. China scholars have advocated that the U.S. accept Peking's terms respecting the status of Taiwan, as the price of better relations and securing Peking's participation in the U.N. I disagree with this view for several reasons. First, I am convinced that such a course by the U.S. would, in my judgment, virtually assure the ascendancy of the harder-line elements in Peking and reinforce Peking into its old position of intransigence and militancy—a position which Peking now seems very desirous of modifying. Any "half-way" abandonment of Taiwan by the U.S., far from improving relations, could soon lead to a serious confrontation between the U.S. and the People's Republic.

Second, a policy of total abandonment is a wrongful and impossible course for the U.S. Leaving aside moral considerations, abandoning Taiwan would make sense only if the U.S. pursued a policy of radical detente with China, aimed at establishing a close Washington-Peking axis as the foundation of our Asia policy. Such a radical policy is neither desirable or possible, in my judgment. Our relations with mainland China is a key element of our Asian policy—but must always be judged in the context of overall Asia policy. It is in this crucial regard that the U.S. must shape its China policy in consonance with our relations with Japan and our other Asian friends and allies. Their in-

terests and their attitudes are important, and sometimes complicating factors. This is especially true respecting the question of Taiwan, an issue of great importance to Japan particularly.

The challenge of finding a way to bring the Peoples Republic of China into the council of nations on terms which are at least minimally tolerable to the parties concerned is one of the most urgent now facing the Nixon Administration. In importance, it perhaps ranks only behind the SALT negotiations and ending the Vietnam War—and it is closely related to both of these efforts.

Over the perspective of a decade, the greatest benefit likely to flow from Peking's participation in the U.N. will be the engagement of Peking in the international nuclear arms control negotiations and agreements conducted under U.N. auspices. I feel that there are now mutually compelling reasons for Washington and Peking also to work together in the international arms control field. China's attitude toward SALT ought to be a benign one. Like Washington and Moscow, Peking too stands to gain from a SALT agreement restraining the nuclear arms race, for superpower nuclear might be an even greater potential threat to China than it is to the U.S. or Russia—and in recent years Peking has been on different occasions in a posture of confrontation with both superpowers. Even if relations between Peking and Moscow continue to deteriorate, a SALT agreement could nonetheless benefit Peking by reducing the chances that the USSR will acquire a strategic posture allowing it the option of a preventive nuclear first strike against China.

The U.S. has a particular incentive in bringing China into nuclear arms control arrangements because, even under the Nixon Doctrine, the U.S. is pledged to provide a "nuclear shield" to our Asian friends and allies along China's periphery. Thus, under the Nixon Doctrine, the chances of nuclear embroilment with China might be greater than conventional embroilment of the Vietnam or Korea varieties. Accordingly, a key element in the success and viability of the Nixon Doctrine strategy could be the achievement of nuclear arms control arrangements with China.

Peking too has a special incentive to support international nuclear arms control agreements in the post-Vietnam period. The Non-Proliferation Treaty is central in this respect, for the two nations generally deemed most likely to "go nuclear" are India and Japan—China's greatest potential rivals and enemies in Asia. China clearly has major incentive in preserving the inhibitions against India or Japan "going nuclear"—for China's strategic position would be gravely deteriorated if Peking were faced not only with a nuclear USSR and USA but also nuclear close neighbors of such consequence as India and Japan.

In closing, let me reiterate my strong feeling that an important new tide is flowing in U.S.-China relations—potentially a very benign tide—and this is without any derogation of my every wish to seek detente and accommodation with the USSR. Nonetheless, I perceive a danger that the tide could be diverted into most troublesome channels, if a day is not found to handle the Chinese representation on question in the U.N. General Assembly this fall.

UNIVERSAL VOTER REGISTRATION FOR FEDERAL ELECTIONS

Mr. KENNEDY. Mr. President, later this week, on behalf of myself and a number of other Members of the Senate, I plan to submit an amendment to S. 382, "The Federal Election Campaign Act of 1971." The purpose of the amendment

is to establish a system of universal voter registration for the Nation. The amendment would contain the following principal provisions:

First, it would provide a simple post card system of voter registration, in which any citizen could register to vote merely by filling out a post card application form.

Second, burdensome residence requirements under existing laws would be abolished. Simply by filling out the address of his residence on the post card form, a citizen would establish his voting residence.

Third, a new computerized agency created within the Census Bureau—the Universal Voter Registration Administration—would process the post card forms, compile voting lists by precinct throughout the country, and make the lists available to State and local election officials at appropriate times before any election.

Fourth, use of the new system would be mandatory for all Federal elections and optional for State and local elections. Where the system is used for State and local elections, however, the Federal list must be accepted intact. No person entitled to vote in Federal elections can be deleted from the list for failure to meet other qualifications.

The time has come to take another major step forward in our national quest for universal suffrage. To be sure, we have made great strides in recent years. But always in the past, our efforts have ignored one of the most burdensome qualifications for voting—the requirement of registration, a requirement that operates to disfranchise tens of millions of Americans in every Federal election.

The history of the Nation since the Civil War is marked with significant milestones along the route we have taken to broaden our democracy and increase the base of participation by our citizens in the political life of the Nation. We have forbidden the use of race or sex as a qualification for voting. We have outlawed poll taxes. We have granted the franchise to citizens of the District of Columbia in presidential elections. A long line of civil rights acts and court decisions, especially in the decade of the fifties and sixties, has expanded the right to vote and ended many of the most flagrant discriminations against citizens at the polls. And, only last year, we lowered the voting age to 18, thereby giving the franchise to millions of young Americans who had been forced to bear all the other burdens and responsibilities of citizenship, but had been denied the most basic right of all in our democratic society, the right to vote.

Now that we have stripped away so many other blatant impediments to the right to vote, the existing practices of voter registration in America can be seen all the more clearly for what they are—an arbitrary, obsolete, and unfair system by which vast numbers of Americans are silenced at the polls. In spite of the progress we have made in extending the franchise, the voting record of America ranks among the worst of all the great democracies of the Western world.

Of the 120 million potential voters in the presidential election of 1968, only 73 million—or 61 percent—actually went to the polls. Forty-seven million people stayed home, at a time when the winner—President Nixon—was receiving only 31 million votes. Incredible as it may seem, half again as many people stayed away from the polls as voted for the man who is our President.

In 1970, in Britain, by contrast, 72 percent of the eligible voters went to the polls, and yet they called it one of the lowest turnouts in history, the lowest since 1935. In the most recent elections in other democratic nations, the turnout has been even higher—75 percent in Ireland, 76 percent in Canada, 80 percent in France, 87 percent in West Germany, 89 percent in Sweden and Denmark.

The low turnout of American voters has been a consistent flaw in the political life of our Nation for many years. In the presidential election of 1900, the turnout was 73 percent. Not once since then has our voter turnout exceeded 66 percent. Seven times it fell below 60 percent. Twice, in 1920 and 1924, it fell below 50 percent.

And yet, it has not always been this way. Throughout the greater part of the 19th century, voter turnout in our presidential elections ranged in the neighborhood of 70 to 80 percent. The highest turnout was in 1876, when 82 percent of the potential voters went to the polls. The lowest was in 1852, when "only" 70 percent did so.

It is no coincidence, therefore, that the turn of the century, which saw the advent of voter registration, also saw a sharp decline in voter turnout. According to a recent study, registration was adopted at the turn of the century partly for the worthy purpose of prohibiting the abuses of machine politics in the growing cities of the North, and partly for the darker purpose of disfranchising black citizens in the South. Today, as this history strongly implies, the requirement of voter registration is the largest single obstacle to the right to vote in America.

The figures in 1968 tell the story. Of the 120 million potential voters in the presidential election of 1968, only 82 million—or 68 percent—were registered to vote and therefore eligible to go to the polls on election day. But of that number, fully 73 million, or 89 percent, actually went to the polls and cast their ballots.

The lesson is clear. Americans who are registered are Americans who vote. Of the 47 million citizens who stayed home on election day, the overwhelming majority—38 million, or 81 percent—were not registered to vote. Only 19 percent of those who stayed home were citizens who were registered to vote.

THE PRESENT SYSTEM OF VOTER REGISTRATION

Clearly, the paramount cause of America's dismal record of voter participation today is our inadequate system of voter registration. Virtually without exception, the registration laws of the 50 States and the District of Columbia are a nightmare of confusing, conflicting, and overlapping requirements, ranging from Mis-

souri, which has six different registration systems for cities, depending on their size, and a seventh system available to counties at their option, to North Dakota, which has no statewide laws requiring voter registration, although local jurisdictions may do so at their option.

Typically, State and local registration rolls are unwieldy, inaccurate, and obsolete. A large percentage of the names are persons no longer qualified to vote because of death, conviction of a crime, change of residence, or other reasons. In order to keep the lists at least reasonably current, the States are driven to the use of arbitrary rules, such as the disqualification of voters who fail to vote in a previous election, or requirements of annual or periodic reregistration.

The burdens of our present system of voter registration are multiple. Frequently, they are a thin disguise for blatant racial discrimination against the right to vote. The hearing records of Congress during the debates of the Voting Rights Act of 1965 and its extension in 1970 are replete with examples of such discrimination.

For some citizens, registration means loss of income through loss of time on the job or time away from business. Many individuals simply cannot take time off to register during working hours, and are thereby relegated to the status of second-class citizens.

For others, the most important burden is the sheer difficulty and inconvenience of the registration process. Too often, registration is an obstacle course for the voter instead of the incentive to total participation it ought to be. The obstacles are enormous. Many citizens find it difficult to determine where and when they can register. They refuse to endure the long lines and waiting periods. They are baffled by the inaccessibility of registration offices. In some States, registration offices may be open only a few hours a day or week. Other States prohibit precinct, neighborhood, or mobile registration. They allow registration only in the county courthouse, which may require a trip downtown or even out of town. Frequently, the expense of the trip itself is sufficient to inhibit registration—a de facto poll tax that frustrates the right to vote.

For still others, there is the problem of early registration deadlines. In a number of States, the registration books close weeks or months before the election, and there is no opportunity whatever to register in the period immediately preceding the election. In Mississippi, the registration offices close 4 months before the election—the rolls are routinely purged after the deadline, so that a citizen erroneously removed from the list has no opportunity to register again. In 14 other States with early registration deadlines—Arizona, California, Colorado, Georgia, Hawaii, Kentucky, Michigan, Montana, Nevada, New Jersey, New Mexico, Ohio, Pennsylvania, and Rhode Island—the registration books close more than a month before the election.

For yet another group of citizens, especially those who travel frequently, who are away from home for extended periods, or who are ill or disabled, the problem is the lack of any procedure for

absentee registration. Although virtually every State has established absentee voting procedures, few have taken the additional step of establishing absentee registration procedures as an alternative to the traditional requirement that registration must be in person.

And finally, for another substantial group of citizens, the burden is one of unreasonable reregistration requirements. In Texas, for example, annual reregistration is required, a procedure declared unconstitutional by a Federal district court earlier this year and now subject to an appeal. Other States require voters to renew their registration so frequently that many citizens simply find themselves unable to keep up with the requirements. Often a citizen arrives at the polls to vote, only to be told that his registration has been canceled because he failed to vote in the previous election, even though he was never given notice of the cancellation.

An especially insidious aspect of the problem of registration is the evidence that the burden of State and local registration requirements falls most heavily on the poor, the black, the uneducated, and manual and service workers. For example, according to a census study of the 1968 election, 87 percent of those with a college degree are registered to vote, whereas only 49 percent of those with 1 to 4 years' education are registered. And, two decades of hearings in Congress on Civil Rights Acts and Voting Rights Acts have overwhelmingly demonstrated the ease with which voter registration requirements lend themselves to discriminatory application.

THE BURDEN OF RESIDENCE REQUIREMENT

Impediments to the right to vote of a different sort, but no less burdensome for millions of citizens, are the hundreds of different State and local residence requirements that now exist throughout the Nation. Typically, under present voting laws a potential voter must fulfill three different resident requirements before he is entitled to vote—he must have resided in his State for periods ranging from 6 months to a year; he must have resided in his county for periods from 30 days to 6 months; and, he must have resided in his precinct for periods from 10 to 30 days. In some jurisdictions, the minimum residence requirement is lower; in many, it is substantially higher.

In the quieter and less mobile era of our history when these residence requirements were imposed, the burden was not as huge as it is today. The Census Bureau estimates that every year, 20 million Americans, or 10 percent of the population, move their residence from one State to another. On the average, each family in the Nation moves its residence once every 4 years.

The plight of the disfranchised mobile voter in America is well known, and no extended discussion is needed here. As many experts have noted, the right of a citizen to travel freely from State to State is one of our fundamental rights protected by the Constitution, and the exercise of that right should never trigger the loss of an even more basic constitutional right, the right to vote.

Last year, as part of the statute low-

ering the voting age to 18, Congress took a significant step to alleviate the burden of so-called "durational" residence requirements by reducing such requirements to 30 days for voting in presidential elections.

Now the time is ripe for Congress to go further, and there is growing sentiment in the Senate to make the same 30-day requirement applicable to all Federal elections. Indeed, a bill to this effect is about to be introduced in the Senate by Senator JOHN TUNNEY of California, with strong bipartisan support, and similar legislation has already been introduced by Senator HAROLD HUGHES.

BACKGROUND OF EFFORTS TOWARD UNIVERSAL VOTER REGISTRATION

In recent years, discussions of various proposals to establish a system of universal voter registration for the United States have dwelled essentially exclusively on what may be called local action methods—that is, door-to-door canvassing at the local level—at the initiative of local jurisdictions. Each of two major studies of the decade of the sixties has recommended this approach, partly because it is the approach apparently responsible for the higher voter turnouts in foreign democracies, and partly because of philosophical and constitutional objections to methods relying on the initiative of the Federal Government.

The first study was made by the President's Commission on Registration and Voting Participation, established by President Kennedy in March of 1963, chaired by Richard Scammon, the Director of the Census Bureau at that time, and charged with the task of determining the reasons for low voter turnout in America, and recommending solutions. The Commission's report in November of 1963 was a major milestone in the analysis of the complex psychological and legal factors that lie at the heart of the problem.

The Commission made more than 20 major recommendations to end restrictive legal and administrative procedures inhibiting the right to vote. In the area of voter registration, the Commission urged the State to adopt procedures to make registration easily accessible to every citizen. As patterns to be followed, the Commission pointed to the example of Canada and noted a number of States and communities in America that had successfully used registration procedures involving door-to-door canvassing, deputy registrars, and mobile registration units.

The second major study was prepared by the Freedom to Vote Task Force, established by the Democratic National Committee in 1969 and chaired by Ramsey Clark, the former Attorney General of the United States. Notwithstanding its partisan sponsorship, the report of the task force, entitled "That All May Vote," is a persuasive nonpartisan document challenging the Nation to end the abuses we have endured for so long and to act to increase the strength of our democracy. As the report states:

People who vote believe in the system. They participate. They have a stake in government. But, to the nonparticipants their stake in

government is not so apparent. Their alienation from the system is harmful not only in their own lives, but it threatens the survival of democracy itself.

Registration efforts must not be concerned with how people vote. The important consideration is that they vote. We can live with decisions made by a full electorate, but those who do not participate may be unwilling to live with decisions they had no voice in making. We must do everything within our power to encourage them to vote. Let the people choose.

The report of the task force made clear that voter registration is the real villain, the principal barrier that stands between the citizen and the ballot box. As in the case of the 1963 Commission study, the report pointed to the success of local action for voter registration in South Dakota, Idaho, and in parts of California and Washington, and urged a similar program for America. The proposal was introduced in legislative form in the 91st Congress by Senator INOUYE, a member of the task force, and it has been reintroduced as S. 1199 in the present Congress.

Because of doubts that have been raised about the feasibility of the local-action approach to voter registration, progress has been slow in efforts to implement such proposals. More and more, attention has turned to the alternative of a Federal system of voter registration to achieve the universal system we need.

The Senate took a major step in this direction last June, when it approved by the vote of 47 to 31 an amendment to the draft bill, authorizing Selective Service offices to register 18-year-olds to vote at the time they register for the draft. And Senator HUMPHREY is offering a similar proposal to use the facilities of the Internal Revenue Service to promote voter registration.

In large measure, recent Supreme Court decisions have eliminated possible constitutional objections to a Federal system of universal voter registration. Now and for the foreseeable future, I believe that such a system is the only hope we have for pulling ourselves out of the present morass of registration requirements.

THE SOUTH CAROLINA EXPERIENCE

In the face of growing demands imposed on outdated voter registration procedures, a number of cities and counties throughout the Nation have begun to use computers to modernize their procedures. In 1967, South Carolina became the first and only State to centralize its voters registration procedure through a computer system on a statewide basis. Although registration in South Carolina continues to be initiated through the county registration boards in the State and citizens must still appear in person to register at the local boards, their applications are now forwarded to the State data processing office, where the information is stored and processed.

The familiar but cumbersome ledger books that used to form the registration record in South Carolina have now been replaced by magnetic tapes in a computer system. The records are continuously kept current through data provided to the State agency from various sources;

for example, the bureau of vital statistics provides monthly reports on persons who have died, and the State and Federal courts provide data on persons convicted of crimes. Prior to the new system, the registration records were rarely cleaned for any reason.

On the basis of the data in the computer files, official lists of registered voters for each county and precinct are printed and made available to local officials 10 days before each State, county, municipal, or other election. Thus, it is no longer necessary to use the entire county ledger for a municipal election, or to copy manually from the county rolls the names of persons eligible to vote in elections held in smaller jurisdictions. Since the computer lists contain all the information provided by the voter when he registered, election officials are able to identify registrants easily at the polls. Under the previous system, only the voter's name and address were on the rolls.

As a result of the vastly increased efficiency of the new system, the county registration boards in South Carolina that used to be open only a few days a month are now open on a daily basis during normal courthouse hours. During the first year of the new system, 850,000 South Carolina voters were registered, the highest figure in the history of the State. The total cost of the computer portion of the system is approximately \$170,000 a year, and the entire store of registration information is contained on five reels of computer tape.

A SYSTEM OF UNIVERSAL VOTER REGISTRATION FOR THE NATION

At a single stroke, the system of universal voter registration I favor would eliminate the arbitrary and unfair requirements of residence and registration that now operate to disfranchise so many of our citizens. Durational residence requirements would be abolished for Federal elections, and registration would involve a procedure no more complicated than filling out a post card form and placing it in the mail. Local control of the actual election process would remain unchanged, but virtually the entire financial cost and administrative burden of voter registration would be lifted from the States and transferred to the Federal Government.

The program would be administered by a new bipartisan agency to be established in the Census Bureau. Citizens would register to vote simply by filling out the post card form and mailing it to the new agency. Merely by specifying the address of his residence on the form, the citizen would determine his voting residence. There would be no requirement of residence for a specific period of time. The system would thus do away not only with burdensome registration requirements, but also with unfair residence requirements that operate to bar voters in almost every State.

With the assistance of computers, the information would be stored, divided according to election districts, and made available by the Census agency to appropriate State and local election officials, as the official list of eligible voters.

Use of the new voter registration list

would be mandatory in Federal elections, and optional for State and local elections. I believe, however, that the simplicity, efficiency, and cost savings of the system would lead to its rapid acceptance for State and local elections as well, so that within a brief period of time, the Nation would have a truly universal voter registration system for all elections. Our system of democracy deserves no less.

In its details, the system would function as follows:

First, a new bipartisan agency—the Universal Voter Registration Administration—UVRA—will be established in the Bureau of the Census to organize and administer a program of universal voter registration for all Federal elections, and to assist States in their registration for State and local elections. The UVRA will be authorized to establish State and regional data processing centers to carry out its functions. The agency will be under the direction of an administrator and two associate administrators, no more than two of whom can be members of the same political party. The new agency is created in the Bureau of the Census because that agency has established a long-standing reputation of efficiency and confidentiality, and has already developed the computer programs and technology essential to the implementation of a successful universal voter registration system.

Second, individuals will register to vote through post card voter registration forms, to be mailed free of charge to UVRA. The post card forms will be of the type which allows visual scanning by computers to read the information. They will be widely available in post offices and other Federal agencies, and will also be available to private voter registration groups. Where appropriate, bilingual forms will also be available. In addition, any State or local jurisdiction will be authorized to send its current registration records to UVRA for assimilation into the new Federal system.

Third, the information on the post card forms will include only the name, address, ZIP code, and date of birth of the individual, together with a statement that the individual is not disqualified from voting under State or local law by reason of conviction of a crime or adjudication of mental incompetence. In addition, the individual may specify his party affiliation if he wishes to register for primary elections. UVRA registration will remain valid for 4 years, or for longer periods according to State law.

Fourth, the post card form will also include a line for the signature or mark of the individual, and a statement of the penalty for fraudulent registration. The penalty will be a fine of not more than \$10,000, imprisonment for not more than 5 years, or both. The form will also include a statement that the signature or mark of the individual attests to the accuracy of the information he provides on the form.

Fifth, UVRA registration will close 30 days before primary, general, or other elections. UVRA will compile lists of registered voters by local precincts and

forward the lists to the appropriate State or local election officials. Simply by having his name on the list, any person will thereby be authorized to vote in Federal elections. States will be able to supplement and update the lists in advance of the Federal election. However, in cases where a State removes a name from the list, notice of the removal must be given promptly to UVRA and to the individual, together with the reason for the removal.

Sixth, use of the UVRA list will be mandatory for all Federal elections and optional for State and local elections. If State and local officials decide to use the UVRA lists for State and local elections, they may not delete anyone from the list for failure to meet other qualifications.

Seventh, UVRA will be authorized to establish appropriate procedures for individuals to verify their registration. It will also inform each voter of the location of his polling place, so that on election day every citizen will know where he must vote.

Eighth, to protect the right of privacy, UVRA information and voting lists will not be available to any other Federal agency and will not be made available by UVRA to any private source. In addition, UVRA will not draw on information collected for other purposes by other Federal data centers, such as the Internal Revenue Service or the Social Security Administration. The UVRA system will be used for voter registration and no other purpose. However, to the extent that State or local law requires voting lists to be publicized, UVRA information may become public at that level, although the information still may not be used by any Federal agency.

CONSTITUTIONAL JUSTIFICATION

In light of a long line of Supreme Court decisions in the area of voting rights in the decade of the sixties, and especially the decision by the Court in *Oregon v. Mitchell*, 400 U.S. 112 (1970)—the 18-year-old voting case decided last December—there is solid constitutional support for the establishment of a nationwide system of universal voter registration in the United States. Indeed, although the issue may be somewhat less clear-cut, there would also be ample constitutional justification for the extension of the Federal registration system to State and local elections as well.

As in the issues surrounding the Voting Rights Act Amendments of 1970, which Congress passed last year, the issue in the current context concerns the power of Congress to legislate by statute in the area of State and local election requirements.

There can be no question, of course, that the Constitution grants to the States the primary authority to establish qualifications for voting. Article I, section 2 of the Constitution and the 17th amendment specifically provide that the voting qualifications established by a State for members of the most numerous branch of the State legislature shall also determine who may vote for U.S. Senators and Representatives. Although the Constitution contains no specific reference to qualifications for voting in presidential elections or State elections, it has

traditionally been accepted that the States also have primary authority to set the qualifications in these areas as well.

At the same time, however, these constitutional provisions are only the beginning, not the end of the analysis. They must be read in the light of all the other specific provisions of the Constitution, including the great amendments that have been adopted at various periods throughout the Nation's history. Most recently, a month ago, the 26th amendment, lowering the voting age to 18, became part of the Constitution, and conferred power on the Congress to enforce the new amendment by appropriate legislation.

The constitutional issues must also be interpreted in the light of the basic Supreme Court decisions interpreting the provisions in question. Although a State may have primary authority under article I of the Constitution to set voting qualifications, it has long been clear that it has no power to condition the right to vote on qualifications prohibited by other provisions of the Constitution, including the various amendments to the Constitution. No one believes, for example, that a State could deny the right to vote to a person because of his race or his religion.

Thus, the Supreme Court has specifically held that the equal protection clause of the 14th amendment itself prohibits certain unreasonable State restrictions on the franchise:

In *Carrington v. Rash*, 380 U.S. 89 (1965) the Court held that a State could not withhold the franchise from residents merely because they were members of the Armed Forces. Obviously, the rationale of this decision is directly applicable to the present national controversy over the voting residence of students.

In *Harper v. Virginia Board of Elections*, 383 U.S. 663 (1966), the Court held that a State could not impose a poll tax as a condition of voting.

In *Katzenbach v. Morgan*, 384 U.S. 641 (1966), the court upheld the constitutionality of a statute passed by Congress overriding State literacy requirements in English and conferring the franchise on voters literate in Spanish.

But the key Supreme Court precedent supporting a universal voter registration system for Federal elections is *Oregon v. Mitchell*. In that important decision the court not only sustained the constitutionality of a Federal statute lowering the voting age to 18 for Federal elections, but also upheld the constitutionality of two other provisions in the 1970 statute, provisions that were applicable not only to Federal elections, but also to State and local elections.

A provision abolishing State literacy requirements altogether;

And, a provision reducing the residence requirements for voting in presidential elections to 30 days, and requiring the States to make available appropriate absentee registration and absentee voting procedures for such elections.

The *Mitchell* decision is especially significant because of the substantial majority by which the Supreme Court up-

held the constitutionality of the literacy and residence provisions of the 1970 statute passed by Congress.

To be sure, the provision lowering the voting age to 18 in Federal elections was sustained by the narrow margin of 5 to 4, with Justice Black casting the deciding vote on the basis of the power of Congress under article I, section 4, of the Constitution to regulate the time, place, and manner of conducting Federal elections.

At the same time, however, in spite of the narrow vote on the 18-year-old issue, the Court upheld the validity of the literacy and residence provisions by overwhelming majorities—9 to 0 in the case of the literacy provision, and 8 to 1 in the case of the residence provision, with only Justice Harlan dissenting on the later issue.

The crucial link in the reasoning of the Justices leading to the strong majority in favor of the residence aspect of the case was their view that the provision was a valid exercise of the power of Congress under the necessary and proper clause of the Constitution to protect the constitutional right to change one's residence and to travel freely from State to State, a right that had been clearly reaffirmed by the Supreme Court as recently as 1966, in its decision in *United States v. Guest*, 383 U.S. 745 (1966).

Similarly, the crucial link in the reasoning of the Justices leading to the unanimous decision upholding the literacy provision in the statute was their view that the provision was a valid exercise of the power of Congress to enforce the 15th amendment of the Constitution, which bars racial discrimination in voting.

The present proposal for a system of universal voter registration for Federal elections, involving action by Congress in the areas of both residence and registration as qualifications for voting, is easily supported under the literacy and residence rationales of Oregon against Mitchell, since it would be action by Congress to promote the right to travel and to end racial discrimination in voting. No substantial distinction can be drawn on the basis that the residence provisions in the Mitchell case applied only to presidential elections, whereas the proposed universal registration system would apply to all Federal elections. As Justice Stewart stated in discussing the residence provision in the Mitchell case, in an opinion joined by Chief Justice Burger and Justice Blackmun:

I have concluded that, while S. 202 applies only to presidential elections, nothing in the Constitution prevents Congress from protecting those who have moved from one state to another from disenfranchisement in any Federal election, whether congressional or presidential. 400 U.S. 112, 287.

Further, as I have indicated, the constitutional rationales supporting the literacy and residence provisions in the Mitchell case might easily support the extension of the universal voter registration proposal to State and local elections as well. A fortiori, however, the proposal is clearly valid for Federal elec-

tions as an exercise by Congress of its power under article I of the Constitution to regulate such elections, and I urge the Senate to adopt it.

THE THREAT OF THE MILITARY-INDUSTRIAL COMPLEX OF THE SOVIET UNION

Mr. THURMOND. Mr. President, in a day when our so-called military-industrial complex is being debunked by liberal opinion makers, it is gratifying to note that some in our country still recognize the threat of the military-industrial complex of the Soviet Union.

An editorial entitled "The Crime of Unpreparedness" was published in the July 9 issue of the Greenville News of Greenville, S.C. The editorial states clearly what is at stake if we cut too deeply into our defense establishment.

I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Greenville (S.C.) News, July 9, 1971]

THE CRIME OF UNPREPAREDNESS

One of former President Eisenhower's most quoted public utterances is his farewell message warning against the "military-industrial complex" in America. It is a special favorite of the left and the peacenik element.

Less well known, because it is ignored by most major influence-makers, is another Eisenhower quote about the military establishment. It is this:

"Until war is eliminated from international relationships, unpreparedness for it is well nigh as criminal as war itself."

Given the current increasing emphasis on reducing military appropriations in favor of welfare state and other domestic items and the constant hammering away at the military-industrial complex, the country needs to examine the other side of the coin as presented in the second Ike quote.

Anybody who thinks for a minute that war has been eliminated from this earth is only deluding himself. He who argues that war is unthinkable is deluding others. Major warfare is a constant threat in the Middle East and along the Chinese-Siberian border. Events completely beyond the control of any American could lead to a conflagration which would engulf the entire world, including the United States.

Only the most naive could ignore the fact that this nation's potential enemies possess and constantly improve a vast military-industrial complex. The Soviet Union's expanding missile, air and naval power is undeniable.

Also undeniable is the Soviet Union's avowed aim to impose its system upon the entire world. That fact often is glossed over or ignored, even though Soviet leaders never miss an opportunity to emphasize their ultimate goal.

The surest way to involve the entire world in another war of unprecedented horror would be to allow the imperialist Soviets to believe they could win a military conflict with the non-Communist nations.

That, of course, would happen should the defense establishment—the military-industrial complex, if you please—of the United States be weakened sufficiently.

While there is need to reduce considerable waste in defense spending and to ride herd over defense contracts, the greatest danger this country and the world faces is the threat of cutting too deeply into America's defense program. Parts of it, the Navy for instance, is

in dire need of modernization at considerable cost.

As President Eisenhower said, failure to guard against war by refusing to keep well prepared for war, would be a heinous crime.

THE PERILS OF COEXISTENCE WITH COMMUNISM

Mr. ALLEN. Mr. President, events of the past few weeks in the area of diplomatic relations with Communist nations suggest a dramatic reversal of this Nation's foreign policy as it relates to international communism.

I am very much concerned that we not become mesmerized by rhetoric in support of the goals of detente and rapprochement, as desirable as they may seem. I hope, too, that the unquestioned desire on the part of the American people for peace will not blind us to realities concerning the nature and objectives of our adversary. World peace is a highly commendable goal—but not peace purchased at any price or peace achieved by any means.

Mr. President, in view of the rapidity of reversals of foreign policies, and in view of the worldwide implications of these changes, it might be helpful to refresh our memories concerning certain basic Marxist-Leninist tenets which have not changed.

Mr. President, in this connection, the July 1971, issue of the American Bar Association Journal contains an article by Charles T. Baroch entitled "The Brezhnev Doctrine." In the process of analyzing this doctrine and its implications, Mr. Baroch calls attention to the meaning of "the law of peaceful coexistence" as conceived by Communist jurists who describe coexistence as—

A specific form of class struggle between socialism and capitalism in the international arena. . . . Peaceful coexistence between the two systems does not exclude revolutions in the form of armed uprisings and just national liberation wars against imperialist oppression, which occur within the capitalist system.

Mr. Baroch is eminently qualified to write on these subjects. He is a scholar in residence for the American Bar Association's Standing Committee on Education About Communism and its Contrast With Liberty Under Law. He received a J.D. degree from Charles University Law School, Prague, Czechoslovakia, and M.A. and Ph. D. degrees from Harvard where he served as Research Fellow, Russian Research Center for 5 years.

Mr. President, Mr. Baroch has rendered a timely and most useful service in reminding us of certain Marxist-Leninist tenets and a world view shaped by these tenets, which is:

A world engulfed in an irreconcilable confrontation between the two antagonistic socioeconomic systems—capitalism and socialism—which is bound to end with a revolutionary transformation of capitalist society according to Marxist-Leninist tenets.

To this supranational revolutionary end everything is subordinated, including interests of whole nations (their sovereignty, equality, independence, etc.) as well as the interests of individuals, irrespective of whether they are part of the capitalist or socialist system.

Mr. President, I commend Mr. Baroch's article as worthy of thoughtful consideration of Members of the Senate and ask unanimous consent that it be printed in the RECORD.

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

THE BREZHNEV DOCTRINE

(By Charles T. Baroch)

More than two years ago the non-Communist world was shocked by the ruthless intervention of Warsaw Pact armed forces in the Czechoslovak Socialist Republic. The alleged purpose of the intervention was "to defend the socialist character" of a member of the world socialist system and its "socialist achievements".

The Warsaw Pact countries, especially the U.S.S.R., were accused, even by some Communists, of having violated Czechoslovak sovereignty and right of self-determination. Non-Communist reaction was well summed up by the indignant editorial in *The New York Times* of September 28, 1968, in which the name "Brezhnev Doctrine" may have been coined:

The latest Kremlin attempt to justify the invasion of Czechoslovakia is further indication of Stalinism ascendant in Moscow.

The earlier attempt to claim a status of semi-legality on the basis of a supposed invitation to the invaders from high Czechoslovak Government and Communist party leaders has apparently been discarded. Instead, Pravda now enunciates what must be called the *Brezhnev doctrine*, though the same thinking was manifest in the brutal repression of Hungarian freedom in 1956. The core of this doctrine is the assertion that Communist-ruled states enjoy neither genuine sovereignty nor genuine rights of territorial integrity, that the Soviet Union may at any time it deems proper send troops into any such states in order to pressure Communist rule.

What permits the Soviet Union to issue and even to implement such doctrine is, of course, Soviet military power. This reliance on force and contempt for law must raise fears among others that some day Moscow will decide that the sovereignty and territorial integrity of non-Communist nations is also being interpreted too abstractly and without due attention to class principles.

Questions arise as to the origin and scope of this allegedly new doctrine. It seems that the editorialist who coined the term, which has become an international household word, had in mind an analogy with certain American policy pronouncements now, with the acquiescence of other states, part of customary international law. Analogy with the most famous of these, the Monroe Doctrine, is very tempting, but, as I hope to demonstrate, despite superficial similarity, the so-called Brezhnev Doctrine is precisely its opposite in every respect.

There are three fundamental problems regarding the Brezhnev Doctrine: (1) Can it be attributed to Brezhnev? (2) What is its relation to international law? and (3) What are its real content and implications?

PERSONAL DECISIONMAKING BY COMMUNIST LEADERS IS MINIMAL

Certain aspects revealing a conventional, narrow understanding of the Communist world outlook are usually stressed by authors considering the Brezhnev Doctrine. It is assumed that the *Secretary General* of the Communist Party of the Soviet Union (C.P.S.U.), with the approval of the Politburo, formulated a new doctrine of the limited sovereignty of a member of the socialist system of states. Yet, there is in Communist-controlled states very little personal decision making by individual leaders, however ex-

alted their positions. The "fraternal assistance" to Czechoslovakia was a vital policy decision of the C.P.S.U. Politburo based on evaluation of the global situation and recommendations by several departments of the C.P.S.U. Central Committee apparatus, of which the present Secretary General is a product. He therefore hardly deserves to be honored as the doctrine's originator.

There is the widespread conviction, also, that this doctrine represents a new foreign policy formula or, at least, a revival of policy discarded after Stalin's death. It is enough, however, to consult earlier Communist documents to see the fallacy of this view.

THE 1957 DECLARATION REAFFIRMS BASIC MARXIST-LENINIST TENET

In 1957, for instance, following the suppression of Polish and East German unrest and the Hungarian uprising of the year before, the ruling Communist Parties of the twelve socialist countries met in Moscow to define the Communist co-ordinated policy for the later 1950s and 1960s. They sought to outline basic rules of conduct to avoid the pitfalls of mechanical copying of C.P.S.U. methods (the so-called dogmatism) and, what was considered even more dangerous, of revisionism of Marxist-Leninist tenets or right-wing opportunism. Their declaration stated:

In our epoch, world development is determined by the course and results of the confrontation [soreznovniye] between two diametrically opposed social systems [socialism versus capitalism]. [In that confrontation] the strengthening of the unity and fraternal cooperation of the socialist [Communist-controlled] states and of the Communist and Workers' Parties of all countries and closing the ranks of the international working class, national-liberation and democratic movements take on special importance.

While asserting that "the socialist countries base their relations on the principles of complete equality, respect for territorial integrity, state independence and sovereignty as well as non-interference", the declaration emphasizes that, however important, these principles "do not exhaust the essence of their relations". (Emphasis added.) Fraternal, mutual assistance is an integral part of these relations and "finds its expression in the principle of socialist internationalism," which has thus been elevated to a fundamental doctrine, superimposed on international law in socialist interstate relations.

In order to offset the dangers of revisionism, the twelve participating parties forcefully reaffirmed the correctness of the basic Marxist-Leninist tenet that "the processes of the socialist revolution and socialist construction are governed by a number of basic 'laws,' applicable in all countries embarking on the socialist path."¹ Their declaration then lists these generally valid principles and rules of conduct binding on all Communist Parties, ruling or nonruling alike:

1. Leadership of the toiling masses by the working class, whose vanguard is the Marxist-Leninist Party, in bringing about a proletarian revolution in one form or another [either by peaceful or violent (civil war) means] and in establishing some form of the dictatorship of the proletariat;
2. Alliance of the working class with the bulk of the peasantry and other strata of the toilers;
3. Abolition of capitalist ownership and establishment of public ownership of the basic means of production;
4. Gradual socialist reorganization [collectivization] of agriculture;
5. Planned development of the economy with the aim of building socialism and communism;
6. Completion of a socialist revolution in the sphere of ideology and culture and for-

Footnotes at end of article.

mation of numerous intelligentsia devoted to the working class, the toilers and the cause of the socialism;

7. Elimination of national oppression and the establishment of equality and fraternal friendship among people;

8. *Defense of the achievements of socialism* (emphasis added) against encroachments of external and internal enemies; solidarity of the working class of a given country with the working class of other countries—proletarian internationalism.

Two observations should be made with regard to the 1957 declaration. The Soviet delegation to the 1957 conference was headed by the then First Secretary of the C.P.S.U. Nikita S. Khrushchev, who, for all his reputation as promoter of peaceful coexistence, in 1956, as will be remembered, had given fraternal military assistance to orthodox Hungarian Communists led by Janos Kadar in their effort to preserve socialist achievements in that country.

Also, the same basic rules for Communist conduct defined in the 1957 declaration are quoted, as we shall see, in Brezhnev's arguments to justify the 1968 Warsaw Pact occupation of Czechoslovakia. A constantly deteriorating situation (from a Communist viewpoint) had developed there, with the local Communist Party in disarray and losing its total control (dictatorship) over the state,² resembling the 1956 Hungarian crisis.

In the view of the Warsaw Pact governments this situation fully justified armed intervention, aimed at restoring the Communist Party power monopoly. The non-Communist world, however, branded it as "contrary to every elementary rule of international law, to say nothing of the UN Charter."³

It is of major interest, therefore, to look next into the Communist attitude toward these elementary rules of international law, which are essential for normal intercourse among states. Since legal norms are basically rules and guidelines of conduct, whether of individuals or states, the importance of understanding the Soviet legal system and its underlying philosophy cannot be overemphasized in our search for communist policy motivation. Secretary of State William P. Rogers summed it up very well when as Attorney General he wrote in this *Journal*:

"When we talk about competing with International Communism in the realm of ideas, we are talking in large measure about the ideas which are the basis of our legal system."⁴

The so-called Brezhnev Doctrine has often been qualified in the non-Communist world as a doctrine of limited sovereignty, applicable only to a socialist state. What, briefly, is the Communist concept of state sovereignty within the international law context?

STATE CONCEPT DIFFERS FROM TRADITIONAL NOTIONS

The state concept—and sovereignty is an important attribute of the state—as defined in the Marxist-Leninist theory of state and law differs substantially from traditional notions. The theory of the origin, nature and aims of the state was formulated by Lenin, a lawyer by education, who relied heavily on Frederick Engels's work, *The Origin of the Family, Private Property and the State*. As is well known, Engels tied the state's origin to the appearance on the historical scene of private ownership of the means of production and the resulting split of society into antagonistic classes. The state emerged, and continued to exist, as an organ of class rule (slave-owners over slaves, feudal lords over serfs).

At present, Marxist-Leninist theory distinguishes between two basic forms of class society; in one the classes are *hostile and antagonistic* towards each other and are engaged in bitter class conflict (bourgeoisie vs.

date certain for our total withdrawal, and contrast that with the alternatives that seem to be pursued by the administration.

With the President's dramatic announcement about his forthcoming trip to China, there has been much speculation about the future of our involvement in Indochina.

My conclusion is that it is now all the more imperative for Congress to legislate a date for our total military withdrawal. In my judgment, such an action, as advocated by these experts, would be a momentous step in preparing the climate for the President's journey of peace to the People's Republic of China.

I ask unanimous consent that this article be printed in the RECORD.

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

WHAT CHANCE IS "REASONABLE" IN VIETNAM?
(By Leslie H. Gelb and Morton H. Halperin)

With presidential adviser Henry A. Kissinger coming home from a "fact-finding" trip to Saigon and Paris, the Nixon administration is in the midst of yet another reappraisal of American Vietnam policy. The Pentagon papers indicate that such reevaluations are episodic. As in the past, the public can only be dimly aware of what options are being seriously debated. The President's choice involves as much what he decides to tell the American people as what he decides to do.

We believe that only an unambiguous public gesture can now end the divisions in our country. The Senate for the first time has gone on record in favor of a complete withdrawal within nine months. The publication of the Pentagon papers has intensified the debate about governmental credibility. And, in the midst of this, the Vietcong on July 1 put forward another in a long line of peace proposals.

This new seven-point proposal, like its predecessors, is a construct of Marxist rhetoric and Talmudic precision. The Vietnamese Communists use words very carefully to state their position in a way that raises hopes without giving anything away. They present a familiar list of moral imperatives that the United States "must" do in order to bring peace to Vietnam: ending "Vietnamization," dismantling all bases, withdrawing "all troops, military personnel, weapons, war materials," bring about a coalition government.

But in the following paragraph, which enunciates their conditions for action, as distinguished from the moral imperatives, they simply state: "If the U.S. sets a terminal date for the withdrawal from South Vietnam in 1971 of the totality of U.S. forces [and Allied forces], the parties will at the same time agree on" 1) safe withdrawal and 2) the release of American POWs, beginning and ending with the withdrawal of U.S. forces.

The message seems to be this: if we set a 1971 terminal date, there will be a cease-fire against American forces, a concurrent release of prisoners, and ostensibly no prohibitions on future American military and economic assistance to the Saigon regime. This interpretation is supported by North Vietnam's Le Duc Tho in his press interview of July 6.

We cannot be certain that this is really Hanoi's meaning. In the past, when we asked them what such and such a phrase meant, they only would say that we should look at the totality of their proposal. Thus we can only learn what they mean by putting forward a concrete proposal of our own which includes a terminal date for our presence and simultaneous release of prisoners.

Of course, if release of our POWs alone were our basic goal, the President would have every reason to accept the Hanoi position. But the real issue is, as it has always been, how important a non-Communist Vietnam is to American security. In this regard, everything that the President has said indicates that his Vietnam policy is not much different from that of each of his post-World War II predecessors. His stated goal is, as their goal was, a non-Communist South Vietnam. For President Truman, that meant beginning a program of military assistance to enable the French to fight the Vietminh. For President Eisenhower, it meant massive aid totaling 80 percent of the French effort in 1954 and, after the Geneva Conference, the introduction of an American military mission. For President Kennedy, it meant sending 15,000 American advisers to Vietnam and meddling in South Vietnamese domestic politics. For President Johnson, it meant Americanization of the war. For President Nixon, it is Vietnamization with phased withdrawal of American troops, along with invasions of Laos and Cambodia. The American policy in Vietnam is now described by President Nixon as assuring a "reasonable chance" for survival of the Saigon government. The difficulty is not with the phrase but with what meaning it is given. In fact, "reasonable chance" reasonably defined could provide a basis for uniting the American people.

So far, however, "reasonable chance" seems to add up to an ambiguous holding action: it has meant withdrawing most of the American forces in order to cut American casualties and costs, thereby, the President hopes, maintaining domestic support for the war. It has meant withdrawing slowly enough with hawkish enough rhetoric to reduce the chances of what the President has called "a nightmare of recrimination"—the right-wing reaction.

It seems to portend keeping two American residual forces in the battle as long as necessary: one on the ground in Vietnam providing assistance to the South Vietnamese and defending itself, and the other in Thailand and offshore on carriers conducting bombing raids throughout Indochina. It surely will mean continuing large-scale military and economic assistance to the South Vietnamese government.

While these actions can be interpreted in various ways, they are consistent with the notion that the President is doing everything that our domestic politics will permit to support the current Saigon government for the indefinite future.

Many would argue that we have long since given the Saigon government a "reasonable chance." We have fought their war for them for six years, killing many of the best enemy troops. At least for the past three years, we have given top priority to the equipping and training of South Vietnamese forces. The Saigon government has an army larger than its opponents, and it can draw ample recruits from the population under its control. These facts do not mean that the Saigon government would survive a complete American withdrawal. The simple truth is that we do not understand much more about South Vietnam today than we did in 1946, and we just do not know whether the Saigon government can survive or not.

President Nixon is really asking for continued American support for the war—for what everyone, including the President himself, seems to concede is only a marginal improvement of an uncertain chance that the current Saigon government will indeed be able to survive.

What the President hopes to gain is surely more than overbalanced by what he risks in continuing the war.

First, whatever Hanoi's current terms are, they are almost certain to increase as the size of our force diminishes. When 50,000 or fewer American troops are left in South Vietnam, Hanoi might demand that the United States

also cease aid to Saigon and perhaps even change that government in return for the release of the prisoners.

A second risk is that if Hanoi does step up military pressure against this shrunken American force, the President might feel that he had no alternative than to respond by what he has called "decisive escalation" against North Vietnam. Most observers would say that the President simply cannot afford the domestic political repercussions of escalation now. But most of them were saying that before Laos and Cambodia. Indeed, most U.S. escalations of the war were preceded by predictions that they would not occur.

Beyond these two risks lies a third: namely, the risk of breaking the fragile link of trust between the President and the people. Presidents always want to keep open their options and retain their flexibility. But when the issue is Vietnam today, the President's desire for ambiguity must give way to the public's right to clarity.

President Nixon seems prepared to run these risks for two reasons. He still believes what most Southeast Asian specialists, including those within the government, have long since ceased to believe: that prospects for a "generation of peace" depends on the outcome in Vietnam.

The president also fears the growth of radicalism at home. Such domestic reaction is indeed something to worry about. The political left has started calling for war crimes trials. Their goal seems to be to establish wide-ranging individual, if not national, guilt. The Calley trial sparked the political right. Their goal will be to find out who is to blame for America's not winning this war. This emerging "scapegoatism" is frightening. President Nixon is on the mark here.

It is now the President's obligation to unite the country by stating an unambiguous policy. The new NLF proposal opens the way for doing so by apparently allowing the President to define "reasonable chance" as an American withdrawal with the Saigon government free to receive American military and economic aid. If President Nixon were to define "reasonable chance" in these terms, few here would quarrel with that decision, and it would almost certainly open the way at last to an end to our military involvement in Indochina.

It may well be the only way to give ourselves—these United States—a reasonable chance.

CAMPAIGN REFORM

Mr. PROUTY. Mr. President, several days ago, the distinguished Republican leader (Mr. SCOTT) placed in the RECORD an itemized account of all outstanding debts and negotiated settlements associated with the last few election campaigns. This list set out in detail "who owes how much to whom and for how long."

If campaign reform is to mean anything at all, it certainly should mean that no candidate is entitled to a special advantage over his opponent. As the ranking Republican member of the Committee on Rules and Administration, I supported Senator SCOTT's amendment prohibiting the extension of unsecured credit to candidates by certain businesses because I felt that the amendment put everyone on notice that no one is entitled to a free ride.

Mr. President, I ask unanimous consent to have printed in the RECORD several news accounts pertaining to Senator SCOTT's investigation and his amendment.

There being no objection, the items

were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, July 24, 1971]
WHEN THE CANDIDATES FLY NOW, NOBODY
BOthers TO PAY LATER

WASHINGTON.—Airlines are stuck with over \$2.1 million in unpaid debts run up by political candidates and their campaign organizations. Telephone companies have nearly \$400,000 in similar unpaid bills.

In addition to the Democratic and Republican National Committees, debtors listed include President Nixon, the late Robert F. Kennedy, Senator Hubert H. Humphrey (D., Minn.) and former Senator Eugene J. McCarthy (D., Minn.).

The Senate GOP leader, Hugh Scott, put the figures in the *Congressional Record* yesterday in urging adoption of an election-reform bill amendment to curb political deadbeats.

"This business of trying to run political campaigns on the cuff is distinctly unfair and places a burden which not only should not be on the companies but is actually forcing them into making involuntary and illegal contributions," the Pennsylvanian told the Senate.

In talking with newsmen he jibed at Mr. McCarthy, who he said apparently is going to run for President again, as one "who doesn't run a shirt-sleeve campaign but one on the cuff."

Examination of the documents Mr. Scott put on record showed that American Airlines alone reported that as of last April 30 it had outstanding debts of \$1,337,834 incurred by candidates for federal office from 1962 on.

LISTING OF DEBTS

Here is the list it gave of candidates or political organizations and the amount owed by each:

Republican National Finance Committee, \$151,871; Richard M. Nixon, \$69,376; National Democratic Committee, \$426,833; Robert F. Kennedy, \$415,120; Hubert H. Humphrey, \$138,762, and McCarthy for President, \$135,872.

R. M. Bressler, vice president and treasurer of the airline, said in a letter to the Civil Aeronautics Board that because of "the sub-standard credit relations" it has experienced with candidates, it now is asking for personal guarantees in all cases.

WRITE-OFFS, SETTLEMENTS

Trans-World Airlines, in a June 2 report to the Civil Aeronautics Board, said its outstanding accounts showed \$221,519 owed by United Democrats for Humphrey, \$25,091 for a Humphrey charter, and \$13,196 by the GOP National Committee.

Trans World also reported that on February 24, 1969, it had written off \$6,867 by McCarthy for President, and on November 14, 1968, had settled for \$9,485 a debt of \$16,352 owed by McCarthy for President.

Other airlines also reported unpaid campaign debts, as did A.T.&T., Western Union and General Telephone and Electronics. An itemization of unpaid telephone bills covered page after page.

An unpaid Kennedy for President account totaling \$30,690 was reported as settled in July 1969 for \$15,395.

"LARGE DEBTS . . . NO MONEY"

Johnson Flying Service, Inc., of Missoula, Mont., reported that still unpaid is a \$2,910 bill incurred on September 20, 1968, by Mr. Humphrey and charged to the Democratic National Committee.

The company said it had tried to collect but "they state that they cannot pay as they have a large quantity of debts and no money."

Mr. Scott's amendment to the election reform bill would prohibit extension of unsecured credit to candidates for federal office by airlines, telephone companies and other industries regulated by the government.

He previously had requested the General Accounting Office to compile a report on all outstanding debts of candidates to such companies, along with any negotiated settlements.

NEARLY COMPLETE

Mr. Scott said the report is nearly complete and reveals "totally unacceptable campaign practices by both political parties not to mention the federal common carriers themselves."

Corporate contributions to political campaigns are forbidden by law, but Mr. Scott said that if a candidate fails to pay his bills, he has in effect received an involuntary contribution.

[From the Washington Post, July 24, 1971]

SCOTT ASKS CAMPAIGN CREDIT BAN

Senate Republican Leader Hugh Scott yesterday proposed forbidding political candidates to put telephone, telegram, travel and similar campaign expenses on the cuff.

Scott conceded his move, proposed as an amendment to a pending bill to limit campaign advertising expenses, was aimed at Democratic presidential contenders.

"Isn't that the name of the game?" he asked newsmen with a grin.

Scott's amendment would bar certain federally regulated industries such as airlines, telephone companies and the like, from extending "unsecured credit" to political candidates—in other words, no unlimited charge accounts.

He said both parties and their candidates still have enormous bills outstanding from previous campaigns, such as \$208,000 owed by the Democrats and \$112,000 by the Republicans to Eastern Airlines alone.

Scott said the worst offender is former Sen. Eugene J. McCarthy (D-Minn.), an unsuccessful contender for the 1968 Democratic presidential nomination who it is said will enter next year's primaries in another bid for the White House.

Scott said McCarthy still owes \$475,000 to just one telephone company from his 1968 effort.

"He favors everything except paying his bills," Scott said. "McCarthy doesn't run a shirt-sleeve campaign; everything is on the cuff."

He said there are also thousands of dollars in bills still unpaid from the 1968 campaign of the late Sen. Robert F. Kennedy (D-N.Y.) for the presidential nomination, including one of \$414,000 to American Airlines.

Scott put a lengthy list into the Congressional Record of what he said were documented unpaid campaign debts for both parties and their candidates.

The documents, in the form of replies from officials of affected companies to requests of the Civil Aeronautics Board and the Federal Communications Commission, showed that even President Nixon had whopped unpaid bills from his 1968 campaign.

American Airlines reported its balance due from Richard M. Nixon as of April 30 this year of \$69,376—\$2,666 left over from the election year and \$66,710 incurred in 1969. United Airlines reported the Nixon-Agnew campaign still owes them \$71,180.

American also reported an unpaid balance for Sen. Hubert H. Humphrey (D-Minn.), Nixon's 1968 opponent, of \$138,762; United said the Humphrey-Muskie ticket is indebted to them for \$79,083.

Several officials said they have written off some of the campaign debts as uncollectable. R. M. Bressler, vice president and treasurer of American, said "We now ask for personal guarantees in all cases involving individual candidates and can report we have declined the applications of at least two well-known candidates in the last year where guarantees have not been forthcoming."

[From the Washington Star, July 23, 1971]

SCOTT HITS 1968 AIR TRAVEL, PHONE DEBTS

(By James Doyle)

Senate Minority Leader Hugh Scott, R-Pa., disclosed today that inquiries to government regulatory commissions had revealed that Democratic and Republican political candidates owe more than \$2.1 million in outstanding airline bills and nearly \$400,000 in outstanding telephone bills.

Scott submitted an amendment to the proposed Federal Elections Campaign Act of 1971 to forbid the granting of unsecured credit by the transportation and communications industries.

Scott said his amendment would permit the candidates to use credit cards, as they do now, but would prohibit the companies from issuing cards if the candidates' ability to pay was dubious.

Scott introduced information from a number of companies indicating that they were unable to require huge deposits from candidates because they could not pinpoint the volume of business the candidate would generate and were prohibited by non-discriminatory clauses in federal regulations from setting a high deposit figure.

Scott said that most of the outstanding debts belong to Democratic candidates and the Democratic National Committee.

His figures showed that as of April 30, 1971, the Democratic National Committee had an outstanding debt with American Airlines of \$426,833, most of it left over from the 1968 campaign.

The Robert F. Kennedy political organization owed American Airlines \$415,120; the Hubert Humphrey campaign owed \$138,762, and the Eugene McCarthy campaign owed \$135,872.

The Richard M. Nixon campaign owed American Airlines \$69,376, and the Republican National Finance Committee owed American \$151,871.

Almost all of these debts dated back to the 1968 presidential campaign.

Trans-World Airlines listed debts of \$246,000 for the Humphrey campaign and \$13,000 for the Republican National Committee.

A debt of \$16,352.36, incurred by the McCarthy campaign in 1968 was settled for a payment of \$9,485, TWA reported, and another McCarthy debt of \$6,867.36, incurred in 1968, was written off Feb. 24, 1969.

TWA said political debts "are handled in the same manner as any other account" but did not explain the criteria for negotiating a lesser payment or completely writing off a debt.

United Air Lines listed an outstanding debt of \$79,000 for the Humphrey-Muskie campaign and \$75,000 for the Nixon-Agnew campaign. The Nixon campaign used United charters throughout 1968 and 1970.

An outstanding debt of \$12,000 was listed by United for the Democratic National Committee with the notation "Incurred by R. F. Kennedy."

Eastern Airlines listed a Humphrey-Muskie debt of \$208,000 and a Republican National Committee debt of \$112,000.

Western Airlines said it had no outstanding campaign debts, but had written off a "ticket by mail" invoice for \$376.00 incurred in May, 1968, by "Senator Ted Kennedy and a Mr. Burke," and written off in September 1969.

The American Telephone & Telegraph Co. submitted a breakdown for its various regional companies, and said it wrote off some debts "after significant collection effort has been made" without success.

The breakdown did not segregate Democratic and Republican candidates but it showed written-off debts of \$2,200 in Pennsylvania, \$6,000 for Pacific Bell Telephone, \$7,700 for New England Telephone Co., \$1,200 for Michigan Bell and \$48,000 for Indiana all of it from the McCarthy for President campaign.

The McCarthy campaign had another \$5,600 debt written off by Northwestern Bell.

The General Telephone Companies submitted similar figures showing a total indebtedness from political campaigns of \$68,386.14.

Scott said the total outstanding debt to A.T. & T. was about \$76,000 for the Democrats.

ECONOMIC RAMIFICATIONS OF VIETNAM WAR

Mr. HATFIELD. Mr. President, Mr. Harold Willens has been at the forefront of those who have reawakened the American business community to the serious economic ramifications of the war in Vietnam and our swollen military budget. Mr. Willens is convinced that the wide spectrum of American business cannot prosper in an economic climate that is soured by the war and distorted by inflated military expenditures. Recently he wrote a letter to President Nixon which outlines much of the thinking behind Mr. Willens' efforts. I ask unanimous consent that the letter and an Associated Press article about Mr. Willens be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

APRIL 28, 1971.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I happened to be visiting South Vietnam when the world heard the welcome news that our ping pong players would be visiting China.

That same day an American soldier gave me a copy of *The Serviceman's Daily Prayer*, a leaflet which he said was widely distributed to our military personnel in Vietnam. The leaflet, bearing the address: Service Prayer, 2936 Bremen Street, Columbus, Ohio 43224, contains these words:

"Bestow your blessing on my country and on all who fight against the evils of Communism."

Yesterday Secretary of State Rogers, in speaking about Chinese-American relations, stressed *political diversity* as a fact of life we cannot change and should accept. Secretary Rogers is right and realistic. By initiating a thaw in Chinese-American relations you were right and realistic, Mr. President.

But your action and your Secretary of State's words are being undermined by the exposure of young American minds to the inflammatory words of the prayer leaflet and similarly irrational military propaganda revealed by the recent CBS documentary: "The Selling of the Pentagon."

Business has trained me to operate pragmatically. A pragmatic evaluation indicates that our foreign policy in recent years has been counterproductive. Our international behavior has operated against our self-interest. In fact we have inflicted severe damage upon ourselves through a foreign policy which has not kept abreast of changing realities.

One of these realities is the changing nature of communism which has itself fragmented into a number of political divergencies. Changes in communism have been matched by changes in capitalism. My first employer, were he to return from the dead, would be astonished by the "social benefits" we have adopted over the past 35 years.

It seems logical to assume and project a succession of further changes "in our direction" within communist countries if international tensions can gradually be eased. Public statements on various occasions reveal your awareness that such easing of tensions would greatly benefit our country.

The dangers and burdens of an endless arms race and misadventures like Vietnam dramatize the advantage of accepting prudent calculated risks for peace. We will be more likely to take such calculated risks if we begin to look upon peace as an incremental process rather than something which appears suddenly and full-blown. And above all we must recognize that the small specific steps in such an incremental process depend upon limited, tentative trust in the other side. That kind of trust can never be developed if our people look upon ideological competitors as mortal theological foes.

Successful businessmen are always conscious of competitors. But I have seen healthy companies destroyed by competitor-obsession. Perhaps there is a lesson to be learned from this, Mr. President. If we become obsessed by our ideological competitors we cannot do justice to improving and winning willing adherents for our own great "product"—free enterprise democracy.

I very much hope, Mr. President, that you will take steps to put an end to the distribution of this prayer leaflet and everything else which furthers the intermingling of theology with foreign policy. Because I realize how complex and massive a job that is, and because I feel the Congress should be willing to help you in this, I am sending copies of this letter to each Senator and Congressman.

Sincerely,

HAROLD WILLENS.

BUSINESSMAN'S PEACE ACTIONS GOT HATE MAIL

(By John Cunniff)

NEW YORK.—Four years ago Harold Willens, a Los Angeles executive and real estate developer, and Henry Niles, then chairman of Baltimore Life Insurance Co., formed Business Executives Move for Vietnam Peace (BEM).

"At that time," said Willens, "anybody who spoke out against the war was considered the enemy or a nut."

The hate mail flooded in Willens said, considerably faster than the membership applications. Willens and Niles felt, however, that the war was a mistake of historical magnitude, a military blunder, a political scandal.

BEM advocated that the businessman-citizen speak out on the issue. But its founders soon realized few establishment figures either cared or perhaps dared to. They disliked tangling with stockholders; they didn't want to rock the boat.

BEM drew memberships steadily, however. And then, since BEM was a one-issue organization, Willens in 1969 founded BEF, or Businessmen's Educational Fund, to fight on a broader scale what he felt was the militarization of America.

Willens, its chairman, devoted what his wife said was 101 per cent of his time to speeches, membership work, lobbying and, most recently, to a Vietnam trip. Results? Willens thinks he has succeeded to some extent.

In recent months the attitudes of some businessmen appear to have changed. Within the past year the heads of Bank of America, International Business Machines and E. I. du Pont have spoken against the war and blamed it for domestic problems.

Willens, a 57-year-old millionaire grandfather and former Marine was asked if he felt a major change really has occurred in the business attitude.

"I think the line of the pragmatist and the idealist are meeting," he replied. "Damn few businessmen think we are unpatriotic now. All of them relate inaction to the war, for example."

Do you really think you can end wars?

"Yes. Maybe there'll be little ones. But my feeling is that since we've always had wars it is no reason to extrapolate into the future. We changed the name of the game when technology developed the ultimate weapon."

Isn't that being overly idealistic?

"We have to get away from the fuzzy thinking that says wars are inevitable and that peace is a utopian concept. Either man or war is obsolete. We have to decide."

But why should businessmen try to take a leadership role?

"The businessman's role is critical because he thinks pragmatically. He knows how to build. Peace must be constructed. It is an incremental thing, like constructing a building by putting in the foundation, then the first story and so on. It is a step-by-step operation."

Won't demilitarization weaken the nation's security?

"The present direction is counterproductive to the best interests of the country. Escalation has brought us into disastrous wars, bled our resources and kept us from solving critical domestic problems that erode our strength."

"The other approach, to seek peace, is a calculated risk, such as you take in business. There may not be immediate success. The armaments race grew step by step. De-escalation can proceed in the same way."

It was suggested to Willens that many people feel business executives can only hurt their own particular cause by speaking out on this subject. This lit the Willens fuse.

"Self-interest tells the corporate executive he's got to get in there. The businessman must redefine the corporate and individual responsibility. He must redefine it because his company is dependent upon the nation's policies."

"In order to be responsible to the stockholders, the executive has to act in accordance with the new realities. He must realize that in fact he is doing a deep disservice to stockholders, because business can only thrive in a healthy economy."

"He can't hide in a paneled office. He cannot hide behind the corporate curtain and protect the interest of stockholders, his country and himself."

"I don't think the businessman's alibi is any better than others—than the clergyman who fears what his parishioners will say or the physician who fears his patients."

PAKISTAN: THE THING SPEAKS FOR ITSELF

Mr. SAXBE. Mr. President, in law there is a doctrine entitled *Res Ipsa Loquitur*, meaning "the thing speaks for itself." The pictures in both *Time* and *Newsweek* today graphically illustrate a tragedy of immense proportions. It is too bad that the CONGRESSIONAL RECORD cannot reprint these pictures.

For several weeks now I have called to the attention of my colleagues, through the RECORD, the dreadful fate of millions of refugees in East Pakistan. Senator CHURCH and I have introduced an amendment with 32 cosponsors to the Foreign Assistance Act which would suspend America's aiding and abetting this terrible crime. I plead with my colleagues to look at the photographs in these two magazines. Nothing more need be said; nothing more can be said.

I ask unanimous consent that some articles regarding Pakistan be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

BENGAL: THE MURDER OF A PEOPLE

It seemed a routine enough request. Assembling the young men of the village of Hалуughat in East Pakistan, a Pakistani Army major informed them that his wounded soldiers urgently needed blood. Would they be

SENATE
FLOOR DEBATE
ON
S.382
JULY 28, 1971

S. Res. 159

Resolved, That the Special Committee on Aging is authorized to expend from the contingent fund of the Senate not to exceed \$2,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 916, Ninety-first Congress, agreed to February 16, 1970, authorizing a complete study of any and all matters pertaining to the problems and opportunities of older people.

EMERGENCY LOAN GUARANTEE ACT—AMENDMENT

AMENDMENT NO. 339

(Ordered to be printed and to lie on the table.)

Mr. TAFT submitted an amendment, intended to be proposed by him, to the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

AMENDMENT NO. 341

(Ordered to be printed and to lie on the table.)

Mr. WEICKER submitted amendments, intended to be proposed by him, to Senate bill 2308, supra.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

AMENDMENT NO. 340

(Ordered to be printed and to lie on the table.)

Mr. PEARSON. Mr. President, I introduce an amendment intended to be proposed by me to amendment No. 308 by Mr. PASTORE to S. 382. I ask unanimous consent that the RECORD, as well as this amendment, indicate that the following Senators join with me in support of this amendment: Mr. PACKWOOD, Mr. DOMINICK, Mr. PROUTY, Mr. BAKER, Mr. MOSS, Mr. STEVENS, Mr. GRAVEL, Mr. SCOTT, Mr. COTTON, and Mr. HATFIELD.

I ask unanimous consent that the amendment be printed in the RECORD.

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

AMENDMENT NO. 340

On page 20, strike lines 18 and 19 and insert in lieu thereof the following:

"(g) 'Commission' means the Federal Elections Commission;"

Wherever in title II of such bill, as amended by amendment 308, it appears strike "Comptroller General" and insert in lieu thereof "Commission".

Wherever in such title "he" or "him" appears with reference to the Comptroller General strike such word and insert in lieu thereof "it".

On page 35, between lines 10 and 11, insert the following:

"FEDERAL ELECTIONS COMMISSION

"Sec. 310. (a) There is hereby created a commission to be known as the Federal Elections Commission, which shall be composed of five members, not more than three of whom shall be members of the same political party, who shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of two years, one for a term of four years, one for a term of six years, one for a term of eight years, and one for a term of ten years, beginning from the date of enactment of this Act, but

their successors shall be appointed for terms of ten years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission and one member to serve as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

"(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

"(c) The Commission shall have an official seal which shall be judicially noticed.

"(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the money it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

"(e) Members of the Commission shall, while serving on the business of the Commission, be entitled to receive compensation at a rate fixed by the Director of the Office of Management and Budget but not in excess of \$100 per day, including traveltime; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

"(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers at any other place.

"(g) All officers, agents, attorneys, and employees of the Commission shall be subject to the provisions of section 9 of the Act of August 2, 1939, as amended (the Hatch Act), notwithstanding any exemption contained in such section.

"(h) The Commission shall appoint an Executive Director without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, to serve at the pleasure of the Commission. The Executive Director shall be responsible for the administrative operations of the Commission and shall perform such other duties as may be delegated or assigned to him from time to time by regulations or orders of the Commission. However, the Commission shall not delegate the making of regulations regarding elections to the Executive Director.

"(i) The Chairman of the Commission shall appoint and fix the compensation of such personnel as it is deemed necessary to fulfill the duties of the Commission in accordance with the provisions of title 5, United States Code.

"(j) The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

"(k) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Executive Director, Federal Elections Commission."

"(l) In carrying out its responsibilities under this title, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities, of the General Accounting Office and the Department of Justice. The Comptroller General and the Attorney General are authorized to make available to the Commission such personnel, facilities and other assistance, with or without reimbursement, as the Commission may request."

Re-number the following sections in such title accordingly.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 238

At the request of Mr. PEARSON, the Senator from New Hampshire (Mr. COTTON) and the Senator from Oregon (Mr. HATFIELD) were added as cosponsors of amendment No. 238, intended to be offered to the bill (S. 382) to establish a Federal Elections Commission.

AMENDMENT NO. 252

At the request of Mr. CRANSTON, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of amendment No. 252, to S. 2108, a bill to insure medical confidentiality and protect against self-incrimination with respect to information provided by veteran drug addicts or alcoholics undergoing treatment and rehabilitation.

ANNOUNCEMENT OF HEARINGS ON VETERANS' HEALTH MANPOWER AND MEDICAL CARE LEGISLATION

Mr. CRANSTON. Mr. President, I announce for the information of Senators, the scheduling of hearings by the Subcommittee on Health and Hospitals, which I am privileged to chair, of the Committee on Veterans' Affairs, on August 4, at 9 a.m. in room 6202, New Senate Office Building, on Veterans' Administration health manpower training legislation—S. 2219, S. 2355, and House Joint Resolution 748, and related bills—Senate Joint Resolution 76; Senate Joint Resolution 128, S. 2404—on Veterans' Administration medical care legislation, S. 2354, S. 1924, and related bills—S. 2340, S. 1635, S. 739, and S. 879—and on one miscellaneous bill H.R. 481.

These bills are directed at improving health care provided by the Veterans' Administration to its beneficiaries, broadening the VA's authorities in training and education of health manpower, and strengthening and expanding the VA's Department of Medicine and Surgery affiliations with medical centers and with the medical community in general.

The primary bills under consideration have the following short and long titles:

S. 2219, the "Veterans' Administration Health Manpower Training Act of 1971", a bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new public non-profit medical, health professions, and allied health schools and the expansion and improvement of health manpower training programs in Veterans' Administration facilities and in existing educational institutions affiliated with the Veterans' Administration.

S. 2355, the "Veterans' Administration Continuing Medical Education Act", a bill to amend title 38, United States Code, so as to afford advanced residency-type training to medical personnel of the Veterans' Administration and other Federal Departments and Agencies at Regional Medical Education Centers established at Veterans' Administration hospitals throughout the United States.

H. J. Res. 748, the "Veterans' Administration Medical School Assistance and Health Service Personnel Education and Training Act of 1971", a Joint Resolution amending title 38 of the United States Code to authorize the Administrator of Veterans' Affairs

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S. 1872

At the request of Mr. CASE, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 1872, a bill for the relief of Soviet Jews.

S. 1883

At the request of Mr. MAGNUSON, the Senator from Hawaii (Mr. INOUE), the Senator from Illinois (Mr. PERCY), the Senator from Kansas (Mr. DOLE), the Senator from Nebraska (Mr. CURTIS), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senators from Utah (Mr. BENNETT and Mr. MOSS), the Senator from Washington (Mr. JACKSON), and the Senator from Wyoming (Mr. MCGEE) were added as cosponsors of S. 1883, the Interstate Taxation Act.

S. 1947

At the request of Mr. MUSKIE, the Senator from Idaho (Mr. JORDAN) was added as a cosponsor of S. 1947, a bill to prohibit trading in Irish potato futures on commodity exchanges.

S. 2161

At the request of Mr. HARTKE, the Senator from Texas (Mr. TOWER) was added as cosponsor of S. 2161, a bill to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the vocational rehabilitation subsistence allowances, the educational assistance allowances, and the special training allowances paid to eligible veterans and persons under such chapters.

S. 2217

At the request of Mr. HUGHES, the Senator from Illinois (Mr. STEVENSON), the Senator from Utah (Mr. MOSS), and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of S. 2217, a bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence.

S. 2258

At the request of Mr. GRIFFIN, the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 2258, the Motor Vehicle Air Pollution Control Acceleration Act.

SENATE JOINT RESOLUTION 62

At the request of Mr. GRIFFIN, the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. J. Res. 62, authorizing the display of the flags of the 50 States at the base of the Washington Monument.

ADDITIONAL COSPONSOR OF A RESOLUTION

S. RES. 158

Mr. BROOKE, Mr. President, through an unfortunate oversight the name of my distinguished colleague and good friend, the junior senator from Minnesota, was omitted as a cosponsor of the resolution which I submitted Tuesday regarding the Geneva Protocol.

Senator HUMPHREY has been a valuable and respected ally in the effort to reach an agreement on the form in which this treaty can be ratified by the United States.

I commend his efforts and look for-

ward to his continuing cooperation; and I ask unanimous consent that Senator HUMPHREY's name be added as cosponsor of S. Res. 158.

The ACTING PRESIDENT pro tempore (Mr. GRAVEL). Without objection, it is so ordered.

FEDERAL ELECTION CAMPAIGN ACT OF 1971—AMENDMENTS

AMENDMENT NO. 342

(Ordered to be printed and to lie on the table.)

Mr. SCOTT submitted an amendment intended to be proposed by him to Amendment No. 308, proposed by Mr. PASTORE (for himself and others) to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

AMENDMENT NO. 344

(Ordered to be printed and to lie on the table.)

UNIVERSAL VOTER REGISTRATION

Mr. KENNEDY, Mr. President, on behalf of Senator BAYH, Senator EAGLETON, Senator HARTKE, Senator MONDALE, Senator PELL, Senator PROXMIER, Senator WILLIAMS, and myself, I submit an amendment S. 382, the "Federal Election Campaign Act of 1971," and I ask that it lie on the table and be printed.

The details of the proposed amendment are described in my remarks on Monday, July 26, 1971, which appear beginning at page S27117 of the CONGRESSIONAL RECORD for that day.

Mr. President, I ask unanimous consent that the text of the amendment may be printed in the RECORD at this point.

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

AMENDMENT NO. 344

At the end of the bill add the following new title:

TITLE V—VOTER REGISTRATION

SHORT TITLE

SEC. 501. This title may be cited as the "Universal Voter Registration Act of 1971."

DECLARATION AND FINDINGS

SEC. 502. (a) The Congress hereby finds and declares that the administration of voter registration procedures by the various States as a precondition to voting in Federal elections:

(1) denies or abridges the constitutional right of citizens to vote in Federal elections;

(2) denies or abridges the constitutional right of citizens to enjoy free movement across States lines;

(3) denies or abridges the privileges or immunities of citizens of the United States, deprives them of due process of law, and denies them the equal protection of the laws, in violation of the fourteenth amendment;

(4) denies or abridges the right to vote on account of race or color in violation of the fifteenth amendment;

(5) denies or abridges the right to vote on account of sex in violation of the nineteenth amendment;

(6) denies or abridges the right to vote on account of age in violation of the twenty-sixth amendment;

(7) in some instances has the impermissible effect of denying citizens the right

to vote because of the way they may vote; and

(8) does not bear a reasonable relationship to any compelling State interest in the conduct of Federal elections.

(b) Upon the basis of these findings, Congress hereby exercises its authority under section 4 and section 8 of article I of the Constitution, and the fourteenth, fifteenth, nineteenth, and twenty-sixth amendments thereto, and enacts this title.

ESTABLISHMENT OF OFFICE

SEC. 503. (a) There is hereby established in the Bureau of the Census a Universal Voter Registration Administration (hereafter referred to in this title "Administration"). The Administration shall be composed of an Administrator and two Associate Administrators, who may be appointed by the President, by and with the advice and consent of the Senate. No more than two members of the Administration shall be of the same political party.

(b) The Administration shall establish and administer a program of voter registration for voting in all Federal elections and shall, upon request, assist States in conducting registration for voting in State and local elections.

(c) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"(131) Administrator and Associate Administrators, Universal Voter Registration Administration."

USE OF DATA PROCESSING

SEC. 504. The Administration shall establish one or more data processing centers in order to carry out its functions. Voter lists shall be compiled and maintained through the use of electronic data processing equipment in such a manner that a list of persons registered under this title in each of the units in which persons are registered to vote under State and local laws shall be readily available. The lists shall contain the name, address, zip code, party affiliation (if supplied), date of birth, and voting unit of each individual registered to vote under this title and such additional information as the Administration determines to be essential to the efficient operation of this title.

REGISTRATION

SEC. 505. (a) The Administration shall prepare and distribute registration forms for use by individuals who wish to register to vote under the provisions of this title, or who wish to change a previous registration. Such forms shall be of a type which permits visual scanning by electronic data processing equipment, shall contain appropriate places for the designation of the registrant's name, address, zip code, date of birth, and party affiliation, and may be in language other than English in such cases as the Administration deems appropriate.

(b) Such forms shall contain a statement that such individual is not disqualified from voting under State law by reason of conviction of a crime or mental incompetence, and such other information as the Administration determines to be essential to the efficient operation of this title. Such forms shall also require the signature of the individual seeking to register through the use of such forms and a statement of the penalty for fraudulent use of such forms. The signature of an individual on his form shall attest to the accuracy of the information contained thereon.

(c) The Administration shall enter into arrangements with the Postmaster General so that supplies of such forms shall be reasonably available free of charge in each post office, and shall make such other arrangements as it deems appropriate for the distribution of such forms, including their availability to groups engaged in voter registration. Such forms shall be mailed free of all

postage including airmail to the Administration upon completion, and the Administration shall reimburse the Postal Service for the cost of such mail.

(d) Any individual who is a citizen, who is eighteen years of age or older (or who will attain such age on or before the date of the next Federal election held in the congressional district of State in which he registers), who is not disqualified from voting under State law by reason of conviction of a crime or mental incompetence, and who is registered under this title shall be eligible to vote in Federal elections held in the congressional district or State in which he is registered under this title. No other requirement or qualification shall be imposed by any State or political subdivision thereof on the right of such individual to vote in such election.

(e) The Administration is authorized to receive registration lists and other information with respect to eligible voters from State or local jurisdictions for inclusion in the registration lists prepared by the Administration under this title.

(f) Unless the Administration or a State or local jurisdiction removes a person's name from the list of registered voters because of his death or his disqualification from voting under State law by reason of conviction of a crime or mental incompetence, registration under this title in any State shall remain in effect for a period of time not less than four years, or such longer period as registration under State law in such State remains in effect.

(g) The Administration shall remove from its list of registered voters the name of any person who is found to be fraudulently or otherwise improperly registered or who, after registration, becomes disqualified to vote in the State or congressional district in which he is registered. If the Administration removes the name of any person from such list, it shall notify such person of such action by certified mail within one week of such action and the reason thereof.

(h) Any State or local jurisdiction which removes the name of any person from such list shall notify such person and the Administration of such action by certified mail within one week of such action. Such notice shall include the name and address of such person, and a statement of the reason for such action. The Attorney General is authorized and directed to institute in the name of the United States such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this subsection, and it shall be the duty of a judge designated to hear any such case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

REGISTRATION DATE

Sec. 506. An individual may register to vote in a Federal election under this title at any time until 30 days before the date of such election, or at such later date before such election as the Administration may determine.

NOTICE TO ELECTION OFFICIALS

Sec. 507. (a) Not later than 30 days prior to the date of any Federal election, the Administration shall furnish to the appropriate election officials of the State or local jurisdiction in which an election is to be held, a list of individuals, by precinct or other similar voting unit, registered under this title to vote in such election within the congressional district or State in which the election is to be held. No person whose name appears on such list shall be denied the right to vote in such election, unless such name is removed from such list in accordance with the provisions of this title. The Administration is authorized to establish appropriate

procedures to supplement the lists made available to States and local jurisdictions under this subsection.

(b) The Administration is authorized to establish appropriate procedures for individuals to verify their registration under this title.

(c) Prior to the date of any such election, the Administration shall inform individuals registered with it of the precinct or other voting unit in which they are registered to vote.

STATE REGISTRATION

Sec. 508. (a) Nothing in this title shall interfere with any voter registration procedure conducted by any State with respect to voting in State or local elections.

(b) Any individual registered to vote under any State voter registration procedure, who is a citizen of the United States, who is eighteen years of age or older (or who will attain such age on or before the date of the next Federal election to be held in the congressional district or State in which he registers), and who is not disqualified from voting under State law by reason of conviction of a crime or mental incompetence, shall also be eligible to vote in any Federal election held in such district or State, whether registered under this title or not.

(c) Any State which determines by law that it wishes to use voting registration lists compiled under this title as evidence of registration to vote in State or local elections shall be furnished such lists no later than 30 days prior to any such election. Any State which so determines may not remove the name of any individual from such lists with respect to any such election nor deny to any individual whose name appears on such lists the right to vote in any such election, except in accordance with the provisions of this title.

REPORTS FROM STATES

Sec. 509. The Administration is authorized to request from each State periodic reports of the names and addresses of individual 18 years of age or older who have died in such State. The Administration is also authorized to request from appropriate State or Federal agencies periodic reports of the names and addresses of persons disqualified from voting under State law by reason of conviction of a crime or mental incompetence.

REGISTRATION INFORMATION

Sec. 510. The Administration shall undertake, through the use of broadcast and non-broadcast communications media and such other means as the Administration deems appropriate, to inform potential voters of their eligibility to register to vote in Federal elections under the provisions of this title.

PENALTIES

Sec. 511. (a) Whoever knowingly or willfully gives false information as to his name, address, residence, age or other information for the purpose of establishing his eligibility to register or vote under this title, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000, or imprisoned not more than five years, or both.

(b) Any person who deprives, or attempts to deprive, any other person of any right under this title shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(c) The provisions of section 1001 of title 18, United States Code, are made applicable to the registration form promulgated under section 505.

RIGHT OF PRIVACY

Sec. 512. (a) No information provided by or in connection with any person under this

title shall be made available by the Administration to any other Federal agency or for any commercial activity. No such information shall be made available by the Administration to any agency of any State or local jurisdiction except for the purpose of carrying out functions directly related to the provisions of this title.

(b) The Administration is authorized to adopt regulations for the enforcement of this section.

(c) Any person who violates this section or regulations adopted thereunder shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

OTHER FEDERAL VOTER REGISTRATION

Sec. 513. This title shall not affect the provisions of the Federal Voting Assistance Act of 1955. Persons eligible to use the form and procedures provided under such Act may register under this title.

DEFINITIONS

Sec. 514. As used in this title the term—

(a) "Federal election" means any primary, general or special election held for the election of a Federal officer, including an election held for the selection of delegates to a national nominating convention or to a caucus for such selection, and a primary election held for the expression of a preference for the nomination of persons for election to the office of President;

(b) "Federal officer" means President, Vice President, Senator, Representative, Delegate to the Congress, or delegate to a national nominating convention or caucus thereto;

(c) "State" means each of the United States and the District of Columbia.

AUTHORIZATION OF APPROPRIATIONS

Sec. 515. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

EXERCISE OF EXECUTIVE PRIVILEGE—AMENDMENT

AMENDMENT NO. 343

(Ordered to be printed and referred to the Committee on the Judiciary.)

Mr. FULBRIGHT submitted an amendment intended to be proposed by him to S. 1125, a bill to amend title 5, United States Code, with regard to the exercise of executive privilege.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATIONS, 1972—NOTICE OF MOTION TO SUSPEND THE RULE

Mr. BYRD of West Virginia, for Mr. MAGNUSON, submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 10061) making appropriations for the Departments of Labor, and Health, Education and Welfare and Related Agencies, the following amendments, namely:

On page 12, line 2, after the semicolon: \$8,300,000 for grants and \$6,900,000 for loans shall remain available until expended for hospital experimentation projects pursuant to section 304 and section 643A of the Public Health Service Act;

On page 2, line 15, after the period: Provided further, That \$20,000,000 of this appropriation shall be used by the Office of Economic Opportunity to finance Emergency

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containing views similar to those you expressed. Although we have not had an opportunity to fully evaluate all of the comments, it appears that the proposed airport certification rule, as proposed, will be modified in certain areas. I assure you that all comments relative to implementing the Airport and Airway Development Act will be seriously considered prior to issuing a final rule.

Sincerely,

J. H. SHAFFER,
Administrator.

I believe that this bill will meet the problems posed by the new certification requirements. It will help the airports of Nebraska meet the requirements, and, therefore, I am pleased to cosponsor it.

FEDERAL ELECTION CAMPAIGN ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 348 THROUGH 350

(Ordered to be printed and to lie on the table.)

Mr. PROUTY. Mr. President, on behalf of myself and Senator BAKER I send three amendments to amendment 308 to S. 382 to the desk and ask that they be printed in the RECORD immediately following my remarks.

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

Mr. PROUTY. Mr. President, all of us should be aware of the fact that the American people are sick and tired of weak and ineffective laws regulating Federal elections. I am confident that this Congress will restore the confidence of the American people in our Government by enacting the Federal Elections Campaign Act of 1971.

Senator BAKER and I worked long and hard with many of our colleagues on the Senate Commerce Committee to strengthen S. 382 as originally introduced. Together with our colleagues on that committee we made substantial progress toward drafting an effective and meaningful piece of legislation. In all candor we were not completely successful in our efforts to develop a strong bill because some of our colleagues on the Commerce Committee favored tabling all amendments suggested to the bill not relating to title I.

As the ranking Republican member of the Committee on Rules and Administration, I continued the fight to see that the legislation was considered in its entirety. Other members on the Rules Committee agreed with me and we succeeded in developing a strong and sound approach to the whole subject of political campaigns for elections to Federal offices. The bill reported by the Senate Rules Committee completely overhauls the laws regulating campaigns for Federal office. It is a strong, no-nonsense bill that will restore the faith of the American public in the elections process.

It is a tough bill imposing penalties on political candidates who do not strictly adhere to its requirements.

It closes every single loophole in existing law.

The unregulated District of Columbia Political Committee is dead.

The myth that a candidate is not responsible for other committees which happen to support him is ended.

Mr. President, enactment of S. 382 will completely change political campaigns in America. The people will know all the facts about campaign financing. Moreover, candidates will be strictly limited on the amount of money they can spend on the communications media.

I am disappointed that apparently partisan political considerations have led to the introduction of amendment 308 as a complete substitute for the excellent piece of legislation reported by the Senate Rules Committee.

Passage of amendment 308 as it is now structured would again substitute a weak bill for a strong bill.

It would substitute an incumbents bill for a fair bill.

It would encourage the creation of unpaid debts.

It would make it more difficult for the American people to know where political committees get their money from and how they spend it.

It would perpetuate the lack of confidence of the American people in our election process by refusing to give the enforcement authority to an Independent Federal Elections Commission.

The amendments being introduced by Senator BAKER and me to amendment 308 represent an attempt to restore some of the provisions contained in the bill reported by the Senate Rules Committee.

First, we believe that the Rules Committee was correct in exempting all Federal candidates from the equal time requirements in section 315(a) of the Federal Communications Act. Witness after witness testified that the equal time requirements of section 315(a) are in effect "no time offered requirements", because broadcasters are inhibited from giving free time to any candidate.

Amendment 308 by exempting presidential and vice presidential campaigns from equal time requirements recognizes the fact that section 315 has not worked in the interest of having an informed democracy. However, by not including all candidates for Federal office under the exemption, amendment 308 merely represents an effort to provide special protection for every incumbent Senator and Congressman. The American public deserves to expect more from this Congress than legislation designed to protect incumbents.

Our second amendment to amendment 308 would restore the interchangeability feature contained in the Rules Committee bill with respect to spending limitations. Again all the evidence warns against an arbitrary overstructuring of political campaigns by Congress unless Congress wants to deliberately increase the percentage of incumbents reelected to office. Is it not enough that since 1940 93 percent of all incumbents for Federal office have been reelected?

We have given ourselves the franking privilege.

We have name recognition in our States or congressional districts.

We have the ability to make news headlines by our stand on the issues and the way we vote.

Now amendment 308 attempts to give us a further advantage by placing separate but identical limitation on broad-

cast and nonbroadcast communications media. It in effect is implying that a campaign in New Hampshire, Maine or Wyoming is the same as a campaign in New York City, New Jersey, or California. Since campaigns in fact have very different requirements in different parts of the country, the Rules Committee correctly permitted the individual candidate to spend money on either broadcast or nonbroadcast communications media as long as he stayed within his overall limitations.

Our final amendment, Mr. President, restores the fair labeling provision contained in a Rules Committee bill.

Mr. President, disclosure of political contributions and expenditures is meaningless unless the American people are given the opportunity to easily obtain the facts. My amendment which was overwhelmingly adopted by the Rules Committee simply required political committees to place a notice on the material they used for soliciting contributions. That notice did two things.

First, it certified to the potential contributor that the political committee had complied with the Federal Disclosure Act. Second, it informed the potential contributor that he could purchase a copy of the report of contributions and expenditures from the Government Printing Office.

Mr. President, the American citizen should be entitled to this information. We should make certain the American citizen who wants to contribute to committees be given the opportunity to obtain the information about how the particular committee spends its money. I might point out, Mr. President, that long ago we protected stockholders in our Nation's businesses by requiring corporations to issue stockholders' reports. It is about time we afforded the same opportunity to those dedicated Americans who contribute money to political committees in the hopes that our democracy will more effectively work.

I support a number of other amendments to amendment 308 and I sincerely hope that when we get to consideration of this important bill we can amend amendment 308 so that it will reflect the same strength as the bill reported by the Rules Committee.

As a matter of fact, Mr. President, I am in hopes that we can further improve the Rules Committee bill by adopting an Independent Federal Elections Commission to make certain that the Federal Elections Campaign Act of 1971 becomes a piece of legislation which is enforced with fairness, impartiality, and effectiveness.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 348

On page 2, line 7, insert "(1)" before "Section".

On page 2, strike lines 10 and 11, and insert in lieu thereof the following: "and the following: 'other than Federal elective office (as defined in subsection (c) of this section)';".

On page 2, between lines 11 and 12, insert the following:

"(2) Section 315(a) of such Act is amended by inserting after the first sentence thereof

the following: 'If a licensee permits a legally qualified candidate for Federal elective office to use his broadcasting station in connection with such candidate's campaign for nomination for election, or election to such office, the licensee shall afford such candidate maximum flexibility in choosing his program format.'

AMENDMENT NO. 349

On page 4, beginning with line 16, strike down through line 7 on page 5 and insert in lieu thereof the following:

"(2) (A) No legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of—

"(i) 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

"(ii) \$30,000, if greater than the amount determined under clause (i).

A legally qualified candidate for nomination for election to the office of President may not spend a total amount for all primary elections held for such office in which he is a candidate in excess of the limitation provided by the first sentence of this paragraph.

"(B) In addition to the amount which he may spend under paragraph (2) (A) of this subsection for the use of broadcast communications media in connection with his campaign, a candidate for Federal office may spend for such use any unspent portion of the amount he is authorized to spend for the use of nonbroadcast communications media under section 103 of the Federal Election Campaign Act of 1971.

On page 8, strike lines 6 through 21 and insert in lieu thereof the following:

(c) (1) No legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of nonbroadcast communications media on behalf of his candidacy in such election a total amount in excess of—

(A) 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

(B) \$30,000, if greater than the amount determined under subparagraph (A).

A legally qualified candidate for nomination for election to the office of President may not spend a total amount for all primary elections held for such office in which he is a candidate in excess of the limitation provided by the first sentence of this paragraph.

(2) In addition to the amount which he may spend under this subsection for the use of nonbroadcast communications media in connection with his campaign, a candidate for Federal office may spend for such use any unspent portion of the amount he is authorized to spend for the use of broadcast communications media under section 315 (c) of the Communication Act of 1934 (47 U.S.C. 315 (c)).

AMENDMENT NO. 350

On page 22, after line 23, add the following new section:

(f) (1) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"In compliance with Federal law a report has been (or will be) filed with the Comptroller General of the United States showing a detailed account of our receipts and expenditures. A copy of that report is available at a charge from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402."

(2) (A) The Comptroller General shall compile and furnish to the Public Printer, not later than the last day of March of each year, an annual report for each political committee which has filed a report with him under this title during the period from March 10 of the preceding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain—

(i) a copy of the statement of organization of the political committee required under section 303, together with any amendments thereto; and

(ii) a copy of each report filed by such committee under section 304 from March 10 of the preceding year through January 31 of the year in which the annual report is so furnished to the Public Printer.

(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the Comptroller General.

EMERGENCY LOAN GUARANTEE ACT--AMENDMENT

AMENDMENT NO. 351

(Ordered to be printed to lie on the table.)

Mr. TAFT submitted an amendment intended to be proposed by him to the bill (S. 2308) to authorize emergency loan guarantees to major business enterprises.

PUBLIC WORKS APPROPRIATIONS, 1972--AMENDMENT

AMENDMENT NO. 352

(Ordered to be printed and to lie on the table.)

Mr. INOUE. Mr. President, the Senate will consider on Saturday the bill containing appropriations for the Atomic Energy Commission. Contained in this measure are funds for a 5-megaton underground nuclear test, called Cannikin, to be detonated on Amchitka in the Aleutian Islands some time this fall. I am offering this amendment to postpone the use of these funds for the Cannikin test until May 31, 1972, because I do not believe that this test can be conducted with adequate assurances of safety not only for the environment but more importantly for the residents of the Pacific Basin.

In October of 1969, the Atomic Energy Commission detonated a 1-megaton nuclear test on Amchitka. Prior to that time, I became increasingly concerned that this test activity could trigger an earthquake which could cause a disastrous tidal wave or tsunami. In an attempt to evaluate all the available data on the possibility of triggering earthquakes as a result of a multimegaton explosion and the possible resulting destructive tsunamis, I have gathered and studied available information on this subject.

In the course of my investigation I learned that a panel of experts was appointed in 1968 by the President's Office of Science and Technology to evaluate the effects of multimegaton underground nuclear tests. One of their conclusions was that the need for a test of this nature should be compelling in light of the possible risks which could occur from its det-

onation. I believe that certain portions of the report bear repeating at length. This panel's report states:

The Panel is seriously concerned with the problem of earthquakes resulting from large-yield nuclear tests. Although the possibility that underground nuclear tests might initiate one or more earthquakes has been suggested in the past, new and significant evidence demonstrates that small earthquakes do actually occur both immediately after a large yield test explosion and in the following weeks. The largest of the observed associated aftershocks have been between one and two magnitudes less than the explosion itself. However, there does not now appear to be a basis for eliminating the possibility that a large test explosion might induce, either immediately or after a period of time, a severe earthquake of sufficiently large magnitude to cause serious damage well beyond the limits of the test site.

In fact the AEC's environmental impact statement acknowledges that the understanding of earthquake mechanisms is still developing and is not subject to exact calculations." In addition the AEC environmental impact statement also adds that "the possibility of Cannikin causing the premature release of a large quake cannot be ruled out."

It is acknowledged that the Alaska-Aleutian area is one of the most seismically active areas in the world. This area is prone to earthquakes and in the past 71 years, eight earthquakes of the magnitude of eight or more on the Richter scale have occurred. Further in 1970, 68 quakes alone have registered on the Richter scale and on Sunday, July 25, a quake registering 6.5 on the Richter scale took place in the Aleutians. I emphasize that the 68 earthquakes recorded in Alaska last year were only those earthquakes recorded on instruments. In addition, many earthquakes of lesser magnitude occur in unpopulated areas and are never recorded.

Let me emphasize that the Cannikin test is expected to be a multimegaton blast, equivalent to the force of nearly 5 million tons of TNT—that is approximately 250 times more powerful than the bomb dropped on Hiroshima. The AEC's experience with underground nuclear tests is with their Nevada test sites, an area much less active seismically than the Aleutians. In the face of the Atomic Energy Commission's own admission that the available knowledge of predicting seismic activity is still developing and other scientists' views that such nuclear tests could possibly trigger such seismic activity, it is clear that there are risks involved in the detonation of Cannikin.

As I have stated, a number of scientists believe that such an underground nuclear test can trigger earthquakes. As you are probably aware, tidal waves or tsunamis are principally caused by underground earthquakes with vertical ground movement. The Atomic Energy Commission's environmental impact statement characterizes the likelihood of Cannikin creating the risk of tsunamis as "negligible" and "highly unlikely." Frankly, this admission does little to allay the fears to the people living in the Pacific Rim. Hawaii has been devastated in the past by tidal waves. A 1946 earthquake in the Aleutians produced a tidal wave which took the lives of 159 men, women,

in American policy make East Pakistan independence likely in two years or five years rather than 10 years? There was no definitive answer. But whether Bangla Desh comes to pass in two, five, or 10 years, its citizens are likely to have long—and not very fond—memories of America's role in their revolutionary war.

UNIVERSAL VOTER REGISTRATION FOR FEDERAL ELECTIONS—THE CONSTITUTIONAL BASIS

Mr. KENNEDY. Mr. President, last Monday, in discussing my amendment—numbered 344—to S. 382, the Federal Election Campaign Act of 1971, I emphasized my view that there is ample constitutional justification for action by Congress to establish a program, to be carried out by the Census Bureau, for universal voter registration in Federal elections. See pages 27120–27121 of the CONGRESSIONAL RECORD for Monday, July 26, 1971. The linch-pin of the constitutional basis for such action is *Oregon v. Mitchell*, 400 U.S. 112 (1970), in which the Supreme Court sustained the literacy, residency, and voting age provisions of the Voting Rights Amendments of 1970.

Recently, I have received a detailed legal memorandum supporting the power of Congress to regulate voter registration in Federal elections. The memorandum was prepared by Prof. Kenneth Guido of the University of Kentucky Law School, an expert in the constitutional law of voting rights and voting procedures. Professor Guido is a consultant to the voting-rights project of Common Cause, for whom the memorandum was prepared, and the memorandum was provided to me by Common Cause.

Mr. President, I believe the memorandum will be of interest to every Senator concerned with improving the voting participation of the American people, and I ask unanimous consent that it be printed in the RECORD.

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

POWER OF CONGRESS TO REGULATE VOTER REGISTRATION FOR FEDERAL ELECTIONS

(Written by Professor Kenneth Guido, University of Kentucky Law School; Consultant, Voting Rights Project, Common Cause; provided by Common Cause 2100 M Street, N.W., Washington, D.C. 20037)

The framers of the Constitution provided in Article I, Section 2 that members of the House of Representatives shall be elected by the people and that the voters shall have the "Qualifications requisite for Electors of the most numerous Branch of the State Legislature." The Seventeenth Amendment extended this to the election of Senators by the people who are to have the same qualifications as voters for members of the House of Representatives. Similarly, Article II, section 1 places the qualifications of Presidential electors under state authority. These provisions have been consistently interpreted to mean that now, as before enactment of the Civil War Amendments, the States have the authority to establish the qualifications for voters, to regulate the registration of voters, and to supervise elections. *Minor v. Happersett*, 21 Wall. 162, 170 (1874); *U.S. v. Reese*, 92 U.S. 214, 217 (1876); *McPherson v. Blacker*, 146 U.S. 1, 39 (1892); *Pope v. Williams*, 192 U.S. 621, 632 (1902); *Guinn v. U.S.*, 238 U.S.

347 (1914); *Lassiter v. Northampton County Bd. of Elections*, 360 U.S. 45, 50 (1959); *Carlington v. Rash*, 380 U.S. 89, 91 (1965); *South Carolina v. Katzenbach*, 383 U.S. 301, 325 (1966); *Oregon v. Mitchell*, 400 U.S. 112, 119 (1970).

But, this is only true in that states may enact legislation on the subject—as provided by section 2 of Article 1, the Seventeenth Amendment, and section 1 of Article II—that does not conflict with legislation enacted by Congress in exercise of its power to regulate federal elections under section 4 of Article 1 and its more general power under Article 1, section 8 "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." See *Ex parte Siebold*, 100 U.S. 371 (1880) *Ex parte Yarbrough*, 110 U.S. 651, 663, 664 (1884); *Swafford v. Templeton*, 185 U.S. 487 (1902); *Wiley v. Sinkler*, 179 U.S. 58, 64 (1900); *U.S. v. Classic*, 313 U.S. 299, 315 (1941) "It is not true, therefore, that electors for members of congress (or president) owe their right to vote to the state law, in any sense which makes the exercise of the right depend exclusively on the law of the state." *Ex parte Yarbrough*, 110 U.S. 651, 663–64 (1884); accord, *Baker v. Carr*, 369 U.S. 186, 242–43 (1962).

THE HISTORY OF CONGRESSIONAL LEGISLATION

Historically, Congress has extensively regulated the conduct of federal elections under its constitutional authority. Almost immediately after the Constitution was ratified, legislation was passed by Congress. In 1792 Congress established the time for appointment, the number of presidential and vice presidential electors to which each state was entitled, and the manner in which they were to cast their ballots. Act of March 1, 1792; 1 Stat. 239; 3 U.S.C. § 1, 2, 10, 11, 14, and 15. And in 1804, Congress modified the manner of voting. Act of March 26, 1804, 2 Stat. 295; 3 U.S.C. § 8 and 9. Less than forty years later, in 1842, Congress enacted legislation which provided that candidates for the House of Representatives were to be selected from contiguous and compact districts, overturning a common state practice of electing representatives at large. See Act of June 25, 1842, c. 47, § 2; 5 Stat. 491; 2 U.S.C. § 3, expired by own limitation in 1929, *Wood v. Broom*, 287 U.S. 1. Congress in 1845 established procedures for the filling of vacancies to the electoral college and reappointment of electors if they fail to reach a decision on the day specified by earlier legislation. Act of 1845, c. 1; 5 Stat. 721; 3 U.S.C. § 3 and 4.

Congress, in 1851, enacted legislation regulating the time and manner for contesting an election of any member of the House of Representatives, including the time and manner of taking depositions and penalties for failure to testify. Act of Feb. 19, 1851, c. 11; 9 Stat. 568; 2 U.S.C. § 201 et seq.; superseded by P. L. 138; 83 Stat. 284; 2 U.S.C. § 381 et seq. And in 1865 Congress prohibited interference with the right to vote by any Army or Navy officer. Act of Feb. 25, 1865, c. 52, § 1, 13 Stat. 437; 42 U.S.C. 1972.

The first comprehensive package of legislation regulating federal elections was passed by Congress as part of the Reconstruction legislation right after the Civil War. This legislation, embodied in §§ 19–22 of the Act of May 31, 1870, 16 Stat. 254, and in the Act of June 19, 1872, 17 Stat. 347–349, made it unlawful to register falsely, to bribe a voter, to vote without a legal right, to make false returns, to interfere in any manner with officers of elections, and for any officer of an election to neglect any duty required of him by state or federal law. In addition, Congress authorized federal officers to register voters, and certify the results of elections, establishing complete federal control over federal elections. See *U. S. v. Gradwell*, 243 U.S. 476, 482 (1916).

Furthermore, Congress provided for the number and manner of apportionment of the House of Representatives, and required that all votes for representatives be by written or printed ballot. Act of Feb. 2, 1872, c. 11; 17 Stat. 28; 2 U.S.C. —; Act of June, 18, 1929, c. 28 § 22, 46 Stat. 26, §§ 2, 6, 7, 8, and 9. Section 2 was superseded by 2 U.S.C. § 2a. *Smiley v. Holm*, 285 U.S. 355 (1932).

Congress repealed most of the sections passed as a part of the Reconstruction legislation in 1894 (Act of Feb. 8, 1894, 28 Stat. 36), with the hope expressed in the Committee Report which accompanied the repeal that the enactment of state laws to "protect the voter and purify the ballot" would be extended to "every state in the union." H.R. Rep. No. 18, 53d Cong., 1st Sess., p. 7.

After the turn of the century, however, Congress again found it necessary to enact legislation to protect the right to vote in Federal elections. Congress, in 1909, made it a crime: (1) for any officer or member of the armed forces to station Army or Navy troops at the polls or attempt to set the qualifications for voters to cast their ballot, and (2) for anyone in the service of the United States to solicit, be solicited for, or to make any political campaign contribution. Act of March 4, 1909, ch. 321, 35 Stat. 1902, 1903, 38 U.S.C. §§ 241 et seq. Congress in 1911 provided for the manner of nomination and election of members of the House of Representatives between the date of the census and the date of reapportionment. Act of Aug. 8, 1911, c. 5, 37 Stat. 15, 2 U.S.C. §§ 4 and 5. And in 1914 Congress established the time for the election of Senators.

Congress in 1925 and 1939 broadened federal control over the federal electoral process by enacting a set of statutes, supplementing those passed in 1909, that imposed criminal penalties upon certain financial transactions designed to influence candidates or voters. An offer to make an expenditure of money, or the receipt thereof, and a promise of appointment by a candidate to influence a persons' vote were explicitly declared to be unlawful, as were solicitations of political contributions of those employed by the United States or paid in part with federal funds, and political contributions by national banks, corporations or labor organizations. Act of June 25, 1948, c. 645, 62 Stat. 721, 18 U.S.C. §§ 597, 599, 609, and 610. The legislation of 1939 made it a crime: (1) for any person to intimidate voters; (2) for federal employees, or those paid in part by federal funds, to use their official authority over funds for public works projects, work relief, or employment in order to influence voters; or (3) for any person to solicit funds in a federal building or from persons on welfare. Act of Aug. 2, 1939, c. 410, 53 Stat. 1148, 18 U.S.C. §§ 594–95, 598, 600–601, 604–605.

In the decade of the forties, more additions were made regarding the manner in which federal elections were to be held. Legislation was enacted in 1940, which: (1) prohibited state or local employees paid in part or in whole with federal funds from using their position to intimidate, coerce or influence voters from taking an active part in partisan political campaigns and (2) prohibited firms or individuals contracting with the United States from making a political contribution of any kind. Act of July 19, 1940, c. 64, 54 Stat. 767, 772, 5 U.S.C. §§ 1501 et seq; 18 U.S.C. § 611. In addition, legislation was enacted during this period prohibiting anyone from polling a member of the armed forces on the way he intended to vote or had voted, and requiring political mailings to include the name of the person or group responsible for the distribution. Act of Sept. 15, 1942, c. 561, as added April 1, 1944, c. 150, 58 Stat. 146, 18 U.S.C. § 596; Act of Dec. 23, 1944, C. 706, 58 Stat. 914, 915, 18 U.S.C. § 612.

In the late fifties and early sixties additional legislation was passed under Con-

gress' constitutional authority to regulate federal elections. In 1957, Congress amended 42 U.S.C. 1971, adding thereto a section prohibiting any person acting under color of law from interfering with any other person's right to vote in federal elections. P.L. 85-315, 42 U.S.C. 1971 (b). In 1960 Congress required retention and preservation for a period of time of all records and papers relating to registration, or any other act requisite to voting in federal elections, by the officer of the election or such other custodian as provided by state law. P.L. 86-449, 42 U.S.C. 1974. Moreover, to further protect the integrity of federal elections, Congress, in 1960, made it a crime for any person acting under color of law to willfully interfere with a person's right to vote in federal elections by force or threat of force. P.L. 90-284, 82 Stat. 73, 18 U.S.C. 245.

As this summary points out, Congressional regulation of the "time, place and manner" of federal elections, has fluctuated over time, depending upon what Congress perceived the need to be. To assume from this, however, that Congress has only narrowly drawn authority to preserve the integrity of elections is unwarranted.

THE SUPREME COURT PRECEDENTS

The Supreme Court has repeatedly upheld legislation enacted to protect the integrity of federal elections under Art. 1 § 4 and under Article 1, § 8, "to make all laws which shall be necessary and proper." Legislation that protected the right of qualified voters to have their votes counted, *United States v. Mosley*, 238 U.S. 383 (1915); *Ex parte Yarbrough*, 110 U.S. 651 (1884), and legislation that protected the franchise against less outright denials, such as alteration of ballots, *United States v. Classic*, 313 U.S. 299 (1941) or dilution by stuffing of the ballot box, *United States v. Saylor*, 322 U.S. 385, have been upheld as constitutional exercises of the power of Congress.

The extent of Congressional authority has stretched beyond overt fraud to encompass many other matters, including insidious devices which Congress believed had the propensity to undermine the legitimacy of the federal electoral process. Legislation setting the date for meeting of Presidential electors (3 U.S.C. § 5) has been held to preempt state law setting a conflicting date. *McPherson v. Blacker*, 146 U.S. 1 (1892). Legislation defining the basis of apportionment of Congress (2 U.S.C. § 2a) has been upheld as a constitutional exercise of Congress' power to regulate federal elections, with a federal circuit court stating that "whenever a member of Congress is to be elected, Congress seeks by statute to protect the elections of its members against any possible unfairness by compelling every one concerned in holding the election to observe strict and scrupulous regard of every duty connected therewith, under the powers and penalties pronounced by that statute" (emphasis added). *U.S. v. Jackson*, 25 F. 548 (C.C. Tenn. 1885). Legislation regulating the time and manner of conducting election contests has been upheld as necessary and proper under the power of the House of Representatives to judge election contests conferred by section 5 of Article 1. (2 U.S.C. 201 et seq.) *In re Voorhis*, 271 F. 673 (D.C. N.Y. 1923); *In re Loney*, 134 U.S. 372 (1890). And legislation requiring ballots to be preserved and produced upon request (2 U.S.C. 219; 42 U.S.C. 1974) has been upheld on a number of occasions. *In re Howell*, 119 F. 465, 467 (D.C. Pa. 1902); *Kennedy v. Lewis*, 325 F. 2d 210 (C.A. Miss. 1963), cert. denied, 377 U.S. 932, rehearing denied, 377 U.S. 935; *Sallion v. Rogers*, 187 F. Supp. 848 (D.C. Ala. 1960), aff'd 285 F. 2d 430, cert. denied, 366 U.S. 913; *U.S. v. Assoc. of Citizens Council of La.*, 187 F. Supp. 846 (D.C. La. 1960); *U.S. v. State of Miss.*, 229 F. Supp. 925 rev'd on other grounds, 380 U.S. 128, on remand, 256 F. Supp. 344.

The Supreme Court has been particularly

wary of the temptations to corrupt federal elections, viewing such behavior as a constant source of danger. *Ex parte Yarbrough*, 110 U.S. 651, 666-67 (1884) quoted with approval in *Burroughs v. U.S.*, 290 U.S. 534, 546-47 (1934). Consequently, it is not surprising to find federal courts upholding legislation that prohibited: (1) the making of expenditures to influence voting (18 U.S.C. 597), *U.S. v. Blanton*, 77 F. Supp. 812 (D.C. Mo. 1948); *U.S. v. Foote*, 42 F. Supp. 717 (D.C. Del. 1942); *In re Cohen*, 62 F. Supp. 2d 349 (C.C.A. N.Y. 1932); (2) The solicitation of political contributions upon federal property (18 U.S.C. 603), *U.S. v. Thayer*, 209 U.S. 39 (1908); and (3) the prohibition of political contributions by certain corporations and labor unions in an election at which federal officers are to be elected (18 U.S.C. 610), *U.S. v. Brewers' Ass'n*, 239 F. 183 (D.C. Pa. 1915); *U.S. v. CIO*, 77 F. Supp. 355 (D.C. 1948); *U.S. v. UAW-CIO*, 352 567 (1957), rehearing denied 353 U.S. 943.

Finally, proscription of the distribution of statements which might be erroneously attributed to one or another candidate by the electorate (18 U.S.C. 612) without disclosing the name of the person responsible for their distribution has been held to be within the power of Congress to preserve the integrity of federal elections. *U.S. v. Scott*, 195 F. Supp. 440 (D.C. N.D. 1961).

The right of the people to choose their federal officials, whatever may be the constitutional allocation of authority of the states and the federal government to regulate the election of state officials "is a right established and guaranteed by the constitution and hence is one secured by it to those citizens and inhabitants of the state entitled to exercise the right" *U.S. v. Classic*, 313 U.S. 299 (1941); See also, *Ex parte Yarbrough*, 110 U.S. 651 (1884); *U.S. v. Mosley*, 238 U.S. 383 (1915). Obviously, included within this right to choose is the right of all qualified citizens to have their vote counted, *U.S. v. Classic*, supra; *Swafford v. Templeton*, supra; *United States v. Mosley*, supra; *Ex parte Siebold*, supra; *In re Coy*, 127 U.S. 731; *Hagan v. U.S.*, 144 U.S. 263. It seems incongruous that such a simple proposition could ever be doubted when the nature and theory of a representative democracy, the principles upon which it is supposed to rest, and the history of the constitution are carefully considered. *Yick Wo v. Hopkins*, 118 U.S. 356, 369 (1885). "If a government, the essential character of which is republican and its President and Congress are elected directly by the people, is to be anything more than a mere aggregation of delegated powers from the various states, it must have the authority to protect the integrity of its elections. Otherwise it is left vulnerable to open violence and insidious corruption." *Ex parte Yarbrough*, 110 U.S. at 657-58; *Burroughs v. United States*, 290 U.S. 534, 546-47 (1934), "and its best powers, its highest purposes, the hope which it inspires, and the love which enshrines it, are at the mercy of the combination of those who respect no right but brute force on the one hand, and unprincipled corruption on the other." *Ex parte Yarbrough*, 110 U.S. at 666-67; *Burroughs v. U.S.* 290 U.S. 534, 547 (1934). Therefore, it follows that the Congress is obligated to see that Federal elections are free from corruption and open to all citizens who are qualified. "This duty does not arise solely from the interest of the party concerned, but from the necessity of the government itself . . . and that the votes by which its members of Congress and its President are elected shall be the free votes of the electors, and the officers thus chosen the free and uncorrupted choice of those who have the right to take part in that choice." *Ex parte Yarbrough*, 110 U.S. 651, 362 (1884).

As recently as 1970, the Burger Court reaffirmed this principle. Justice Black found in the constitutional history authority for Congress to establish the voting age for federal elections, stating that "Congress has

ultimate supervisory power over congressional elections . . ." *Oregon v. Mitchell*, 400 U.S. 112, 124 (1970). Justice Douglas, although he ruled upon the privileges and immunities clause of the Fourteenth Amendment in upholding the durational residency provision of the 1970 Voting Rights Act, stated that the "right to vote for national officers is a privilege and immunity of national citizenship," id. at 149, and that the choice of means to protect such a privilege presents a question primarily addressed to the judgment of Congress. Id. at 150. Justices Brennan, Marshall and White did not state explicitly what their position was on Congress' authority to regulate federal elections but cited Justice Douglas' views in a footnote, and went on to base their affirmation of the durational residency provision of the 1970 Voting Rights Act on the right to travel. Id. at 237, particularly footnote 16. Moreover, although Justices Stewart and Blackmun and Chief Justice Burger did not believe Congress' authority extended to include the reduction of the voting age requirement, in an opinion written by Justice Stewart they were careful to point out that Congress has the authority under Article I, section 4 and section 5 to pass such laws as are necessary to assure fair elections and to protect and facilitate the exercise of privileges of United States citizenship," citing both *United States v. Classic*, supra, and *Burroughs v. United States*, supra. Id., at 281ff.

THE SCOPE OF CONGRESS' AUTHORITY TO REGULATE ELECTIONS

Of particular importance in the area of voting rights is whether the right to choose Federal officials embraces the registration of voters.

It is fair to assume that the framers of the Constitution, in adopting Article I, section 4, did not have in mind modern registration statutes, "any more than they contemplated the application of the commerce clause to interstate telephone, telegraph and wireless communication, which are conceded within it. But in determining whether a provision applies to a subject matter," whether or not it was then in existence does not matter. *U.S. v. Classic*, 313 U.S. 299 316 (1941). In setting up an enduring framework of government, the framers intended the Constitution to last for an indefinite length of time, providing a set of fundamental principles which the Constitution itself defines to be applied to all the vicissitudes of the changing affairs of men. *Oregon v. Mitchell*, 400 U.S. 112 (1970). Consequently, the Constitution is not to be read as legislative enactments which are subject to continuous legislative revision with the changing course of history, but in light of its plainly elicited purposes. *U.S. v. Classic*, supra; *Davidson v. New Orleans*, 96 U.S. 97; *Brown v. Walker*, 161 U.S. 591, 195; *Robertson v. Baldwin*, 165 U.S. 275, 281-82; *U.S. v. Reese*, 92 U.S. 214, 217.

Article I, section 4, authorizes Congress to regulate the time, place and manner of holding federal elections, and Article I section 8 authorizes Congress "to make all laws which shall be necessary and proper for carrying into execution" the powers of Congress. This leaves Congress free to select the means by which its constitutional powers are to be carried into execution, subject only to the limitation promulgated by Chief Justice Marshall in *McCulloch v. Maryland*:

Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adopted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution are constitutional." 4 Wheat. 316, 421 (1819).

Thus whenever the Congressional decision is consistent with the "letter" and spirit of the Constitution, as a long line of cases has held from *McCulloch v. Maryland*, supra, to *Oregon v. Mitchell*, 400 U.S. 112 (1970), it will be upheld as a constitutional exercise

of Congressional authority. See *Ex parte Virginia*, 100 U.S. at 345-346 (1880); *South Carolina v. Katzenbach*, 383 U.S. 301, 376-77 (1965); *Katzenbach v. Morgan*, 384 U.S. 649, 650 (1965) and the opinions of the Justices of the present Court in *Oregon v. Mitchell*, supra, in which all of the Justices affirmed their adherence to the principle of *McCulloch v. Maryland*.

The right to participate in the selection of federal officials includes the right to cast a ballot and to have it counted at the general election, whether for the successful candidate or not. Where the state law has made registration an integral part of the procedure of choice, or where in fact registration controls the right to make that choice, the right of the citizen to be free from arbitrary application of qualification regulations is likewise included in the right protected by Article 1, section 2. Cf. *U.S. v. Classic*, supra, at 319.

There is no merit to the argument that Article I, section 4, and the Fourteenth Amendment deal only with the denial of the right to vote, not with the registration of voters, and therefore give Congress no power over registration. Cf. *U.S. v. Manning*, 215 F. Supp. 272 (1962). The Supreme Court set the record straight in striking down the "grandfather clause," one of the first schemes to deny registration to voters. *Gunn v. United States*, 238 U.S. 347 (1915). The Court pointed out in that case that the Fifteenth Amendment did not take away the State's power to fix qualifications, but it requires the tests for suffrage to be non-discriminatory. As the District Court stated in *U.S. v. Manning*:

Discrimination in the registration office is the worst kind of oppression of qualified voters, because it is oppression under color of law. Discrimination by a registrar is especially harmful because it is the most effective method for denying the right to vote: it denies the right to vote before an individual has the chance to exercise it, and it bars not only the individual concerned from all elections but inhibits other qualified voters from running the gauntlet of discriminatory and humiliating practices by a registrar and his deputies. It is unthinkable that Congress should not have the power to deal with the right to vote at the most vulnerable point in the electoral process.

As the Supreme Court said, in an analogous context, in *Ex Parte Yarbrough*, 110 U.S. 651, 661-62 (1884):

It is only because of the Congress of the United States, through long habit and long years of forbearance, has, in deference and respect to the states, refrained from the exercise of these powers, that they are now questioned.

When the states, by sophisticated registration requirements coupled with discriminatory practices by registrars, deny suffrage to qualified voters, they cannot complain if Congress exercises its authority under Article I, section 4, to regulate the electoral process in federal elections and its Fourteenth-Fifteenth Amendment authority to prohibit discriminatory denial of the right to vote in federal and state elections" (emphasis added). 215 F. Supp. 272, 278-88 (1962).

The Supreme Court on a number of occasions has addressed itself to the question of the extent of the function contemplated by Article I, section 4, and the other sections of the Constitution regarding suffrage. The response directly applicable to registration was made in *Smiley v. Holm*, in which the Supreme Court stated:

"It cannot be doubted that these comprehensive words 'time, place and manner of holding elections for Senators and Representatives' embrace authority to provide a complete code for congressional elections, not only as to times and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, count of votes, duties

of inspectors and canvassers, and making and publication of election returns; in short, to enact the numerous requirements as to procedure and safeguards which enforce the fundamental rights involved." (Emphasis added.) 285 U.S. 366-67 (1932).

The history of the Constitution, the legislation which has been enacted thereunder and the decisions upholding its constitutionality all lead to one inescapable conclusion. When it comes to federal elections, Congress may adopt as its own or supplement state regulations, and even substitute its own voter registration laws. Simply stated, Congress "has a general supervisory power over the whole subject." *Ex parte Stebold*, 100 U.S. 371, 387; *Ex parte Yarbrough*, 110 U.S. 651, 661; *Ex parte Clarke*, 100 U.S. 399; *United States v. Mosley*, 238 U.S. 383, 386; *Newberry v. United States*, 256 U.S. 232, 255; *Smiley v. Holm*, supra.

SUPPORT FOR FARM CREDIT ACT OF 1971

Mr. FULBRIGHT. Mr. President, I should like to record my support for the Farm Credit Act of 1971, S. 1483.

Over 15,000 Arkansas farmers and 65 Arkansas farmer cooperatives now have nearly \$300 million in loans outstanding from the banks and associations of the cooperative farm credit system. These farmer-owned institutions have served the farmers of Arkansas well. But, as in so many things, there is a time when change is necessary.

In Arkansas, as in many other rural States, we are very much concerned about rural development. As I read the Farm Credit Act of 1971, I see in it some things that would aid our rural communities. The Farm Credit System need make no apology for its present role in building our rural areas. The mere fact that it operates only in rural America, making loans of all kinds to both farmers and their cooperatives, aids the rural economy. But more needs to be done and this legislation will provide the means by which more can be done.

I have received a great deal of mail from my State unanimously supporting this legislation, and I would like to comment on the provisions in it which I believe are especially significant.

Rural housing: There is no question that adequate funds are needed to finance nonfarm rural homes. Substandard housing is the rule rather than the exception in rural America. The lack of available financing is one of the prime reasons people do not build new homes in the country. This results, of course, in an exodus from the country to our already overcrowded cities. The provision in the Farm Credit Act of 1971 to allow the Federal land banks to make these kinds of loans will not solve all the housing problems in rural America, but it is certainly a step in the right direction. The availability of money for nonfarm rural homes will do more than provide places for people to live. It will provide jobs, stimulate business and broaden the tax base in these communities. The companion provision which would allow the production credit associations to make loans for the repair and maintenance of these rural homes is equally important. I think it a tribute to the farmer-owners of the farm credit system that they recognize the needs of their rural neighbors

and are asking the permission of the Congress to help them.

Farm-related business loans: Many farmers today are plagued by the fact that they need large and expensive equipment and machinery to operate efficiently. Though they need such equipment, frequently they cannot justify its use when its cost is considered. The answer for many farmers is to turn to custom operators; businessmen who provide on-the-farm services which the farmer, under ordinary circumstances, would provide for himself. However, these farm-related businessmen have difficulty obtaining sufficient financing. Again, the Farm Credit Act of 1971 offers assistance by allowing its institutions to make loans to those who provide these services.

Loans to farmers' cooperatives: The Banks for Cooperatives are now providing an estimated 60 percent of all funds borrowed by farmers' cooperatives. More than half of all the cooperatives in existence are owners of these Banks. Many of those which are not borrower-owners simply cannot meet the rigid eligibility requirements. In order for a cooperative to be eligible for a loan, 40 percent of its voting control must be held by farmers. Now many of these cooperatives do sell supplies or provide petroleum products to nonfarmers, but the nature of cooperatives is such that these nonfarmers do hold stock in them. It is also true that many farmers keep their investments in cooperatives after they retire. This, of course, affects the voting control requirement. The Farm Credit Act of 1971 offers a solution. It would establish the eligibility of a borrowing cooperative as one in which farmers hold 66 2/3 percent of voting control. So again, the rural economy is stimulated by the business a cooperative brings into rural areas and by the jobs it provides.

The cooperative Farm Credit System was initially established with funds provided by the U.S. Government. The farmers and their cooperatives who borrow from this system have demonstrated their ability to successfully operate it. They have repaid the Government with interest. They now completely own the banks and associations and have invested more than \$1 billion in them. In effect, all they are asking is for us to allow them to modernize their system so it can better serve them and their rural neighbors. We should not only grant that permission by enacting this legislation, but we should grant it with our thanks.

MRS. IRIS POWERS, THE ARMY'S CONSULTANT TO THE FAMILIES OF PRISONERS AND MISSING

Mr. DOLE. Mr. President, in my activities on behalf of American servicemen who are missing in action or held as prisoners of war in Southeast Asia I have come to know a number of wives, mothers, fathers, and children of these men. Many have been members of the national League of Families of Prisoners and Missing in Southeast Asia, and all have been unique in their determination to do everything and anything they feel will possibly benefit the men who are captive or missing in North Vietnam, South Vietnam, Laos, and Cambodia.

SENATE
FLOOR DEBATE
ON
S.382
JULY 31, 1971

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. INOUE:

S. 2385. A bill for the relief of Domingo Q. Garcia, Romana Q. Garcia, Rita T. Garcia, Ruben B. Garcia, Irma B. Garcia, Merlinda B. Garcia. Referred to the Committee on the Judiciary.

By Mr. BELLMON:

S. 2386. A bill to amend the National Wild and Scenic Rivers Act of 1968 (Public Law 90-542) to include certain rivers with the State of Oklahoma as potential components of the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSORS OF BILLS

S. 1734

At the request of Mr. METCALF, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1734, to provide for comprehensive management of the Nation's forest lands through application of sound forest practices, and for other purposes.

S. 2348

At the request of Mr. INOUE, the Senator from Virginia (Mr. SPONG) was added as a cosponsor of S. 2348, a bill to increase the penalties with respect to the commission of a crime of violence in the District of Columbia while armed with a firearm.

FEDERAL ELECTION CAMPAIGN ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 353 THROUGH 355

(Ordered to be printed and to lie on the table.)

Mr. PACKWOOD submitted three amendments, intended to be proposed by him, to amendment No. 308 proposed by Mr. PASTORE (for himself and other Senators) to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

AMENDMENT NO. 356

(Ordered to be printed and to lie on the table.)

Mr. STEVENSON (for himself and Mr. HARTKE) submitted an amendment intended to be proposed by them, jointly, to amendment No. 308, supra.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 342

At the request of Mr. SCOTT, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of amendment 342, intended to be proposed to S. 382, the Federal Election Campaign Act of 1971.

NOTICE OF HEARINGS BY THE SUBCOMMITTEE ON ALCOHOLISM AND NARCOTICS

Mr. HUGHES, Mr. President, on Monday, Wednesday, and Thursday, August 2, 4, and 5, the Subcommittee on Alcoholism and Narcotics, which I chair, will

hold hearings on several pieces of legislation relating to drug abuse. We will be considering S. 2217, which I introduced on June 30 along with Senators JAVES, MUSKIE, and WILLIAMS, Senator HUMPHREY's bills, S. 2146 and S. 2155, and we will take testimony on two bills which will shortly be referred to the Labor and Public Welfare Committee from the Government Operations Committee, S. 2097, the administration's drug-abuse proposal, and Senator MUSKIE's S. 1945. Although these last two measures have not yet been referred to us, they relate directly to S. 2217 and we will hear statements discussing the relative merits of these three differing proposals.

On Monday, we will hear testimony from the Department of Health, Education, and Welfare, the National Institute of Mental Health, Mayor Alioto, of San Francisco, and California State Senator Moscone. On Wednesday, the President's special consultant on drug abuse, Dr. Jaffee, will be our lead witness. Following him will be the Governor of my own State of Iowa, Governor Ray, Mr. Graham Finney, New York City's narcotics commissioner, and NARCO, a Detroit-based drug abuse treatment organization. On Thursday, we will have questions for the Office of Education, the Food and Drug Administration, and the distinguished junior Senator from Minnesota Senator HUMPHREY.

The purpose of these hearings is to prepare for passage of legislation designed to give coordination, direction, and purpose to the Federal Government's efforts to deal with drug abuse. These are elements which have too long been missing from the Federal effort. I feel strongly that they are needed, if our efforts are to succeed.

ADDITIONAL STATEMENTS

RETIREMENT OF AMBASSADOR DAVID K. E. BRUCE

Mr. MANSFIELD, Mr. President, a government like ours, that is dependent on talented citizens making a commitment to governmental service, is fortunate in having people of the caliber of David K. E. Bruce serving it. Ambassador Bruce retires this week from his post in Paris, where he has been the chief U.S. negotiator at the Vietnam peace talks. I am sure that he, like so many Americans, is disappointed that his difficult task could not end on a more complete note. But his untiring dedication to the service of this country is an example every American should take to heart.

Mr. President, I ask unanimous consent that an article published in the Los Angeles Times and an editorial appearing in the Baltimore Sun of July 30, 1971, be printed in the RECORD.

The being no objection, the articles were ordered to be printed in the RECORD, as follows:

DAVID BRUCE: A TOP DIPLOMAT, GOURMET
(By Don Cook)

PARIS.—When David K. E. Bruce arrived in Paris on his first official mission for the United States in August, 1944, he had the unhappy duty of ordering the interment of the proprietor of a famous three-star Paris restaurant who had shown excessive zeal in serving the Germans in more ways than one during the Nazi occupation.

Bruce at that time was the head of the French section of the wartime Office of Strategic Services in Europe, the forerunner of today's Central Intelligence Agency. Operating first in London, he then moved to France and entered Paris in the wake of the liberating Allied armies.

For a man who has always managed to combine serving his country with a gourmet's appreciation of food and wine, it was painful to have to look up one of France's leading restaurateurs.

FAITH RESTORED

But Bruce's faith in French cuisine as well as French resistance was more than restored by the fact that the proprietor of a superb two-star restaurant in the heart of Paris had sheltered an Allied radio operator and his radio in his wine-cellar throughout the occupation, while Nazi officers were eating upstairs.

Bruce has never been back to the three-star restaurant, but the two-star place remains one of his favorites and the vigorous owner an old friend.

Ambassador Bruce is now leaving his fifth and least productive, official assignment in Paris for his country—chief U.S. negotiator at the Vietnam peace talks. After his wartime and postwar days as OSS chief in France, he came back to serve as Marshall plan administrator for France in 1948-49; ambassador to France with ambassadorial rank during the organization and launching of the European Coal and Steel Community in 1953 and 1954.

LONG PUBLIC SERVICE

Not only that, but in a remarkable diplomatic career under six presidents, Bruce is the only man in United States public service to have served as ambassador to Germany and Great Britain as well as France. Moreover, his eight-year tenure as ambassador in London from 1961 to 1969 was the longest in that post since the legendary Walter Hines Page during the first World War.

Although Bruce ostensibly leaves the Vietnam peace talks at the age of 73 for reasons of health, there is nothing that has yet impaired either his gourmet appetite and consumption of fine food and judiciously chosen wines, or his conversational wit and analytical powers. He has a circulatory problem which needs watching, but the Vietnam peace talks have scarcely risen much above the level of boredom.

Even the pleasures of life in Paris have been restricted for Bruce in the past year—for the simple reason that he has to be accompanied round-the-clock by French security officers who follow his official car wherever it goes, wait outside restaurants while he dines, walk with him across the street from the Crillon Hotel, where he has been living, to the American Embassy, and stay up all night outside his hotel suite while he sleeps.

Going for a walk in the Bois or driving out to the country or dropping into a theater or casual calls on friends have to be turned into security production jobs under such circumstances. The tedium of weekly meetings in the non-negotiation at the Hotel Majestic has not been much relieved by easy social life, and Bruce has frequently escaped to London for long weekends at the small suite which he has kept at the Albany on Piccadilly since he retired as ambassador in 1969.

Now a full and active official life is finally over for this courtly, soft-spoken, witty, gay, wise and prudent Maryland gentleman. He could write a wonderful book but he won't for the simple reason that he enjoys talking and conversation a great deal more than the discipline of writing.

INTERESTING WOMAN

But he can switch easily from recalling his days as a young Foreign Service officer in Rome in 1926 to the personality of Harold Wilson and why Mrs. Nguyen Thi Binh of

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rior and related agencies for fiscal year 1972. Senate agreed to House amendments to Senate amendments numbered 3, 6, 18, 19, 21, 31 and 32; and

Export expansion: Senate agreed to the conference report on S. 581, allowing greater expansion of export trade of the United States.

Pages 28751-28754, 28803-28810

Federal Election Campaign Practices: Senate began consideration of S. 382, to promote fair practices in the conduct of election campaigns for Federal political offices.

Pending at adjournment was Pearson amendment No. 340 (Star Print), (to Pastore substitute amendment No. 308) calling for creation of a Federal Elections Commission.

Pages 28791-28802, 28811-28820

Vice-Presidential Appointments: Vice President appointed Senators Pastore and Dominick to attend the 15th Session of the General Conference of the International Atomic Energy Agency to be held at Vienna, Austria, beginning September 21, 1971; and

Senators Pastore and Bennett to attend the Fourth International Conference on the Peaceful Uses of Atomic Energy to be held at Geneva, Switzerland, September 6-16, 1971.

Page 28782

Nomination: Senate received the nomination of James F. Campbell, of Maryland, to be Assistant Administrator of the Agency for International Development.

Page 28823

Record Vote: One record vote was taken today.

Page 28782

Adjournment: Senate met at 11 a.m. and adjourned at 5:54 p.m.

Pages 28820, 28823

Committee Meetings

PREDATOR CONTROL PROGRAM

Committee on Appropriations: Agriculture, Environmental and Consumer Protection Subcommittee held hearings on predator control program, receiving testimony on preservation and protection of eagles from Nathaniel P. Reed, Assistant Secretary of the Interior for Fish and Wildlife and Parks; Charles Lawrence, Chief, Division of Management and Enforcement, Bureau of Sport Fisheries and Wildlife, Interior; and James Vogan, of Wyoming.

Hearings continue tomorrow.

MILITARY PROCUREMENT AUTHORIZATIONS

Committee on Armed Services: Committee resumed executive consideration of H.R. 8687, fiscal 1972 authorizations for military procurement, but did not conclude action thereon and will meet again on Wednesday, August 4.

HOUSING LAWS CONSOLIDATION

Committee on Banking, Housing and Urban Affairs: Subcommittee on Housing and Urban Affairs began hearings on S. 1618, 2333, 2049, and related bills, to consolidate laws relative to housing and housing assistance, having as its witness Secretary of Housing and Urban Development George W. Romney.

Hearings continue tomorrow.

LOW- AND MODERATE-INCOME HOUSING

Committee on Commerce: Committee held hearings on S. 1991, to permit companies subject to Public Utility Holding Company Act to build low- and moderate-income housing. Witnesses heard were Senator Metcalf; Dr. Clay L. Cochran, National Rural Housing Alliance; William Rosenberg, Michigan State Housing Authority; and Harry Finger, Assistant Secretary for Research and Technology, and Richard Dannels, Deputy Assistant Secretary for Housing Management, both of the Department of HUD.

Hearings were recessed subject to call.

SOCIAL SECURITY

Committee on Finance: Committee resumed hearings on H.R. 1, proposed Social Security Act Amendments of 1971, having as its witness Secretary of Health, Education, and Welfare Elliot L. Richardson.

Hearings continue tomorrow to receive further testimony from Secretary Richardson.

ORGANIZED CRIME—SECURITIES THEFTS

Committee on Government Operations: Permanent Subcommittee on Investigations resumed hearings into the role of organized crime in the theft of negotiable securities, receiving testimony from Dr. Sidney DeLove, president, Cook County Federal Savings and Loan, Chicago; and representatives of the Devon Bank, Chicago.

Hearings continue tomorrow.

DRUG ABUSE

Committee on Labor and Public Welfare: Subcommittee on Alcoholism and Narcotics began hearings on S. 2217 and related bills, to provide for a program for prevention and treatment of drug abuse and dependence. Witnesses heard were Joseph Alioto, mayor of San Francisco; George Moscone, California State senator; and the following Department of Health, Education, and Welfare witnesses: Merlin K. Duval, Assistant Secretary for Health and Scientific Affairs; Dr. Vernon Wilson, Director, Health Services and Mental Health Administration; James Isbister, Deputy Director, and Karst Bestemann, Division of Narcotics and Dangerous Drugs, both of the National Institute of Mental Health; Charles C. Edwards, Commissioner of Food and Drugs;

their addresses and telephone numbers, situated similarly to the franchise being offered and located, to the extent possible, in the same geographic area;

Twenty-third. Subject to any limitations imposed by the Commission, a statement of available earnings of past and present franchisees and a fair analysis of their performance, including records of failures, and resales to the franchisor;

Twenty-fourth. A statement as to whether franchisees and subfranchisors receive an exclusive area or territory;

Twenty-fifth. A statement as to the methods and responsibilities of the parties in determining the site for the franchisee's outlet;

Twenty-sixth. A statement setting forth such other information as the Commission may require;

Twenty-seventh. A statement setting forth such information as the franchisor may desire to present, subject to any rules as to format as the Commission may prescribe;

Twenty-eighth. A statement of any compensation or other benefit given or promised to a public figure arising, in whole or in part, from the use of the public figure in the name or symbol of the franchise;

Twenty-ninth. When the person filing the disclosure statement is a subfranchisor, the statement shall include the same information concerning the subfranchisor as is required from the franchisor pursuant to this schedule.

The disclosures which may be required under my proposal are extensive and will go a long way toward eliminating many of the abuses that now exist in the franchising field. In addition, the bill would authorize private action for treble damages, including attorney's fees and reasonable court costs, for those who are injured as a result of a failure to comply with the rules and regulations promulgated by the Commission.

Mr. President, I believe that my proposal provides a timely and thoughtful solution to many of the problems which now exist in the franchising field. I urge the Congress to give it expeditious consideration. The time for action is now, if franchising, an unparalleled marketing tool and opportunity for small businessmen throughout our country, is to be preserved.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 674

At the request of Mr. EAGLETON, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 674, a bill to control amphetamines and other stimulant substances.

S. 2135

At the request of Mr. KENNEDY, the Senator from New Hampshire (Mr. MCINTYRE) was added as a cosponsor of S. 2135, to amend title V of the Social Security Act.

S. 2258

At the request of Mr. GRIFFIN, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 2258, the

Motor Vehicle Air Pollution Control Acceleration Act of 1971.

S. 2266 AND S. 2267

At the request of Mr. MOSS, the Senator from Kansas (Mr. PEARSON) was added as a cosponsor of S. 2266 and S. 2267, bills relating to the use of recycled paper by the Public Printer.

FEDERAL ELECTION CAMPAIGN ACT OF 1971—AMENDMENTS

AMENDMENT NO. 357

(Ordered to be printed and lie on the table.)

Mr. CHILES submitted an amendment intended to be proposed by him to amendment No. 308 proposed by Mr. PASTORE (for himself and others) to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

AMENDMENT NO. 358

(Ordered to be printed and to lie on the table.)

Mr. CHILES submitted an amendment intended to be proposed by him to the bill (S. 382), supra.

AMENDMENT NO. 359

(Ordered to be printed and to lie on the table.)

Mr. SCOTT (for himself and Mr. BAYH) submitted an amendment intended to be proposed by them, jointly, to amendment No. 340 intended to be proposed to the bill (S. 382), supra.

AMENDMENTS NOS. 360 AND 361

(Ordered to be printed and to lie on the table.)

Mr. BELLMON submitted two amendments intended to be proposed by him to the bill (S. 382), supra.

ADDITIONAL COSPONSORS OF AMENDMENT

AMENDMENT NO. 337

At the request of Mr. HUMPHREY, the Senator from Alaska (Mr. STEVENS) and the Senator from Alaska (Mr. GRAVEL) were added as cosponsors of amendment No. 337 to S. 659, a bill to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and related acts, and for other purposes.

ANNOUNCEMENT OF HEARINGS ON POPULATION STABILIZATION

Mr. CRANSTON, Mr. President, for the information of my colleagues, I wish to announce that the Special Subcommittee on Human Resources of the Labor and Public Welfare Committee has scheduled an open hearing on Thursday, August 5, 1971, in room 4232 of the New Senate Office Building, at 9:30 a.m. on Senate Joint Resolution 108, a joint resolution to declare a U.S. policy of achieving population stabilization by voluntary means.

Among those testifying will be former Senator Joseph Tydings; Congressman JOHN CONYERS of Michigan; David Brower, president, Friends of the Earth;

Rufus Miles, president of the Population Reference Bureau of Washington, D.C.; and Cynthia Epstein, sociologist, of Columbia University.

Senate Joint Resolution 108, which I introduced on June 2, 1971, has the bipartisan cosponsorship of 33 Members of the Senate. Because I feel we should proceed promptly with this vitally important issue, I have called this hearing before the recess. Subsequent hearings will be scheduled in the fall.

EXECUTIVE SESSION OF CONSTITUTIONAL AMENDMENTS SUBCOMMITTEE TO CONSIDER EQUAL RIGHTS AMENDMENT THURSDAY, AUGUST 5, 1971

Mr. BAYH, Mr. President, I want to take this opportunity to inform my colleagues once again that on Thursday of this week we will be making another try to obtain a quorum of the Constitutional Amendments Subcommittee, to consider the equal rights amendment. Every member of the subcommittee knows how extraordinarily difficult getting a quorum can be. In the past only two or three members have appeared. Last week five members—out of the necessary six—showed up.

As I announced at that meeting, I intend to try once more. Last Thursday I checked with each member's office and was told that there would be no conflicts on Thursday, August 5, 1971, at 10 a.m. Therefore, as I informed each member's office last Thursday, I have scheduled a meeting for that date and time in room 457 of the Old Senate Office Building. I do hope to see every subcommittee member there so that at long last we can consider—and hopefully report out—this most important proposal.

ADDITIONAL STATEMENTS

REVITALIZATION OF SMALL TOWNS

Mr. TALMADGE, Mr. President, it is an unfortunate fact that small towns around the Nation are dying. In all too many small towns there is a loss of economic activity, an absence of hope for the future. This is unfortunate for America, not only because the people who leave these small towns are being pushed into the urban congestion of our metropolitan areas; it is unfortunate because the loss of the Nation's small towns means a loss of balance with nature. A prosperous small town is in ecological balance with nature. It has such ecological balance because in small towns there is still an element of serenity, of neighborliness, and of closeness to the earth. In a small town one is able to enjoy the benefits of open spaces and the advantage of air and water that is relatively free of pollution.

In the Committee on Agriculture and Forestry, of which I am chairman, we are attempting to find ways to revitalize the Nation's small towns. The Rural Development Subcommittee is attempting to give Americans a choice—a real choice between living in urban congestion or in

GRANTS BY CATEGORIES—FISCAL YEARS 1963 THROUGH 1972

	1963	1964	1965	1966	1967	1968	1969	1970	1971 ¹	1972 ¹
Students:										
Foreign ²	3,174	3,538	3,548	3,416	3,077	2,978	2,262	2,053	1,935	2,112
United States.....	1,078	1,106	1,148	1,119	936	852	353	375	353	382
Teachers:										
Foreign.....	1,018	988	859	898	724	719	559	441	460	495
United States.....	567	553	405	393	287	234	185	213	213	230
Professors; research scholars:										
Foreign.....	781	705	770	794	683	656	438	394	498	543
United States.....	1,225	1,182	1,098	1,190	1,083	905	421	494	606	806
International visitors, observation and consultation:										
Individual, foreign.....	1,152	1,369	1,359	1,253	1,334	1,260	1,040	1,100	1,144	1,349
Multinational, foreign.....			10	78	56	56	66	54	91	88
Specialized programs (foreign):										
Individual.....	763	498	370	344	231	145	138	159	165	223
Multinational.....		323	376	304	222	154	109	195	108	138
Jointly sponsored.....			2	2	6				1	34
Educational travel:										
Foreign.....	1,292	1,560	1,819	1,513	1,061	827	550	507	359	555
United States.....	87	185	225	311	82	86	72	29	24	11
Total, foreign.....	8,180	8,981	9,113	8,602	7,394	6,785	5,163	4,813	4,761	5,537
Total, United States.....	2,957	3,026	2,876	3,013	2,388	2,077	1,029	1,111	1,196	1,429
Grand total.....	11,137	12,007	11,989	11,615	9,782	8,862	6,192	5,924	5,957	6,966

¹ Estimate.

² Includes nationals in American-sponsored schools.

Mr. FULBRIGHT. Mr. President, I have received today a telegram from the chairman of the Board of Foreign Scholarships, James R. Roach, sending congratulations on the 25th anniversary of the signing of this legislation on August 1, 1946. I ask unanimous consent that the telegram may be printed in the RECORD.

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

WASHINGTON, D.C.,
July 31, 1971.

Senator J. WILLIAM FULBRIGHT,
Senate Office Building
Washington, D.C.:

Members of the Board of Foreign Scholarships join me in sending you congratulations and best wishes in recognition of the 25th anniversary of the Fulbright Act on August 1.

This act which launched a world wide program of education exchanges under U.S. Government sponsorship has provided opportunities for over 100,000 Americans and foreign nationals to participate in purposeful academic exchanges which have made an essential contribution to the peaceful pursuits of mankind here and abroad.

As the Board responsible for the supervision of such exchanges we express our appreciation for your imaginative authorship of the initial legislation and your continuing interest and support of these exchanges over the years.

We look forward to meeting with you personally in September.

JAMES R. ROACH,
Chairman, Board of Foreign Scholarships.

SETTLEMENT OF STEEL AND RAIL DISPUTES

Mr. HUMPHREY. Mr. President, I am sure the Senate will be pleased to know, as possibly many Senators do, that what had appeared to be a most difficult labor-management dispute, the railroad management and union dispute, has been settled, and that the trains will be in full operation tonight at 12:01.

This settlement is significant in that the unions have abided by the law, that they won the right to strike selectively, and they have brought free collective bargaining to the rail industry.

I wish to compliment both steel and railroad management for exercising restraint and flexibility in these negotiations. I compliment them for plac-

ing their faith and confidence in the collective bargaining process. It has worked well for management, labor, and the public.

I compliment the leadership of the United Transportation Union, President Charles Luna, for his sincerity and dedication to the highest principles of labor-management relations. His leadership has shown that unions and management can bargain in good faith and that if negotiators will be honest with each other, then settlements that reflect the best interest of the Nation can result.

I am particularly pleased that employee protections and satisfactory work rules could be the keystone of that settlement. Union men have made a valid case for these two items and I am gratified that the final contract contains both of these.

Mr. President, the rail industry settlement is not the only important labor-management dispute resolved today. The United Steel Workers and steel management also signed an agreement for a new 3-year contract. Thus, two singularly important achievements in the field of collective bargaining have resulted.

Mr. President, the steel agreement is another testimony to the leadership of I. W. Abel of the United Steel Workers. It is testimony to his resourcefulness as a negotiator—the kind of leader who understands that steel management and labor can use the processes of free collective bargaining to demonstrate results satisfactory to both management and labor.

Mr. President, this Nation owes a debt of gratitude to I. W. Abel. This union leader, who in 1967 successfully negotiated a steel contract that served the national interest and brought substantial benefits to his union membership, is without a doubt one of the most gifted and talented, and dedicated leaders of organized labor. He represents the best in trade unionism, but above all, he is a great citizen who has always put his country ahead of all other considerations.

It is indeed a tribute to Mr. Abel's sense of public responsibility that the steel industry came to a contract agreement. He has shown the flexibility and

the resolve necessary to take on tasks that sometimes seem superhuman. Yet, I. W. Abel has again proved that he is capable, that he is a leader, and that he has the qualities that make him a respected labor negotiator.

Both the steel settlement and the rail industry agreement represent the best in collective bargaining. Collective bargaining is always subject to a number of criticisms because it includes within it the possibility of lockouts or strikes. But, the leadership of these two unions have proven that there is no substitute for free, open, collective bargaining in a democracy.

The settlements at which these negotiators have arrived are fair. They represent a serious effort by the leadership of the unions to deal with increases in the cost of living brought about by economic policies of the Federal Government over which President Abel and President Luna have little control.

The settlements are in the public interest.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. PASTORE. Mr. President, I yield myself whatever time is necessary.

Mr. President, today the Senate begins deliberation on S. 382, the Federal Election Campaign Act of 1971. I have offered an amendment in the nature of a substitute.

Title I of the amendment, which deals with the use of communications media by candidates for Federal elective office, had its genesis in S. 3637. That bill, which would have limited campaign expenditures for the broadcast media, passed the 91st Congress but was vetoed by the President because, among other things, he felt it discriminated against broadcasting by limiting campaign spending only in that media. He said:

If there is merit in limiting campaign expenditures, the problem should be dealt with in its entirety.

Subsequently, in a letter to the minority leader of the Senate, the President said the administration would work closely with the Congress in an effort to arrive at a bill which would deal with all problems of political campaigns.

This amendment to S. 382 is comprehensive and will place spending limitations on use of the broadcast and non-broadcast communications media by candidates, and requires strict disclosure and reporting requirements by candidates, political committees, and individuals.

The Subcommittee on Communications of the Commerce Committee began hearings on campaign reform legislation on March 2. At that time I said:

The desirability of controls over expenditures for the use of various media must be considered by the Committee as part of any effective legislation to halt the spiraling cost of campaigning for elective office.

Those hearings were held as scheduled, and in order to be sure that everyone who wished had an opportunity to testify, the committee was in open session from March 2 until March 5.

Nineteen witnesses appeared and testified on the legislation during those 4 days. After the last witness who had requested an opportunity to testify had finished, I said in the public hearing, "Is there anyone else in this room who wants to testify?" Hearing no one, I said that the committee would recess, and the record would be open for 1 week for anyone who desired to submit a statement.

On March 11, Mr. President, the Subcommittee on Communications met in executive session and agreed that the full committee would consider S. 382 in executive session on March 16. The full committee met on that date and began marking up the bill, but adjourned until a later date before finishing.

Then, on March 19, I received a letter signed by five minority members of the committee requesting that the hearings be reopened to hear additional witnesses. Shortly thereafter, on March 22, the chairman of the full committee received a letter from the Deputy Attorney General of the United States, Richard G. Kleindienst, requesting an opportunity to present oral testimony on the legislation.

In view of these requests, the full committee met on March 25, and decided to reopen the hearings on March 31 and April 1.

Hearings were held on those 2 days, and 10 witnesses, including the Deputy Attorney General, appeared. Again, at the conclusion of the hearings, I ordered the record to remain open for 1 week to receive any additional material.

Mr. President, the full committee again considered the bill in executive sessions on April 22 and 23, and unanimously reported it on that latter day.

Since the Commerce Committee's primary jurisdiction ran to title I of the bill, it was that section on which the committee focused its deliberations. Title I of the amendment which I am offering today is for all purposes identical to title I as reported by the Commerce Committee.

The purpose of title I is twofold. It attempts to give candidates for public office

greater access to the media so that they may better explain their stand on the issues, and thereby more fully and completely inform the voters.

Second, it attempts to halt the spiraling cost of campaigning for public office—a problem which by all accounts is rapidly increasing.

To accomplish these purposes, title I, as amended, would do the following:

First. Make the equal opportunities requirement of section 315(a) of the Communications Act, as amended, inapplicable to the use of broadcast facilities by legally qualified candidates for President and Vice President in primary and general election campaigns.

Second. Require that broadcast licensees charge legally qualified candidates for any public office no more than their lowest unit rate during the 45 days before a primary election, and 60 days preceding a general election.

Third. Establish reasonable and adequate limitation on the amount of money that may be spent for use of the broadcast media and nonbroadcast media by or on behalf of all legally qualified candidates for Federal elective office in primary, runoff, general, and special elections.

Fourth. Require that 45 days before a primary election and 60 days before a general election any person who charges a legally qualified candidate for Federal elective office for space in the non-broadcast communications media do so at the lowest unit rate charged other for the same amount of space.

Fifth. Enable the States by law to adopt spending limitations in the broadcast media for candidates for State and local office.

I will not take the Senate's time explaining the provisions in title I, because the Commerce Committee's report accompanying S. 382 does this clearly and in great detail. At the conclusion of my remarks, of course, I shall be happy to answer questions any Senator might have.

Nor will I occupy the Senate's time talking about the spiraling costs of campaigning for elective office, the threat these costs pose to the integrity of our democratic system, and the consequent need for limitations on campaign expenditures to help remedy the situation. The President of the United States, his Deputy Attorney General, the candidates, a great majority of the witnesses who testified on S. 382, and S. 3637 in the 91st Congress, public opinion polls, and the scores of communications received by Members of the Congress, have expressed strong concern over this most serious problem.

Most recently the problem has been underscored by the Citizens Research Foundation in a report on political spending in 1968. Compared to 1964, total costs were up 50 percent, from \$200 to \$300 million; the cost of electing a President and Vice President rose 67 percent, from \$60 million to \$100 million.

It has been said by some, however, that limitations on campaign expenditures are unrealistic and unnecessary. The only way to achieve the objectives of legislation such as S. 382, according to them, is through periodic public disclosure and

publication of all campaign contributions and expenditures both before and after an election.

I agree that strict reporting, disclosure, and publication requirements are necessary for any comprehensive effective campaign reform legislation. And the amendment I am offering to S. 382 is the spending limitation on candidates.

Many of those who supported the repeal of the equal time requirement of section 315 of the Communications Act for candidates for President and Vice President as provided in the legislation were nevertheless critical of the scope of the repeal. They felt it should extend at least to candidates for all Federal elective offices.

Mr. President, I am not out of sympathy with their position. I have sponsored similar legislation in the past. But it is precisely because of my past experiences in this regard that I urged the repeal be confined at this time to the two highest offices in the land. For a variety of reasons, proposals for a wider repeal have never been successful in the Congress, and I felt that if we were to have a campaign reform bill this Congress—a difficult undertaking at best—it should not be encumbered with provisions which have proven so controversial in the past.

I want to say parenthetically here, let no one misunderstand what the intention was in relieving the licensees from the responsibilities of section 315(a) insofar as the offices of President and Vice President are concerned.

The precise reason was to be helpful. I have had many private conversations with the presidents of the various networks. I found them to be very cooperative. They said that if we would leave with them the responsibility of the effects of the equal opportunity law, of section 315(a) with reference to the Presidency and the Vice-Presidency, that they would make time available free to a candidate on a format of the choosing of that candidate.

So the real reason for this is that because of the astronomical cost for a nationwide broadcast which, of course, does not apply to Senators or Representatives, but applies only to the offices of President and Vice President, and is not restricted to a single broadcasting station, but must emanate as a network program, the purpose of the provision is to allow the network to contribute time free, so that the costs of the candidates campaigning for the offices of Presidency and Vice-Presidency can be cut down. I do not want anyone to misunderstand: This is not prejudicial to the offices of President and Vice President; it is beneficial, and that is the reason why it was done.

I give as the best example what happened in 1960. We did exactly this same thing, and it worked out pretty well. In my judgment, it only proves that it is wise to build slowly and steadily on the foundation of past experience.

We have had a limited but highly successful experience with suspension of section 315 for presidential and vice presidential candidates in 1960. It is only prudent, in my judgment, to build slowly and steadily on that foundation.

Mr. President, it has also been said that the spending limitations in S. 382 are unrealistically low, and should be raised to reflect the actual experience of the 1970 elections. In support of this contention a report was filed showing that statewide candidates in 23 States spent more money on radio and television last fall than the proposed limits in the pending bill. I will have something to say about the accuracy and relevancy of that report in a moment.

But, Mr. President, the issue is simple—either we are going to have spending limitations that will halt the astronomical rise of campaign costs, or we are going to rationalize, temporize, and compromise until any limitations that are adopted would be absolutely meaningless in terms of accomplishing their purpose.

Their report purporting to show that the limitations in S. 382 are unrealistically low when compared to the amount actually spent on the broadcasting media by candidates for statewide office in the 1970 elections is, in a word, misleading. Mr. President, an article appearing in the May 8 edition of the New York Times explains in detail why this is so. At this point I ask unanimous consent that that article be printed in the RECORD.

I also ask unanimous consent to have printed in the RECORD at this point a table showing the actual expenditures of senatorial candidates in 1970.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

HIGHER CAMPAIGN FUND CEILING ASKED

(By Warren Weaver, Jr.)

WASHINGTON, May 7.—Republican Senators contended today that spending ceilings imposed by a campaign finance bill now heading for floor debate should be raised to reflect "the actual experience" of the 1970 elections.

In support of this thesis, five members of the Commerce Committee filed a report showing that statewide candidates in 23 states spent more money on radio and television last fall than the proposed limit of five cents for each eligible voter would have permitted.

TWENTY-THREE SELECTED STATES

In 11 of the 23 states, however, the spending listed by the Republicans was by candidates for Governor, who would not be subjected to any limits under the measure approved by the Commerce Committee two weeks ago.

In addition, the spending figures, obtained from the Federal Communications Commission, indicated that the big spenders of 1970 were Republican candidates, who far exceeded both the proposed ceilings and the figures of their Democratic opponents.

The table filed by the Republican Senators listed a 1970 spending figure for each of 23 selected states, without identifying the candidate who spent it or his party. The figures from the communications commission, to which all radio and television stations report, had not previously been made public.

Information obtained elsewhere identified the candidates involved and provided spending figures for their opponents.

In New York, the report showed, Governor Rockefeller spent \$1.2-million on radio and television in his third successful re-election campaign, or about \$565,000 more than the \$635,000 ceiling that the campaign spending legislation would establish in New York State for 1972.

Arthur J. Goldberg, the Democratic governorship candidate, spent \$364,000 on radio and television, little more than half the limit the Senate is contemplating.

All three Senate candidates in New York were near or under the ceiling. The F.C.C. figures showed Richard L. Ottinger, a Democrat, spending \$684,000; Charles E. Goodell, a Republican, spending \$570,000, and James L. Buckley, a Conservative, who won, \$522,000.

ANOTHER ROCKEFELLER

Next to Governor Rockefeller of New York, in 1970 candidate who overspent the ceiling now proposed for his state most decisively was former Gov. Winthrop Rockefeller of Arkansas. His radio-television cost figure was \$302,000; the Arkansas limit under the bill would be \$66,000.

The Democrat who defeated Winthrop Rockefeller, Dale Bumpers, also spent well over the ceiling—\$117,000—but less than half the comparable Republican investment.

Calculations by the communications commission showed that Nelson Rockefeller spent 20 cents on radio and television for every vote he won and that his brother Winthrop spent 49 cents per vote.

New Jersey was another example chosen by the Republican Senators to illustrate that the ceilings should be raised. There Nelson G. Gross, the Republican Senate candidate, spent \$391,000. Senator Harrison A. Williams Jr., a Democrat, who won re-election, spent well under the limit—\$179,000.

Summing up the figures, the Republican Senators declared:

"Since we are dealing with an issue which is fundamental to having fair and effective democratic processes in our nation, the spending limitation should be increased so that it more closely relates to the actual experience."

The Senators are Winston L. Prouty of Vermont, Robert P. Griffin of Michigan, Howard H. Baker Jr. of Tennessee, Marlow W. Cook of Kentucky and Ted Stevens of Alaska. Senator Norris Cotton of New Hampshire filed a separate statement questioning "the sham of creating artificial and arbitrary spending ceilings."

The Commerce Committee bill is expected to reach the Senate floor next month.

SPENDING IN SENATE RACES

Following is a table of radio and television campaign spending by 1970 Senate candidates as compiled by the Federal Communications Commission, compared with the ceilings that would be in effect in each state in 1972 if S. 382 becomes law. Winners are marked by an asterisk.

STATE, CEILING; DEMOCRAT, SPENT; REPUBLICAN, SPENT
Alaska, \$30,000; Kay, \$34,000; Stevens,* \$17,300.
Arizona, \$61,400; Grossman, \$85,400; Fannin* \$84,300.
California, \$711,800; Tunney, \$466,700; Murphy, \$385,700.
Connecticut, \$105,800; Duffey, \$87,000; Weicker,* \$81,400; Dodd, \$49,600.
Delaware, \$30,000; Zimmerman, \$12,300; Roth,* \$13,600.
Florida, \$254,400; Chiles,* \$53,900; Cramer, \$140,500.
Hawaii, \$30,000; Heftel, \$64,900; Fong,* \$37,100.
Illinois, \$378,200; Stevenson,* \$254,900; Smith, \$235,900.
Indiana, \$174,400; Hartke,* \$182,700; Roubush, \$353,000.
Maine, \$33,100; Muskie,* \$30,800; Bishop, \$8,500.
Maryland, \$135,700; Tydings, \$92,600; Beall,* \$115,900.
Massachusetts, \$197,400; Kennedy,* \$151,500; Spaulding, \$14,900.
Michigan, \$293,800; Hart,* \$140,500; Romney, \$45,000.
Minnesota, \$126,200; Humphrey,* \$158,000; McGregor, \$166,800.
Missouri, \$161,100; Syngton,* \$192,200; Danforth, \$231,500.
Montana, \$30,000; Mansfield,* \$10,600; Wallace, \$10,200.
Nebraska, \$50,100; Morrison, \$21,600; Hruska,* \$26,500.
Nevada, \$30,000; Cannon,* \$68,100; Raggio, \$73,800.
New Jersey, \$250,900; Williams,* \$179,900; Gross, \$391,500.
New Mexico, \$31,700; Montoya,* \$35,400; Carte., \$27,600.
New York, \$635,700; Ottinger, \$648,000; Goodell, \$570,000; Buckley,* \$522,000.
North Dakota, \$30,000; Burdick,* \$44,800; Kleppe, \$71,500.
Ohio, \$358,300; Metzenbaum, \$238,500; Taft,* \$220,500.
Pennsylvania, \$406,800; Sesler, \$25,000; Scott,* \$268,600.
Rhode Island, \$35,500; Pastore,* \$16,400; McLaughlin, \$3,300.
Tennessee, \$135,500; Gore, \$145,600; Brock,* \$173,400.
Texas, \$379,500; Bentsen,* \$174,700; Bush, \$292,700.
Utah, \$33,700; Moss,* \$115,300; Burton, \$91,400.
Vermont, \$30,000; Hoff, \$69,700; Prouty,* \$53,600.
Virginia, \$161,600; Rawlings, \$26,200; Garland, \$1,400; Byrd,* \$97,900.
West Virginia, \$58,800; Byrd,* \$8,100; Dodson, \$1,900.
Wisconsin, \$147,400; Proxmire,* \$41,100; Erickson, \$14,300.
Wyoming, \$30,000; McGee,* \$47,600; Wold, \$38,700.

Mr. PASTORE. As this table shows, the limitations for the broadcasting media are realistic. If this is so, I fail to see how anyone can contend that the limitations on the nonbroadcast media are unrealistically low because, as we all know, the major expenditures in national and statewide elections are made for the broadcast media.

Some of the witnesses who testified before the committee urged there be one total limitation on all media spending with discretion left to the candidate to determine what amount to spend on broadcast and nonbroadcast advertising. Mr. President, there is merit to this contention, especially since campaigns differ according to the personal style of a candidate and the area of the country in which the election is being held.

On the balance, however, the committee voted against such an approach. Television is unquestionably the most used medium in political campaigns, and it has been the most significant contributor to the spiraling cost of these campaigns.

I might add, as an example, that if all of this money were spent for broadcasting alone rather than a split of 5 cents for broadcast media and 5 cents for nonbroadcast media, it would end up that if a candidate for the Presidency chose to do so, he would be spending much more money, in the campaign for the coming election, on the cost of those media than he spent last year, and one reason for this bill is because of the tremendous amount of money that had to be spent last year for broadcasting.

If candidates were given complete discretion to spend on the use of this medium, the committee was fearful that in the closing months of a campaign the airwaves might become inundated with

political broadcast to the exclusion of entertainment and other public interest programs.

Again let me state an example. The recent report of the Citizens Research Foundation supports the committee's judgment. In 1968, \$58.9 million was spent on radio-TV, as against only about \$20 million for newspapers. If money from the nonbroadcast fund were freely transferable to the broadcast fund, it would have the effect of nearly doubling what candidates could and in most cases would spend on radio and television.

I say very frankly that if we got to the point where we had to combine the two and leave it to the choosing of the candidates themselves, I think we would have to reduce the figure of 10 cents; otherwise we would have utter chaos.

Mr. President, these spending limitations are not only realistic in terms of what has been spent in the past, but each is sufficient in and of itself to allow candidates fully and fairly to present their candidacies through the respective media.

The table I have just placed in the Record shows this; the candidates who ran in 1970 and testified before my committee said it was so; and, I submit that 65 percent of the American public, who when polled said they wanted restrictions on political television advertising, would also agree.

When looking at these limitations, I think it is also important to keep in mind that production costs for the use of the media are not included; and that 45 days before primary elections and 60 days before special and general elections candidates will be able to avail themselves of the lowest unit rate in each of the media. In the broadcast media, this can amount to a 35- to 50-percent discount.

While on the subject of the lowest unit rate, I would like to say a word about the constitutionality of this requirement.

The Supreme Court has never explicitly ruled on this point. It was asked to, however, in *Chronicle & Gazette Publishing Co., Inc. v. Attorney General*, 94 N.H. 148, 48 A. 2d 478—New Hampshire Supreme Court 1946—but dismissed the appeal, 329 U.S. 690, and denied a petition for rehearing, 329 U.S. 385.

The point I am making here is that the State court held a provision of this kind constitutional; and when it was appealed to the Supreme Court, the Supreme Court refused to entertain it on two occasions, which left the decision of the Supreme Court in the State intact.

In that case, the Supreme Court of New Hampshire held that the New Hampshire statute establishing the commercial advertising rate as the maximum rate for political advertising in newspapers or by radio stations does not abridge freedom of the press.

It should be noted that nine States have similar statutes.

I might also add that section 315 of the Communications Act now requires that charges made for the use of any broadcast station for any of the purposes set forth in that section may not exceed the charges made for comparable use of the station for other purposes.

The valuable franchises given broadcasters to operate on airwaves belonging to the people is conditioned on serving the needs and interests of the community of license. In this context, requiring broadcasters to offer candidates for public office the same rates given their most favored commercial time buyers is nothing more than a particularization of the broad public interest obligation incumbent upon them.

Finally, Mr. President, a good deal has been said and written about the constitutionality of placing a limitation on expenditures for the media, and I would like to reiterate what was said on this question in the committee's report.

Essentially, the objection raised was that such limitations would abridge the constitutionally protected right of free speech of candidates and those who wish to buy air time or media space on their behalf. While the Supreme Court has never ruled on this precise point, the committee believes that what the Court has said on the first amendment generally and in an analogous situation—the Federal Corrupt Practices Act—fully supports the constitutionality of the limitations in title I of the amendment.

The right to communicate information and opinion freely is a basic right protected by the first amendment. *Schneider v. State*, 308 U.S. 147 (1939). It includes not only freedom from previous censorship, but any Government action which prevents free discussion of public affairs. In striking down a discriminatory State tax on newspapers in *Grosjean v. American Press Co.*, 297 U.S. 233, 247 (1936), the Supreme Court has said of the earlier struggle for a free press in England that—

In ultimate, an informed and enlightened public opinion was the thing at stake; . . . For, the evils to be prevented were not the censorship of the press merely, but any action of the government by means of which it might prevent such free and general discussion of public matters as seems absolutely essential to prepare the people for an intelligent exercise of their rights as citizens. *Grosjean, supra*, 297 U.S., at 249-250.

The Supreme Court has pertinently stated *Thornhill v. Alabama*, 310 U.S. 88, 101-102 (1940):

The Freedom of speech and of the press guaranteed by the Constitution embraces at least the liberty to discuss publicly and truthfully all matters of public concern without previous restraint or fear of subsequent punishment. The exigencies of the colonial period and the effort to secure freedom from oppressive administration developed a broadened conception of these liberties as adequate to supply the public need for information and education with respect to the significant issues of the times.

First amendment rights of the press and of speech, however, do not create an absolute immunity from all governmental action which may touch upon them. Thus:

When particular conduct is regulated in the interest of public order, and the regulation results in an indirect, conditional, partial abridgment of speech, the duty of the courts is to determine which of these two conflicting interests demands the greater protection under the particular circumstances presented." *Communications Assn. v. Douds*, 339 U.S. 382, 399 (1953).

For that reason, the use of sound trucks may be prohibited in public places under proper standards, *Kovacs v. Cooper*, 336 U.S. 77 (1949); *Saia v. New York*, 334 U.S. 558 (1948); a municipality may limit commercial door-to-door canvassing, even of solicitors for periodicals, *Beard v. Alexandria*, 341 U.S. 622 (1951), and the requirements of absolute fairness in conducting a trial may warrant exclusion of television cameras from the courtroom, *Estes v. Texas*, 381 U.S. 532 (1965).

These cases indicate that where the regulation of conduct has the "side effect" of touching upon first amendment rights, the governing criteria are the presence of an evil which may validly be prevented, a reasonable relationship of the regulation to the evil, and the relative degree of effect upon the right to speak. There is a balancing of the limited effect upon free speech as against the substantiality of an evil to the prevention of which a regulatory statute is reasonably addressed. *Konigsberg v. State Bar*, 366 U.S. 36, 50-51 (1961).

More in point, however, are cases in which the Court has upheld the power of Congress to legislate to protect the integrity of the Federal election process.

In characterizing section 4 of article I of the Constitution which gives the Congress power to regulate elections for the office of Senator or Representative,¹ Chief Justice Hughes, speaking for a unanimous court said it provided:

Authority to provide a complete code for congressional elections, not only as to time and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making and publication of election returns; in short, to enact the numerous requirements to procure and safeguards which experience shows are necessary in order to enforce the fundamental right involved. *Smiley v. Holm*, 285 U.S. 355 (1932).

And, in *Burroughs and Cannon*, in upholding the constitutionality of the disclosure provisions of the Federal Corrupt Practices Act, the Court said at page 545:

To say that Congress is without power to pass appropriate legislation to safeguard such an election from the improper use of money to influence the result is to deny to the nation in a vital particular the power of self protection. Congress, undoubtedly, possesses that power, as it possesses every other power essential to preserve the departments and institutions of the general government from impairment or destruction, whether threatened by force or by corruption.

Thus, the Court has recognized that if a substantial threat to the Federal election process exists Congress may legislate to remove the threat. In doing so, however, there must be a relevant correlation between the power Congress exercises and the manner in which it is being exercised. *Bates v. Little Rock*, 361 U.S. 516.

In *Burroughs and Cannon* against United States, the Court was quite explicit on this point at pages 547-8:

¹Subsequently the Supreme Court held that Congress has the power to act to preserve the purity of presidential elections. *Burroughs and Cannon v. U.S.* 534 (1934).

If it can be seen that the means adopted are really calculated to attain the end, the degree of their necessity, the extent to which they conduce to the end, the closeness of the relationship between the means adopted and the end to be attained, are matters for congressional determination alone. *Stephenson v. Bingord*, 287 U.S. 251, 272. Congress reached the conclusion that public disclosure of political contributions, together with the names of contributors and other details, would tend to prevent the corrupt use of money to affect elections. The verity of this conclusion reasonably cannot be denied.

The overwhelming preponderance of the testimony before the committee indicates the rapidly escalating cost of campaigning for public offices poses a real and imminent threat to the integrity of the electoral process.

According to Voters' Time, the report of the Twentieth Century Fund Commission on Campaign costs in the electronic era, after 1952, when television emerged as a dominant form of communications in Presidential campaigns, the estimated cost per vote took a sharp upward turn. From 19 cents in 1952, the cost per vote rose to 29 cents in 1960, and to 35 cents in 1964. In 1968 it jumped to 60 cents.

For the same periods the estimated direct spending of national-level party and campaign committees rose progressively from \$11.6 million in 1952; to \$12.9 million in 1956; to \$19.9 million in 1960; and to \$24.8 million in 1964. In 1968 it reached \$44.2 million.

And according to another source, in three recent Presidential campaign years, the amount of money spent on newspaper ads was \$4.3 million in 1956, \$7.7 million in 1964, and \$11.6 million in 1968.

Simply stated people are becoming cynical because of these high costs.

A Gallup poll in November of last year showed that eight in 10 Americans favor a law that would limit the total amount of money that can be spent for or by candidate in his campaign for public office.

One American interviewed by the poll was quoted as saying—

If you do not have a million bucks, you might as well forget about running for political office these days.

That may sound funny, but it is more truthful than it is funny.

An opinion poll done for the advertising agency Foote, Cone, and Belding, released in January 1971, indicated that 65 percent of the adult American public wants restrictions on political television advertising, and an additional 9 percent would like to see TV campaigns limited in duration.

And most recently, of course, is the report of the Citizens Research Foundation on political spending in 1968.

Title I of the amendment to S. 382 embodies one means necessary to remove this threat. It places a limitation on the amount of money candidates or their supporters may spend on the media. No direct prohibition is placed on free speech. Except for radio, television, and certain specified nonbroadcast media, candidates and their opponents may speak at will. Moreover, even with respect to the restricted media, candidates or their supporters may use all the free time and space available to them.

And where the limitation does apply, it is not total. An ample ceiling exists so that candidates may fully and fairly present their candidacies through these media.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a rundown of a schedule prepared by the staff which shows how much money can be spent by a candidate, State by State. It appears on page 75 of the report, and I cite that for the convenience of the Reporter of Debates.

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

APPENDIX A.—SPENDING CEILING—FORMULA BASED ON ESTIMATES OF RESIDENT POPULATION OF VOTING AGE—1972, BUREAU OF THE CENSUS¹ (SENATORIAL GENERAL ELECTION—1972)

	Amounts based on estimates of resident population of voting age, 1972 ¹		
	Broadcast (5 cents) ²	Non-broadcast (5 cents) ²	Total
Alabama.....	\$114,550	\$114,550	\$229,100
Alaska.....	30,000	30,000	60,000
Arizona.....	61,350	61,350	122,700
Arkansas.....	65,900	65,900	131,800
California.....	711,850	711,850	1,423,700
Colorado.....	76,600	76,600	153,200
Connecticut.....	105,850	105,850	211,700
Delaware.....	30,000	30,000	60,000
Florida.....	254,400	254,400	508,800
Georgia.....	155,550	155,550	311,100
Hawaii.....	30,000	30,000	60,000
Idaho.....	30,000	30,000	60,000
Illinois.....	378,150	378,150	756,300
Indiana.....	174,350	174,350	348,700
Iowa.....	94,350	94,350	188,700
Kansas.....	76,950	76,950	153,900
Kentucky.....	108,850	108,850	217,700
Louisiana.....	117,800	117,800	235,600
Maine.....	33,100	33,100	66,200
Maryland.....	135,750	135,750	271,500
Massachusetts.....	197,350	197,350	394,700
Michigan.....	293,750	293,750	587,500
Minnesota.....	126,150	126,150	252,300
Mississippi.....	70,600	70,600	141,200
Missouri.....	161,100	161,100	322,200
Montana.....	30,000	30,000	60,000
Nebraska.....	50,100	50,100	100,200
Nevada.....	30,000	30,000	60,000
New Hampshire.....	30,000	30,000	60,000
New Jersey.....	250,900	250,900	501,800
New Mexico.....	31,650	31,650	63,300
New York.....	635,700	635,700	1,271,400
North Carolina.....	174,650	174,650	349,300
North Dakota.....	30,000	30,000	60,000
Ohio.....	358,250	358,250	716,500
Oklahoma.....	89,550	89,550	179,100
Oregon.....	73,650	73,650	147,300
Pennsylvania.....	406,800	406,800	813,600
Rhode Island.....	33,550	33,550	67,100
South Carolina.....	85,750	85,750	171,500
South Dakota.....	30,000	30,000	60,000
Tennessee.....	135,500	135,500	271,000
Texas.....	379,450	379,450	758,900
Utah.....	33,700	33,700	67,400
Vermont.....	30,000	30,000	60,000
Virginia.....	161,600	161,600	323,200
Washington.....	119,050	119,050	238,100
West Virginia.....	58,750	58,750	117,500
Wisconsin.....	147,400	147,400	294,800
Wyoming.....	30,000	30,000	60,000

¹ Includes persons 18, 19, and 20 years of age.
² Or \$30,000 if larger.

Sources: Clerk's report: "Statistics of the Presidential and Congressional Election of 1968," Bureau of the Census; "Estimates of Resident Population of Voting Age; November 1970 and November 1972."

PRESIDENTIAL GENERAL ELECTION (1972)—ESTIMATES OF RESIDENT POPULATION OF VOTING AGE, 1972

Broadcast (5 cents).....	\$6,978,150
Nonbroadcast (5 cents).....	6,978,150
Total.....	13,956,300

Mr. PASTORE. Insofar as supporters of the candidates are concerned, it would be defeating the purpose of the legislation, and in effect denying Congress the very power to protect the integrity of

elections recognized in *Burroughs and Cannon*, if they were allowed to do what the candidates may not.

To contend that limitations would be constitutionally sound with respect to candidates, but to maintain otherwise where their supporters are concerned, would construe the power of Congress to protect the election process far too narrowly. Such a construction would permit boundless evasion of the purpose of the legislation and in effect render it nugatory.

The only feasible regulatory scheme for regulating campaign spending is to make the candidate personally responsible for, and accountable for, all money spent by and for him on the media, and to place a reasonable limitation on such expenditures.

Moreover, with respect to the broadcast media, no person now has an unrestricted right of access. As the Supreme Court said in *National Broadcasting Co. v. United States*, 319 U.S. 190, at p. 226—

Freedom of utterance is abridged to many who wish to use the limited facilities of radio. Unlike other modes of expression, radio inherently is not available to all.

Conversely, the Government may vest in certain individuals a right of access to these facilities. *Red Lion Broadcasting v. Federal Communications Commission*, 359 U.S. 367 (1969); 47 U.S.C. 315(a). The touchstone for such actions is the public interest, convenience, and necessity.

But limitations that are adequate and realistic are not enough; they must also be workable and enforceable. Under the proposed legislation, the obligations of the candidates and those who sell air time and media space are clear and easily discharged. Significantly, when I asked the Chairman of the Federal Communications Commission if the broadcast provisions of the proposed legislation were enforceable by the Commission, he answered in the affirmative.

Mr. President, the limitations on media spending are aimed at a specific evil which Congress has a constitutional right to remedy; and the remedy it has chosen is necessary and reasonably related to the harm it seeks to prevent. These considerations in the committee's judgment outweigh any indirect limitation on the right of candidates or their supporters to use the media.

The amendment to S. 382 is a comprehensive approach to the problem of political campaign reform and excessively high campaign costs. Its provisions not only deal with the communications media, but with disclosure and reporting requirements as well.

This measure represents a major effort at reform in an area vital to our democratic society.

The necessity for campaign reform is now beyond question, and transcends special or partisan interests.

Mr. President, at this point, I wish to yield to the distinguished Senator from Nevada (Mr. CANNON) who is on his way to the Chamber, whose diligent and painstaking efforts as chairman of the Subcommittee on Privileges and Elections, are responsible for the reporting and disclosure provisions in the amend-

ment. He will explain the provisions that have to do with disclosure.

Mr. President, in this connection, let me say that we have striven to give to the people of the country and also to candidates for Federal office, whoever they may be—whether incumbents or opponents of incumbents—a guideline which is reasonable in measuring the costs and arriving at a ceiling in order to bring about a sensible program of election campaign for the welfare of the American people.

The reforms adopted are liberal and yet not too liberal. I believe that they will do effectively what needs to be done in order to bring the spiraling costs of campaigning under some sort of sensible control.

For that reason, I would hope that the Senate would pass the pending bill, that the House will accept it, and that it will be acceptable to the President of the United States.

The Deputy Attorney General, Richard C. Kleindienst, appeared before our committee. I said to him that if we were to sit down together, in 24 hours we could compromise on a sensible and effective bill.

I want to say about Mr. Kleindienst that I found him to be fair and reasonable. I asked him whether he represented the administration and he said that he did. He wrote me a letter to that effect.

I would hope that if there are any improvements to be made, they will be made. I have an open mind. If anyone has any suggestions that are more effective and wiser than some of the suggestions we have proposed in the pending bill, I hope they will come up with them. There is no partisanship in the pending bill so far as I am concerned.

Mr. President, I have been in Congress now for 21 years and I have had experience in running for public office. In my State, it is not so expensive as in other States, but I feel that the time has come when in all the States, large and small, something needs to be done.

When one can pick up a newspaper, in these times of inflation, in these times of unemployment, and read that some Senators have to spend almost half a million dollars on television and radio, that, in itself, is scandalous. I believe that much of the money is wasted. The expenditure situation becomes competitive and candidates vie with one another. If one candidate has a billboard on one side of the street, his opponent thinks that he must have another billboard on the other side of the street.

There is not a candidate for public office who has not kicked himself when he realized it cost him twice as much as he had planned.

In the pending bill we are trying to avoid that, by bringing this whole matter into a context that makes sense, and I think that the bill does that.

Mr. President, I suggest the absence of a quorum in order that the Senator from Nevada (Mr. CANNON) may be allowed time to come into the Chamber.

The PRESIDING OFFICER (Mr. BUCKLEY). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. 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. PASTORE. Mr. President, I ask unanimous consent that the time consumed for the last quorum call not be taken out of either side.

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

PRIVILEGE OF THE FLOOR

Mr. MATHIAS. Mr. President, I ask unanimous consent that during the consideration of the pending bill, Mr. Joel Abramson and Mr. Terry Barnett, members of the committee staff, be permitted the privilege of the floor.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. 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. PASTORE. Mr. President, I am glad to yield to the Senator from Nevada (Mr. CANNON) now, to address himself to the provisions on disclosure, and at other times it may be necessary.

Mr. CANNON. Mr. President, I thank the distinguished Senator from Rhode Island for yielding to me.

Mr. President, the "Federal Election Campaign Act of 1971," S. 382, is the latest of a long series of election reform proposals considered by the Senate. S. 2436 was passed by the Senate in 1960; S. 2426 was approved by the Senate in 1961; and S. 1880 was adopted by the Senate in 1967 by an 87 to 0 vote. Other proposals have been reported to the Senate but not acted upon. Unfortunately, none of the Senate-passed bills was approved by the House of Representatives.

Therefore, Mr. President, there has not been any real change in the law governing campaign contributions and expenditures since the Corrupt Practices Act of 1925 became law 46 years ago. That Act undoubtedly was considered to be a very significant step in 1925, but through the years has become so meaningless that it has absolutely no validity.

We are now beginning debate on a bill which has been given greater study and broader consideration than any previous legislative proposal in the field of election reform. The Federal Election Campaign Act of 1971 was referred to three committees for separate consideration of provisions within the specific jurisdiction of the appropriate committees. The Commerce Committee and the Committee on Rules and Administration each held public hearings to obtain widest possible opinion from a variety of expert witnesses. Executive mark-up sessions resulted in separate reports to the Senate from those committees, although no action was taken by the Finance Committee.

On May 6, Commerce reported its version of the bill—S. 382—and on June 21 Rules and Administration reported the bill, together with the amendments adopted by that committee. I am a cosponsor, along with Senators MANSFIELD and TALMADGE, of the amendment in the nature of a substitute proposed by the distinguished Senator from Rhode Island, the chairman of the Subcommittee on Communications, Senator PASTORE. As chairman of the Subcommittee on Privileges and Elections, I have worked long and hard to bring about a substantial and enforceable improvement in the laws applicable to campaign financing. In my opinion, the Pastore substitute amendment to S. 382, Amendment No. 308, is a solid, meaningful bill, setting limits upon broadcast and nonbroadcast media expenditures and requiring prompt, complete public disclosure of all contributions and expenditures by candidates for nomination or election to Federal elective office and by all political committees seeking to influence those elections.

Mr. President, the Pastore substitute amendment is comprised of three major titles: first, amendments to the Communications Act of 1934, and limitations on broadcast and nonbroadcast media expenditures; second, criminal code amendments; and third, disclosure of Federal campaign funds. Senator PASTORE has given his strong and articulate statement in explanation and support of title I, and as a member of the Commerce Committee, I wish to identify and align myself with him in defense of title I.

However, I would like to address myself to two areas of title I which were modified by the Rules Committee, but which have now been returned to the form in which they were originally reported from the Commerce Committee.

First, the Commerce Committee exempted only candidates for President and Vice President from the equal time provisions of section 315 of the Communications Act. That decision was based upon experience and knowledge of the communications field, as well as upon the advice of expert witnesses, including many from the television industry. Subsequently, the Committee on Rules and Administration amended the provision so as to exempt all candidates for Federal office from section 315. In spite of arguments to the effect that only a few candidates will be running in each State, it is my judgment, based upon personal experience as a Senator and also a chairman of the Subcommittee on Elections which has jurisdiction over the election of Senators, that there will be so many candidates running for nomination and election that broadcasters will be forced to pick selected individuals to the disadvantage of others. Surely, broadcasters would not give free time to all candidates for Congress in larger States, but may give to a few. This would be unfair, even though legal since the candidates so favored could be from different congressional districts covered by the same broadcast media. That amendment has no real congressional support. It is unnecessary, and for those reasons I favor the version in the Pastore substitute

which exempts only presidential and vice-presidential candidates.

Second, the Commerce Committee's reported version of S. 382 provided for distinct, separate limits upon expenditures for broadcast and nonbroadcast media. Those limits were set after studying reports of expenditures by candidates and committees in previous elections as well as estimates of amounts of money to obtain adequate exposure in future elections. Further, to give every assurance to candidates that the formula limitations would not become obsolete, there was adopted a provision calling for broadcasting stations and nonbroadcast media to provide time or space at the lowest unit cost or lowest unit rate. And, further, to maintain the formula on an up-to-date basis, there was provided a cost-of-living increase to be calculated annually by the Secretary of Labor. All of these factors were for the sole purpose of insuring fair and adequate access to broadcast and nonbroadcast media.

However, the Rules and Administration Committee amended those provisions by adopting an interchangeability factor to permit candidates to spend all or as much as they deemed advisable of the amounts allowed for both broadcast and nonbroadcast media for television time alone or for newspapers or billboards. What was a reasonable 5-cent limit times the estimate of resident population of voting age has now become doubled. Twice as much as was judged to be fair and reasonable by the members of the Commerce Committee, which has jurisdiction and experience in this area, may not be spent by every candidate. To me, this was totally wrong, and I strongly urge the full support of the separate limits, as carried in the Pastore substitute.

Title II, the criminal code amendments, defines the terms election, candidate, Federal office, political committee, contribution, expenditure, person, and State, so as to include within the scope of the bill every kind of election, whether a primary, a runoff primary, a presidential preference primary, or a special or general election—runoff primary was accepted as an amendment to make it clear that a runoff is a separate and distinct election in its own rights and should stand on a par with every other kind of election. Even the election of delegates to a constitutional convention is covered by the definitions.

Every candidate for Federal elective office from the President down must comply with the provisions of the bill, and for the first time in history every single political committee, whether National or State or local, would be within the coverage of this bill if the individual committee accepts contributions or makes expenditures in an amount exceeding \$1,000 during a calendar year.

Other terms are as broad as possible, and, in fact, are so all-inclusive that a special exception had to be written into the definitions of the criminal code amendments in order to permit National and State banks to make loans of money. A bank loan made in accordance with banking laws and regulations, that is, with adequate collateral and a note promising payment on a day certain

with interest, has always been legal and proper. But recent interpretation of such loans as political contributions has resulted in indictment proceedings against certain banks. This action is an infringement of the rights of banks to conduct business, and the language of the definition of contribution and expenditure in the criminal code amendments only, is intended to correct the flaw in the construction of the law.

On June 30, 1971, in the case of U.S. versus The First National Bank of Cincinnati, the U.S. District Court for the Southern District of Ohio, Eastern Division, granted a motion to dismiss the indictment on the grounds that the application of section 610 of title 18, United States Code, in this case resulted in a denial of first amendment rights. In its opinion and order, the court states that—

The evil in section 610 is not that it prohibits the political expression of a National bank, but that it directly affects the political expression of individuals who may wish to utilize their assets to secure credit on behalf of a particular candidate.

Several other similar cases have been dismissed on the same or similar grounds. It is clear that while a bank may not use its depositors' funds to make political contributions on its own, the fact that a bank does make bona fide loans to individuals who may use the moneys so received for political purposes, does not constitute a bank contribution, nor may such bona fide loans be barred.

The Pastore substitute strikes from the bill an amendment adopted by the Rules and Administration Committee which would have prohibited a political committee from soliciting or receiving a contribution from any officer or employee of the United States except an elected officer.

The Constitution gives every citizen the right to express himself, including expression of preference for political parties and candidates in the form of a political gift or contribution. In order to express himself fully, a citizen should have access to all information on candidates and parties, and ought to be privileged to receive letters of solicitation from political parties through their committees.

Almost unanimous testimony received by the Committee on Rules and Administration rejected specific limitations on individual contributions. Deputy Attorney General Kleindienst, among others, expressed the opinion that such limitations are unrealistic, unenforceable, and probably unconstitutional.

Senator HOLLINGS, chairman of the Democratic senatorial campaign committee, and Prof. Ralph Winter of the Yale Law School, were of the opinion that the first amendment prohibits the setting of limitations upon political activities of individuals, including the expenditure of money.

I was impressed by the testimony of those witnesses and others. I think they presented a good case. So, too, did the members of the Rules Committee.

Furthermore, stress in recent years has shifted from contributions or expenditures limitations to complete public

disclosure of all political finances. Therefore, the Committee—Rules and Administration—agreed, without objection, to delete that provision from the bill, and to recommend repeal of section 608 from title 18 of the United States Code.

Also, there was unanimous agreement to recommend repeal of section 609 of title 18 because the 3 million dollar limit on contributions to or expenditures by national committees has never been observed. Other committees were created to receive or expend additional funds.

Section 600 of title 18 as shown in section 202 of the Pastore substitute sets forth in greater detail the prohibitions against special promises or awards in return for political support.

Section 611 of title 18 as shown in section 205 of the Pastore substitute clarifies the period during which Government contractors are forbidden to make any contributions to political parties, committees, or candidates.

Eliminated from the Pastore substitute is former section 206 of the bill. That former section would have prohibited any business regulated by CAB, FCC, or ICC from extending any credit to candidates or persons acting on their behalf for services or goods furnished, unless any debt so created was secured in full by property, bond, or other security.

Businesses regulated by those agencies have the right to exercise sound judgment in conducting their affairs. That is only commonsense. Certainly no business would jeopardize its economic stability by extending unlimited credit to persons without reasonable belief that debts would be repaid. The amendment restricted the freedom of operation of those businesses and imposed an arbitrary, unfair, and harsh burden upon candidates of modest means.

In the report of the Rules Committee three of the minority members said, in discussing the bank loans problem, that:

No one wants a Federal election law which, in effect, says that only the very wealthy can run for elective office.

That quote could very aptly be applied to the amendment which would prohibit the extension of credit. Without credit, candidates of limited means simply could not run for office, whereas the wealthy would have, in effect, a vested right to seek office.

Figures are not readily available to show what percentage of a corporation's budget is allowed for credit, but I understand that it is not a significant percentage as compared with the gross or overall income.

This amendment has been called the "Fat Cat" or "Rich Man's amendment" for obvious reasons. Even a credit card would be of no use to a candidate if he had to post full security every time he used it.

Finally, the avenues of greatest expense—television and radio—require at the time of purchasing program time the payment of all or most of the cost for time or space, so the amendment would not have been necessary for broadcast media. The amendment was eliminated from the Pastore substitute and I hope it will not be adopted if offered again.

Title III of S. 382, covering disclosure

of Federal campaign funds, has evolved from a long history of committee and Senate activity in the field of election law reform. Gradually there has developed an awareness of the need for complete and public disclosure, not simply for general elections or from candidates and national committees, but from every possible source and covering every political activity. Existing law does not apply to primary elections or to conventions. It does not apply to State and local political committees, but only to those which are interstate or national in character.

Information presently submitted to the Senate and the House is sketchy at best, is not published, and provides no real accounting for money received or spent by candidates or committees. S. 382, however, encompasses the whole spectrum of political action and will furnish to the public huge amounts of data broken down into separate categories. Those categories will show where money comes from, how it is spent, by whom, for whom, the amounts received or spent, for each step in the nominating process, as well as the general elections, and the identities of individuals, candidates, and committees that are involved in all of the election processes.

All political committees which anticipate receiving or spending in excess of \$1,000 per year substantially to influence the election of candidates for Federal office must be organized and registered with the Comptroller General of the United States. Even committees representing States or political subdivisions in arranging for political conventions must account to the Comptroller General.

And every candidate for nomination or election to Federal elective office must file detailed reports of receipts and expenditures with the Comptroller General.

Each individual or candidate or political committee or other organization required to file statement must account for its receipts and expenditures on the 10th day of March, June, and September in each year, and on the 15th and 5th days preceding the date of any election, and also by the 31st day of January. All reports must be complete 5 days before the date of filing, or less if the Comptroller General so directs.

To insure broadest possible dissemination and availability of statements, copies of everything required to be filed with the Comptroller General must also be filed with the clerk of the U.S. District Court for the district where the candidate resides or where the principal office of the political committee is located. All statements must be received and made available for study and copying by the public within a reasonable time. All reports must be preserved for 5 to 10 years.

Substantial agreement on the provisions of title III was reached in the Committee on Rules and Administration, and I believe that all of the members of that committee gave their approval to the technical, organizational, and reporting requirements of candidates, political committees, and others.

However, there was sentiment in favor of the creation of a Federal Elections Commission to serve in lieu of the Secre-

tary of the Senate or the Clerk of the House of Representatives. Some Members of the Senate, including myself, have been of the opinion that the Senate and the House should oversee and control the campaign financing reports by candidates for the Senate and the House and their committees.

The Constitution says in article I that:

Each House shall be the judge of the elections, returns, and qualifications of its own Members.

That provision has been held to give each House of the Congress the sole and exclusive power over its Members. Accordingly, I have supported the proposals to enact a new law which would do everything that S. 382 does, except that the Secretary and the Clerk would act in lieu of a Federal Elections Commission or anyone else. However, in recognition of the division of opinion among the members of our Committee on Rules and Administration, a compromise was reached.

The Office of the Comptroller General was approved as the depository for financial statements. The Comptroller General oversees the expenditure of Federal funds and has a large staff of competent and experienced accountants.

If a Federal Elections Commission were created, its members, who would serve only part time, would be appointed by the President, and its staff, at least during election years, would have to be drawn from other sources, like the General Accounting Office.

To my mind, the compromise is a good one. The Comptroller General is as independent as any other body is likely to be; he is already located and well established in the District of Columbia, has ample trained and permanent personnel, and would prove to be a very efficient and able administrator of this act. I sincerely urge the Senate to approve of the Comptroller General to carry out the provisions of the bill.

I regret that the Finance Committee took no action on the bill with respect to former title IV, which was deleted from the Pastore substitute. Title IV offered a modest tax credit of one-half of the amount of a political contribution, but not to exceed a total credit of \$20 per taxpayer per calendar year.

Alternatively, there was proposed a tax deduction for political contributions, but not to exceed \$100 per taxpayer per calendar year.

We have long sought a means for broadening the base for political contributions. We know that greater numbers of citizens should be encouraged to support candidates and political parties of their choice.

A small tax incentive would serve as an inducement to the taxpayer to give some contribution. A portion of the cost would have been borne by the contributor and some of it would have been carried by the Government. As in the case of other deductions and credits which are allowed in the Internal Revenue Code, I believe these tax incentives for political purposes would serve the best interests of the public, and I will continue my efforts to bring about the adoption of some such provision.

However, I do not want to lessen the chances for passage of this important and necessary legislation, and so I have agreed to the deletion of title IV from the Pastore substitute.

Mr. President, the Federal Corrupt Practices Act is old, obsolete, and is of no use at all today. It is time for the enactment of a new, comprehensive law which will restore confidence in the integrity of the elective process.

The Pastore substitute is the end product of the thinking and hard work of many Senators, and it is my sincerest wish that it will be given the approval of the entire membership of this body:

PRIVILEGE OF THE FLOOR

Mr. JAVITS. I ask unanimous consent that Charles Warren be permitted to be present on the Senate floor to assist me throughout the debate on the campaign expenditures bill.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BAKER. Mr. President, today we resume consideration of the bill, S. 382—the Federal Election Campaign Act of 1971. More specifically, we undertake consideration of the pending amendment No. 308—Star Print—introduced by the senior Senator from Rhode Island (Mr. PASTORE) and others, in the nature of a substitute to the bill, S. 382, as reported by the Committee on Rules and Administration, which under the unanimous-consent agreement has been accepted as original text.

Mr. President, as the ranking Republican on the Subcommittee on Communications of the Senate Committee on Commerce, I have labored long and hard with the distinguished chairman of that subcommittee, the senior Senator from Rhode Island (Mr. PASTORE) in trying to shape an effective piece of legislation. Let there be no mistake, the legislation which we are considering today will have a far-reaching effect and a profound impact upon the campaign election process not only in the short term but in the years ahead. It, therefore, is deserving of the most serious consideration and deliberation by all Members of the Senate. Mr. President, I cannot emphasize this point too strongly and urge all of my colleagues to be attentive in the consideration which we now commence on this measure.

Mr. President, I support the bill, S. 382, as reported by our Committee on Rules and Administration. I do so based upon the following principal shortcomings which I perceive in the pending amendment No. 308—Star Print:

First. Inadequacy of amendment No. 308's—Star Print—partial exemption to the "equal time requirements" of section 315 of the Federal Communications Act;

Second. The unduly restrictive separate spending limitations lacking interchangeability;

Third. The failure to prohibit unsecured debts by political candidates for services rendered by certain regulated industries;

Fourth. The failure to go the full measure and provide for an independent Federal Elections Commission; and

Fifth. The failure to provide a fair labeling disclosure advising the general

public of the availability of detailed copies of reports filed by political committees.

Mr. President, the above enumerated five points are my areas of principal concern with the pending amendment No. 308—Star Print. I am equally concerned about other areas of the pending amendment and at the appropriate time will address myself to those points. However, for the moment I would like to elaborate upon my concern over the five major points of disagreement which I have with the pending amendment.

First. Inadequacy of amendment No. 308's—Star Print—partial exemption to the "equal time requirements" of section 315 of the Federal Communications Act.

Amendment No. 308—Star Print—reinstates the provision amending the equal time requirement of section 315 of the Federal Communications Act which was reported by the Committee on Commerce. It would create an exception to the equal time provisions of section 315 for presidential and vice presidential candidates.

During the deliberations of the Commerce Committee on S. 382, I offered an amendment to exclude from the equal time provisions of section 315 all Federal elective offices. This amendment was defeated by a margin of but one vote.

The Committee on Rules and Administration, before which I appeared and testified, very wisely, I thought, adopted an amendment similar to mine so as to exclude Federal elective offices. That committee also provided in the same amendment that Federal candidates would be given maximum flexibility in the choice of program format. This I believe improved upon my amendment by removing any doubt whatsoever concerning the possible control of television stations or networks over the program format of a political candidate. Testimony before the Committee on Commerce during the appearance of the presidents of the three networks—the American Broadcasting Co., the Columbia Broadcasting System, and the National Broadcasting Co—created some ambiguity on this point.

As the distinguished chairman of our Communications Subcommittee (Mr. PASTORE) indicated during those hearings, and I quote:

"I said this on the floor of the Senate when I pushed for this the last time the bill was passed. I said the networks would not prescribe the format." (Commerce Committee Hearings, Serial No. 92-6, at 386.)

However, in a colloquy with Dr. Frank Stanton, president of the Columbia Broadcasting System, the senior Senator from Rhode Island (Mr. PASTORE) noted:

Now you are saying today that we would like to sit down and talk with them about the format.

To which Dr. Stanton replied as follows:

"Dr. STANTON. I do not believe that I have changed my position on that point. If we have the responsibility of doing the best job we can to inform the American people, I think we have some role in the situation. I do not say we should be the only ones to be consulted. I think it should be a two-way

street." (Commerce Committee Hearings, Serial No. 92-6, at 384.)

Dr. Stanton did seek to clarify his position on this matter by letter to the distinguished chairman of our Communications Subcommittee (Mr. PASTORE), but in that letter he stated, in part, the following:

"Format would be determined in consultation with the candidates, and with their agreement." (Commerce Committee Hearings, Serial No. 92-6, at 388.)

There, therefore, remains, in my mind at least, some question concerning network control of format. If, on the other hand, what Dr. Stanton said means that there would not be control of format, then I see no harm in putting this in the bill so that it is clearly spelled out.

Accordingly, Mr. President, I believe the language added by the Committee on Rules is an improvement and removes any ambiguity over the possibility of control over a candidate's format.

Now, as to the extent of the exemption from the equal-time requirement of section 315 of the Federal Communications Act, I joined with several of my colleagues on the Committee on Commerce in filing supplemental views to that committee's report, which includes an expression of my opinion on this issue. These views are to be found starting on page 81 of the Commerce Committee's report on S. 382—Senate report 92-96.

As indicated in those views, the justification for excepting Presidential and Vice Presidential candidates from the operation of the equal-time requirement of section 315 of the Federal Communications Act as now provided for in the pending amendment No. 308—Star Print—is that, contrary to its purpose, section 315 has inhibited broadcasters from offering free time and coverage to candidates. I agree that section 315 has had such an inhibiting effect. However, the proponents of amendment No. 308—Star Print—violate the principle of any sound logician by endeavoring to limit it to the particular offices of the President and Vice President, thereby inferring that the same inhibitions do not exist with respect to candidates for other Federal elective office. It is my view—and one in which several of my colleagues, including the Rules Committee, concur—that "what is good for the goose is good for the gander." In other words, if section 315 has produced the wrong result, then its inhibiting effect is not limited solely to Presidential campaigns. Therefore, in the interest of increasing the electorate's accessibility to candidates and issues, section 315 should not apply to any candidates for Federal office.

In hearings held before the Committee on Commerce this view that section 315 should not apply to any candidates for Federal office was shared by a number of witnesses. During those hearings the Deputy Attorney General, the Honorable Richard G. Kliendienst, stated, in part:

"We recommend total repeal, which would benefit candidates for other Federal offices as well as those for president and vice president." (Commerce Committee Hearings, Serial No. 92-6, at 516.)

Similarly, Dr. Frank Stanton, president of Columbia Broadcasting System, noted, in part, the following:

Central to any measures calculated to strengthen the electoral process must be the improvement of the quality and quantity of information provided to the public about the candidates and the issues. The repeal of section 315 is an important avenue to this end, since it would provide opportunities for greater contribution of free time by broadcasters and deeper treatment of the issues. (Commerce Committee Hearings, Serial No. 92-6, at 380.)

On this same point, Vincent T. Wasilewski, president of the National Association of Broadcasters, noted, in part, the following:

We believe the capricious operation of section 315, however, makes it impossible for broadcasters to perform this public service (providing time in political campaigns) responsibility.

Even the distinguished chairman of our Communications Subcommittee (Mr. PASTORE) conceded merit to the provision of extending the exemption from section 315 to all Federal elective offices. During a colloquy with the Deputy Attorney General, Mr. Kleindienst, the distinguished senior Senator from Rhode Island (Mr. PASTORE) noted, in part, the following:

"Now your argument is that we should include the office of, let's say, a Senator or a Congressman. I personally have no objection to that. The only trouble is that there has been some stiff resistance to that on the grounds that this is more or less a parochial situation, and does not fit in the same category as the offices of President and Vice President that have to appeal for the national networks rather than the local broadcasting station.

"I want to say at this juncture that your suggestion in regard to extending the repeal of section 315 should be given serious consideration, and it is not too farfetched at all. It is very much in line with what we have been thinking." (Commerce Committee Hearings, Serial No. 92-6, at 520.)

Mr. President, on this issue I will rest my case until an appropriate time when an amendment will be offered to extend the exemption from the equal time provisions of section 315 to all Federal elective offices. To quote the distinguished and knowledgeable chairman of our Communications Subcommittee (Mr. PASTORE), "extending the repeal of section 315 should be given serious consideration." The same logic, Mr. President, which persuaded the proponents of amendment No. 308—Star Print—to repeal this section of the Communications Act with respect to the office of President and Vice President is equally, if not more, persuasive in justifying provision of the same exemption with respect to candidates for election to the House of Representatives and to the U.S. Senate.

Second. The unduly restrictive separate spending limitations lacking interchangeability.

Mr. President, the next point which I wish to make concerning amendment No. 308—Star Print—deals with the matter of interchangeability of media spending limitations. The proponents of amendment No. 308—Star Print—again

have walked us back to the position set forth in the bill, S. 382, as reported by our Committee on Commerce. They would have us reject out of hand the meritorious amendment made by the Committee on Rules which would permit the candidate the flexibility of choosing to spend his allowable limit in either the broadcast or the nonbroadcast media. If you will, Mr. President, this simply denies a candidate "freedom of choice" in how best to conduct his own campaign.

Such a restricted and compartmentalized proposal as is being proposed by the proponents of amendment No. 308—Star Print—simply constitutes one closing his eyes to reality. In effect, what it says is that in prior election campaigns candidate X was able to conduct his campaign within the respective spending limitation which the proponents propose from the broadcast and nonbroadcast media respectively. It totally disregards the very cold factor of reality that in some sectors of our country it is neither practicable nor feasible for a candidate to campaign with one media or the other.

As the distinguished senior Republican on the Committee on Commerce (Mr. Corron) pointed out during our hearings:

"There are certain areas where television just isn't worth the investment to a candidate because it doesn't have the listeners a candidate is most interested in reaching." (Commerce Committee Hearings, Serial No. 92-6, at 397.)

The distinguished senior Senator from New Hampshire (Mr. Corron) also rightly observed the following:

"I think there are some qualifications about this concept that television is the greatest media for candidates. Quite frankly, its potential depends somewhat on where the candidates live. There are many small States in this country. My State of New Hampshire is a good example. When I run for office, as much as I would like to utilize television, I find that I seldom use it." (Commerce Committee Hearings, Serial No. 92-6, at 416.)

Moreover, Mr. President, none other than the most distinguished and highly respected majority leader of the U.S. Senate (Mr. Mansfield) seems to share a similar view as I do concerning the need for interchangeability. For example, on March 15, 1971, when writing to Mr. William A. Merrick, president and General Manager of KBMN, Bozeman, Mont., the distinguished majority leader (Mr. Mansfield) noted, in part, the following:

"I believe that there should as well be some discretion to the candidate that would permit transferring from one media allocation to the other depending upon the individual needs of each candidate. I am hopeful that this provision will ultimately be incorporated into the bill prior to final enactment." (Commerce Committee Hearings, Serial No. 92-6, at 669.)

Again, in a letter of March 15th to Mr. Joseph S. Sample, Montana Television Network, Billings, Mont., the senior Senator from Montana (Mr. Mansfield) noted, in part, the following:

"In addition, I am hopeful the final version of the bill will contain the type of leeway and discretion to each candidate to permit the transfer of amounts from one category to another, depending upon individual judgment and needs of that candidate. I do be-

lieve that the overall limitations provided in the bill are adequate, but it is true that a challenger to an incumbent may justly and validly need to expend more of his campaign funds on name identification which can probably more validly be achieved through the electronic media. I would not want any bill with which I [sic. am] associated to be considered a bill for the protection of incumbents." (Emphasis supplied.) (Commerce Committee Hearings, Serial No. 92-6, at 670.)

Mr. President, in view of the above quoted stated position of our distinguished majority leader (Mr. Mansfield) I know that I and my other colleagues would greatly appreciate his support to an amendment which I am sure will be offered to provide this necessary flexibility to a candidate with respect to interchangeability of spending on the broadcast and nonbroadcast media.

Mr. President, what the proponents of amendment No. 308—Star Print—fail to recognize is that their amendment lacking interchangeability between the spending limits established for the respective media is more likely to restrict the availability of information to the electorate than it is to reduce campaign costs.

Amendment No. 308—Star Print—simply fails to recognize the dissimilarity of campaigns in one area of the country as contrasted to other areas of the country. As pointed out by Mr. Philip Stern when testifying before the Committee on Commerce:

"While TV and radio are the most effective way of reaching the voters, the conditions vary widely from one campaign to another, and they can also be the most inefficient and costly way of reaching the voters.

"What's more, even where TV is suitable and available, not all candidates choose to place the same reliance on it." (Commerce Committee Hearings, Serial No. 92-6, at 446.)

Mr. President, I feel very strongly about this issue and the need to provide for this suggested interchangeability. If media spending limitations are to be realistic, then it is incumbent upon the Congress, either to permit interchangeability between the two media limitations, or to devise an overall limitation whereby any given candidate would retain enough flexibility to best reach the eligible voters of his State or his district. We should not and we must not overstructure the political process by artificial, arbitrary, or categorical limitations.

I would only conclude by pointing out, Mr. President, that even the distinguished chairman of our Communications Subcommittee (Mr. Pastore) seems to recognize the necessity for at least some degree of interchangeability. During the course of hearings before our Commerce Committee, in a colloquy with Mr. Wasilewski, president of the National Association of Broadcasters, the following exchange occurred:

"Senator Pastore. We thought of that. What you would do in that particular case, you would transfer to the other area.

"Mr. Wasilewski. I think this ought to be a matter that is in the broad discretion of the candidate himself.

"Senator Pastore. You are absolutely right, because we have said this time and again here, especially during the testimony of some of the networks. * * *

"He can better spend his money in another way; that is, either by mailing or by billboards or however he wants to do it.

"We have been thinking of the idea that no more than 7 cents per vote, if that is the figure, and any candidate who does not use up to 7 cents can take the slack and transfer it to the other areas. * * * (Commerce Committee Hearings, Serial No. 92-6, at 478, 479.)

Mr. President, all of the foregoing evidence simply begs the question, Why not face reality and provide the necessary interchangeability?

The distinguished majority leader of the Senate (Mr. Mansfield) recognizes the need for this; the distinguished senior Republican on the Committee on Commerce (Mr. Corron) recognizes it; and the distinguished chairman of our Communications Subcommittee (Mr. Pastore) recognizes and acknowledges that there is at least merit to some degree of interchangeability. Why then not provide for it now? Why wait until we are functioning under this proposed law and then find out that we have been remiss in facing up to the reality of the election campaign process? A fair election campaign bill, yes, Mr. President, a biased and blindly restrictive campaign bill, no.

Third. The failure to prohibit unsecured debts by political candidates for services rendered by certain regulated industries.

Mr. President, the third area to which I would like to address myself concerns the amendment proposed by the distinguished minority leader (Mr. Scott) during his testimony before the Committee on Rules and Administration and which was adopted in the bill as reported by that committee, but which has been omitted from the pending amendment No. 308—Star Print. This concerns the matter of the extension of unsecured credit by certain Federally regulated industries to candidates for Federal office.

It is my understanding that at an appropriate time the distinguished senior Senator from Pennsylvania (Mr. Scott) will offer an amendment to pending amendment No. 308—Star Print—which would prohibit the extension of such unsecured credit. Mr. President, I fully intend to support that amendment when it is offered. I firmly believe that it is an area of demonstrated abuse and potential future abuse which must be corrected.

As the distinguished minority leader (Mr. Scott) pointed out in his remarks in the Senate Chamber on July 23, 1971—see CONGRESSIONAL RECORD, July 23, 1971, pages 26935-26943—the information compiled at his request by the General Accounting Office speaks for itself—over \$2.1 million in outstanding airline bills and nearly \$400,000 in outstanding telephone bills.

Mr. President, I and my other colleagues on the Committee on Commerce have been increasingly concerned over the financial situation of the airlines as well as the railroads. In view of this election campaigning "on-the-cuff" I now can foresee one of the reasons why some of our airlines are facing the financial problems they have today. As Mr. Stuart G. Tipton, president of the Air Transport Association, pointed out in his letter to

the distinguished minority leader (Mr. SCOTT):

"This problem of payment for campaign-related transportation services is a matter of concern to the airlines. Consequently, the industry would welcome and support an amendment which would require political parties or candidates to provide security for payment of charges for air transportation." (See Rules Committee Hearings on S. 382, at 123)

Mr. President, if we fail to correct this blatant abuse of extending unsecured credit we simply leave the door open for political candidates to receive an involuntary contribution from transportation and communication companies. I think that the issue presented here is as simple and as clear cut as that.

Granted there are some who would disparage the proposed amendment and no doubt will vote against it on the grounds that it is directed by those of us on this side of the aisle to the detriment of our colleagues on the other side of the aisle. That, Mr. President, is a characterization and a judgment which those individuals will have to make. For my part, I feel very strongly that unless we act to close this "loophole" we will simply be attempting to hoodwink the electorate of this Nation.

Not only will we be deceiving the electorate, Mr. President, but in view of the demonstrated significant writeoff this means for the industry involved, we in the Senate of the United States will be contributing, albeit in a small way, to future Penn Central's and future Lockheed's, but in this case in the airline industry itself I, for one, have no desire to be a party to any such possible deception, abuse, or adverse impact which could compound the economic ills of these industries. I would simply hope that all of my colleagues in the Senate will view the issue in the same fashion and will at the appropriate time vote in an appropriate fashion to once and for all put an end to on-the-cuff election campaign financing.

Fourth. The failure to go the full measure and provide for an independent Federal Elections Commission.

Mr. President, my fourth area of principal concern is the failure of both pending amendment No. 308—Star Print—and S. 382, as reported by our Committee on Rules and Administration, to go the full measure by vesting in an independent Federal Elections Commission the responsibility of monitoring election campaigns. Once again this is an area in which an amendment to establish an independent Federal Elections Commission was offered in the deliberations on S. 382 by our Committee on Commerce. It was offered by the distinguished senior Republican of that committee (Mr. COTTON) on behalf of the distinguished senior Senator from Kansas (Mr. PEARSON) and the distinguished minority leader (Mr. SCOTT). Unfortunately, it was defeated by a motion to table, thereby completely evading the merits of the proposal. And, it is a meritorious proposal.

As pointed out by Dr. Herbert E. Alexander, director, Citizens Research Foundation, in his testimony before the Committee on Rules and Administration:

A succession of policy statements and re-

ports of commission and task forces has recommended a single joint repository in the Federal Government to which political fund reports would be made. This was the recommendation of:

The President's Commission on Campaign Costs, Financing President Campaigns (1962);

The Committee on Economic Development, Financing a Better Election System (1968).

The Twentieth Century Fund Task Force, Electing Congress (1970).

The Association of the Bar of the City of New York, Congress and the Public Trust (1970).

All these groups contained individuals bringing varied and extensive experience in political finance and its study, and all proposed the establishment of a single agency to replace the Clerk of the House and the Secretary of the Senate as the repository of political fund reports. In 1966, and again in 1967, the Subcommittee on Elections of the House Administration Committee proposed that a Federal Elections Commission be established for this purpose. * * * (See Rules Committee Hearings on S. 382, at 146.)

Thus, Mr. President, for almost a decade we in the Congress have failed to face up to the need in this area by going the full measure with the establishment of an independent Federal Elections Commission. On the contrary, we have a somewhat faint-hearted proposal to go halfway and vest this responsibility in the Comptroller General of the United States.

But, Mr. President, the Comptroller General of the United States simply does not want this responsibility and he does not want it for valid reasons. Yet for some inexplicable reason some members seem bent and determined to charge him with the statutory responsibility whether he likes it or not.

Mr. President, as the Comptroller General of the United States, the Honorable Elmer B. Staats, pointed out in his letter of June 9 to the distinguished chairman of the Committee on Appropriations (Mr. ELLENDER):

"We are strongly opposed to placing the responsibility for the administration of Federal campaign financing requirements in the Comptroller General.

"Because our relationship to the Congress closely resembles that of principal and agent, we especially wish to avoid being placed in the anomalous situation of having to investigate and report on our principal.

"* * * An alternative which we believe should be given serious consideration, would be the establishment of an independent, nonpartisan election commission to oversee Federal campaign spending." (See Rules Committee Hearings on S. 382, at 202.)

Mr. President, I cannot see how, if we act in a responsible manner, we in the Senate can turn our back on the position of the Comptroller General on this matter and blindly proceed ahead to vest him with a responsibility which he himself says he does not want and which he himself fears can only serve to undercut public confidence in his office. Quite frankly, I thought that one of the motivating forces behind the legislative proposal which we are now considering was to restore public credibility. Yet in total disregard of the learned opinion of the Comptroller General of the United

States we are being asked to place in jeopardy the current confidence in his office.

Mr. President, we cannot and we must not do this. We have embarked upon a voyage to reform the election campaign process. Let us at least have the courage of our conviction, heed the counsel of the Comptroller General of the United States, and establish an independent Federal Elections Commission which, I understand, will be offered at an appropriate time as an amendment proposed by the distinguished Senator from Kansas (Mr. PEARSON).

Before leaving this particular issue, Mr. President, let me anticipate what I consider to be a specious constitutional argument against an independent Federal Elections Commission, which may be raised by some opponents. These opponents may say that under the Constitution the Congress is the sole judge of the elections and qualifications of office holders. Yet the establishment of the proposed independent Federal Elections Commission would not, in my opinion, derogate this authority. As a matter of fact, by letter dated April 8, 1971, to the chairman of the Committee on Commerce (Mr. MAGNUSON), Deputy Attorney General Kleindienst addressed this issue in the following manner:

"Finally, the Department is of the opinion that the establishment of an independent commission to administer the disclosure requirements would not constitute an unlawful delegation of legislative authority to the executive branch. Presently, reports and statements under the Federal Corrupt Practices Act (2 U.S.C. 244-246), and under the Federal Regulation of Lobbying Act (2 U.S.C. 264) are filed with, and preserved by, the Clerk of the House of Representatives and the Secretary of the Senate. The creation of an independent commission would not deprive either House of its constitutional authority under Article I, section 5, nor would it involve a delegation of such authority. Rather, it would merely permit each House better to exercise its authority by acting upon the most informed judgment." (Commerce Committee Hearings, Serial No. 92-6, at 556.)

Therefore, Mr. President, I respectfully urge all of my colleagues not to be misled by this "red herring," which may be raised during the course of the debate on the amendment to establish such an independent Federal Elections Commission.

Let me conclude on this point by quoting the following from an editorial appearing in the New York Times of April 27:

The GOP members are emphatically right in preferring an electoral commission with its own staff over the growing Democratic predisposition to leave enforcement to the Clerk of the House and the Secretary of the Senate.

We have come half way with proposals to vest this responsibility in the Comptroller General of the United States. Unfortunately, we have stopped short of attaining the ultimate goal. The creation of an independent Federal Elections Commission, responsible for full and comprehensive disclosure of campaign finances, is the best way to achieve our objective and to show the American public that we have the courage to be fair.

Fifth. The failure to provide a "fair labeling" disclosure, advising the general public of the availability of detailed copies of reports filed by political committees.

Mr. President, my fifth and final point concerns an amendment adopted by the Committee on Rules and Administration which has been omitted from pending amendment No. 308—Star Print. That amendment would provide that political committees soliciting funds shall notify the public in all ads that it is filing with the Comptroller General accounts which would be available from the Superintendent of Documents.

Mr. President, one of the principal thrusts of any campaign reform measure should be full and adequate public disclosure. Again I feel that we have accomplished this in part, but I also feel that there is room for improvement.

I see little reason for not putting the general public on notice as to how they can obtain a copy of reports required to be filed under the measure now under consideration. Unless such knowledge is disseminated, it seems to me that we are simply making a token gesture and developing a mass repository here in Washington, D.C., which may never become known to the general electorate.

As the distinguished Senator from Vermont (Mr. PROUTY) and his colleagues pointed out in supplemental views in the report of the Committee on Rules and Administration:

"We are convinced that such a notification will make absolutely certain that individuals living in remote areas of the country know the activities of political committees operating largely in Washington, D.C. Once such knowledge is readily available, we are confident that many existing committees will take full advantage of involving as many of their contributors as possible in the decision making process." (Senate Report 92-229, at 128.)

In summary, Mr. President, my principal areas of concern with pending amendment No. 308—Star Print—are as follows:

First. Inadequacy of amendment No. 308's—Star Print—partial exemption to the "equal time requirements" of section 315 of the Federal Communications Act;

Second. The unduly restrictive separate spending limitations lacking interchangeability;

Third. The failure to prohibit unsecured debts by political candidates for services rendered by certain regulated industries;

Fourth. The failure to go the full measure and provide for an independent Federal Elections Commission; and

Fifth. The failure to provide a "fair labeling" disclosure advising the general public of the availability of detailed copies of reports filed by political committees.

In conclusion, Mr. President, the bill, S. 382—The Federal Election Campaign Act of 1971—has been substantially improved as a result of the deliberations of the Committee on Commerce and the Committee on Rules and Administration. All who contributed to this improvement are to be commended. Nevertheless, I personally feel that there remain areas which can be improved upon further.

Certainly, the very fact that we are here in the Chamber of the U.S. Senate, engaged in what I hope will be a constructive debate, is evidence of our serious intention to come forth with a meaningful piece of legislation. All I can ask is that we do not take the easy route, but rather that we face up to issues such as I have pointed out and take appropriate steps to remedy them.

The foregoing is by no means inclusive of all of my areas of concern. I shall have more to say on this matter at a subsequent appropriate time. I have labored too long and too hard, as has the distinguished chairman of our Subcommittee on Communications (Mr. PASSARONE) and those of our colleagues on Rules and Administration, to let this effort fall by the wayside. As the Latin poet, Horace, observed, "He has half the deed done, who has made a beginning." Mr. President, we have made a beginning. Now, let us finish the deed, so that when we finish we can justly and proudly point to our labors and say to the American electorate, "Here is the meaningful and responsible Federal Election Campaign Act of 1971."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. BERRY, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 751. An act to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile;

S. 752. An act to authorize the disposal of vegetable tannin extracts from the national stockpile;

S. 753. An act to authorize the disposal of thorium from the supplemental stockpile;

S. 755. An act to authorize the disposal of shellac from the national stockpile;

S. 756. An act to authorize the disposal of quarts crystals from the national stockpile and the supplemental stockpile;

S. 757. An act to authorize the disposal of iridium from the national stockpile;

S. 758. An act to authorize the disposal of mica from the national stockpile and the supplemental stockpile;

S. 759. An act to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile;

S. 760. An act to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile;

S. 761. An act to authorize the disposal of diamond tools from the national stockpile;

S. 762. An act to authorize the disposal of chromium metal from the national stockpile and the supplemental stockpile;

S. 763. An act to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile;

S. 765. An act to authorize the disposal of antimony from the national stockpile and the supplemental stockpile;

S. 767. An act to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile;

S. 768. An act to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile;

S. 769. An act to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile;

S. 770. An act to authorize the disposal of columbium from the national stockpile and the supplemental stockpile;

S. 771. An act to authorize the disposal of selenium from the national stockpile and the supplemental stockpile;

S. 772. An act to authorize the disposal of celestite from the national stockpile and the supplemental stockpile;

S. 774. An act to authorize the disposal of vanadium from the national stockpile;

S. 775. An act to authorize the disposal of magnesium from the national stockpile;

S. 776. An act to authorize the disposal of abaca from the national stockpile;

S. 777. An act to authorize the disposal of sisal from the national stockpile; and

S. 778. An act to authorize the disposal of kyanite-mullite from the national stockpile.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9272) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 20, 21, 22, 23, 24, 25, and 27 to the bill and concurred therein; and that the House receded from its disagreement to the amendment of the Senate numbered 26 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9417) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 5, 15, and 28 to the bill, and concurred therein; and that the House receded from its disagreement to the amendments of the Senate numbered 3, 6, 18, 19, 21, 31, and 32 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may proceed briefly without the time being charged against either side on the bill.

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

SUSPENSION OF RULE RELATING TO CERTAIN NOMINATIONS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that paragraph 6 of rule 38 of the standing rules of the Senate, relating to proceedings on nominations, be, and it is hereby suspended with respect to nominations unacted upon during the present session, and their status quo shall not be affected by the August 6 to September 8, 1971, recess of the first session of the 92d Congress.

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

FEDERAL ELECTION CAMPAIGN
ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. PROUTY. Mr. President, I yield myself 30 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 30 minutes.

Mr. PROUTY. Mr. President, the bill we are considering today could well be one of the most important pieces of legislation this Congress will consider.

Modernization of our Federal election campaign laws is long overdue. Existing law is but a farce and the public knows it.

I have been trying ever since I came to the Senate in 1958 to encourage meaningful and workable laws to make certain that candidates for public office campaign in a manner consistent with the principles of our great democracy. All of us in Congress should realize that the public is fed up with campaign laws which in reality are nothing more than a farce.

The Federal Corrupt Practices Act of 1925 was the last major piece of legislation regulating campaigns for Federal office. It was not an effective law in 1925 and today even the effective parts of that act have become obsolete.

Last fall, I voted for S. 3637 which placed limitations on the amount of money candidates for Federal office could spend on radio and television. I voted for that bill because it represented a move by Congress in an area that had been neglected for too long; namely, the updating of laws relating to Federal elections. Following the 1970 campaign, all of us in Congress were faced with the question of whether we should override the President's veto of that bill. On November 23, I voted to sustain the President's veto of S. 3637. At that time, I stated that S. 3637 did not go far enough in accomplishing the job that needed to be done.

The veto of S. 3637 was in the best interest of the American public, because had S. 3637 been approved, I, for one, do not believe that the impetus for overall legislation would have been as great as it is today. History may record that the President's veto of S. 3637 marked the point in history when both the executive and legislative branches of the Federal Government decided that the time had come for complete and comprehensive reform of Federal campaign laws.

Mr. President, I hope and believe that everyone in this Chamber hopes that this year there will be enacted a comprehensive election reform act more sweeping in scope than any election law in this Nation's history. All of us have for years been attempting to put together the degree of interest and support necessary for passing an election reform act. I believe that we have now generated that support.

Mr. President, before I go into the details of the bill, let me at this point express the hope that the consideration of this measure does not become bogged down in partisan politics. All Americans have waited too long for effective and

realistic reform of our election laws to have the consideration of that reform become nothing more than gainsmanship as to which political party can derive the greatest benefits or penalties from enactment of the law.

Let us from the beginning recognize that no political candidate nor political party should "do business as usual" following enactment of this law. The entire purpose of this legislation is to make the election process more effective for the American voter.

The whole purpose of this law is to restore public confidence in the election process.

The whole purpose of this legislation is to make certain that our democracy works.

Mr. President, we cannot afford to procrastinate. Democracy succeeds only where citizens have faith and trust in their government and its elected officials. The turbulent 1960's should have convinced us all that many of our fellow citizens have lost faith in our democratic process. Prompt enactment of S. 382 as amended can be the most effective method for restoring to the public the confidence necessary for democracy to work.

Now Mr. President, two Senate committees have thoroughly and carefully considered all aspects of S. 382. I am privileged to serve on both of those committees and I can assure you that our deliberations were long and thoughtful. I am certain that I speak for every member of both committees when I state that it is our intention to do everything that is humanly possible to see that during this session of this Congress there will be a Federal Elections Campaign Act of 1971.

While action on this important measure must be prompt, it is of such great importance that I sincerely hope Members will give all its provisions the same thoughtful and careful consideration on the Senate floor as was given by the two committees who have worked on the bill. I mention this fact, Mr. President, because you will recall that in 1967 this body passed S. 1880 which contained a modernization of disclosure provisions and tax incentives for political contributions. At that time, deliberations on the Senate floor lasted less than one day. The bill passed the Senate by unanimous vote, with few of us having a thorough understanding of what it contained. Consequently, it died a peaceful death because of inaction by the other body.

Mr. President, I worked long and hard with many of my colleagues on the Commerce Committee to strengthen S. 382 as originally introduced. In that committee we made substantial progress toward drafting an effective and meaningful piece of legislation. In all candor, we were not completely successful in our efforts to develop a strong bill because some of our colleagues on the Commerce Committee favored tabling all amendments to the bill not relating to title I.

As the ranking Republican member of the Committee on Rules and Administration, I continued the fight to see that the legislation was considered in its entirety. Other members on the Rules Committee agreed with me and we suc-

ceeded in developing a strong and sound approach to the whole subject of political campaigns for elections to Federal offices. The bill reported by the Rules Committee completely overhauls the laws regulating campaigns for Federal office. It is a strong, no nonsense bill that will restore the faith of the American public in the elections process.

It is a tough bill imposing penalties on political candidates who do not strictly adhere to its requirements.

It closes practically every single loophole in existing law.

The unregulated District of Columbia Political Committee is dead.

The myth that a candidate is not responsible for other committees which happen to support him is ended.

Mr. President, enactment of S. 382 will completely change political campaigns in America. The people will know all the facts about campaign financing. Moreover, candidates will be strictly limited on the amount of money they can spend on the communications media.

I am convinced, Mr. President, that this legislation is of such magnitude that all of us on the floor should understand its provisions before it is enacted. I intend to devote a considerable amount of time sharing with my colleagues all of the considerations that have gone into developing the bill we have before us.

BACKGROUND

Mr. President, at the present time there is simply no effective regulation of the election process for Federal officials. The only law that purports regulation of Federal elections is the Federal Corrupt Practices Act of 1925 and the Hatch Act limiting the participation of Federal civil servants in politics. The basic law is the Federal Corrupt Practices Act some of which is codified in title 2 of the United States Code and the remainder is contained in title 18 of the United States Code which is the title containing criminal laws.

Mr. President, the Federal Corrupt Practices Act of 1925 has probably been worse than having no law regulating Federal elections. It is full of loopholes and, in effect, provides neither the candidates nor the public with any guidance or information concerning the election process.

On the face it appears to require disclosure of campaign contributions and expenditures.

On its face it appears to limit individual contributions to \$5,000.

On its face it appears to place an overall limit on the amount of money that candidates could spend in a campaign.

All of these, appearances of regulation, are an illusion. Campaign committees formed in the District of Columbia or any territory of the United States are not required to report contributions or expenditures made on the behalf of a candidate for Federal office. Individuals are not limited to \$5,000 contributions because an individual can give \$5,000 to many separate committees supporting the same candidate. There is no overall limitation on the amount that a candidate can spend in a campaign because committees working on the candidate's behalf are not affected by the overall

limitation. In fact, the Federal Corrupt Practices Act of 1925 is a sham. It is a dangerous sham because over the years it has created an illusion of regulation of the Federal elective process. As an illusion it has retarded meaningful reform in an area that particularly needs reform. It has provided an easy excuse for preserving the status quo.

During the 1960's Congress made some attempts to reform our election campaign laws. For the most part, those attempts resembled illusions more than reality because all the bills with the exception of S. 3637 in the last Congress were passed by only one body of the Congress.

In 1969, Congress did pass S. 3637 which would have limited campaign expenditures on radio and television. In vetoing that bill President Nixon stated, in part:

S. 3637 does not limit the overall cost of campaigning. It merely limits the amount that candidates can spend on radio and television. In doing so, it unfairly endangers freedom of discussion, discriminates against the broadcast media, favors the incumbent office holder over the office seeker and gives an unfair advantage to the famous.

The President called upon Congress to enact comprehensive and meaningful reform of our laws governing Federal elections.

Mr. President, had S. 3637 become law, there can be no question but that the pressure for meaningful overall effective reform would not have today existed.

Mr. President, S. 382 was considered in part by the Senate Commerce Committee and in its entirety by the Committee on Rules and Administration. I am convinced that history will judge the enactment of S. 382 as a most significant piece of legislation because it goes to the very heart of our democratic process. The importance of the bill compels me to discuss in detail the various titles of the bill, as reported by the Committee on Rules and Administration and in the Pastore amendment.

TITLE I—LIMITATIONS ON CAMPAIGN COSTS

Mr. President, all elected public officials are keenly aware of the fact that political campaigns cost more today than they did in the past. Some have argued that the communications media is the primary reason that campaign costs have increased. Quite frankly, there is no clear evidence to substantiate this fact. It should be noted that enactment of S. 382 as amended will provide us with detailed facts and figures concerning all campaign spending. Title III of the bill calls for complete and full disclosure of all expenditures.

Title I was extensively considered by the Senate Commerce Committee. However, numerous witnesses who appeared before the Rules and Administration Committee contributed valuable testimony relating to the provisions of title I. Recognizing the interrelationship between title I and the other titles of the bill, the committee carefully considered all of the provisions contained in title I.

In general, title I represents an effort to lower campaign expenditures. This is an admirable goal with which everyone can agree. Differences arise in determining which is the best method for lowering

campaign costs without depriving the voter of the opportunity of making an intelligent choice. This latter consideration is particularly important if we are to insure against enacting legislation which favors incumbent officeholders who are generally better known and better able to "make news." We believe that title I, as amended, represents an effective and realistic way for lowering campaign costs. There are four distinct elements that are designed to lower the cost of political campaigns:

First. Repeal of the equal time requirements of section 315 of the Federal Communications Act in order to encourage broadcasters to provide additional free time to all Federal candidates.

Second. The requirement that the communications media charge political candidates at the "lowest unit rate."

Third. Limiting the reduced rate to 45 days preceding a primary election and 60 days preceding a general election, thereby encouraging shorter campaigns.

Fourth. Limiting candidates' expenditures on the communications media while preserving campaign flexibility.

SECTION 315 EXEMPTIONS

Mr. President, both committees heard considerable testimony from broadcasters to the effect that the equal time requirement of section 315 of the Federal Communications Act inhibits broadcasters from providing political candidates with free time. Under the "equal time requirement" if a broadcaster grants one candidate free time, he must by law provide all other candidates for the same office with precisely the same amount of time. In most elections there are only two or three serious candidates. The views of those serious candidates are seldom heard on free radio or television time because a number of fringe candidates or potential candidates are waiting in the wings to demand precisely the same amount of time given to serious candidates. The net result of the equal time requirement has been "no time offered."

The Senate Commerce Committee recognized the inhibiting effects of the equal-time requirement of section 315. The bill as reported from that committee repeals the equal time provision but only for presidential and vice presidential candidates. Testimony before both committees clearly show that the exemption should extend to all candidates for Federal office. In his testimony before the Rules Committee, Deputy Attorney General Richard Kleindienst urged the committee to extend the exemption. Let me quote from his testimony:

We agree that section 315 has produced the wrong results, but these are not limited to presidential and vice-presidential candidates. They are equally applicable to candidates for other Federal offices. Every argument supporting limited repeal supports total repeal. The fairness doctrine enforced by the Federal Communications Commission will afford all Federal candidates access to broadcasting facilities on an equitable basis. We urge total repeal of section 315.

The president of the Mutual Broadcasting System, Mr. Victor Diehm, supported the Deputy Attorney General's position when he testified as follows:

By its present language S. 382 would repeal the equal opportunity provision of section 315 of the Communications Act for presidential and vice-presidential candidates. Extension of this policy to all Federal office seekers would permit coverage of all serious candidates to a much greater extent than is now possible.

It should be pointed out that the public interest standard and all other applicable considerations bearing on a broadcast licensee's stewardship of the airways always remain in full force. Abuse, if it should occur, could be readily redressed.

Stations freed from the threat of great swarms of candidates appearing for a variety of reasons would be able to concentrate coverage on a bona fide candidate to the benefit of the public.

While I feel complete repeal of this ill-named equal opportunity section of the Communications Act would be appropriate, certainly it should be removed at least for those offices with which this legislation deals—the Federal offices.

Mr. President, the Committee on Rules and Administration also heard testimony from the president of the North Carolina Association of Broadcasters, Mr. Richard Barron, reemphasizing the need for repealing the equal time requirements for all Federal candidates:

First, we agree with the provisions of the bill that would call for the repeal of section 315(a) of the Federal Communications Act to delete the equal time requirement for presidential and vice-presidential candidates.

We recommend, however, that the bills be expanded in this regard so as to delete the equal time requirements for all candidates.

We agree with Deputy Attorney General Richard G. Kleindienst in his testimony of March 31 that section 315 "Contrary to its purposes, has had the effects of discouraging broadcasters from offering free time and coverage."

This is also in accord with Dr. Frank Stanton of CBS when he stated that "Because section 315 requires equal time for every candidate for an office, however insignificant or frivolous his candidacy, the practical effect of the law has been to deny free broadcast time to major candidates or to force free time to be shared with fringe candidates."

Therefore, we recommend the repeal of section 315(a) and its equal time requirements for all candidates.

Mr. President, the following considerations convinced the Rules Committee that the equal time requirement should be removed for all Federal candidates.

Free time if given to political candidates would reduce the costs of campaigns.

Broadcasters have been unanimous in claiming that the equal time requirements of section 315 inhibit them from providing free time.

The FCC studies confirm the fact that very little free time is provided.

Consequently, incumbents who tend to be better known and have an ability to "make news" are presently in a much better position than nonincumbents.

Therefore, the Rules Committee removed the equal-time requirement for all Federal candidates.

Mr. President, this brings me to the next three features which are designed to cut the cost of political campaigns. As I have stated we are all in agreement that political campaigns are too expensive. In many ways I have sympathy with the proposal put forth by the distinguished senior Senator from Michigan

(Mr. HART). At various times, he has suggested that campaigns for Federal office should be financed by the Federal Government. His idea is to remove all private money from political campaigns. On the face of it his proposal has considerable merit, but under close examination it becomes clear that that route would serve only to favor incumbents.

Did the presiding officer know that in the Congress of the United States since 1940 over 93 percent of the incumbents who have run for reelection have achieved their goal? I suggest that the only thing 100 percent Federal financing of campaigns would accomplish would be to have 100 percent of the incumbents seeking reelection achieve their goal. Such a result would further increase the lack of confidence that the public has in our democratic society.

It is interesting to note, Mr. President, that some other methods for decreasing the costs of political campaigns run the same risk of encouraging the reelection of incumbents in perpetuity. I shall shortly discuss those problems when I deal with spending limitations. Before then, however, I would like to discuss two measures taken by both committees which are designed to reduce costs inherent in a political campaign.

REDUCED MEDIA CHARGES

Mr. President, the Rules Committee retained those parts of the bill reported by the Senate Commerce Committee requiring the communications media to charge political candidates at the "lowest unit rates." History has demonstrated that candidates for political office are charged more for the same amount of space or time than major advertisers. While we do not have any definitive facts as to the differences between "lowest unit rate" and the amount being charged political candidates, we are hopeful that an overall reduction in campaign costs will occur as a result of this legislation.

ENCOURAGEMENT OF SHORTER CAMPAIGNS

Second, Mr. President, the Rules Committee retained the provision added by the Senate Commerce Committee limiting the "lowest unit rate" requirement to 45 days preceding a primary election and 60 days preceding a general election. Everyone agrees that political campaigns tend to be too long. We are hopeful that the 45- and 60-day provisions will encourage shorter campaigns.

SPENDING LIMITATIONS

Mr. President, simplistic solutions often sound brave. However I am more concerned with the soundness of the limitation than how a limitation sounds at first hearing. I am concerned that the limitation enacted serve for all times and not merely to suit the specific needs perceived for the 1972 elections. I would hope, Mr. President, that all of us would place the welfare of democracy and the integrity of our elective process ahead of any partisan considerations.

I would hope, Mr. President, that we would be able to accept a spending limitation which, in fact, would limit expenditures without depriving the American public of the chance to hear all sides of a question in a political campaign.

I would hope, Mr. President, that we would avoid setting a rigid, overstructured spending limitation.

As we know, S. 382 as reported by the Senate Commerce Committee had separate but identical spending limitations on the amount of money a candidate could spend on the broadcast and non-broadcast communications media.

The Senate Commerce Committee report recognized the difficulties in having separate but identical spending limitations.

Some of the witnesses who testified before your committee urged there be one total limitation on all media spending with discretion left to the candidate to determine what amounts to spend on broadcast and non-broadcast advertising. There is merit to this contention especially since campaigns differ according to the personal style of a candidate and the area of the country in which the election is being held.

On the balance, however, your committee opted against such an approach. Television is unquestionably the most used media in political campaigns, and it has been the most significant contributor to the spiraling cost of these campaigns. If candidates were given complete discretion to spend on the use of this media your committee was fearful that in the closing months of a campaign the airwaves might become inundated with political broadcasts to the exclusion of entertainment and other public interest programs. (S. Report 92-96, p. 30).

Deputy Attorney General Richard Kleindienst in testimony before the Rules Committee addressed that particular reason in the following manner:

We think the economic facts of life in the broadcasting industry and the long-term self-interest of broadcasters will adequately protect the public from any real possibility of an inundation of the air by political advertisements. We also believe that compartmentalized spending limitations ignore differences in candidates and variances in media coverage capabilities and media rates throughout the Nation. Candidates should have the flexibility to structure their campaigns to produce the most efficient and effective communication with the electorate.

In all candor, Mr. President, it is extremely difficult to establish any limitation without having complete and accurate facts concerning existing campaign practices and expenditures. Under the present law, candidates are not required to disclose their exact expenditures. Consequently Congress has nothing upon which to base a realistic limitation. Nevertheless, we are convinced that some limitation is necessary in order to curb campaign costs.

In its deliberations the Commerce Committee did have before it some preliminary expenditure figures for radio and television during the 1970 campaign. Those figures indicated that had the separate broadcast spending limitation been in effect during the 1970 campaign, statewide candidates in nearly half of the States would have violated the law.

Those figures also indicated that the degree to which radio and television were used as a part of a campaign varied considerably from one State to another. I am convinced, Mr. President, that some times we erroneously assume that radio and television are the most important items in every single campaign. That as-

sumption is simply not true. In some States the broadcast media may be the best method for informing voters about the issues in a campaign. In other States broadcast media may have no significance whatsoever.

In some States political candidates find that they must use out-of-State television stations to reach the voters in their State. In New Jersey and Delaware, for example, there is not a single television station. In my own State of Vermont we have but one television station which, by the way, has several times the number of viewers in Montreal, Quebec than it has in the State of Vermont. To reach over half of the State of Vermont it is necessary to purchase television time on broadcast stations in New York, Massachusetts, and Maine. Naturally, the rates charged by television stations have a relationship to the station's total number of viewers rather than the voters in any particular State.

As you know, Mr. President, the bill reported by the Senate Commerce Committee and the spending limitations contained in the substitute amendment offered by the distinguished Senator from Rhode Island (Mr. PASTORE) have separate but identical limitations for broadcast and nonbroadcast communications media.

Mr. President, I am convinced that this artificial restructuring of political campaigns is very undesirable due to the great variety of campaign situations throughout the country. As you know, the members of the Rules Committee heard additional testimony which verified the fact that interchangeability was needed between the spending limitations in order to give candidates the maximum flexibility in tailoring a campaign to suit their particular needs. The overall intent of S. 382 is to restore the confidence of the American people in the election process. Unrealistic spending limitations for radio and television simply mean that some of the American people will be deprived of being fully informed about a candidate and the issues. This discrepancy is compounded by the fact that a limitation was based on nonbroadcast communications spending without having a single fact indicating how much candidates have spent on nonbroadcast media in the past.

We have no sure way of knowing whether candidates spend twice as much for newspaper advertisements as they do for television advertisements.

We have no detailed information concerning the amount of money candidates spend for billboard facilities. We have no detailed information about the amount of money that candidates spend for advertisements in magazines and other publications. Nevertheless, the bill as reported to this committee set a limitation on nonbroadcast spending of 5 cents times the resident population of voting age.

Mr. President, we were faced with the impossible task of guessing how much money is spent by political candidates in the nonbroadcast communications media. We were placed in this position because at present there is no effective dis-

closure law or agency to compile non-broadcast communications spending.

I believe that the Rules Committee amendment which, in effect, placed an overall spending limitation on communications media goes a long way toward insuring that an effective spending limitation is workable. However, we do want to emphasize that the information concerning spending patterns on the communications media is today very limited.

How much spending is enough to insure truly democratic elections and how much is too much are at this point in history impossible to determine. An even greater risk is inherent in making binding decisions for the future.

In examining campaign spending on television, Mr. President, we suspect that the report by the FCC on campaign spending in 1970 has considerable significance. In all candor, however, none of us at this time know what significance it has. For example, the FCC report indicated that total political spending for radio and television advertising reached \$50.3 million including \$2.7 million by minor parties. This represented an increase of 57 percent over the last comparable figure for 1966. Despite the increase the actual number of political broadcasting hours declined sharply to 7,535 from the 1966 total of 11,499 hours.

Mr. President, I can only conclude from that statistic that television time was more expensive in 1970 than 1966. As a matter of fact, it would seem to indicate that a political candidate could get nearly twice as much time for his dollar in 1966 than he could in 1970. Certainly this statistic seems to put to bed any doubts that might have existed as to whether or not the committee proposes a strict spending limitation.

Mr. President, we must not lose sight of the fact that S. 382 contemplates permanent legislation. It is not a bill enacted merely for the next election. A recent article in the June 10 edition of the Washington Post gives some indication as to the escalation of media advertising costs. In the Washington, D.C., area alone, media advertising costs rose 8.8 percent between April 1970 and April 1971. The article went on to point out that this was a smaller increase than the average 10.8 percent rise in media costs over the previous 5 years. Of all media costs, television rates rose the sharpest. Over the past 6 years in Washington, D.C., television rates rose 80.2 percent. This far outstrips any future adjustments which may be made in the formula as a result of the costs-of-living increase provision contained in the bill.

Reluctantly, I must conclude that for all practical purposes the lowest unit rate requirements contained in the bill seem meaningless.

Title I continues to be the only part of S. 382 which runs the risk of eroding rather than strengthening our democratic process.

I say this reluctantly because as compared with S. 3637 of the last Congress, title I is a much better piece of legislation.

The automatic cost-of-living increase provision applicable to the spending limitations was the result of an amendment offered by the distinguished Senator from

Kentucky (Mr. Cook). To a considerable measure it insures that this limitation will not become obsolete in the years to come, although that inclusion is premised upon the assumption that media rates will increase no faster than does the general cost of living. I also commend the junior Senator from Kentucky in winning his fight to insure that the formula is based on the total population of voting age rather than on the number of voters who voted in the last election.

You will recall, Mr. President, that S. 3637 in the last Congress and S. 382 as originally introduced in this Congress tied the limitation formula to the historical fact that a certain number of people had voted in the previous election. There was no logic in that and the amendment by the junior Senator from Kentucky did represent a significant improvement in the bill.

TITLE II—CRIMINAL CODE AMENDMENTS

Mr. President, I am somewhat amused and, quite frankly, disheartened by some of the press reports I read which suggest we are not in the process of developing the most comprehensive reform of laws regulating Federal elections since the founding of the Republic. Such reports are simply based on misinformation or lack of understanding. Some have suggested that the reports are simply politically motivated. Whatever their motivation, these reports are doing a disservice to the American public, because there is far more to this legislation than a limitation provision on how much a candidate can spend for radio and television in order to get his message across.

Title II of this bill makes a number of substantive amendments to the criminal laws regulating our election process. As you know, Mr. President, corporations, labor unions, and banks are prohibited from making contributions to candidates for Federal office. The purpose of the prohibition is to protect the integrity of the election process. Naturally, effective enforcement of this prohibition has been difficult because of the lack of effective disclosure requirements.

The Rules Committee carefully examined all of the criminal code provisions relating to Federal elections. A number of changes were made in existing law which will significantly help restore public confidence.

Specifically the committee amended the criminal code with respect to the following:

First. Made lawful bona fide bank loans to political candidates;

Second. Expanded the definition of political contribution and political expenditure;

Third. Eliminated unregulated political committees;

Fourth. Repealed the limitation on the amount of individual contributions;

Fifth. Eliminated the maximum limitation on the amount of money any one political committee can handle; and

Sixth. Prohibited unsecured debts by political candidates for certain regulated industries.

BANK LOANS

First, Mr. President, in section 201 the definition of contribution and expendi-

ture was modified so as to permit candidates for Federal office to obtain bona fide bank loans. Under the present law a bank is prohibited from making a contribution or expenditure to a political candidate. In the future, banks will continue to be prohibited from making contribution or expenditure to political candidates. However, the committee clarified the law so that ordinary bank loans could be obtained. The reason for this change is obvious. No one wants a Federal election law which, in effect, says that only the very wealthy can run for elective office. As a practical matter, it is often necessary for a candidate to borrow money in order to defray immediate and pressing campaign expenses. Under the present law, there was a real danger in permitting even bona fide loans to political candidates because in the absence of an effective disclosure law it would be very easy for a bank making a loan never to collect it. S. 382, as amended, has rigid and effective disclosure requirements. All bona fide loans made to political candidates must be reported. The candidate must continue to report his loan until it is fully repaid.

DEFINE CONTRIBUTIONS AND EXPENDITURES

Second, Mr. President, it should be noted that the definitions of "contribution" and "expenditure" include "anything of value." This would mean that contributions in the form of facilities, equipment, supplies, personnel, advertising or personal or other services without a charge, or at a charge which is below the usual charge for such items, is considered as a contribution or expenditure to or on behalf of the candidate for Federal office. Since section 301 of title III contains an identical definition, all such donated services are not only subject to criminal code provisions but also must be disclosed under the provisions of title III.

ELIMINATION OF UNREGULATED POLITICAL COMMITTEES

Third, Mr. President, the Rules Committee eliminated the serious loophole in present law which has the effect of permitting political committees organized in the District of Columbia or U.S. territories to escape all provisions of the law. Specifically, the committee terminated the existence of the unregulated District of Columbia committee by adding the following definition of "State" to 18 U.S.C. 591:

"State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

CONTRIBUTION LIMITATIONS

Fourth, the Rules Committee carefully examined the desirability of having a limitation on individual contributions. The committee rejected placing a limitation on individual contributions for three reasons:

First. Such a limitation probably is unconstitutional;

Second. Such a limitation is completely unworkable; and

Third. Full disclosure makes such a limitation unnecessary.

Prof. Ralph Winter, of Yale Law School, stated the following:

It is my judgment that the first amendment plainly prohibits the setting of a legal maximum on the political activities in which an individual may engage. This is the case whether or not the maximum is imposed in the name of equalizing opportunity or whether an actual discriminatory effect can be shown.

Even if such a limitation were constitutional, it clearly would be unworkable. Section 204 of S. 382, as originally introduced, would have limited individual contributions to an aggregate amount of \$5,000, whether given directly or indirectly to a political candidate. Not only would the \$5,000 limitation have invited evasion of the law by encouraging back-room cash contributions, but also it would have created a situation whereby both the contributor and the candidate could have inadvertently violated the law. Such a situation would arise whenever an individual gave \$5,000 to a particular candidate and any additional money to an organization or committee, which in turn, made any contribution to the same candidate. Deputy Attorney General Richard G. Kleindienst, in testifying before the Rules Committee, succinctly summed up the problem:

Further, the proposed section would impose felony sanctions for aggregate contributions exceeding the limitation in any amount, and regardless of the intent of the contributor. In view of the perplexing array of political committees which solicit campaign contributions, inadvertent violations are likely and intentional violations may easily be made to appear inadvertent. Such a proscription would be virtually impossible for the Department to enforce and the public would be deluded if it believed otherwise.

Moreover, it was recognized that full and complete disclosure really solves the problem of large contributions. Under the new disclosure provisions contained in title II, the public will know exactly how a candidate's campaign is financed. Since the disclosure provisions require reports 15 days and 5 days before an election, the voter will be in a position to make a judgment at the polls concerning the effect of large individual contributions to a political candidate.

Recognizing that the present limitation on individual contributions is merely a sham, the Rules Committee adopted an amendment which would repeal 18 U.S.C. 608.

LIMITATIONS ON COMMITTEE RECEIPTS

Fifth, Mr. President, under the present law it is unlawful for any political committee to collect or expend more than \$3 million. This 1925 requirement was also subject to easy evasion. National and interstate political committees simply created other committees, none of which received the limitation. As a practical matter, the national committees of both major political parties received and spent far in excess of \$3 million. Since they also will be required to make full and complete disclosure, 18 U.S.C. 608 is repealed.

UNWARRANTED AND UNCOLLECTABLE DEBTS

Finally, a very significant change in title II is the committee amendment prohibiting airlines, telephone companies, and other federally regulated businesses from extending unsecured credit to political candidates. We were shocked to

learn that these regulated industries have been unable to collect large sums of money from candidates for Federal office. The committee amendment insures that these corporations will not be placed in a situation of inadvertently making unlawful contributions to political candidates of what amounts to debt forgiveness. It also protects the public which uses the services of such regulated industries, for ultimately users must pay higher rates because of the bad debts.

TITLE III—PROVISIONS FOR FULL AND COMPLETE DISCLOSURE OF ALL POLITICAL CONTRIBUTIONS AND EXPENDITURES

Mr. President, a recent article in Parade magazine contained a headline "The Nation's Worst Scandal." The article concluded as follows:

As things now stand, large segments of the educated public are losing faith in the too high cost of democracy. They suspect that the oil lobby, the labor lobby, the doctors lobby, the postal lobby, the people with the money and the clout again and again exercise undue influence upon the Nation's legislators, confronting them time after time with a conflict of interest and an almost perennial debt of gratitude which must be paid off in special-interest legislation.

As I pointed out in the beginning of this statement:

Democracy succeeds only where citizens have faith and trust in their Government and its elected officials.

All the witnesses before the committee acknowledge that under the present law there is widespread dissatisfaction in the political process. Sidney H. Scheuer, the chairman of the National Committee for an Effective Congress, summarized some of the publicity which has created an atmosphere of distrust and lack of confidence in the democratic process:

In the 1970 campaign alone, countless newspapers and magazines appeared with such glaring headlines as: "Unseen Fund Raisers, Financing Lobbyists," "False Front Campaign Funds: How They Work," "Campaign Spending Violations Found."

It makes little difference that not all those stories concern clear-cut violations of the law, that many only demonstrate the enormous size of the loophole in that law. Each instance stokes the fires of public cynicism and the common suspicion of widespread wrongdoing. As a result, the reputation of politics and all politicians suffers.

The lack of accurate information concerning campaign financing generates this type of publicity. Every witness before the committee urged a change in the present law, which actually discourages disclosures. A respected Twentieth Century Fund Task Force on Financing Congressional Campaigns in its 1970 report entitled "Electing Congress—The Financial Dilemma" came to the following conclusion:

We believe that full public disclosure and publication of all campaign contributions and expenditures are the best disciplines available to make campaigns honest and fair.

If there were full public disclosure and publication of all campaign contributions and expenditures during a campaign, the voters themselves could better judge whether a candidate has spent too much. This policy would do more to protect the political system

from unbridled spending than legal limits on the size of contributions and expenditures.

In this modern age, Mr. President, where mass communications have created an information rich public, the present ineffective disclosure laws have unwarranted secrecy. The lack of complete and full disclosure erodes competence in the entire elective process and if allowed to continue would only serve to generate pressures against our democratic form of government.

There are five basic considerations in developing a meaningful disclosure law:

First. Determining who are required to make periodic reports;

Second. Determining what such reports should include;

Third. Determining when such reports should be filed;

Fourth. Determining the agency of government entrusted with the responsibility for administering the disclosure law; and

Fifth. Insuring the widest possible dissemination of reports made under the disclosure law.

WHO ARE REQUIRED TO MAKE PERIODIC REPORTS

On its face the Federal Corrupt Practices Act of 1925 requires disclosure. However, we have pointed out that law is fraught with loopholes. Committees organized solely within a State supporting a particular candidate do not have to report. Committees organized in the District of Columbia or any U.S. territory are free from reporting. Consequently most contributions and expenditures in any political campaign go completely unreported.

Recognizing that only full and complete disclosure will restore the confidence of the American people, the committee requires every candidate and every committee supporting a candidate to file a report—section 304.

In addition individuals who make contributions or expenditures other than by contribution to a political committee or candidate must file a report if the contribution or expenditures exceeds \$100—section 305. A specific provision is also included to require any business regulated by the Civil Aeronautics Board, the Federal Communications Commission, or the Interstate Commerce Commission to file a report if it extends a political candidate or political committee any credit.

WHAT REPORTS SHOULD INCLUDE

Mr. President, the Rules Committee included language in the bill requiring as comprehensive a report as possible. Candidates and committees must report in detail all contributions and expenditures. It was the committee's intention that committees supporting more than one candidate should itemize with specificity contributions made to each candidate.

Every committee is required to have a chairman and a treasurer. The treasurer has the duty of maintaining the names and addresses of each contributor of more than \$100.

The Rules Committee was confident that candidates and committees would be able to work out procedures to insure that they would be able to provide the detailed information necessary under the act.

WHEN REPORTS SHOULD BE FILED

Mr. President, any disclosure law has very little effect on the election process if it is filed after elections. Therefore, the committee determined that reports should be filed on the 10th day of March, June, and September in each year. In election years there is the additional requirement that reports be filed 15 days prior to an election and again 5 days prior to an election. This provision is included so that the voters will be in a position to judge for themselves the method of financing a particular campaign. The committee fully realized the practical difficulties inherent in filing absolutely accurate reports of expenditures and contributions 15 days and 5 days preceding an election. In the heat of a political campaign, absolute accuracy is often impossible, yet the electorate is entitled to full and complete disclosure particularly just before an election. It is contemplated that all candidates and political committees will make every effort to provide as precise and realistic an estimate as possible if specific figures are not available.

In election years there is also the additional requirement that candidates and committees file a report on January 31. Generally a sufficient period of time will have passed between election day and January 31 to insure the absolute accuracy of this report.

The Rules Committee did entrust this responsibility with the Comptroller General of the United States in lieu of the Clerk of the House or Secretary of the Senate. This is an improvement over the original provisions of the bill. However, we doubt that it goes far enough in order to completely restore public confidence in the election process. The Comptroller General and the General Accounting Office are in the legislative branch of Government. Their prime responsibility is to the Congress of the United States.

In placing the Comptroller General in the position of administering a campaign disclosure law, we are placing upon him the impossible burden of deciding whether or not his "employers" have complied with the law. The integrity and thoroughness of the Comptroller General and the General Accounting Office is beyond question. We must consider that his effectiveness in conducting investigations and studies for individual Members of Congress could be impaired if he were placed into the position of questioning the completeness of a disclosure by a Member or a committee supporting a Member.

Mr. President, I am convinced that the establishment of an independent Federal Elections Commission insures the greatest public confidence. Naturally, the Comptroller General and the General Accounting Office could continue to provide the support and service necessary for carrying out the disclosure law. However, the creation of an independent commission would place policy decisions in a body isolated from employer-employee relationships.

WIDEST POSSIBLE DISSEMINATION OF REPORTS

Herbert Alexander, in testifying before the Committee, stated:

Public reporting of campaign and political finances consists of two elements: disclosure and publicity. Disclosure is only a first step; the larger purpose is to inform the public about sources of funds and categories of expenditures.

The Rules Committee attempted to insure the widest dissemination of the material obtained under the disclosure law. The candidate or political committee must not only file a report with the Attorney General but also with the clerk of the district court in his State or congressional district. The clerk of the district court is required to maintain the reports and make them available to the public—section 309. In addition, the Comptroller General is given the responsibility to prepare and publish annual reports and compilations. Those reports must include a breakdown of total contributions and expenditures reported by candidates, committees, and others. The total amount must be broken down into specific categories. Individual contributors giving the aggregate of more than \$100 must be identified by name and address.

To further protect the public, the Rules Committee adopted an amendment which will require political committees soliciting contributions to carry the following notification letting the public know how to obtain a copy of the report they have filed.

In compliance with Federal law a report has been (or will be) filed with the Comptroller General of the United States showing a detailed account of our receipts and expenditures. A copy of that report is available at a charge from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C.

I am convinced that such a notification will make absolutely certain that individuals living in remote areas of the country know the activities of political committees operating largely in Washington, D.C. Once such knowledge is readily available, we are confident that many existing committees will take full advantage of involving as many of their contributors as possible in the decision-making process.

In conclusion, Mr. President, S. 382 as amended by the Rules Committee is a good bill. I urge all of my colleagues to support all of the measures contained in the bill as reported by the Rules Committee.

The amendments introduced Friday by Senator BAKER and me to amendment 308, introduced by Senator PASTORE as a complete substitute to S. 382, represent an attempt to restore some of the provisions contained in the bill reported by the Senate Rules Committee.

First, we believe that the Rules Committee was correct in exempting all Federal candidates from the equal time requirements in section 315(a) of the Federal Communications Act. Witness after witness testified that the equal-time requirements of section 315(a) are in effect "no time offered requirements," because broadcasters are inhibited from giving free time to any candidate.

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

Mr. PROUTY. Mr. President, I yield myself an additional 10 minutes.

Amendment 308 by exempting presidential and vice-presidential campaigns from the equal time requirements recognizes the fact that section 315 has not worked in the interest of having an informed democracy. However, by not including all candidates for Federal office under the exemption, amendment 308 merely represents an effort to provide special protection for every incumbent Senator and Congressman. The American public deserves to expect more from this Congress than legislation designed to protect incumbents.

Our second amendment to amendment 308 would restore the interchangeability feature contained in the Rules Committee bill with respect to spending limitations. Again all the evidence warns against an arbitrary overstructuring of political campaigns by Congress unless Congress wants to deliberately increase the percentage of incumbents reelected to office. Is it not enough that since 1940, 93 percent of all incumbents for Federal office have been reelected?

We have given ourselves the franking privilege.

We have name recognition in our States or congressional districts.

We have the ability to make news headlines by our stand on the issues and the way we vote.

Now amendment 308 attempts to give us a further advantage by placing separate but identical limitation on broadcast and nonbroadcast communications media. It in effect is implying that a campaign in New Hampshire, Maine, or Wyoming is the same as a campaign in New York City, New Jersey, or California. Since campaigns in fact have very different requirements in different parts of the country, the Rules Committee correctly permitted the individual candidate to spend money on either broadcast or nonbroadcast communication media as long as he stayed within his overall limitations.

Our final amendment, Mr. President, restores the fair labeling provision contained in a Rules Committee bill.

Mr. President, disclosure of political contributions and expenditures is meaningless unless the American people are given the opportunity to easily obtain the facts. My amendment which was overwhelmingly adopted by the Rules Committee simply required political committees to place a notice on the material they used for soliciting contributions. That notice did two things.

First, it certified to the potential contributor that the political committee had complied with the Federal Disclosure Act. Second, it informed the potential contributor that he could purchase a copy of the report of contributions and expenditures from the Government Printing Office.

Mr. President, the American citizen should be entitled to this information. We should make certain the American citizen who wants to contribute to committees be given the opportunity to obtain the information about how the particular committee spends its money. I might point out, Mr. President, that long ago we protected stockholders in our Nation's businesses by requiring corporations to issue stockholders' reports. It is

about time we afforded the same opportunity to those dedicated Americans who contribute money to political committees in the hopes that our democracy will more effectively work.

I support a number of other amendments to amendment 308 and I sincerely hope that when we get to consideration of this important bill we can amend amendment 308 so that it will reflect the same strength as the bill reported by the Rules Committee.

We should put partisan politics aside and follow the lead of the Rules Committee in supporting a comprehensive election reform bill. Let us not get sidetracked in a legislative battle of political gamesmanship.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President, as the senior Republican member of the Committee on Commerce which initially considered the bill S. 382, I personally entertained some very grave reservations about many of its provisions. I still have many of these same concerns, notwithstanding the number of improvements made to it by the Committee on Rules and Administration.

I did join with my colleagues on the Committee on Commerce in ordering the bill S. 382 reported. I did so, however, filing individual views with the committee's report—see Senate Report No. 92-96 at 79.

In those individual views I stated that the principal objective of any legislative measure of this type should be fair and competitive elections, restoring the credibility of the elective process which has become so eroded in recent years in the eyes of the public. This still should be our primary objective, toward which we should strive in consideration of the pending bill and amendment No. 308.

It is my personal opinion that the principal means, if not the only means, by which this objective can be obtained realistically is through periodic public disclosure and publication of all campaign contributions and expenditures both before and after an election. It is my view that the American electorate is sufficiently sophisticated to render its own judgment based upon a full disclosure of such facts.

Mr. President, before getting into specific subject areas of the pending measure, I believe we would be well advised to briefly examine what motivated this legislation in the first place. As the distinguished Chairman of our Communications Subcommittee (Mr. PASTORE) indicated in his opening statement commencing hearings on S. 382 before our Committee on Commerce last March, it is "... the problem of excessively high campaign costs." (See Commerce Committee hearings Serial No. 91-6 at 151.) But, Mr. President, are campaign costs in fact excessive? I believe it is well to note that there are some highly respected individuals who hold the opinion that such costs are not excessive.

For example, Ralph K. Winter, Jr., Esq., professor of law at Yale University Law School and special consultant to

the Subcommittee on Separation of Powers of the Senate Committee on Judiciary, expressed some skepticism on the allegation that election campaign costs are excessive. In an article entitled "Money, Politics and the First Amendment" which was printed by the American Enterprise Institute for Public Policy Research under the title "Campaign Finances—Two Views of the Political and Constitutional Implications", Professor Winter makes the following observation:

There is a powerful urge to "do something" about political campaigns and the costs they impose on those running for office. There are proposals to limit spending generally, to limit amounts spent on the broadcast media, to "tighten up" reporting laws, to require the media to "donate" time or sell it at reduced rates, to do away with "equal time" rules in some elections, to use tax revenues to pay part of campaign costs, et cetera. Rarely are these proposals opposed on the general grounds that campaigns should be free of regulation as a matter of democratic principle, even though that is an argument worthy of attention by those who wish to maintain the open political process contemplated by the First Amendment. Instead, they are opposed as unworkable, or insufficiently comprehensive, or the like, and are met with counter-proposals involving yet other forms of regulation. There is thus a widespread consensus—if not assumption—that some regulation of campaign spending is not only desirable but necessary.

I am skeptical about this consensus, and for a number of reasons. For one, all of the rhetoric about escalating campaign costs has taken the issue out of perspective. The cost of television time, for example, is the target of accusing fingers in discussions of campaign costs. Money spent on television, however, is a relatively open expenditure. An increase there does not necessarily reflect a significant increase in total campaign expenditures, for similar sums may well have been spent in the past but in a fashion which permitted concealment. Inflation, moreover, necessarily distorts our view of campaign expenses. For all of the widespread belief that campaign costs are escalating, political expenditures between 1952 and 1968 in fact declined relative to the gross national product. That fact alone casts doubt about the validity of the claims that further regulation is needed.

Similarly, Dr. Herbert Alexander, director of the Citizens Research Foundation, noted the following:

But political costs need to be considered in perspective. Considered in the aggregate, politics is not overpriced. It is under-financed. \$300 million is just about one-tenth of one per cent of the amounts spent by governments at all levels (\$282.6 billion in fiscal 1968), and that is what politics is all about, gaining control of governments to decide policies on, among other things, how money will be spent. \$300 million is hardly more than the amount spent in 1968 by the largest commercial advertiser in the United States, which corporation, according to *Advertising Age*, had a \$270 million advertising budget in 1968. (Commerce Committee hearings Serial No. 92-5 at 637)

Recently Dr. Alexander had published a book entitled "Financing the 1968 Election." In that book there appears a table—1-3—listing direct campaign expenditures by national-level presidential and party committees for general elections, 1912-1968. A cursory examination of that table would seem to support the contention that there has been a substan-

tial increase in campaign costs. However, I took the time to have those figures transposed into constant 1968 dollars, and the results viewed in this common denominator support the skepticisms of Professor Winter and others concerning excessive campaign costs. For example, bearing in mind that for 1968 the table indicates a cost of \$44.2 million, the 1928 figure of \$11.6 million is equivalent to \$23.5 million in 1968; and the 1936 expenditure of \$14.1 million is \$35.4 million in 1968 dollars. Thus, in over 30 years, from 1936 to 1968, based upon constant 1968 dollars, the cost increase has been slightly less than \$9 million. Mr. President, can we in all honesty say, therefore, that election campaign costs are excessive?

This only serves to support what I have said all along, Mr. President, that the legislation that we are considering here today is responsive to not excessive campaign costs, but rather a prevailing view held by the American public that there should be some law limiting the total amount of money that can be spent for or by a candidate in his campaign for public office. All I am saying is let us not set up any "straw man" such as excessive campaign costs in our consideration of the pending measure.

To further place in proper perspective the consideration of S. 382, let us also keep in mind the following two other observations made by Professor Winter:

Limiting campaign expenditures, therefore, is hardly a technique that will equalize the influence of special interest groups. Quite the contrary, it is fully designed and intended to increase the power of some special groups at the expense of others.

Many of the supporters of limitations on campaign expenditures and contributions style themselves as vigorous defenders of First Amendment rights. It is thus surprising to find that of the many problems raised by such legislation, the free speech issue is the least mentioned. A limit on the amount an individual may contribute to a political campaign is a limit on the amount of political activity in which he may engage. A limit on what a candidate may spend is a limit on his political speech as well as on the political speech of those who can no longer effectively contribute money to his campaign. In all of the debate surrounding the First Amendment, one point is agreed upon by everyone: no matter what else the rights of free speech and association do they protect explicit political activity. But limitations on campaign spending and contributing expressly set a maximum on the political activity in which persons may engage.

Mr. President, having at least tried to place the issue in some proper perspective, I now would like to turn to some of my principal concerns with respect to the pending Amendment No. 308 proposed by the distinguished senior Senator from Rhode Island (Mr. PASTORE) and others.

INTERCHANGEABILITY OF MEDIA SPENDING LIMITATIONS

Amendment No. 308 is, in effect, the media spending limitations as contained in the bill reported with amendments by our Committee on Commerce. It provides for a spending limitation of 5 cents multiplied by the estimate of resident population of voting age for such office with respect to each the broadcast media and

the nonbroadcast media. It makes no provision whatsoever to allow a candidate some flexibility to spend this amount of money in one media or the other. In other words, he has 5 cents per potential voter as a ceiling on what he can spend on the broadcast media and 5 cents per potential voter for what he can spend on the nonbroadcast media. It totally regards situations such as prevail in my own State of New Hampshire where the broadcast media is not the most effective means of conducting an election campaign. I, for example, in order to insure full and comprehensive coverage, must go to a television broadcasting station in Boston, Mass., to obtain statewide coverage, but in doing so must pay a higher rate since I would be covering other States as well. I am aware that a similar situation prevails in other States. What, for example, do you do in a State like New Jersey which does not have any television stations? Or what is the junior Senator from Kentucky (Mr. COOK) to do in order to obtain effective broadcast coverage in his State?

Amendment No. 308, lacking as it does interchangeability of the spending limitation between the broadcast and nonbroadcast media, totally disregards this very basic problem. I personally feel that the Committee on Rules and Administration is to be commended inasmuch as it did recognize this problem. The bill as reported with amendments by that committee provided for interchangeability with respect to the two media.

Moreover, the desirability of providing some flexibility, be it through interchangeability or an overall limitation, has been recognized, I understand, by none other than our distinguished Majority Leader (Mr. MANSFIELD) in correspondence he included in his statement contained in hearings before our Committee on Commerce. And, I might add there was reason to believe that the distinguished chairman of our Communications Subcommittee was similarly so inclined at least to provide some degree of flexibility for interchangeability from broadcast to nonbroadcast media.

Mr. President, I fear that with the overly restrictive and inflexible spending limitation being proposed in Amendment No. 308 we will be doing a grave injustice under the color of campaign reform. Let us, therefore, now have the wisdom to recognize that the election campaign for every political office is not the same. I, therefore, urge all of my colleagues in the Senate to give this matter most serious consideration and at the appropriate time when an amendment is offered, provide candidates for political office a necessary and justified degree of flexibility with respect to the manner in which the candidate himself judges in which media his expenditures should be made.

DISCLOSURE RESPONSIBILITY

Second, Mr. President, I sincerely believe that we in the Senate should finally come to grips with this issue of who is to have the responsibility of monitoring election campaign expenditures and reports. In the past it has been the Clerk of the House and the Secretary of the Senate. With all due respect to both of those gentlemen, I find that to be a

totally unacceptable mechanism. It is simply incongruous to me to expect an employee of the House and of the Senate to monitor individuals who, in effect, are their employers.

The Committee on Rules and Administration recognized this and amended S. 382 to place this responsibility in the Comptroller General of the United States. This solution, too, is highly suspect. In the first place, it is my understanding that the Comptroller General of the United States in correspondence to Members of the Senate has indicated that he does not want this job. In the second place, like the present system with the Clerk of the House and the Secretary of the Senate, the Comptroller General feels—and rightly so in my opinion—that:

Because our relationship to the Congress closely resembles that of principal and agent we especially wish to avoid being placed in the anomalous situation of having to investigate and report on our principal. (Rules Committee hearings at 202)

Mr. President, there remains but one solution. That solution is to establish an independent Federal Elections Commission. I offered such an amendment in our Committee on Commerce on behalf of the distinguished senior Senator from Kansas (Mr. PEARSON) and the distinguished minority leader (Mr. SCOTT). Unfortunately the matter was never considered on its merits. It was defeated on a motion to table. Yet, this is a recommendation which has been made over the years to establish a single joint repository in the Federal Government to which political fund reports would be made. It was recommended in 1962 by the President's Commission on Campaign Costs—Financing Presidential Campaigns and in intervening years up to the 1970 report of the Twentieth Century Fund Task Force—Electing Congress. I believe, Mr. President, that it is high time that we heed the counsel of these various reports and act at an appropriate time when the senior Senator from Kansas (Mr. PEARSON) brings up his amendment to establish an independent Federal Elections Commission. Nothing to my mind would do more to establish credibility in the eyes of the public than to establish such a commission.

CAMPAIGN DEBTS

Thirdly, Mr. President, Amendment No. 308 deletes that amendment made by the Committee on Rules and Administration prohibiting unsecured debts by political candidates with respect to certain regulated industries. This was an amendment prompted by an investigation initiated by the distinguished minority leader (Mr. SCOTT) and one for which he is to be commended. I believe it would be a grievous injustice for industries such as the airlines facing the financial problems they do today to place them in further precarious position and to, in effect, require them to make involuntary campaign contributions. I further believe, Mr. President, that to condone this practice in future election campaigns would be to perpetrate a hoax on the American public and give them firm grounds for their current feeling that the election process lacks credibility.

Mr. President, as a Senator and more particularly, as a senior Republican Senator on the Committee on Commerce which has jurisdiction over industries affected by this practice, I want the record to show that when an amendment is offered to prohibit such practices, I shall vigorously support its adoption. And, I can see no other choice but to support it for my colleagues in the Senate unless, of course, they feel that such an abuse and such a hoax is meritorious. This, I believe, would constitute an extremely tenuous position, especially for those over the past several weeks who have opposed Government relief to Lockheed because of alleged prior mismanagement. We ourselves could rightly be accused of mismanagement if we fail to meet this issue raised by the distinguished minority leader (Mr. SCOTT) and stop once and for all this deplorable practice.

CONCLUSION

Mr. President, in these my opening remarks at the beginning of the debate on S. 382, I have touched upon but three major areas of concern to me. I believe my remarks also provide insight into my feeling concerning many of the several other issues which will be raised during the course of our consideration of S. 382. On these other specific points, I will have more to say later.

The point is that expenditure ceilings, no matter how carefully determined, are almost certain to reflect some unfair discrimination and are almost impossible to enforce. The heart of the problem, in my opinion, is the need for rigidly enforced periodic disclosure so that the public may know who is spending, for whom, and how much.

I cannot escape the conviction that most of the other provisions of the bill create more problems than they solve.

Mr. STEVENSON. Mr. President, the Senator from Indiana (Mr. HARTKE) and I have offered an amendment to the Pastore substitute which would establish a 3½ cents per voter subceiling for television advertisements of less than 5 minutes duration. I am gratified that our amendment has been endorsed by Newton Minow, former Chairman of the Federal Communications Commission and Chairman of the Commission on Campaign Costs in the Electronic Era, by George E. Gill, Executive Director of the Communications Workers of America and by Thomas Hoving for the National Citizens Committee for Broadcasting.

I ask unanimous consent that Mr. Minow's letter, Mr. Gill's letter, and Mr. Hoving's letter be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

LEIBMAN, WILLIAMS, BENNETT,
BAIRD AND MINOW,

Chicago, Ill., July 30, 1971.

Senator ADLAI E. STEVENSON,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR STEVENSON: I most enthusiastically encourage your efforts to strengthen S. 382 by your proposed Amendment No. 324. As I understand it, your Amendment would limit the amount of money which a candidate could spend for spot announcements on

radio and television to 3½ cents a voter. This would be an important step in the right direction. I would hope that the Senate would go even further in the direction of taking all steps possible to discourage "spots" in political campaigns.

In *Voters' Time*, the report of the Twentieth Century Fund Commission on Campaign Costs in the Electronic Era, which I chaired, we pointed out that:

"All too often, we believe, political broadcasting makes use of advertising techniques more properly suited to the sale of a commercial product. Such political advertising has been marked by appeals to the emotions of the viewers or listeners rather than to their intellect; it succeeds often through the skillful editing of film or tape or through special lighting and sound effects."

Radio and television offer ideal ways to provide the voter with rational political discussion—and longer programs should be encouraged. I support your efforts to develop public policy in this direction and hope your colleagues will join you in thus advancing the public interest.

Cordially,

NEWTON N. MINOW.

COMMUNICATIONS WORKERS OF
AMERICA,

Washington, D.C., August 2, 1971.

HON. ADLAI E. STEVENSON, III,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR STEVENSON: The action you and Senator Hartke are taking which would limit the use of television spot commercials in political campaigns is certainly valid, and deserves the consideration of every member of the Senate.

In my testimony before the Senate Subcommittee on Communications I mentioned these spots in the following way:

"In the battle of the 30-second and 60-second spots, when image maker fights it out with image maker, glibness can overpower perceptiveness."

We know that no perceptive discussion of any issue can be brought before the voters in a 30-second or 60-second spot.

I also mentioned that "if there is one thing that will cut through the phonyness of the 30 and 60-second commercial—of the spurious slogan and the image maker's gimmick—it is debates."

The Communications Workers of America has been supporting the effort to obtain legislation permitting debates between the major candidates for President and Vice President and supports the suspension of Section 315 for this purpose.

The amendment you and Senator Hartke are offering is an additional step to eliminate spuriousness in campaign advertising, and would improve the American political process.

Sincerely yours,

GEORGE E. GILL,
Executive Vice President.

NATIONAL CITIZENS
COMMITTEE FOR BROADCASTING,
Washington, D.C., August 2, 1971.

Senator ADLAI E. STEVENSON III,
United States Senate, Committee on Labor
and Public Welfare, Washington, D.C.

DEAR SENATOR STEVENSON: We are writing to you with reference to your and Senator Hartke's Amendment 324 to S. 382 which would limit the use of political spot advertising. National Citizens Committee for Broadcasting (NCCB) strongly supports the principle embodied in this amendment.

The question of political spot advertising is extremely important as it has become a principal means of reaching voters. Yet political spots (defined as TV spot commercials of less than five minutes' duration) lend themselves to slick marketing techniques and are singularly inappropriate for serious and

informal discussion of political issues. Thus it has been NCCB's position that expenditures on such spots should be limited or disallowed altogether. While we support a limitation of 3½ cents out of a total of 5 cents per voter on political spots, we would like to see expenditures on these spots limited even further, say, to 20% of a candidate's total television expenditures.

In the production of these political spots, the so-called USP selling technique is often employed. This is where a Unique Selling Point is selected and dunned into the viewer so that hopefully he responds almost subconsciously when it comes time to vote. Of course, this technique is hardly an appropriate manner in which to present candidates and issues in an election campaign.

In addition, it should be noted that spot political announcements are not scheduled so that the viewer may plan to tune them in (or out). Rather, such announcements come on unexpectedly and seek to make an impression upon a relatively inattentive viewer. Furthermore, because of their short duration, political spots do not lend themselves to a serious presentation of the issues. They do, however, lend themselves to dramatic techniques and such commercial, product-oriented techniques as saturation campaigns, wherein a large number of spots are scheduled over a relatively short period before the election to impress upon the voter the desired choice.

The magnitude of the political spot announcement problem can be grasped when it is noted that according to a Federal Communications Commission study of political broadcasting expenditures released January 2, 1969, fully half of total network expenditures on political advertising in 1968 by both parties was for spot announcements.

In view of these considerations, NCCB strongly supports your amendment limiting expenditures on political spot advertising.

In closing, the National Citizens Committee for Broadcasting thanks you for requesting our comments on your amendment to the political advertising bill.

Sincerely,

THOMAS HOVING.

AMENDMENT NO. 340

Mr. BYRD of West Virginia. Mr. President, with the approval of the distinguished manager of the bill (Mr. PASTORE), with the understanding and approval of the distinguished Senator from Nevada (Mr. CANNON), and at the request of the distinguished Senator from Kansas (Mr. PEARSON), I call up, on behalf of the Senator from Kansas amendment No. 340, the star print, and I ask unanimous consent that the Senate proceed to its consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will read the amendment.

The legislative clerk proceeded to read the amendment called up by Mr. BYRD of West Virginia in behalf of Mr. PEARSON, for Mr. PEARSON and Mr. PACKWOOD, Mr. DOMINICK, Mr. PROUTY, Mr. BAKER, Mr. MOSS, Mr. STEVENS, Mr. GRAVEL, Mr. SCOTT, Mr. COTTON, and Mr. HATFIELD.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Amendment No. 340 is as follows:

On page 20, strike lines 18 and 19 and insert in lieu thereof the following:

"(g) 'Commission' means the Federal Elections Commission;"

Wherever in title III of such bill, as amended by amendment 308, it appears strike

"Comptroller General" and insert in lieu thereof "Commission".

Wherever in such title "he" or "him" appears with reference to the Comptroller General, strike such word and insert in lieu thereof "it".

On page 35, between lines 10 and 11, insert the following:

"FEDERAL ELECTIONS COMMISSION

"Sec. §10. (a) There is hereby created a Commission to be known as the Federal Elections Commission, which shall be composed of five members, not more than three of whom shall be members of the same political party, who shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of two years, one for a term of four years, one for a term of six years, one for a term of eight years, and one for a term of ten years, beginning from the date of enactment of this Act, but their successors shall be appointed for terms of ten years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission and one member to serve as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

"(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

"(c) The Commission shall have an official seal which shall be judicially noticed.

"(d) The Commission shall at the close of each fiscal year report to the Congress and the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the money it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

"(e) Members of the Commission shall, while serving on the business of the Commission, be entitled to receive compensation at a rate fixed by the Director of the Office of Management and Budget, but not in excess of \$100 per day, including traveltime; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

"(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers at any other place.

"(g) All officers, agents, attorneys, and employees of the Commission shall be subject to the provisions of section 9 of the Act of August 2, 1939, as amended (the Hatch Act), notwithstanding any exemption contained in such section.

"(h) The Commission shall appoint an Executive Director without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, to serve at the pleasure of the Commission. The Executive Director shall be responsible for the administrative operations of the Commission and shall perform such other duties as may be delegated or assigned to him from time to time by regulations or orders of the Commission. However, the Commission shall not delegate the making of regulations regarding elections to the Executive Director.

"(i) The Chairman of the Commission shall appoint and fix the compensation of such personnel as it is deemed necessary to fulfill the duties of the Commission in ac-

cordance with the provisions of title 5, United States Code.

"(j) The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

"(k) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Executive Director, Federal Elections Commission."

"(1) In carrying out its responsibilities under this title, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities, of the General Accounting Office and the Department of Justice. The Comptroller General and the Attorney General are authorized to make available to the Commission such personnel, facilities, and other assistance, with or without reimbursement, as the Commission may request."

Remember the following sections in such title accordingly.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on the amendment No. 340, Star Print, not begin to run until tomorrow.

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

Mr. BYRD of West Virginia. Mr. President, the amendment will, therefore, be the pending question when the Senate returns to the consideration of the unfinished business on tomorrow.

MESSAGE FROM THE HOUSE ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 943. An act to provide mortgage protection life insurance for service-connected disabled veterans who have received grants for specially adapted housing;

H.R. 3146. An act to authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system;

H.R. 6239. An act to amend the maritime lien provisions of the Ship Mortgage Act of 1920;

H.R. 9181. An act to amend the Northwest Atlantic Fisheries Act of 1950; and

H.R. 9382. An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes.

ORDER FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 9272, STATE, JUSTICE, COMMERCE, JUDICIARY APPROPRIATIONS, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at 2 o'clock tomorrow afternoon, the unfinished business be laid aside temporarily and that the Senate proceed at that time to the consideration of the conference report on H.R. 9272, the bill making appropriations for the Departments of State, Justice, Commerce, and the Judiciary.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that

whatever time is consumed in the consideration of that conference report not be charged against the time on any amendment to the unfinished business nor against the time on the unfinished business itself.

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

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that no further time today be charged against the unfinished business.

The PRESIDING OFFICER. Without objection, it is ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I understand that one or more Senators wish to make statements before the Senate adjourns for the day.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE PAYMENT OF DUES TO THE INTERNATIONAL LABOR ORGANIZATION

Mr. JAVITS. Mr. President, tomorrow we shall be considering the conference report on an appropriation bill which cuts off the payment of dues to the International Labor Organization. The Senate, Mr. President, sent me abroad as an observer at their last meeting, in May, and I came to the conclusion that it would be unwise to withhold those dues, and indeed a regressive step, which could lead the organization into channels which could be very harmful to the interests of the United States, because it could result in dismantling activities and establishing others which would be very regressive in terms of the employer-labor-government aspect of the ILO, and the effort to establish labor standards which could help us in raising the labor standards of the whole world in terms of economic competition, and also in raising the issue of collective and free bargaining for their work in the Communist countries which are members of the ILO.

I believe that, while I opposed the previous cutting off of dues and so voted, nonetheless it may have had a good effect in bringing the organization around to a better understanding of our position, but at this point I think the effect will be exactly the contrary. This often happens with something that works out up to a point and beyond that point can

be very harmful. I think that this is the situation here.

So on tomorrow, Mr. President, I shall oppose the adoption of the conference report.

So that Senators overnight may have an opportunity to read into the situation, I ask unanimous consent to have printed in the RECORD my letter to my colleagues dated August 2, together with an analysis of the reasons why it would be unwise to withhold this contribution to the dues, my testimony before the Appropriations Committee on the appropriation, and an editorial published in the New York Times of July 22, 1971, on this subject.

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

U.S. SENATE,

Washington, D.C. August 2, 1971.

DEAR COLLEAGUE: Within the next few days the Senate will be voting on the State, Justice, Commerce Appropriations Conference Report. I hope that the Senate will reject this Report not only because it fails to include the Ervin Amendment relating to the SABC, but also because it fails to include any funds for the International Labor Organization, as requested by the Administration and approved by the Senate.

Together with many others, I have been very concerned about our failure to pay our dues to the ILO for the last half of 1970; in my testimony before the Senate, Justice, and Commerce Subcommittee and my report to the Senate on June 21, 1971, a copy of which is enclosed, I explained why I believe it is in our national interest to resume our dues payments. Briefly, there have been a number of significant improvements in our relationship with the ILO during the past year. Anti-American propaganda has been sharply curtailed at ILO meetings; the basic principle of tripartism has been emphatically affirmed through the election of an employer delegate as the President of the annual conference and the refusal in the ILO to consider structural changes which would have weakened tripartism; the issue of communist violations of the Freedom of Association Convention has been faced squarely; and in general we have been accorded more consideration and respect within the organization.

While this improvement may well be in part attributable to our action in withholding our dues last year, I share the view of the Administration and the labor and employer members of the U.S. delegation that any further withholding of our dues would be extremely counterproductive for us and the ILO. Unless we resume payment of our dues, permanent cutbacks in programs and staff will have to be made, to the great detriment of the developing countries of the world to which the ILO is extremely important—frequently it is the only source of manpower training and technical assistance in the labor area for such countries. The inevitable result of such cutbacks would be hostility toward the U.S., and the increase in influence of the communists in the ILO.

Accordingly, I hope very much that you will join me in voting to reject the pending Conference Report. Should you desire any further information, please contact me or Mr. Eugene Mittelman, extension 52705.

With best wishes.

Sincerely,

JACOB K. JAVITS.

WHAT WOULD BE THE CONSEQUENCES OF A CONGRESSIONAL DECISION TO APPROPRIATE NO FUNDS FOR THE CALENDAR YEAR 1971 U.S. ASSESSED CONTRIBUTION TO THE ILO?

I. FOR THE ILO

A. Depletion of financial reserves, and need to borrow at commercial rates. The

SENATE
FLOOR DEBATE
ON
S.382
AUGUST 3, 1971

Tuesday, August 3, 1971

Senate

Chamber Action

Routine Proceedings, pages 28950-28998

Bills Introduced: Nine bills and two resolutions were introduced, as follows: S. 2401-2409; S.J. Res. 147; and S. Res. 161. Pages 28956-28957, 28966

Bills Reported: Reports were made as follows:

S. 291, to establish within the Department of the Interior the position of an additional Assistant Secretary, with amendments (S. Rept. 92-338);

S. 2248, to authorize feasibility studies on Central Valley project, Delta Division, Montezuma Hills unit, Solano County, Calif., and Gallup project, McKinley, Valencia, and San Juan Counties, N. Mex., with amendments (S. Rept. 92-339);

S. 1245, relating to the preservation of historical monuments and historical archeological data, with amendments (S. Rept. 92-340);

H.R. 135, relating to disposition of assets of unclaimed postal savings system deposits (S. Rept. 92-341);

S. 1989, to provide for renewal of star route contracts, with an amendment (S. Rept. 92-342);

S. 996, to provide for reimbursement of certain individuals for transportation of air mail during period July 1, 1967, through December 31, 1968, with amendments (S. Rept. 92-343);

S. 2216, to amend the Investment Company Act of 1940 (S. Rept. 92-344);

S. 1852, to establish the Gateway National Recreation Area in New York and New Jersey, with amendments (S. Rept. 92-345);

S. 659, proposed Education Amendments of 1971, with amendments, together with supplemental and individual views (S. Rept. 92-346);

S. 2387, relative to property tax exemption for Supreme Council of Scottish Rite of Free Masonry (S. Rept. 92-347); and

H.R. 7718, relative to property tax exemption for Supreme Council of Scottish Rite of Free Masonry (S. Rept. 92-348). Page 28955

Bills Referred: Sundry House-passed bills were referred to appropriate committees. Page 28954

Measures Passed:

Spanish-speaking people: Senate took from the calendar, passed without amendment, and cleared for the President H.R. 7586, authorizing for 2 additional years funds for the Cabinet Committee on Opportunities for Spanish-Speaking People. Page 28951

Lincoln Home: Senate took from the desk, passed without amendment, and cleared for the President H.R. 9798, to establish the Lincoln Home National Historic Site in Illinois. Page 29030

Appropriations—State, Justice, Commerce: By 46 yeas to 44 nays, Senate agreed to the conference report on H.R. 9272, fiscal 1972 appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies. Senate agreed to the House amendment to the Senate amendment numbered 26, thus clearing the measure for the President. Pages 29030-29057

Federal Election Campaign Practices: Senate continued to consider S. 382, to promote fair practices in the conduct of election campaigns for Federal political offices, taking action on proposed amendments thereto as follows:

Adopted:

(1) By 89 yeas to 2 nays, modified Pearson amendment No. 349, to establish a Federal Elections Commission to be composed of six members to be chosen by the President, not more than three of whom shall be of the same political party;

(2) Modified Scott amendment No. 342, concerning extension of credit to candidates for Federal office by certain federally regulated industries;

(3) By 71 yeas to 21 nays, modified Prouty amendment No. 348, to provide that broadcasting stations afford qualified candidates for Federal office maximum flexibility in choosing his program format;

(4) Modified Mathias amendment No. 272, to limit the amount of funds which a candidate for Federal offices may spend in any one State;

(5) Modified Prouty amendment No. 349, to allow an interchangeability of up to 20 percent between a fund which a candidate may spend for broadcasting media and a fund which he may spend for nonbroadcasting media;

(6) Modified Stevens amendment No. 307, to set the lowest unit rate for the same class and period of time as charged for political broadcasting;

(7) Modified Spong amendment No. 263, requiring disclosure of specific expenditures in behalf of each candidate where a committee supports more than one; and

(8) Hollings amendment to eliminate necessity for detailed accounting of political contributions of less than \$10; and

Rejected:

(1) Modified Mathias amendment No. 271, to modify the definition of a legally qualified candidate (rejected by adoption, by 51 yeas to 40 nays, of tabling motion); and

(2) Modified Packwood amendment No. 303, requiring a report to Federal Elections Commission by any person lending \$10,000 or more to candidates for Federal

elective office (rejected by adoption, by 48 yeas to 43 nays, of tabling motion).

Pending at recess was modified Mathias amendment No. 282, to include in the appropriate reports the place of business and occupation of the donor, seller, agent, as the case may be. Pages 28998-29017, 29018-29030, 29057

Treaty Received: Locarno Agreement establishing an international classification for industrial designs (Ex. I, 92d Cong., first sess.) was received, the injunction of secrecy removed therefrom, and the treaty, together with President's message thereon was referred to Committee on Foreign Relations. Page 29025

Confirmation: Senate confirmed the nomination of David Luke Norman, of the District of Columbia, to be an Assistant Attorney General. Page 29058

Record Votes: Five record votes were taken today.

Pages 29005, 29014, 29017, 29020, 29053

Recess: Senate met at 10 a.m. and recessed at 7:12 p.m.

Pages 29028, 29057, 29058

Committee Meetings

PREDATOR CONTROL PROGRAM

Committee on Appropriations: Agriculture, Environmental and Consumer Protection Subcommittee concluded hearings on predator control program, after receiving further testimony from James Vogan, of Wyoming.

HOUSING LAWS CONSOLIDATION

Committee on Banking, Housing and Urban Affairs: Subcommittee on Housing and Urban Affairs continued hearings on S. 1618, 2333, 2049, and related bills, to consolidate laws relative to housing and housing assistance, receiving testimony from Mayor Joseph L. Alioto, of San Francisco, representing the U.S. Conference of Mayors-National League of Cities; and Robert W. Maffin, National Association of Housing and Redevelopment Officials.

Hearings continue on Monday, September 13.

TOXIC SUBSTANCES CONTROL

Committee on Commerce: Subcommittee on the Environment began hearings on S. 1478, to restrict the distribution and use of chemicals found to be toxic and hazardous products, receiving testimony from Russell Train, Chairman, Council on Environmental Quality; and David Klein, professor of chemistry, Hope College, Holland, Mich.

Hearings continue tomorrow.

TAX EXEMPTION AND ACCOUNTING PROCEDURE

Committee on the District of Columbia: Committee held and concluded hearings on the following bills:

H.R. 7718 and S. 2387, relative to property tax exemption for Supreme Council of Scottish Rite of Free Masonry, after receiving testimony from Representatives Mahon, Passman, and Sebelius; and Kenneth Back, and Laurence J. Eagan, both of the Department of Finance and Revenue, and Henry E. Wixon, Assistant Corporation Counsel, all of the D.C. government; and

H.R. 8712, relative to accounting procedures for the D.C. government, after receiving testimony from John W. Moore, Assistant General Counsel, and Paul Siefring and Lester W. Garton, all of the General Accounting Office; and William Robinson, Assistant Corporation Counsel, Oreste F. Maltagliati, Department of Finance and Revenue, and Joe Haley, Office of Budget and Executive Management, all of the D.C. government.

H.R. 7718 and S. 2387 were subsequently reported to the Senate.

SOCIAL SECURITY

Committee on Finance: Committee continued hearings on H.R. 1, proposed Social Security Act Amendments of 1971, receiving further testimony from Secretary of Health, Education, and Welfare Elliot L. Richardson.

Hearings were adjourned subject to call of the Chair.

ORGANIZED CRIME—SECURITIES THEFTS

Committee on Government Operations: Permanent Subcommittee on Investigations continued hearings into the role of organized crime in the theft of negotiable securities, receiving testimony from Thomas H. Redmond, insurance broker, Anderson, Ind.; Richard Loundy and John D. Fiore, both of Devon Bank, Chicago; Vincent Kelly, attorney, Alexandria, Ind.; and Edward H. Wuenche, a convict.

Hearings continue tomorrow.

REVENUE SHARING

Committee on Government Operations: Subcommittee on Intergovernmental Relations resumed hearings on pending bills proposing Federal revenue sharing with States and local governments (S. 241 and 1770). Witnesses heard were Senators Mathias and Roth; Governor Nelson A. Rockefeller, of New York; William C. Jacquin, Arizona State Senate, Tom Jenson, Tennessee House of Representatives, and Stanley Steingut, New York Assembly, all representing the Council of State Governments; and the following representatives of the National Association of Counties: Ralph Caso, county executive, Nassau County, N.Y.; William Conner, county executive, New Castle County, Del.; and George Lehr, presiding judge, Jackson County, Mo.

Hearings were recessed subject to call.

NOMINATIONS

Committee on Labor and Public Welfare: Committee reported the nominations of Peter C. Benedict, of Virginia, to be a member of the National Mediation Board;

added as a cosponsor of S. 555, the Older Americans Community Service Employment Act.

S. 659

At the request of Mr. PELL, the Senator from Florida (Mr. CHILES), was added as a cosponsor of S. 659, the Education Amendments of 1971.

S. 887

At the request of Mr. EAGLETON, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 887, a bill to establish a National Institute of Gerontology.

S. 1163

At the request of Mr. KENNEDY, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1163, the Nutrition Programs for the Elderly Act.

S. 1307

At the request of Mr. RANDOLPH, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1307, a bill to provide increased employment opportunities for middle-aged and older workers, and for other purposes.

S. 1553

At the request of Mr. HOLLINGS, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1553, a bill to set new standards for judicial disqualification.

S. 1741

At the request of Mr. EAGLETON, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 1741, a bill to provide increased unemployment compensation benefits for Vietnam era veterans.

S. 2200

At the request of Mr. KENNEDY, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 2200, the Administrative Ombudsman Experimentation Act of 1971.

S. 2344

At the request of Mr. RANDOLPH, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 2344, to amend the Foreign Assistance Act of 1961 to provide for international drug control assistance and to prohibit foreign assistance from being provided to foreign countries which do not act to prevent the illegal production, processing, or distribution of narcotic drugs used or intended to be used in the United States or by U.S. Armed Forces outside the United States.

S. 2365

Mr. SCOTT. Mr. President, at the time the Senator from Indiana (Mr. HARTKE) and I introduced S. 2365, a bill to provide for orderly trade in iron and steel products, the name of the Senator from Maryland (Mr. MATHIAS) was inadvertently omitted as a cosponsor.

Mr. President, I ask unanimous consent that at the next printing the name of the Senator from Maryland (Mr. MATHIAS) be added as a cosponsor of S. 2365.

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

SENATE JOINT RESOLUTION 117

At the request of Mr. MCINTYRE, the Senator from Alaska (Mr. STEVENS), the

Senator from Nevada (Mr. CANNON), the Senator from New Jersey (Mr. CASE), the Senator from Colorado (Mr. DOMINICK), the Senator from Rhode Island (Mr. PELL), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from New Jersey (Mr. WILLIAMS), were added as cosponsors of the Senate Joint Resolution 117, requesting the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day."

SENATE RESOLUTION 161—SUBMISSION OF A RESOLUTION AUTHORIZING PRINTING OF STATEMENTS RELATING TO INTERNATIONAL COOPERATION IN SPACE

(Referred to the Committee on Rules and Administration.)

Mr. ANDERSON submitted the following resolution:

S. Res. 161

Resolved, That the compilation entitled "Statements by Presidents of the United States on International Cooperation in Space—A Chronology: October 1957-July 1971" be printed with illustrations as a Senate document, and that there be printed three thousand additional copies of such document for the use of the Committee on Aeronautical and Space Sciences.

ADDITIONAL COSPONSOR OF CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 26

At the request of Mr. JACKSON, the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of Senate Concurrent Resolution 26, relating to National American Indian and Alaska Natives policy.

SENATE CONCURRENT RESOLUTION 27

At the request of Mr. MATHIAS, the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Oregon (Mr. HATFIELD), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of Senate Concurrent Resolution 27, establishing a joint congressional committee to study the termination of the state of national emergency.

FEDERAL ELECTION CAMPAIGN ACT OF 1971—AMENDMENTS

AMENDMENT NO. 362

(Ordered to be printed and to lie on the table.)

Mr. GRAVEL submitted an amendment intended to be proposed by him to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices and for other purposes.

AMENDMENT NO. 363

(Ordered to be printed and to lie on the table.)

Mr. BELLMON submitted an amendment intended to be proposed by him to amendment No. 308, proposed by Mr. PASTORE (for himself and others) to the bill (S. 382), supra.

AMENDMENT NO. 365

(Ordered to be printed and to lie on the table.)

Mr. BUCKLEY submitted an amendment intended to be proposed by him to amendment No. 308, proposed to the bill (S. 382), supra.

AMENDMENT NO. 366

(Ordered to be printed and to lie on the table.)

Mr. HARTKE, for himself and Mr. STEVENSON, submitted an amendment intended to be proposed by them, jointly, to amendment No. 308, intended to be proposed to the bill (S. 382), supra.

AMENDMENT NO. 367

(Ordered to be printed and to lie on the table.)

Mr. BUCKLEY submitted an amendment intended to be proposed by him to amendment No. 315, intended to be proposed to the bill (S. 382), supra.

AMENDMENT NO. 369

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK. Mr. President, on behalf of myself, Mr. ALLOTT, Mr. BENNETT, Mr. SCOTT, and Mr. WILLIAMS, I send to the desk for printing an amendment to S. 382, the "Federal Election Campaign Act of 1972."

It would provide that in national elections, all polls would remain open for at least 12 hours, and would close simultaneously.

By establishing a time for the simultaneous closing of all polls, this amendment would eliminate the possibility that predictions based on early returns from one area may affect election results in areas where the polls have not closed. There has been increasing concern that computer projections of election results by the electronic media influence the way many votes are cast, and cause people not to vote because they believe the outcome has already been decided.

Mr. President, solving this problem through a uniform closing time for all polls would be better than trying to restrict the flow of information about election returns. I do not think there is any constitutional question about the power of Congress to establish a uniform poll closing time. Article II, section 3, gives Congress the power to "determine the time or choosing the electors" for President and Vice President. Article I, section 4, gives Congress power to regulate the "time, place, and manner of holding" elections for Senators and Representatives, and the Supreme Court has indicated this may apply to presidential elections.

Under this amendment, in Federal elections all polls would close at the same Greenwich mean time across the Nation. They would close at 11 p.m. eastern standard time; 10 p.m. central standard time; 9 p.m. mountain standard time; 8 p.m. Pacific standard time; 7 p.m. Yukon standard time; 6 p.m. Alaska-Hawaii standard time; and 5 p.m. Bering standard time. Since this would require some polls to close earlier than they have in the past, all polls would be required to stay open at least 12 hours.

Mr. President, the idea of providing for a uniform poll closing time was endorsed by the National Governors Conference in 1968. I ask unanimous consent that a copy of the proposal and resolution of the Governors conference in that regard be included in the RECORD at this point.

Mr. President, I think this reform merits our consideration. It is relatively noncontroversial and would not be difficult to implement. I have chosen January 1, 1974, as the effective date for this legislation in order to give the States adequate time to enact implementing legislation.

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

A PROPOSAL—TO ESTABLISH A UNIFORM, SIMULTANEOUS, NATIONWIDE 24-HOUR VOTING DAY IN YEARS OF FEDERAL ELECTIONS

Voting is the most important function in a democracy. Yet, generally speaking, many of our election customs are a throwback to the days when it took hours and even days to get to the polling booth. By a determined avoidance of improvements we have done little to ease—and much to impede—the voting process.

Among our archaic election customs is adherence to Election Day itself, first designated in 1845, as "the Tuesday next after the first Monday in November." This day was chosen by Congress largely because public sentiment was against traveling on Sunday and it was necessary to allow an entire day and night for many voters to get to the polls.

A second anachronism in the electoral process is the system of widely divergent hours in which the polls are open across the country in federal elections. The polls in the West are open many hours after they are closed in the East. And opening and closing hours vary, not only within time zones, but also within individual states. The system grew without much design or direction as the nation expanded to the Pacific and through four time zones. In our own time we have seen the boundaries of electoral participation extended even further, from West Quoddy in Maine to Attu in Alaska, across six time zones.

In recent years technological progress—particularly in the area of computers and communications—has highlighted the archaic nature of our voting procedures. For example, polling places have traditionally closed early to allow time for counting the votes, but today ballots can be tabulated in a matter of seconds using computer systems. And modern communications permit speedy transmission of returns to collection centers.

Various proposals have been made to bring election day procedures into line with 20th century realities. One appears to meet the test of equity, and logic, and appears to present no constitutional problems: A common, simultaneous, nationwide, voting day of 24 hours length for federal elections. There is much to recommend that this day also be a national holiday.

The advantages of such a uniform voting period are many:

It would give every qualified voter in the nation the time and the opportunity to vote.

A uniform 24-hour voting day would provide all voters with the identical real-time hours in which to vote; and although the polls would open at different hours in different time zones, the voters of every community in the nation could vote at whatever local time of day or night that was most convenient for them.

It would relieve the pressure in urban and suburban voting districts where long, slow-moving waiting lines have discouraged many voters from casting ballots.

It would put an end to unsupported speculations that reports from one area of the country, with all its polls closed, can affect voting in another area where they are open.

Computers would enable a fast, accurate tally of the national vote immediately after the polls had closed, and thus do away with the confusion and uncertainty generated by delayed and partial returns.

No constitutional barrier exists to prevent the Congress from instituting a universal, 24-hour voting period. Indeed, Article I of the Constitution specifically gives the Congress the authority to make regulations concerning the holding of elections. Nor has anyone suggested that such a period would not be in the best interests of the voter himself. The only significant argument against it is made in terms of expense.

Against this argument, consider that the United States has the least impressive voting record in federal elections of any democracy in the world. In 1964, only 62 percent of eligible Americans cast a ballot for one of the Presidential candidates. In off-year congressional elections, the record is even worse—less than 50 percent of Americans over 21 vote. In Europe, on the other hand, where uniform, nationwide voting hours are common practice, the percentages range from 87 in Denmark to 72 in France. It is difficult to defend the position that the most affluent democracy with the sorriest voting record cannot afford to keep the polls open for a few additional hours every two years.

Principle aside, there is no real evidence to indicate that costs would rise unreasonably. In recent years election costs have been dramatically reduced in some states through the use of electronic voting systems. For example, Orange County in California spent \$235,869 on the June 2, 1964 primary, at which 273,756 ballots were cast and tabulated without the electronic system. On General Election Day, 1964, Orange County used an electronic system encompassing both the voting and counting. The cost, with 416,136 votes cast, was \$118,428. The saving here was \$117,441—cutting the bill in half, even without allowing for the greatly increased number of votes cast. Actually, the cost per ballot cast declined by over two-thirds, from 90 cents to 28 cents.

Looking ahead, we can anticipate additional savings through the use of the instruments and techniques which science has made possible. In addition, urban polling places may be able to operate on a more efficient basis when voting is spread over a 24-hour period, while polling places in small communities can close after the last registered voter has cast his ballot.

The need for election reforms in many areas is urgent: the Presidential campaign period is too long; residency requirements prevent millions of citizens in our mobile population from casting a vote even in Presidential elections; much of the apparatus we use for registering and counting votes was contrived for another age.

But electoral procedures must be brought into line with the realities of the 20th century. A start must be made. It is the conviction of this conference that a logical and proper place to begin is with the most serious consideration of a biennial national voting holiday during which the polls would be open across the nation for a uniform period of 24 hours.

A RESOLUTION

Whereas it is the sense of the National Governors Conference that the most serious consideration should be given to the proposition that in federal elections the electorate would benefit from the establishment of a "national voting holiday" during which the polls would be open across the nation for a uniform period of 24 hours—that is, regardless of time zone the polls would open

simultaneously, and close simultaneously 24 hours later;

Be it resolved that the National Governors Conference forward to the President of the United States the respectful suggestion that he initiate a study, by whatever means he deems appropriate, of the feasibility of instituting a uniform, nationwide, 24-hour voting period for federal elections, and its designation as a biennial national holiday.

AMENDMENTS NOS. 370 THROUGH 375

(Ordered to be printed and to lie on the table.)

Mr. PACKWOOD submitted six amendments intended to be proposed by him to amendment No. 308, proposed to the bill (S. 382), supra.

AMENDMENTS NOS. 376 AND 377

(Ordered to be printed and to lie on the table.)

Mr. MATHIAS submitted two amendments intended to be proposed by him to amendment No. 308, proposed to the bill (S. 382), supra.

POWERPLANT SITING ACT OF 1971—AMENDMENT

AMENDMENT NO. 364

(Ordered to be printed and referred to the Committee on Commerce.)

FEDERAL POWER RESEARCH AND DEVELOPMENT ACT

Mr. MAGNUSON. Mr. President, the Nation's appetite for electric power has been doubling every 10 years—five times the rate of population growth—and current projections are that it will continue to grow at nearly this rate. Electricity is the cleanest form of energy at the point of consumption, but its generation and transmission already raise serious environmental and resource problems. These problems will get worse as electric consumption grows unless new technologies and new sources of energy are used.

Coal, our most abundant fossil fuel, is currently used to generate about half of our electric energy and even with the growth of nuclear power, coal will continue to be a major source of power. Unfortunately, its production and use raise serious problems. Coal production scars the landscape through heedless strip mining and subjects thousands of miners to both sudden and cumulative disaster through tragic accidents and the long-term ravages of black lung. Its use in generating electric power produces vast quantities of debilitating air pollutants—sulfur oxides, nitrogen oxides, particulates, and other pollutants such as traces of mercury—as well as mountains of solid waste—ash.

Oil used to generate electric power also generates air pollutants, although in lesser quantities. A key problem is that natural gas, our cleanest energy source, is in short supply. In some areas its use for electric power generation is being curtailed to conserve it for other uses.

As we learn more about the effects of various products of combustion new pollutants will undoubtedly be added to the list. Currently there is a debate among scientists as to whether the combustion of fossil fuels will heat up the earth due to increased carbon dioxide or cool it due to fine particulates.

Adams was a resident of Illinois for 65 years. He first moved to Champaign-Urbana in 1916 to become assistant professor at the University of Illinois, and was later chairman of the department of chemistry and chemical engineering at the University from 1926-1954. In 1957 he became research professor and then professor emeritus.

Born in Boston, a member of the distinguished Adams family of Massachusetts, Dr. Adams received his A.B., A.M., and Ph.D. degrees from Harvard. Early in his teaching career he taught organic chemistry at Harvard University and Radcliffe College. At the University of Illinois he was personal research director for 184 Ph.D. recipients, many of whom became distinguished members of the academic and industrial scientific communities.

During his long career, Dr. Adams and his students developed what were referred to as "innumerable methods of organic synthesis" and determined structures of synthetic and natural products. Many of his methods have had important industrial or medical applications.

Dr. Adams held important scientific posts during World War I and II. Following the latter he was scientific advisor to the U.S. Military Governments in Germany and Japan. Appointed by the President to serve from 1954-1960 as a Member of the National Science Board, the governing body of the National Science Foundation, Dr. Adams' breadth of experience in university and government scientific circles was invaluable in shaping the growth of the Foundation in its early years. (The Foundation was formed in 1950 to continue on a permanent, peacetime basis the successful government-university relationships which had been established during World War II to support basic research.)

Dr. Adams served as overseer of Harvard, a trustee of the Battelle Memorial Institute, and a member of the Illinois Board of Natural Resources and Conservation. He was elected a member of the National Academy of Sciences, 1929 (head of its chemistry section from 1938-41); president of the American Chemical Society in 1935 and its chairman from 1944-50; president of the American Association for the Advancement of Science in 1950.

Dr. Adams was recipient of the Priestley Medal of the American Chemical Society (1946), the Davy Medal of the Royal Society (1945), the Perkin Medal of the Society of Chemical Industry (1954). In 1965 he was presented the National Medal of Science by President Johnson as "the one recognized leader" in organic chemistry for many years.

Dr. Adams' wife—the former Lucile Wheeler—died in 1964. He is survived by a daughter, Mrs. William E. Ranz of Greensboro, Vermont, and four grandchildren.

U.S. COMMITMENT TO PAY DUES OWED TO ILO

Mr. CRANSTON. Mr. President, the American assessment of membership dues to the International Labor Organization is now in arrears. Should these dues not be paid soon, this country will lose its voting rights and a major component of its voice in that international forum.

As Samuel de Palma, Assistant Secretary of State, recently testified before the Senate Appropriations Committee:

The Departments of State and Labor are convinced that, subject to a future review of the situation, it would better serve United States interests to maintain our membership, and that our influence and effectiveness in pursuit of our objectives within the Organization would be seriously

impaired if we were to continue to withhold payment of our legally assessed dues of membership.

The Senate has seen fit to include this \$7.8 million appropriation in the bill which has now come back to this Chamber without it. I do not intend to vote for this bill as it now stands and urge Senators to do likewise until the bill has been revised to include this important appropriation.

POSITION ON POLITICAL ADVERTISEMENTS BY WGN-TV, CHICAGO

Mr. STEVENSON. Mr. President, WGN-TV in Chicago has long been at the forefront of the effort to improve the quality of political advertising. Under the outstanding leadership of Mr. Ward Quaal, WGN-TV has voluntarily refused to accept political advertisements less than 5 minutes in length. According to Broadcasting magazine, for July 26, 1971, Mr. Quaal intends to bring the issue before the National Association of Broadcasters later this year.

I commend Mr. Quaal for this highly constructive initiative and ask unanimous consent that the Broadcasting article be printed in the RECORD.

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

QUAAL WANTS BAN ON POLITICAL SPOTS

A prominent Midwestern broadcaster has called on the National Association of Broadcasters to ban the use of 30- and 60-second spots by political candidates.

Ward L. Quaal, president of WGN Continental Broadcasting Co., said he wants the NAB TV and radio codes amended to prohibit stations from accepting any political statements that are less than five minutes in length in time for the 1972 election.

"I am fearful that unless such a plan is implemented," he told members of the San Diego Advertising Club last week, "we will have the same misunderstanding, distortion of issues and confusion" that occurred in the 1968 election campaign. Spot announcements by political candidates in 1968, Mr. Quaal said, "represented a pitiful reflection upon political leaders and a demonstration of total irresponsibility."

No candidate, Mr. Quaal said, can address himself adequately to his program in the course of a 30- or 60-second announcement. Also, he added, a candidate with heavy financial backing can saturate TV and radio in his area by buying spots.

"It is rather silly," Mr. Quaal said, "if we apply certain standards for shaving creams, dentifrices, gasoline, detergents, pharmaceutical products and intimate apparel and ignore an area which involves the election to office of the man who will lead this great Republic in the months and years to come and who is really the most powerful man on earth."

Mr. Quaal noted that he instituted this policy in 1952 at what is now Avco Broadcasting Corp., and in 1956 at the WGN Continental stations (WGN-AM-TV Chicago, KDAL-AM-TV Duluth, Minn., and KWGN-TV Denver).

Mr. Quaal's recommendation is not the first along these lines. A number of congressmen and senators, as well as political analysts, have expressed the view that 30- and 60-second spots should be banned in political campaigns. The latest was Senator Vance Hartke (D-Ind.) during the political-spending bill hearings by the Senate Communications Subcommittee last spring (BROADCASTING, March 8).

The subject is expected to come before the NAB's TV and radio code boards—the radio board on Sept. 21 in Denver; the TV board, Dec. 9-10 in Phoenix.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

CONFERENCE REPORT ON STATE-JUSTICE APPROPRIATION BILL—MODIFICATION OF UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, yesterday the Senate agreed to temporarily lay aside the pending business at 2 p.m. today for consideration of the conference report on H.R. 9272, the State, Justice, and Commerce Departments appropriation bill.

I ask unanimous consent that that time be changed, instead, to 4 p.m. today.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. I further ask unanimous consent that when the conference report is laid before the Senate, the Senator from North Carolina (Mr. ERVIN) be recognized.

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

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate S. 382, which the clerk will report.

The second assistant legislative clerk read as follows:

Calendar No. 223 (S. 382), a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Kansas (Mr. PEARSON).

QUORUM CALL

Mr. PASTORE. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be taken out of either side.

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

The second assistant legislative clerk proceeded to call the roll.

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

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

Who yields time?

Mr. PEARSON. Mr. President, I yield myself such time as I may be required to use, and I might at this time ask the Chair what the parliamentary situation is.

Is it true that we are now considering an amendment to the Pastore amendment No. 308 in the nature of a substitute?

The PRESIDENT pro tempore. It is not a substitute. It is an amendment to the substitute.

Mr. PEARSON. The question is, to be more precise, whether amendment No. 340, which I understand was laid before the Senate last night and was reported by the clerk, is an amendment in the second degree consistent with the unanimous-consent agreement.

The PRESIDENT pro tempore. It is an amendment in the first degree to the Pastore substitute.

Mr. PEARSON. Mr. President, I shall not seek to identify election campaign financing problems, but only make reference to the fact that I was the principal cosponsor of S. 1, together with my distinguished colleague from Alaska (Mr. GRAVEL), who is now on the floor.

It is my feeling that S. 382, whether it be the predominant version of the Commerce Committee or of the Committee on Rules and Administration, can be a good bill, addressing itself to spending limitations, repeal of section 315, disclosure, and tax incentives for political contributions, seeking to broaden the base of participation in the democratic process.

All of those objectives will be provided in a good bill, if there is provision for enforcement and if it is enforced.

I think that necessitates precise procedures and an agency to act as a registrar, to set forth procedures, to conduct investigations as necessary, to provide for administration, and to do all these things without political pressures and without political influences.

The Commerce Committee version designated that agency to be the Secretary of the Senate and the Clerk of the House, and the Committee on Rules and Administration bill provided that this function should be placed in the General Accounting Office.

The pending amendment provides for an independent agency, seeking to draw to this bill greater public confidence and independence not only from the Congress but from the Executive.

Mr. President, the Secretary of the Senate acts in an employee-employer relationship. The General Accounting Office operates in a principal-agency relationship, the GAO being an arm of the Senate or an arm of the Congress.

I make reference to the CONGRESSIONAL RECORD of July 8 of this year, at page 24004, wherein was inserted a letter from the Director of the General Accounting Office to Senator MAGNUSON, chairman of the Senate Commerce Committee, setting forth first a recognition of the need for this sort of legislation, but further setting forth the nature of the General Accounting Office—the principal-agency relationship; how it needs, in order to be effective, to be an independent agency, and not be embroiled in partisanship issues or even partisanship criticisms.

I think then that if GAO were given this responsibility that not only would it be ineffective to this particular task, but it would reduce the effectiveness of other great and satisfactory roles which

the GAO has performed in the last few years.

The pending amendment would create a five-man commission, with 10-year terms, staggered so a new commissioner would come aboard with the appointment of the President and with the advice and consent of the Senate, every 2 years. It would be composed of no more than three members from any one political party.

This would be done not to create a new bureaucracy, but to compile reports, file reports, establish procedures, and report any possible violations to the Justice Department.

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

Mr. PEARSON. I will yield in just a moment to the distinguished Senator from Pennsylvania.

Let me say that in a conversation earlier this morning with the Senator from Rhode Island I was reminded of the constitutional rights and privileges and duties of the Congress itself. Nothing in this amendment would abrogate any of those rights, duties, and responsibilities.

Now I yield to the distinguished Senator from Pennsylvania.

Mr. SCOTT. I thank the distinguished Senator from Kansas.

Mr. President, first of all I support the amendment. I have advocated the same concept based on my own experience in the Commerce Committee, when we have in the past considered campaign reform, and based on my experience and service in the Committee on Rules and Administration. It is essential that we have an independent agency. I congratulate the Senator for offering the amendment.

I think this is the way we establish that we really mean what we say. I remember a Member of the other body once who used to say: "Whenever we pass a law down here, we ought to add a line: 'By God, we mean it.'"

Now I think we have a good chance to show that Congress is wholly on the level in its desire to have campaign reform and to have an oversight by a truly independent commission. I do not think we ought to embarrass our own staff establishments on Capitol Hill by requiring them to pass judgment on us. I do not think we ought to turn it over to an agency which is bound by long association to be highly responsive to Congress, as is the General Accounting Office. I think we need a truly, genuinely independent commission.

One of these kneejerk columnists of the far left had the colossal gall, in his own particular imbecile way, to imply that I did not want a genuine bill. Now that man is not telling the truth. Moreover, he has not researched the record, and he is certainly not aware of my own consistent desire to have reform.

Heavens, I have put into the RECORD a statement of how much we owe, as well as how much the other party owes. My party has instituted and is instituting programs to pay off their indebtedness and has indicated that to the federally regulated agencies. I have listed how much my party owes and how much I myself owe. I work to pay off my own deficit. I do not owe now, I am glad to say, any money to federally regulated indus-

tries, but I owe a little to the few people who trusted me, and they will be paid.

I am not going to submit mildly or quietly to the imbecile types who, for the benefit of their own readership, will believe anything that some jackasses say; and therefore I believe the way to show that we mean business, the way to show that we are independent, the way to show that we do want a bill which works and one with teeth in it, is to adopt this kind of amendment. I propose strengthening it, and I ask the distinguished Senator from Kansas if he could approve an amendment which I submitted last night, on behalf of myself and Senator BAYH, to further strengthen the independence of this agency. That amendment, designated as No. 359, would be as follows:

On page 2, at lines 13 and 14, strike out "shall be appointed" and insert in lieu thereof the following: "shall be chosen from among persons who by reason of maturity, experience, and public service have attained a nationwide reputation for integrity, impartiality, and good judgment, are qualified to carry out the functions of the commission, and shall be appointed".

I would express the hope that the distinguished Senator from Kansas would accept it and agree to modify his amendment on those lines, so that we can make it crystal clear, to coin a phrase, that we intend this commission to be of the highest possible character.

Mr. PASTORE. Mr. President, will the Senator yield at this point, before discussion takes place on the modification?

Mr. SCOTT. The Senator from Kansas has the floor.

Mr. PEARSON. I yield.

Mr. PASTORE. Could we in some way alleviate the suspicion that might arise? I am not accusing anyone of any ulterior motive at this point, because I will say very frankly, while I know the arguments against this amendment, I still feel personally amenable to it, as the Senator from Kansas knows. But as he spells it out, he specifies that no more than three Members shall be of the same party. I wonder if we could not agree to the amendment suggested by the distinguished Senator from Pennsylvania, together with my amendment making it a six-man commission, because you find, when you get five people, and you do not have them equally represented on both sides, by analogy to the ethics committee here and the situation in our own State of Rhode Island, when you get yourself into this idea of supervising elections and things of that kind, it is usually good to have an even split, and you need not worry over their lack of decision for the simple reason that if you get the caliber of people the Senator from Pennsylvania talks about, any abuses will be reported, and it removes that suspicion.

Mr. PEARSON. Mr. President, speaking of the proposal of the Senator from Pennsylvania, I have no objection to his modification. It just makes clear what I hope the President would follow in making appointments, and what is the essential role of the Senate in advise and consent.

May I say to the Senator from Rhode Island that I gave some thought to his

suggestion last night, reached independently of his suggestion. The setting up of a commission in most instances requires an odd number for decisionmaking, but here, to accentuate the bipartisan nature or nonpartisan nature, if you will, I would have no objection at all to making this a six-member commission.

What I seek to do, above everything else, is to find some source of independence from Congress, from the executive branch and from politics. If the Senator from Pennsylvania would so modify his amendment, by changing the word "five" to "six," I would be glad to accept both the suggestion of the Senator from Rhode Island and that of the Senator from Pennsylvania.

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

Mr. PEARSON. Mr. President—

Mr. PASTORE. On our time.

Mr. PEARSON. Of course.

Mr. CANNON. I would just like to give a little background as to why we came up with the solution we did in the Rules Committee.

As Senators know, there was considerable support for the Clerk of the House of Representatives and the Secretary of the Senate, on the theory that under the Constitution each House is the judge of the rights of its own Members to be seated.

Mr. PEARSON. Yes.

Mr. CANNON. And we heard testimony at some length from people who were interested and had some expertise on this subject. While a number of witnesses said they would prefer an independent elections commission, they thought the GAO was a good compromise. This was more or less the reason we went to the GAO, because the GAO has a history of being about as independent an agency as can possibly be found in Government. It was originally created in 1921 by the General Accounting Act, and it was vested with all the powers and duties of six auditors and the Comptroller of the Treasury. We, of course, have used it very extensively since that time.

The authority was expanded and enlarged by various acts of Congress, and the office has grown to the point that today it certainly has a full staff of trained auditors, investigators, and others who have the experience and the expertise to really do a job such as would be required here.

One of the reasons that I was not favorably inclined toward the independent commission is that to establish such a commission, that has a job only every 2 years, is really to set up another bureaucracy, such as, for a good example, the Subversive Activities Control Board—another way to spend the Government's money without giving anyone a job to do.

Obviously, the commission would have to expand during an election year, build up its staff, and be prepared to handle the matters relating to an election, and then, after the election year is over, they have nothing to do.

I realize the proposal would establish the Commissioners on a part-time, \$100-a-day basis, but on that basis I do not think they would ever develop the tech-

nical expertise that would really be developed by the General Accounting Office. I certainly hate to see us—

The PRESIDING OFFICER (Mr. GAMBRELL). The time of the Senator from Kansas has expired.

Mr. CANNON. We were operating on the time on this side of the aisle, and I will yield another 5 minutes. We were not operating on the time of the Senator from Kansas.

The PRESIDING OFFICER. That had not been made clear to the Chair. But we will proceed on the time of the Senator from Nevada.

Mr. CANNON. So, Mr. President, this is one of the reasons that we did not accept the proposal in the first instance.

The idea that there is an independent agency completely removed from politics is good. Theoretically, all of our independent agencies are removed from politics. They are made up with balance. But we all know the facts of life, and we know, for example, that the former chairman of the Republican National Committee is now chairman of one of these independent agencies, and, if the Democrats were in, the probabilities are that one of the agencies would be chaired by the former chairman of the Democratic National Committee.

So to say that they are completely removed from politics, in these appointive jobs, is not quite correct, and I do not know how we could ever get them completely removed.

As I say, I am quite reluctant to see us establish another bureaucracy that is going to cost the American taxpayer more than what we could do the job with through the General Accounting Office. That is my whole view on the matter.

Mr. PEARSON. Yes. I appreciate that comment and the rationale of the committee. It has great merit.

Before I respond to the comments of the Senator from Nevada, I wonder if I might ask unanimous consent to accept the modifications of the Senator from Pennsylvania and the Senator from Rhode Island, before we get the yeas and nays ordered.

The PRESIDING OFFICER. The Senator may modify his amendment as a matter of right. There have been two modifications suggested; does the Senator propose both modifications?

Mr. PEARSON. Yes.

The PRESIDING OFFICER. Will the Senator send those modifications to the desk?

Mr. PASTORE. They are being prepared now.

Mr. CANNON. I wonder if the Senator would yield one further moment, on my time.

Mr. PEARSON. Yes, I am pleased to yield.

Mr. CANNON. I made the statement earlier that some of the witnesses who testified before our committee said they favored the separate commission, but that they felt a good compromise would be to compromise on the General Accounting Office. One of those was Deputy Attorney General Kleindienst, who said that while he favored the independ-

ent commission, he felt the GAO was a good compromise. Senator JORDAN testified to that same effect, Senator COOPER to the same effect, and Dr. Alexander, who has considerable expertise in this area, to the same effect. All have said that they think this is a good compromise, to go to the General Accounting Office. So I submit that for consideration.

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

Mr. CANNON. I yield.

Mr. PASTORE. This is on my time, Mr. President.

First of all, I congratulate my colleague, who is the chairman of the subcommittee of the Committee on Rules and Administration.

I think he did what he thought was the right thing. There is no question at all that perhaps either way would be the proper way. This has been endorsed by the group known as Common Cause; this has been endorsed by the group known as the Committee for a More Effective Congress. It is a proposal that is very satisfactory or amenable to some Democrats on this side.

However, as I said yesterday, this is not to be a political instrument. There is no desire on the part of the Commerce Committee, no desire on the part of the senior Senator from Rhode Island, and no desire on the part of the Senator from Nevada to make this a game between Republicans and Democrats; because if it got to that point, I would no longer be interested.

I became involved in this very important subject because of what has been happening—the spiraling costs—and something needs to be done to bring this matter under control before we scandalize ourselves as an institution. So I think that, in the spirit of bipartisanship, we ought to go along with this amendment.

As I said before, we are not tied down to the pride of authorship. If anyone comes along with a suggestion that we feel will improve the bill, the Senator from Rhode Island and the Senator from Nevada not only are willing to listen but also to abide.

It is in that spirit, Mr. President, that I shall vote for the modified amendment. That is the way I feel about it.

Mr. PEARSON. Mr. President, I modify my amendment as proposed by the Senator from Pennsylvania, and modified further consistent with the proposal of the Senator from Rhode Island.

These modifications would contain certain language that deal with the personnel of this commission and would make it a six-man commission, with 12-year terms, staggered terms, appointed by the President, with the advice and consent of the Senate.

The PRESIDING OFFICER. The amendment will be so modified, and the clerk will read the modifications.

The assistant legislative clerk proceeded to read the modifications.

Mr. PEARSON. Mr. President, I ask unanimous consent that further reading of the modifications be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without

objection, the modifications will be printed in the RECORD.

The modifications are as follows:

On page 2, line 12, strike "five" and insert in lieu thereof the word "six".

On page 2, line 18, after the words, "ten years," the following: "and one for a term of twelve years."

On page 2, line 20, strike the word "ten" and add the word "twelve."

On page 3, line 5, strike out "3" and insert "4."

Mr. PEARSON. Mr. President, I think I should respond to the Senator from Nevada, who made some very valid points in relation to this amendment.

I am as sensitive as he is about a new bureaucracy. I think it will be found that most of the body of this amendment seeks to address itself to that problem—a per diem arrangement for members of the commission, a requirement to use personnel of the Justice Department and the GAO when necessary.

If we are going to have a job to do, and additional work to do, it is just a matter of where the additional bureaucracy—there is no other word for it—is going to be. With respect to the General Accounting Office taking this over, I say to the Senator that Mr. Staats, in a letter to the chairman of the Commerce Committee and in another letter to me, of a more personal nature, has indicated his lack of desire—almost a plea—not to be asked to undertake this. So the question is whether we are going to have more bureaucracy in the General Accounting Office or whether we are going to have more bureaucracy in the office of the Secretary of the Senate or whether we are going to have an independent commission. I do not really envision this to be a large, unyielding body of men and people.

Whatever the cost, I think it can be justified in renewed confidence in the inevitable result of reform, which is essential in this field.

So, I am sympathetic to the points raised about the additional bureaucracy and the great possibilities and the great record of the General Accounting Office. I think it is most natural that the committee look in that direction. It is an agency which has served us so well that I do not know what we would have done without it in many fields of congressional effort. That is why I think one of the most persuasive arguments is the letter of Mr. Staats, indicating that he thinks that this additional assignment would diminish his independence and his authority to act.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Mr. John W. Gardner, chairman of Common Cause, dated July 26, 1971, and an editorial which was broadcast by Station WTOP on July 29 and July 30, 1971.

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

COMMON CAUSE,
Washington, D.C., July 26, 1971.

Hon. JAMES B. PEARSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PEARSON: You have done a great service to the public in your proposal to amend S. 382 by establishing a federal

elections commission. The amendment has the strong support of Common Cause.

The need for an independent commission should be self-evident. Effective enforcement of the new law will be a grave responsibility affecting political careers and party fortunes, and should not be assigned to an office that is associated with Congress or the political parties.

Assigning the responsibility to a registry in the Government Accounting Office is clearly inappropriate. The GAO performs delicate tasks for the Congress, tasks that require an easy relationship of trust and confidence. That relationship could not survive the controversies that would inevitably beset any enforcement agency presiding over campaign finance. The Comptroller General himself has argued that such a responsibility would place a crippling burden on his office.

An independent elections commission would stand on its own, bearing the full consequences of its decisions and rendering objective judgments on the facts of each case. It would be free from even the appearance of Congressional influence. No conflicting obligations would restrain it from diligently searching out violations of law and reporting those violations impartially. Because an independent elections commission would have greater stature than a registry in the GAO, its decisions on controversial issues would be more readily accepted. In the eyes of the public, the establishment of a new commission would dramatize the departure from past practice and lend credibility to Congress' announced willingness to open political campaigns to objective scrutiny.

With adequate enforcement such as you would provide, I believe that S.382 could be a landmark reform. Without adequate enforcement, it is likely to fall flat. For the sake of the campaign reform Congress has worked so hard to achieve and for the sake of public confidence in the political process, I hope your amendment is adopted.

Sincerely,

JOHN W. GARDNER,
Chairman.

A WTOP EDITORIAL

As Congress moves toward final bills on campaign finance, there's still a strong compulsion—especially in the House—to *hide* as much as possible about the sources of money in political campaigns. Congress must be pressured relentlessly to write a law that will *reveal* as much as possible.

The bill which the House elections subcommittee has favored contains an atrocious provision which would require only one public disclosure of contributions and expenditures, and that would come 45 days after an election. A fat lot of good that kind of disclosure would do!

The Senate's primary bill, on the other hand, would vastly improve the disclosure process, with four major reports of fund-raising activities filed every single year—including non-election years as well. That's the right direction.

In terms of policing and enforcing disclosure, the House is leaning toward a solution which is politically loaded. It would let the clerks of the House and Senate—political appointees both—continue to be watchdogs. We can't for a minute envision that such hired-hands would vigorously enforce the law against their political masters.

The Senate bill puts the whistle in the hands of the General Accounting Office, which would be an immense improvement. The GAO, at least, is once removed from the danger of political reprisals.

Far and away the best solution would be a new, independent, bipartisan Elections Commission, which also has the support of the President. We urge the Senate to lead the way by opting for such a Commission.

Big money in politics has created some big dangers for government in this country.

When that money is concealed, the danger is multiplied. As Senator Mondale noted recently, "It's often more revealing to know who a politician takes money from, than what he says in his speeches."

As showdown time approaches on campaign finance legislation, let disclosure—wide disclosure—be the key.

This was a WTOP Editorial . . . Norman Davis speaking for WTOP.

Mr. PEARSON. Mr. President, I reserve the remainder of my time, if I have any left.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Nevada has 5 minutes.

Mr. PEARSON. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were not ordered.

Mr. PASTORE. Mr. President, I ask for the yeas and nays on the amendment. I hope every Senator will raise his hand.

The yeas and nays were ordered.

Mr. CANNON. I yield myself 3 minutes.

Mr. President, I want to associate myself with the remarks of the Senator from Rhode Island. We are anxious to try to get a bill. We have gone too long by marching up the hill and then going down the hill over the last few years, to try to get some meaningful bill on election reform, even to the extent of having a bill passed in this body by a vote of 86-to-0 and still not being able to get it through.

I think we all are interested in the same objective. I have explained the reasons why our committee went to the compromise position of the General Accounting Office. I still think it would be best, because it would cost less money, and it would result in one less bureaucratic agency than if we established a separate commission.

Of course, the expert witnesses to whom I referred testified that this was a good compromise. It was an acceptable compromise, so far as they were concerned. However, we did not get all the provisions out of my committee that I would like to see. I was voted down on a number of provisions in committee, and the bill came from the Rules Committee with a number of amendments that I would prefer not to have.

Again, I say that I am interested more in trying to get a bill that will give us some meaningful election reform, which we can get on the books, and then get on with our business.

So, Mr. President, under those circumstances, I am willing to accept the amendment of the Senator from Kansas, along with the Senator from Rhode Island (Mr. PASTORE).

I reserve the remainder of my time.

Mr. PROUTY. I yield myself 3 minutes on the bill.

Mr. President, I had an amendment very similar to one which has been offered by the distinguished Senator from Kansas, and I was prepared to offer it before the Rules Committee; but I decided that this matter was of sufficient importance that it deserved wider publicity than would have been possible had we simply acted on it in the Rules Committee.

I commend the distinguished Senator

from Kansas for offering the amendment, of which I am a cosponsor. I think the compromise which has been agreed to is highly commendable. It will go a long way to suggest to the general public that we are acting in a strictly non-partisan manner, and I hope we shall continue to do so on other amendments submitted.

I invite the attention of the distinguished Senator from Nevada to the last section of the amendment, which reads as follows—and I am referring now to his fear that we are creating a new bureaucracy:

"(1) In carrying out its responsibilities under this title, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities, of the General Accounting Office and the Department of Justice. The Comptroller General and the Attorney General are authorized to make available to the Commission such personnel, facilities, and other assistance, with or without reimbursement, as the Commission may request."

Mr. President, it seems to me that covers the situation clearly.

I ask unanimous consent to have printed in the RECORD a letter addressed by the Comptroller General to the chairman of the Appropriations Committee, the distinguished Senator from Louisiana (Mr. ELLENDER). Let me quote one sentence from it:

We are strongly opposed to placing the responsibility for the administration of Federal campaign financing requirements in the Comptroller General.

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

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., June 9, 1971.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Appropriations,
U.S. Senate

DEAR CHAIRMAN: This replies to your request for our views on the question of involving the Comptroller General in the reporting, disclosure, and investigative functions concerning federal campaign contributions and expenditures, as is proposed by S. 382, as amended by the Senate Committee on Rules and Administration.

We are strongly opposed to placing the responsibility for the administration of Federal campaign financing requirements in the Comptroller General. Our position, as we have stated in the past with regard to several bills, is that we should not be given the responsibility for audit, investigation, or enforcement in connection with Federal elections. We believe that the effectiveness of the Comptroller General and the General Accounting Office depends in large measure upon maintaining a reputation for independence and objectivity. Not only must we remain free from political influence, but we must zealously avoid being placed in a position in which we might be subject to criticism, whether justified or not, that our actions and decisions are prejudiced or influenced by political considerations. We are, therefore, apprehensive of any measure that might subject us to such criticism, the inevitable result of which would be a diminution of congressional and public confidence in our integrity and objectivity.

Because our relationship to the Congress closely resembles that of principal and agent, we especially wish to avoid being placed in the anomalous situation of having to investigate and report on our principal. Over the years, we have had frequent and recurring

associations with the committees of the Congress and with many of the members of Congress acting in their individual capacity. Our relationship has been most harmonious, but we are quite concerned that it could be severely impaired were we required to investigate and report on members of the Congress concerning campaign funds and expenditures.

We agree that there is a need for new legislation relating to the disclosure and financing of Federal election campaign costs, but we strongly recommend that the administration of legislation in this area not be placed in the Comptroller General. An alternative which we believe should be given serious consideration, would be the establishment of an independent, nonpartisan election Commission to oversee Federal campaign spending. This approach is proposed in two bills, S. 1 and S. 956, which have been introduced in the 92d Congress.

We very much appreciate your interest in obtaining our views on this legislation.

Sincerely yours,

(S) ELMER B. STAATS,

Comptroller General of the United States.

Mr. PROUTY. Mr. President, I am pleased to be a cosponsor of amendment No. 340 to amendment No. 308. The primary purpose behind election reform is to restore confidence of the American people in our election process. In order to achieve this end, it becomes essential for us to enact meaningful legislation. The only way that legislation can be meaningful is if we place the responsibility for administering the law in an agency which can insure impartiality and strict enforcement.

You will recall that S. 382 as introduced placed a responsibility for administering the disclosure law with the Clerk of the House and the Secretary of the Senate. Not only have those officials enforced the Federal Corrupt Practices Act of 1925 with less than active vigor, but also, by their very nature, there was a problem in giving them the task for administering the disclosure provisions of this act. First of all, they would have had to increase their staff tremendously. Second, being appointed by the Members of Congress, they hardly could have been expected to have enforced the law with vigor. When Deputy Attorney General Kleindienst testified before the Senate Commerce Committee, I asked the following question: The suggestion has been made that a Federal Election Commission be established with very detailed reporting required. Do you have any position on that? He responded as follows:

I think it is our position that probably an independent commission established by the Congress with appropriate personnel and appropriations would do a better job than the system that you now have. Even if it was put together on a bipartisan basis with appropriate staff and money I think it would be a good approach to this problem.

Unfortunately, as we have previously pointed out, the bill was not considered in its entirety by the Senate Commerce Committee. However, it is interesting to note that on page 33 of the majority report, there was the following acknowledgment that the demand for an independent Federal Elections Commission was great: There was strong feeling expressed by some members of the committee that an independent Federal Elections Commission should be created, in lieu of the Secretary of the Senate and

the Clerk of the House, to supervise the enforcement of this legislation. The committee members strongly recommend to the Committee on Rules and Administration that they give this matter very serious consideration.

Senator PEARSON and others have pointed out the tremendous public interest for an independent Federal Elections Commission, and in testimony before the Senate Rules Committee, the distinguished senior Senator from Virginia (Mr. SPONG) testified as follows:

Briefly, I believe the bill should be amended to provide the creation of a Federal Elections Commission, as proposed by S. 956. Such a commission would seem to me to be a more effective agency for enforcing disclosure requirements than the Secretary of the Senate and the Clerk of the House who are designated for these responsibilities under S. 382. Because it would have only this function and because it would be independent of the Congress, the commission is far more likely to vigorously carry out the provisions of the law.

A number of other witnesses appearing both before the Commerce Committee and the Rules Committee endorsed the concept of an independent Federal Elections Commission. In our deliberations at the Rules Committee there was sharp disagreement as to where the responsibility should be placed. A number of questions were raised concerning the constitutionality of placing the responsibility anywhere other than in Congress. Deputy Attorney General Kleindienst had pretty well resolved that matter, so far as I was concerned. In a letter to Chairman MAGNUSON of the Senate Commerce Committee dated April 8, 1971, the Deputy Attorney General stated the following:

Finally, the Department is of the opinion that the establishment of an independent commission to administer the disclosure requirements would not constitute an unlawful delegation of legislative authority to the executive branch. Presently, reports and statements under the Federal Corrupt Practices Act (2 U.S.C. 244-246), and under the Federal Regulation of Lobbying Act (2 U.S.C. 264) are filed with, and preserved by, the Clerk of the House of Representatives and the Secretary of the Senate. The creation of an independent commission would not deprive either House of its constitutional authority under Article I, section 5, nor would it involve a delegation of such authority. Rather, it would merely permit each House better to exercise its authority by acting upon the most informed judgment.

Personally, I was mildly pleased that the Rules Committee agreed to give up the notion that only the Clerk of the House or the Secretary of the Senate could administer a Federal Campaign finance disclosure law.

As you know, Mr. President, I have long been an admirer of the Comptroller General. The integrity of the Comptroller General and the General Accounting Office is beyond question. I recall that several years ago I amended the Equal Opportunity Act so as to require a comprehensive study by the Comptroller General as to the effectiveness of the war on poverty. He carried out that study with impartiality and thoroughness, which today has resulted in some improvements in that particular

program. However, I could not agree that we had acted wisely by placing the Comptroller General of the United States in a position of administering the Federal Election Campaign Act of 1971. In my supplemental views to the Rules Committee I pointed out the following:

In placing the Comptroller General in the position of administering a campaign disclosure law, we are placing upon him the impossible burden of deciding whether or not his "employers" have complied with the law. The integrity and thoroughness of the Comptroller General and the General Accounting Office is beyond question. We must consider that his effectiveness in conducting investigations and studies for individual Members of Congress could be impaired if he were placed into the position of questioning the completeness of a disclosure by a Member or a committee supporting a Member.

I was convinced then and I am convinced now that the Committee's reasoning in adopting the amendment, placing the Comptroller General in charge of this law, was not based on any firm commitment against the Federal Elections Commission. For example, Mr. President, on page 61 of the Rules Committee report, the following reasoning is given:

With respect to the approval by the Committee of an amendment to direct the Comptroller General and the General Accounting Office to perform the duties set forth by pertinent sections of the bill, it is noted that opinion was and continues to be divided between the continuation of the offices of Secretary of the Senate and Clerk of the House of Representatives to act as depositories for statements and for other purposes, and the creation of a Federal Elections Commission to carry out those functions.

Recognizing the probable need of a Federal Elections Commission to borrow, from time to time, competent auditors, accountants, and investigators from GAO in order to avoid the expenditure of unnecessary money for salaries during nonelection years, among other reasons, the Committee agreed that the office of the Comptroller General which already is charged with oversight authority over certain government contracts and spending, and which employs many experienced accountants and investigators, would be preferable to the offices of the Secretary and the Clerk.

Accordingly, the Committee approved an amendment which in every pertinent title, section, or other provision of S. 382, changes the language of the bill to reflect the Comptroller General in lieu of the Secretary of the Senate and/or the Clerk of the House of Representatives.

Now, Mr. President, all those who suggest that we be creating bureaucracy should put their fears to rest. The Pearson amendment specifically provides that the independent commission should use to the maximum extent possible the services of GAO and the Justice Department. We would not be creating a big new bureaucracy. What we would be creating is an impartial, unbiased independent commission which could restore the faith of the American people.

Mr. President, this brings me to my final point. The Comptroller General himself agrees with me that he would be put in an untenable position if he were placed in charge of determining which Congressman or Senator may or

may not have complied with the law. On every Senator's desk is a letter from the Comptroller General to the distinguished Senator from Louisiana, Senator ELLENDER. I believe we should follow the advice of the Comptroller General and good common sense by adopting the Pearson amendment creating an independent Federal Elections Commission. Let us have the courage to make the Federal Election Campaign Act of 1971 one that we can all be proud of.

Mr. PASTORE. Mr. President, I am ready to yield back my time. I am ready to vote. How much time do I have left? The PRESIDING OFFICER (Mr. GAMBRELL). Three minutes.

Mr. PASTORE. I thank the Chair. I yield 1 minute to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 minute.

Mr. GRIFFIN. Mr. President, as a member of the Commerce Committee, I strongly supported a similar amendment to the bill when the legislation was before that committee.

I ask unanimous consent to have printed in the RECORD additional views which I inserted in the report of the Commerce Committee, indicating my support for this particular approach.

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

ADDITIONAL VIEWS OF MR. GRIFFIN

In 1913 Supreme Court Justice Louis D. Brandeis noted that:

"Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best disinfectant; electric light the most efficient policeman."¹

In today's era of instant communications, Brandeis' statement is doubly relevant.

The bill reported by the Committee makes significant strides in the direction of full and timely disclosure. It provides the current for the electric light as well as the light bulb. But, unfortunately, it does not assure that someone will be available to switch on the light.

What good is a reporting system if there is no effective agency to police it? As in the past, S. 382 would continue to provide that reports by candidates and political committees be filed with the Secretary of the Senate or the Clerk of the House.

As the Twentieth Century Fund pointed out in its 1970 report on campaign financing, the Secretary of the Senate and the Clerk of the House "do not have the authority, the staff, or the motivation to do anything but accept the reports that are filed."

Furthermore, these agents of Congress, realistically speaking, are just not in a position to investigate charges of campaign abuse—particularly in the case of charges lodged against incumbent Members of Congress.

To leave the present regulatory set-up unchanged would surely invite public criticism that Congress is writing a law that would be nothing more than a paper tiger.

If one of the principal purposes of enacting reform legislation is to restore public confidence in the electoral process, then I submit that in-house regulations does not aid in achieving it.

On the other hand, there is widespread support for creation of an independent, bipartisan (or nonpartisan) Federal Commission to oversee the spending and disclosure

requirements. In 1960 the Citizens' Research Foundation published a report entitled "Money, Politics and Public Reporting" by Dr. Herbert E. Alexander. In the report it was suggested that:

There is much to commend the establishing of an independent agency patterned, for example, upon the Civil Rights Commission. The electoral-financial process is hardly more sensitive an area than that of civil rights, and the strong opposition to the latter's establishment was overcome. . . .

Certainly, the record of the Civil Rights Commission, particularly in the area of voting rights, provides an excellent precedent.

Since this 1960 report was published, support for the concept of a Federal Elections Commission has mushroomed. Both the Foundation's report and the 1962 Report of the President's Commission on Campaign Costs called for creation of an independent Registry of Election Finance.

More recent proposals have also called for such a commission with investigative as well as publicity functions. Two of the bills that were before the Committee—S. 1, cosponsored by Senators Gravel, Brooke, Javits, Mansfield, Moss, Muskie, Packwood, Pearson, Randolph, Spong and Symington, and S. 956, cosponsored by Senators Scott, Mathias, Hatfield and Humphrey—call for establishment of a Federal Elections Commission.

In addition, other organizations, such as the National Committee for an Effective Congress, have spoken out in support of the commission approach. In a statement submitted to the House Committee on Standards of Official Conduct last December, the NCEC emphasized that "[e]ffective reform requires, at a minimum, the creation of an independent, non-partisan Federal Elections Commission insulated from and protected against the political pressures of the day."

Similarly, the position of the Justice Department and the Administration is that "a commission would be insulated from outside pressures and would increase the likelihood of vigorous enforcement."

Those who oppose establishment of such an Elections Commission say, in effect, that spending limitations, full disclosure and tougher penalties as provided in the bill will be enough to meet the mounting criticism against campaign spending abuses. But such an argument is unrealistic. While the tighter controls on spending and disclosure in the bill are essential, there is no glue to hold the pieces together in the absence of an effective independent, bi-partisan agency to monitor such activities.

Accordingly, while I recognize other deficiencies and inadequacies in the reported bill, including some outlined in the supplemental views, I believe the most glaring shortcoming is the omission of a Federal Elections Commission. I hope an effort to remedy this shortcoming will succeed.

ROBERT P. GRIFFIN.

Mr. PASTORE. Mr. President, I yield my remaining 2 minutes to the Senator from Alaska (Mr. GRAVEL).

The PRESIDING OFFICER. The Senator from Alaska is recognized for 2 minutes.

Mr. GRAVEL. Mr. President, I endorse the pending amendment and would like to say to my colleague from Nevada that I share his view that if there is anything we must be, it is vigilant against expansion of bureaucracies which seem to be the character of our system. If there is ever an area that indicates the need for expansion, it certainly would be in this area, which is the touchstone of our democracy. There is probably nothing that will be more important, no agency that will be more important than the operation of a system

¹ L. Brandeis, *What Publicity Can Do*, Harper's Weekly at 10 (Dec. 20, 1913).

of representative government than will be this one, since this one will actually police the methods that bring about the creation of all else. So I would agree with his view, but I am forced to deviate because of the importance of this single act.

Now, Mr. President, the bill currently before us is the most comprehensive and meaningful proposal for reform of election campaigns ever to be considered by the Senate. Its passage will go a long way to restore the lost confidence in the electoral process so prevalent today by letting the public know where campaign funds are coming from and where they are going.

Both the Commerce and the Rules Committees are to be highly commended for the prompt but careful attention they have given this subject, and I hope the whole Senate will follow their lead with an early enactment of this legislation.

Before final passage, however, there are several perfecting amendments which I believe should be adopted.

One of the most important of these is the amendment by the senior Senator from Kansas (Mr. PEARSON) to replace the General Accounting Office as repository of election reports with a nonpartisan Federal Elections Commission. This idea was contained in my own election campaign reform bill, S. 1, and I still think it the best assurance of full and fair disclosure of campaign financing.

While there is no question that the GAO possesses the facilities and expertise necessary to function as the repository of campaign reports, competence is not the only requirement if we are to have the most meaningful and complete disclosure of all campaign receipts and expenditures. We must also have independence.

The GAO is not, of course, subject to the charge of partisanship, which can hardly be avoided if the Secretary of the Senate and the Clerk of the House serve as the receivers of financial reports, as at present. Therefore, the committee's idea of placing this responsibility with the General Accounting Office is a commendable one, and constitutes a great step in the right direction.

Nonetheless, assigning this task to the GAO creates unique problems of its own. It would place the General Accounting Office in an investigatory and reporting capacity vis-a-vis the Congress, thus reversing the employer-employee relationship between the two bodies.

The undesirability of this situation was remarked upon by Elmer Staats, the Comptroller General, in a letter to the chairman of the Appropriations Committee (Mr. ELLENDER). He stated that—

The General Accounting Office is strongly opposed to placing the responsibility for the administration of Federal campaign financing requirements in the Comptroller General.

Mr. Staats said:

We believe that the effectiveness of the Comptroller General and the General Accounting Office depends in large measure upon maintaining a reputation for independence and objectivity. Not only must we remain free from political influence, but

we must zealously avoid being placed in a position in which we might be subject to criticism, whether justified or not, that our actions and decisions are prejudiced or influenced by political considerations . . . because our relationship to the Congress closely resembles that of principal and agent, we especially wish to avoid being placed in the anomalous situation of having to investigate and report on our principal.

This is the inherent weakness in the proposal that the GAO assume responsibility for future financial disclosures. Any such extension of the Comptroller General's authority would be burdensome and uncomfortable, and could thereby prejudice not only the full disclosure of campaign financing but the other work of the GAO as well.

Creation of an independent, non-partisan Federal elections commission would avoid this difficulty. And it would not—as some have thought—entail setting up a whole new bureaucracy. The five-man commission would assume the responsibilities of decisionmaking and promulgating regulations, but the day-to-day work of receiving reports, conducting audits, and investigating abuses could be performed by personnel already available in the General Accounting Office and the Department of Justice.

The elections commission is a very practical idea, long supported by such reform-minded groups as the National Committee for an Effective Congress and the Citizen's Research Foundation. I hope that the Senate will adopt the amendment offered by the Senator from Kansas and myself.

Mr. BROOKE. Mr. President, comprehensive reform of the Federal campaign practices law is one of the most important issues with which the Congress must deal this year. Election after election, we have seen evidence that the American public is becoming increasingly weary and disillusioned by widespread abuse at campaign time of its tolerance, its intelligence, and its laws.

By its initial efforts in Commerce and Rules Committees, the Senate has posted clear notice that it intends to consider and approve the most sweeping reform and regulation of election laws in the Nation's history. I commend those Senators on both sides of the aisle who have worked diligently and cooperatively for several months, and trust that this spirit will carry the bill to prompt enactment. These efforts have laid a solid foundation for the molding of legislation which is both fair and effective.

Although previous legislation, principally the Corrupt Practices Act and the Hatch Act, has provided a basis for establishing some sense of order in campaign law, these acts have not been notably successful in preserving the integrity of the election process. Nor have they been adequately enforced over the years by the responsible officials of the Congress and the Justice Department. I am confident that this new legislation will provide means by which existing loopholes can be tightened and enforcement made more stringent.

There are several sections of the proposed legislation which I believe are deserving of special comment.

First, I believe that the most signifi-

cant section of this bill is title III, which is concerned with disclosure of receipts and expenditures by candidates and their political committees. Should the Rules Committee version of the bill be enacted—and I am not aware of substantial opposition to most of its principal provisions—the American public will be provided with extensive information describing all phases of each candidate's financial activity.

Specifically, the treasurer of each political committee will be required to maintain records of all contributions and expenditures, and to file with the administrative office enforcing this act a listing of all contributions and expenditures in excess of \$100. The bill requires that such reports be made on five separate instances prior to any election, including on the 5th day preceding the election.

I support also the provision, originally proposed by Senator SCOTT, requiring that candidates provide monetary guarantees that debts will be paid when owed to businesses regulated by the Federal Government, such as the telephone and airline companies. In my mind, it is scandalous that several candidates in the 1968 elections still owe hundreds of thousands of dollars to these corporations and have given no indication that the debts will ever be cleared.

Comprehensive disclosure is vital because it permits the voters to review the sources of funds for each candidate, as well as the total amount of such contributions. Indeed, disclosure requirements, if enforced, make less necessary any limitation on contributions or spending because they provide the public full opportunity to determine the appropriateness of a candidate's income and spending practices, and to translate that judgment into action at the ballot box.

It should be clear that a sum of money spent in one heatedly contested race might properly be greater than a sum of money spent in a mildly contested race in the same State. I for one have greater confidence in the logic and wisdom of an informed American electorate than I do in uniform legislative guidelines. Consequently, I fully support the disclosure provisions in the bill.

Third, I strongly support the amendment offered by Senator PEARSON of Kansas, which would create an independent Federal Elections Commission to supervise the enforcement of campaign laws. This proposed five-member bipartisan commission, appointed by the President with the advice and consent of the Senate, would have full power to investigate charges of illegal campaign activities, to subpoena evidence, and to report possible violations of law to the Justice Department for prosecution.

These important responsibilities can be most effectively undertaken by a body which is almost entirely independent of both the executive and legislative branches. Although it would be an improvement over present law, the proposal that the General Accounting Office be assigned the responsibility would endanger that important body's nonpartisan status. Indeed, the Comptroller General, as Director of GAO, has himself

stated that he favors the independent election commission.

Bearing in mind that fair campaign practices will, in large measure, follow from stringent disclosure requirements, the Congress should be particularly careful to respect first amendment considerations in establishing campaign spending limitations. As incumbents, we ought to recognize that we have the most to gain by tightly limiting allowances for media expenditures. In most contests, the challenger starts with a serious disadvantage simply because his name and face are largely unknown. I believe that any campaign regulation should bear this factor in mind.

Thus, I strongly support the repeal of section 315 of the Communications Act for all candidates for Federal office, congressional as well as presidential. The present "equal time" requirement prohibits broadcasters from granting the two or three major party candidates an opportunity to debate and discuss the issues without providing an equal opportunity to all other candidates for the same office. The section should be repealed because it is unrealistic and because its net effect is to provide little, if any, free air time to any candidates for Federal office. Surely, it makes little sense to take the halfway measure of repealing the law only insofar as it applies to presidential contests. Recent experience as well as statistics prove that there is a much greater likelihood of third party opposition in a contest for the Presidency than in one for the Congress; therefore, if section 315 is repealed for presidential elections, there would be little point in retaining it for other Federal contests.

Repeal of section 315 would logically bring about a second highly desirable goal—a reduction in spending for media advertising and in the superficial commercialization of candidates that has become much too familiar in American political life.

After thorough consideration, I have concluded that we should adopt that part of the amendment proposed by Senator PASTORE which would limit spending for broadcast media to 5 cents per eligible voter. A study of the 1970 expenditures in senatorial contests reveals that a large majority of the candidates would have spent less than 5 cents per voter. There is, therefore, no need to enact into law a provision which has the effect of permitting increases, rather than limits, of the high costs of campaigning.

My decision on this matter was influenced also by two additional aspects of the bill about which there is little disagreement. First, the spending limitation will be based on the number of eligible voters rather than the number of individuals voting in the previous election. Second, the bill requires that all charges for broadcast facilities be assessed at the lowest unit advertising rate of the station in the 45 days prior to a primary election and 60 days prior to a general election. These changes will, in most cases, translate the 5-cent limit of the present bill to approximately 10 cents under the old standards.

Along with the 5-cent per eligible voter limit on nonbroadcast media expenditures, as well as repeal of section 315, this provision would place a reasonable limitation on the amount of television advertising but would still be high enough to provide adequate opportunity for each candidate fully to present his views to the public in whatever manner he sees fit.

The Senate will be debating other important aspects of this bill in the coming days. Hopefully, these efforts will result in legislation which is desired by a great majority of the public as well as by most individuals who run for public office.

It is clear that the American campaign process has become, in too many instances, a contest where the survivors are the wealthiest, the best performers, and the ones with the best advertising consultants. If we are to restore the confidence of American citizens in the political process and in the Congress itself, passage of this bill is a vital and requisite step.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, whatever time I had, I yield to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. (Mr. GAMBRELL). All time on the amendment has now been yielded back.

The question is on agreeing to the amendment, as modified, of the Senator from Kansas (Mr. PEARSON).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. MAGNUSON), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from Indiana (Mr. BAYH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senators from Tennessee (Mr. BAKER and Mr. BROCK) are detained on official business.

The result was announced—yeas 89, nays 2, as follows:

[No. 186 Leg.]
YEAS—89

Aiken
Allen
Allott
Anderson
Beall
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton

Cranston
Curtis
Dole
Dominick
Eagleton
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield

Hollings
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Mansfield
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss

Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph

Ribicoff
Roth
Saxbe
Schwelker
Scott
Smith
Sparkman
Spong
Stevens
Stevenson

Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Welcker
Williams
Young

NAYS—2

Buckley

Long

NOT VOTING—9

Baker
Bayh
Bentsen

Brock
Eastland
Hughes

Magnuson
Mundt
Stennis

So Mr. PEARSON's amendment, as modified, was agreed to.

AMENDMENT NO. 342

Mr. SCOTT. Mr. President, I call up my amendment No. 342 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

On page 17, between lines 2 and 3, insert the following:

"Sec. 208. Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 614. Extension of credit to candidates for Federal office by certain industries

"(a) Except as otherwise provided in subsection (b) of this section, no person engaged in a business, the rates and charges for which are regulated by the Civil Aeronautics Board, the Federal Communications Commission, or the Interstate Commerce Commission, shall furnish goods or render services to a candidate, or to any other person who is acting on behalf of such candidate, in connection with his campaign for nomination for election, or election, to Federal office unless such candidate or person (1) pays for such goods or services in advance of their being furnished or rendered, or (2) secures the debt so created in full by property, bond, or other security.

"(b) In the case of any such business whose customary practice is to submit statements to its customers at periodic intervals requesting payment for goods furnished or services rendered, such business shall not furnish goods or render services to any such candidate or person, or to any other person acting on behalf of such candidate in connection with his campaign, so long as any debt owed by such candidate or person for past goods furnished or services rendered in connection with the campaign of such candidate remains unpaid for more than ten days after the date such statement is issued unless such debt is secured in full by property, bond, or other security. In order to carry out the provisions of this subsection, such business shall submit such statements on a monthly basis to its customers who are candidates or persons acting on behalf of a candidate in connection with his campaign.

"(c) Any candidate who purchases goods or services from any such business in connection with his campaign for Federal office, and any person who purchases such goods or services on behalf of such candidate in connection with his campaign, shall identify himself as a candidate or as a person acting on behalf of a candidate before purchasing such goods and services and shall indicate that such goods and services are being purchased in connection with the campaign of such candidate.

"(d) For purposes of this section—
"(1) payment in advance by cash, check, money order, or by credit card (if the issuer of such card is not the person from whom such goods or services were purchased, or a subsidiary, parent, or affiliate corporation thereof) shall be considered to be payment in advance; and

"(2) a person shall be considered to be acting on behalf of a candidate if—

"(A) he is employed by such candidate or by a political committee to act on behalf of such candidate in connection with such candidate's campaign for nomination for election, or election, to Federal office;

"(B) such candidate, or a political committee which makes expenditures to influence the nomination or election of such candidate, pays, directly or indirectly, for goods and services purchased by such person while so acting;

"(C) such person is acting under an agreement with such candidate, or with a political committee which makes expenditures to influence the nomination or election of such candidate, under which he is to engage in activities in connection with such candidate's campaign for nomination for election, or election, to Federal office; or

"(D) such person is acting as an agent of such candidate, or of a political committee which makes expenditures to influence the nomination or election of such candidate, in connection with such candidate's campaign for nomination for election, or election to Federal office.

"(e) The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate its own regulations, within ninety days of the effective date of this Act, in order to carry out the provisions of this section with respect to businesses regulated by it.

"(f) Violation of the provisions of this section, or regulations promulgated under this section, is punishable by a fine not to exceed \$1,000, imprisonment for not to exceed one year, or both."

On page 17, line 3, strike "Sec. 206" and insert in lieu thereof "Sec. 207".

On page 17, strike the matter between lines 10 and 11, and insert in lieu thereof the following:

"611. Contributions by Government contractors.;"

(4) Adding at the end of such table the following:

"614. Extension of credit to candidates for Federal office by certain industries".

On page 27, line 21, strike out "Sec. 305," and insert in lieu thereof "Sec. 305. (a)".

On page 28, between lines 4 and 5, insert the following:

"(b) (1) Any candidate, or person acting on behalf of such candidate or as an agent of such candidate in connection with the campaign of such candidate for nomination for election, or election, to Federal office, who purchases goods or services in connection with such campaign from any business the rates and charges for which are regulated by the Civil Aeronautics Board, the Federal Communications Commission, or the Interstate Commerce Commission, shall file with the Comptroller General a statement disclosing—

"(A) the name of the purchaser and the name of the candidate for the benefit of whose campaign the goods or services were purchased;

"(B) a specific description of the goods or services furnished and the quantity or measure thereof, if appropriate;

"(C) any amount of the price of such goods or services not paid in advance of their being furnished to the purchaser;

"(D) any unpaid balance of the price of such goods or services as of the reporting date;

"(E) a description of the type and value of any bond, collateral, or other security securing such unpaid balance; and

"(F) such other information as the Comptroller General shall require by published regulation.

"(2) Reports required under paragraph (1) of this subsection shall be filed on the dates

on which reports by political committees are filed, and shall be cumulative.

Mr. SCOTT. Mr. President, I yield to the distinguished Senator from Rhode Island.

Mr. FASTORE. Mr. President, I wish to point out to Senators—

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from Rhode Island will withhold for a moment. The Chair asks that Senators be seated and that attachés retire to the rear of the Chamber. Let us have order.

The Senator from Rhode Island may proceed.

Mr. FASTORE. Mr. President, as I was saying, we have a one-half hour limitation, with 15 minutes to a side. I would expect that votes will come fast and, hopefully, furious.

Mr. SCOTT. Mr. President, I agree with the statement of the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, my amendment concerns the extension of credit to candidates for Federal office by certain federally regulated industries.

The basic points to consider are that the legislation and regulations covering common carriers—airlines, telephone companies, and telegraph companies—generally prohibit discrimination and unreasonableness in setting rates, charges, and deposits. Because of this inflexibility, these federally regulated industries have great difficulty in obtaining sufficiently large deposits to cover operations connected with political campaigns.

Because of this difficulty, many political accounts remain outstanding. In some cases they are completely uncollectable and, in fact, have been written off entirely.

The combination of these three factors places these regulated industries, all of them corporations, in a position of making illegal corporate contributions to political campaigns. Existing law already prohibits corporate contributions, in addition to "free" services.

Mr. BYRD of West Virginia. Mr. President, may we have a little better order in the Senate?

The PRESIDING OFFICER. The Chair will again attempt to get order. The best way to have order is for Senators to respect the right of other Senators to be heard.

The Senator from Pennsylvania may proceed.

Mr. SCOTT. Mr. President, very simply, because of their inability to protect themselves adequately these federally regulated industries become easy prey for political candidates. The airlines, telephone, and telegraph companies have been placed in a position of unlawfully, unavoidably, and unintentionally—and I might add illegally—subsidizing political campaign expenses.

Another point to keep in mind is that, even if it can be shown that these particular industries have enough latitude to protect themselves, a very delicate political problem remains. For example, an airline executive could be faced with a problem of how he tells a powerful Mem-

ber of Congress, whose jurisdiction in committee may include airlines and who may be a candidate for office, that the candidate's credit or application for credit must be denied. Perhaps the candidate would seek out another airline to extend credit, but in any event the uncooperative airline would be at least in fear of possible future recrimination. Only the force of law, as proposed in my amendment, would prevent such abuses of power.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. SCOTT. I will yield in a moment.

Mr. President, on July 23, 1971, at page 26935, I introduced a longer statement on the amounts due—from both political parties and the candidates of both political parties—indicating that this difficulty has afflicted many federally regulated industries, no matter who is the candidate or which party is running.

I am glad to yield to the Senator from Colorado.

Mr. DOMINICK. I raise a question just on the wording of the amendment. I can certainly sympathize with the Senator from Pennsylvania on the purpose of the amendment. I understand what he is trying to get at, but on page 3 of the amendment, it reads:

For purposes of this section—
(1) payment in advance by cash, check, money order, or by credit card . . .

Then the language continues—
If the issuer of such card is not the person from whom such goods or services were purchased . . .

And so on.
I have an international credit card, just to make it personal, so I will not be stepping on anybody else's toes, which is under the aegis, at least, of the United Air Lines. In the process of traveling back and forth to my State, I use United Air Lines all the time, and then go ahead on that travel-card system.

I would hesitate to make a pronouncement on this, but, for the record, I would think that is a person from whom such goods and services were purchased if I were traveling on United; and I would think it would be prohibited under this language.

Mr. SCOTT. Mr. President, the Senator and I discussed this earlier. I did not intend to mislead him, but, on a careful reading of the amendment and its effect, it would mean credit could be used by candidates as long as the debt is fully secured. American Express cards, for example, could be used at any time; but a credit card issued by a particular airline, for example, could not be used unless the credit is secured—that means otherwise secured. So an airlines credit card would not be covered, but the other credit cards would be exempted. Western Union or Bell Telephone cards would be covered unless otherwise secured.

Mr. DOMINICK. I would think that would create all kinds of problems, because in the normal course of events, I use the airlines all the time—and I am sure everyone else around here does—on the ordinary credit card, or some other credit card which is available, and I would think it would be extremely complicated

to say the whole bill must be secured, when one does not know what it is that must be secured before he can travel on it.

Mr. SCOTT. There is a 10-day grace period during which unsecured credit can be cleared up by full payment of bills or through a security arrangement. Monthly statements, however, are required. But there cannot be any attempt to pile up bills on that credit card.

For example, if a Senator used the United Air Lines card and ran up a debt of \$10,000 unsecured, there is nothing in the credit card or no available means by which the airlines could proceed. Failure to pay an American Express card bill definitely affect the personal credit as well as the credit of a candidate or of any person who is running for office, and it is believed that that in itself operates as sufficient security, in addition to the checks and the protections which American Express, Diner's Card, and all the rest have used to assure themselves by prior credit investigation.

Mr. DOMINICK. I am trying to clear the record. Most of the credit cards issued by the airlines do have credit secured, because it costs about \$200 to go back and forth, and one has to put up \$400 security. Obviously, it is not going to be enough in a campaign year for any kind of candidate.

The difficulty I see in this amendment is that it provides that one is still abiding if he pays within 10 days, but if he does not, he is in a substantial problem. He may find himself engaged in a campaign where the bill does not even come in during that period or he may find himself in a position where, because of the campaign exigencies, he is not able to get back just to find the bill and write a check. In other words, there are some problems in this airline situation which perhaps have not been considered.

The American Express card is largely unsecured. The airlines cards have some deposits behind them, at least to some degree. But is it not a matter of business on the part of the airlines to decide whether or not they are going to crack the whip and make a person pay his bill?

Mr. SCOTT. I grant that there are difficulties, but I do not know of a better way to get at it. The effect probably would be that the airlines would require a greater deposit than they presently require, according to the track record of the candidate who is running. One who is in a nearby State might be expected to pay a smaller deposit. They might do that. Perhaps others will want to do that. In any event, say \$4,000 was required; that might be used as security until it was exhausted.

Mr. DOMINICK. It seems to me that if we take the words out of the amendment on page 3 in parenthesis, on lines 12 to 15, the problem that I have brought up would be solved, and that person, in other words, would still be considered to have made a payment in advance when he has a credit card. Therefore, he would not have that problem.

Mr. SCOTT. I would be glad to consider that possibility and discuss it with the Senator from Colorado prior to the vote and make a statement as to whether

or not we can do that. In the meantime I would like to give other Senators an opportunity to be heard.

Mr. DOMINICK. I thank the Senator.

Mr. SCOTT. Mr. President, at this time I yield the floor and reserve the balance of my time.

Mr. PASTORE. Mr. President, as our beloved former colleague, Mr. Dirksen, would be prone to say, this indeed is discriminatory; it makes a second-class citizen out of a candidate. My question is, Why do we do it to ourselves? Who really are we that we think of ourselves in such a way that we have to punish ourselves unnecessarily when we are trying to do what most of us think is an act of nobility in running for public office? The former Senator from Illinois would be prone to say this is really throwing out the baby with the bath water. I would say this is burning down the barn to catch one mouse.

After all, this is entirely within the discretion of the airlines. If they do not think PASTORE or HUMPHREY is worthy of credit, they do not give it, and if they give credit and get stuck, they cannot add it on their rate base. That is the law.

I say this amendment is absolutely unnecessary. This is not the place for it. It should not be in the bill. It ought not to be in the bill. I hope the Senate will knock it down.

As the Senator from Colorado said, talk about a sieve when the President vetoed the original bill; this is full of potholes. This is a bottomless kettle, and I think we will all be inundated with shame if we adopt the amendment. I hope it will be knocked down.

Mr. CANNON. Mr. President, will the Senator yield to me?

Mr. PASTORE. I yield to the Senator from Nevada.

Mr. CANNON. Mr. President, I associate myself with the Senator from Rhode Island in opposing this so-called fat cat or rich man's amendment that is before us.

In the first place, it would establish a discriminatory position in favor of Carte Blanche, American Express, and other credit chains that issue cards to cover many different services and charge a percentage to the agency that is utilizing those services.

On the other hand, it would penalize any company that wants to carry its own credit. Any of the airlines, Western Union, or the telephone company that wanted to carry their own credit and use their own credit would be penalized because they could not operate under this amendment.

I pointed out yesterday that it is, plainly and simply, a fat cat or rich man's amendment. It is not only designed to, but will, eliminate those without ample resources and finances from participating as candidates for public office.

I do not think that is what we want to do. We heard a lot of discussion here a few minutes ago, on the last amendment, about the worthy objectives of a non-partisan approach to try to get an election bill out of here that would provide some election reform.

This is going to reform it; it will make it so that no one except a rich man can run for public office.

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

Mr. CANNON. I am happy to yield.

Mr. STEVENS. How does this get to be a rich man's amendment? I do not quite understand that. The people who are running up these bills are people who are not paying their bills. I do not quite see how you can call this a fat cat or a rich man's amendment. We are trying to assure that people are responsible for the debts incurred in their names by committees which are organized in order to help a candidate run for election.

Mr. PASTORE. Mr. President, will the Senator yield on that point?

Mr. CANNON. I yield.

Mr. PASTORE. The poor man, the guy we are trying to help, is not getting that kind of credit.

Mr. STEVENS. Who does the Senator know in that circumstance? What candidate does he know who is running around the country, running up bills and not paying them?

Mr. PASTORE. Did the Senator ever run for President?

Mr. STEVENS. No, and I have no intention of doing so.

Mr. PASTORE. When the Senator runs for President, he will have a job on his hands.

Mr. STEVENS. We are talking about campaign committees running up charges and now being serviced by corporations, contrary to the Corrupt Practice Act. That is my understanding. How does that turn out to be a "fat cat" amendment? We are trying to make those fat cats pay up.

Mr. CANNON. Mr. President, I would like to answer now. I have yielded to several Senators on my own time.

In the first place, if they are extending credit in violation of the Corrupt Practices Act, the Department of Justice ought to take action, and I am sure they would if someone made a complaint to them, because that is their responsibility, to prosecute if there is a violation of the Corrupt Practices Act. The violation would be if this were really a contribution and not a pure and simple extension of credit.

But the amendment would prohibit the ordinary man, like myself, the Senator from Alaska, and a few others, who travel great distances, from using an airline credit card unless we post security in full. With the amount of traveling we would do, we could not use that card.

On the other hand, we could, as I pointed out earlier and as the Senator from Colorado pointed out, go to American Express or Carte Blanche or some other company, and use the credit card there without posting security, and the beneficiary, the company extending the service, either the airline, Western Union, or the telephone company—and those are the only three involved—would have to pay a premium to Carte Blanche or American Express to use that service, and could not issue its own credit card, which it has the right to do in the ordinary course of good business practice, in carrying out good credit management.

I submit, Mr. President, that this is really and truly a fat cat or rich man's amendment, and it would prohibit a poor man, who cannot put up the necessary

cash to cover his own traveling expenses and the telephone calls he is going to make, from running for public office.

It covers three agencies, the FCC, the ICC, and the CAB. We might as well eliminate the ICC to begin with, because they only cover the railroads, and the railroads are not running any more, anyway, as far as passenger traffic is concerned, and do not extend credit when they do.

The other two have authority to establish rules and regulations to protect the organizations which they exercise jurisdiction over. Certainly the business management practices of those companies ought to be adequate to take care of this particular situation. Therefore, Mr. President, I oppose the amendment.

Mr. SCOTT. Mr. President, I send to the desk a modification of my amendment.

The PRESIDING OFFICER. The clerk will state the modification.

The legislative clerk read as follows:

On page 36, after line 16, add the following:

**"TITLE IV—MISCELLANEOUS
"EXTENSION OF CREDIT BY REGULATED
INDUSTRIES**

"SEC. 401. The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within 90 days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 301 (c) of the Federal Election Campaign Act of 1971), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office."

The PRESIDING OFFICER. The amendment will be so modified.

Mr. SCOTT. Mr. President, the reason for submitting the modification is twofold. First, the sheer pragmatism of recognizing that, in view of the opinions expressed here, particularly by the distinguished Senator from Rhode Island, for whom we have such respect, and recognizing pragmatically that my original amendment is not going to carry, although I think it is better than the one I am now submitting, and I think it is more desirable; and second, I have here just received further evidence of the piling up of bills of the Bell Telephone Co., in the form of a letter from the American Telephone & Telegraph Co., dated yesterday; the back of poor old Ma Bell is bending, and I ask unanimous

consent that the letter and supplementary material be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

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

Mr. SCOTT. If I may say just briefly this: What we propose now, after discussion with the distinguished manager of the bill (Mr. PASTORE), is that the appropriate regulatory agencies, within 90 days after the enactment of this act, issue such rules and regulations as will have the effect of correcting a situation where huge bills can be piled up without any subsequent genuine effort to pay them. We are going to leave it to the regulatory agencies. To do the job they are supposed to do.

My original amendment was a mandate. This is a directive that regulations be proposed. It has been discussed with the Senator from Rhode Island, and I understand that the Senator from Nevada is aware of it, and I hope that the manager of the bill can accept the amendment.

EXHIBIT 1

**AMERICAN TELEPHONE & TELEGRAPH Co.,
New York, N.Y., August 2, 1971.**

Mr. BERNARD STRASBURG,
Chief, Common Carrier Bureau,
Federal Communications Commission,
Washington, D.C.

DEAR MR. STRASBURG: This is in further reply to your letters of May 24, 1971 and June 21, 1971 (File 9330) which enclosed copies of letters from the General Accounting Office (GAO) requesting that we obtain and furnish certain information regarding political campaign debts owed to the Bell System Telephone Companies.

The revised GAO request, transmitted with your June 21, 1971 letter, specified that we need to provide (1) only the amount of debt still outstanding for each candidate in the 1968 presidential campaign and (2) the amounts written off as uncollectible for all candidates for Federal office for the years 1968, 1969 and 1970.

Our letter of July 7, 1971 transmitted the information covering the amounts written off as uncollectible for the years 1968, 1969 and 1970. However, we do not consider any such amounts as written off in the sense of discharging the debtor; nor do we discontinue collection efforts. In addition, we do not settle debts for less than the full amount.

We are attaching hereto the requested information covering the outstanding campaign debts owed to Bell System Companies for communication services furnished during the 1968 presidential campaign to national, state and local committees campaigning for the candidates.

Bell System policy and procedures with respect to the billing and collection of debts incurred by the committees campaigning for

the candidates for Federal office are consistent with the policy and procedures applicable to any other customer. Furthermore, we do not differentiate in our collection efforts between regular customers and those campaigning for political candidates.

All communication services for all customers are provided at the rates and charges specified in applicable tariffs on file with the appropriate regulatory bodies.

In addition, the GAO requested that we provide:

1. An explanation as to why any other data requested could not be provided including, where appropriate, an estimate of the time and cost that would be involved (in assembling such data).

2. Actual or estimated total amounts, written off as uncollectible for each of those years for which the carriers cannot submit (the requested) data.

In response to item 1. above, the records for all the years prior to 1965 have been destroyed as provided for by Part 42 of the F.C.C. Rules and Regulations, "Preservation of Records of Communication Common Carriers." For the years 1965 through 1967, political accounts were not separately identified and were filed with all other accounts. To determine at this time the political accounts previously written off as uncollectible for the years 1965 through 1967 would require identification of the names of all candidates then running for Federal office. Once these names were determined, a manual search of Commercial records in each of the Telephone Companies would have to be initiated to obtain the telephone numbers of the political accounts in question. Many accounts, however, may be listed under billing names other than those of the candidates and thereby virtually impossible to identify. The list of telephone numbers that could be assembled would then be furnished to the Comptrollers Department, which would institute a search of the records to determine what amounts had been written off as uncollectible. These Comptrollers Department records are currently stored in each Telephone Company in a number of dead storage locations. We estimate that it would require approximately 1,750 man hours at each of the 108 Revenue Accounting Offices or a total of 189,000 man hours to search the records at an estimated cost of \$960,000.

In response to item 2. above, we have no basis for estimating the political account amounts written off as uncollectible prior to 1968, other than by extrapolation of our experience starting with 1968. In our opinion, such a bench mark would be unrealistic. The campaigns commencing in 1968 differed from previous campaigns inasmuch as the amount of telephone communications used from 1968 onward greatly exceeded the volume of calling in comparable campaigns. Therefore, we do not believe we possess sufficient data to permit an estimate which would have any degree of validity.

If you have any questions regarding the attached information, we shall be glad to discuss them at your convenience.

Yours very truly,

D. E. EMERSON.

OUTSTANDING DEBTS OWED TO BELL SYSTEM COMPANIES FOR SERVICES FURNISHED DURING THE 1968 PRESIDENTIAL CAMPAIGN TO NATIONAL, STATE, AND LOCAL COMMITTEES OF THE CANDIDATES

[Not written-off as uncollectible]

Company	Incurred on behalf of—	Number of accounts	Amount owed
Southern New England.....	Humphrey-Muskie.....	2	\$218.83
Cincinnati Bell.....	do.....	8	1,643.28
Wisconsin.....	McCarthy.....	3	6,419.94
	Nixon-Agnew.....	2	224.36
Total.....			6,644.30

Company	Incurred on behalf of—	Number of accounts	Amount owed
Southwestern.....	Humphrey-Muskie.....	78	\$15,264.54
	Kennedy.....	1	201.05
	Nixon-Agnew.....	27	7,087.79
Total.....			22,553.38
New Jersey.....	Humphrey-Muskie.....	64	12,456.89
	Nixon-Agnew.....	19	12,463.74
Total.....			24,920.63

OUTSTANDING DEBTS OWED TO BELL SYSTEM COMPANIES FOR SERVICES FURNISHED DURING THE 1968 PRESIDENTIAL CAMPAIGN TO NATIONAL, STATE, AND LOCAL COMMITTEES OF THE CANDIDATES—Continued

[Not written-off as uncollectible]

Company	Incurred on behalf of—	Number of accounts	Amount owed	Company	Incurred on behalf of—	Number of accounts	Amount owed
Pennsylvania	do	46	\$19,051.25	Pacific	Nixon-Agnew	13	\$4,810.91
	Humphrey-Muskie	54	17,012.00		Kennedy	150	98,275.07
Total			36,063.25		Humphrey-Muskie	88	66,312.14
Long Lines	do	2	10,724.00	Total			169,398.12
	Nixon-Agnew	1	1,379.66	Illinois	Nixon-Agnew	34	21,710.45
Total			12,103.66		Rockefeller	1	1,173.52
New York	Nixon-Agnew	1	71,242.42		Humphrey-Muskie	17	2,108.96
	McCarthy	6	8,170.82		Kennedy	14	3,565.47
	Humphrey-Muskie	154	27,006.94	Total			28,558.40
	Kennedy	25	43,419.77	Northwestern	Humphrey-Muskie	16	4,195.54
Total			149,840.05		Kennedy	147	26,998.26
Pacific Northwest	Humphrey-Muskie	14	4,234.57	Total			31,193.80
	Nixon-Agnew	1	32.35	C. & P., Virginia	Humphrey-Muskie	21	2,645.17
	McCarthy	15	22,720.79	C. & P., West Virginia	Kennedy	3	2,958.67
	Kennedy	129	29,152.62	C. & P. Co.	Nixon-Agnew	10	11,085.54
Total			56,140.33		McCarthy	1	111,760.02
Michigan	Nixon-Agnew	11	2,004.79		Kennedy	3	158,110.47
	Humphrey-Muskie	2	30.43		Humphrey-Muskie	3	153,354.04
	Kennedy	16	4,422.89	Total			434,310.07
	McCarthy	2	244.71	C. & P., Maryland	Nixon-Agnew	6	3,115.52
Total			6,702.82		Kennedy	1	509.08
Ohio	Nixon-Agnew	89	19,206.96		Humphrey-Muskie	14	4,031.55
	Rockefeller	1	181.71	Total			7,656.15
	Humphrey-Muskie	58	8,296.82	New England	Nixon-Agnew	27	1,703.88
	McCarthy	10	334.64		McCarthy	2	107.02
Total			28,000.13		Kennedy	16	1,100.41
Indiana	Humphrey-Muskie	9	2,768.16		Humphrey-Muskie	7	420.16
	Kennedy	64	36,440.87		Rockefeller	1	7.50
	Nixon-Agnew	2	284.34	Total			3,338.97
Total			39,493.37	South Central	Nixon-Agnew	56	6,391.27
Mountain	do	50	6,160.77		McCarthy	1	10.07
	Rockefeller	1	235.03		Humphrey-Muskie	81	6,620.72
	Humphrey-Muskie	31	5,133.84	Total			13,022.06
	Kennedy	20	3,447.90	Southern[Bell]	Nixon-Agnew	27	729.27
	McCarthy	2	730.69		Wallace	1	30.00
Total			15,708.23		Humphrey-Muskie	1	355.13
					Kennedy	8	282.40
				Total			1,396.80

Mr. SCOTT. I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, this is now a horse of a different color. It is acceptable to me. It really modifies a directive which is the existing authority today, under the law, of these various agencies. It reminds them of their responsibilities. There is nothing punitive about it, and for that reason I am perfectly willing to accept it. I think as now modified it really is a public service.

Mr. SCOTT. I thank the distinguished Senator from Rhode Island. My white horse is now a palomino, but it is by no means piebald, and I thank the distinguished Senator.

The PRESIDING OFFICER (Mr. HUMPHREY). Do Senators yield back their time?

Mr. SCOTT. I yield back the remainder of my time.

Mr. PASTORE. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Pennsylvania (Mr. SCOTT), as modified.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT 348

Mr. PROUTY. Mr. President, I call up my amendment 348, offered by the distinguished senior Senator from Tennessee (Mr. BAKER) and myself, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, line 7, insert "(1)" before "Section".

On page 2, strike lines 10 and 11, and insert in lieu thereof the following: "and the following: 'other than Federal elective office (as defined in subsection (c) of this section)'."

On page 2, between lines 11 and 12, insert the following:

"(2) Section 315(a) of such Act is amended by inserting after the first sentence thereof the following: 'If a licensee permits a legally qualified candidate for Federal elective office to use his broadcasting station in connection with such candidate's campaign for nomination for election, or election to such office, the licensee shall afford such candidate maximum flexibility in choosing his program format.'"

The PRESIDING OFFICER. The Chair inquires of the Senator from Vermont whether he asks unanimous consent that the amendments be considered en bloc.

Mr. PROUTY. I so request.

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

The Chair inquires of the Senator whether this is one of the amendments for which he has asked 3 hours.

Mr. PROUTY. No, Mr. President, it is not.

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

Mr. PROUTY. Mr. President, in considering the proposed legislation, both the Senate Commerce Committee and the Committee on Rules and Administration were made acutely aware of the fact that section 315(a) of the Federal Communications Act of 1934 inhibited broadcasters from providing any free time to candidates for Federal office. Section 315(a) is the so-called "equal time provision" of the Federal Communications Act.

Mr. President, a provision similar to section 315(a) was in the Radio Act of 1927. In 1934 Congress saw fit to carry this provision over into the new law. The reasons for the provision were simple. Then, as today, broadcasting was recognized as a powerful force for influencing public opinion. It was because of the tremendous power inherent in the use of radio and television that section 315 was enacted, so as to insure that if one can-

didate was given free time on radio or television, other candidates for the same office would be afforded an equal amount of time. If one candidate was able to buy a certain amount of time on radio or television, his opponents would be entitled to purchase an equal amount of time.

Quite frankly, Mr. President, this "equal time provision" in reality became an easy excuse for broadcasters to provide absolutely no free time.

Dr. Frank Stanton, president of CBS, in his testimony before the Senate Commerce Committee on March 3, described the inhibitive effect of section 315 when he stated:

Central to any measures calculated to strengthen the electoral process must be the improvement of the quality and quantity of information provided to the public about the candidates and the issues. The repeal of Section 315 is an important avenue to this end, since it would provide opportunities for greater contribution of free time by broadcasters and deeper treatment of the issues. Because Section 315 requires equal time for every candidate for an office, however insignificant or frivolous his candidacy, the practical effect of the law has been to deny free broadcast time to major candidates or to force free time to be shared with fringe candidates. This, it seems to me, is a classic case of backlash on the public interest.

Dr. Stanton was but one of many from the broadcast industry to testify to the fact that section 315(a) has become a "no time offered requirement" in practice.

Vincent Wasilewski representing the National Association of Broadcasters before the Commerce Committee stated:

Broadcasters stand ready and willing to provide free time for the appearance of presidential and vice-presidential candidates of the major parties.

We believe the capricious operation of Section 315, however, makes it impossible for broadcasters to perform this public service responsibility.

The presidents of NBC and ABC confirmed the conclusions of Dr. Stanton and Mr. Wasilawski. Since we were determined in Rules Committee to consider this important legislation in its entirety other broadcasters testified before us. Victor Diehm, president of the Mutual Broadcasting System succinctly reinforced the need for exempting all candidates for Federal office from the equal time requirements of section 315 (a), when he said:

Under the present law, any appearance by a candidate in person gives rise to the requirement of equal opportunity or equal time for all other candidates for the same office. The bill, S. 382, as amended, recognizes that this is really an inhibiting factor operating on a broadcaster rather than a guarantee of equal treatment. By its present language, S. 382 would repeal the equal opportunity provision of section 315 of the Communications Act for Presidential and Vice-Presidential candidates. Extension of this policy to all Federal offices would permit coverage of all serious candidates to a much greater extent than is now possible.

It should be pointed out that the public interest standard and all other applicable considerations bearing on a broadcast licensee's stewardship of the airwaves remain in full force. Abuse, if it should occur, could be readily redressed.

Stations, freed from the threat of great swarms of candidates appearing for a variety of reasons, would be able to concentrate coverage on bona fide candidates to the benefit of the public.

Before the Rules Committee we were also fortunate to have the president of the North Carolina Association of Broadcasters, Mr. Richard Barron and Mr. Wade Hargrove, the general counsel for the association. I say we were fortunate, because too often we rely on national associations or big national networks. Mr. Barron and Mr. Hargrove were speaking for the small broadcast station owners. They too agreed that section 315(a) has become the "no free time offered" provision. For example, Mr. Barron testified:

We do have certain reservations about particular aspects of this bill which we wish to briefly state.

First, we agree with the provisions of the bill that would call for the repeal of section 315(a) of the Federal Communications Act to delete the equal time requirement for presidential and vice-presidential candidates. We recommend, however, that the bill be expanded in this regard so as to delete the equal time requirements for all candidates.

The Deputy Attorney General in fact testified before both committees urging the repeal of section 315(a) for all Federal candidates. Before Rules Committee Mr. Kleindienst testified as follows:

First, section 101 would repeal the equal time provision of section 315 of the Federal Communications Act with respect to candidates for the office of President and Vice President. The justification for this provision is that section 315, contrary to its purpose, has inhibited broadcasters from offering free time and coverage to candidates, and has favored incumbents over challengers. Also, it has restricted the access of the electorate to the candidates and their views. We agree that section 315 has produced the wrong results, but these are not limited to presidential and vice-presidential candidates. They are equally applicable to candidates for other Federal offices. Every argument supporting limited repeal supports total repeal. The fairness doctrine enforced by the Federal Communications Commission will afford all candidates access to broadcasting facilities on an equitable basis. We urge total repeal of section 315.

Mr. President, one of the major purposes of this legislation is to reduce the costs of campaigns. The standard argument favoring spending limitations is that campaign costs are too high. Radio and television they argue is the prime reason for the increased costs. For the sake of argument, assume the advocates of limitations are correct. What better way to lower costs than legislation encouraging "free" radio and television time?

The evidence is overwhelming from broadcasters that the equal time requirements now inhibit them from giving any free time for fear of encouraging fringe candidates and crackpots. Can that evidence be substantiated by an objective source? The chairman of the Federal Communications Commission testified before the Commerce Committee. Mr. Burch stated emphatically that—

A first improvement should be concerned with facilitating free time for political can-

didates. Broadcasters have long claimed that section 315 in its present form discourages affording such free time because they have to make time available to so-called fringe candidates, such as candidates of the Socialist Labor, Socialist Worker, and Vegetarian Parties.

Mr. President, what would any reasonable man conclude from the evidence I cited with respect to need to exempt all Federal candidates from the equal time requirements of section 315(a)? Local broadcasters, broadcast associations, network presidents and the chairman of the FCC all agree that section 315(a) has become the "no free time offered requirement."

Basically, Mr. President, the equal time requirement favors the incumbent because he is better known and it is easier for him or her as an incumbent to make news. In 1960, we exempted Presidential candidates from the equal time requirement so that the Kennedy-Nixon debates could take place.

We saw that networks in fact did give free time.

We saw that millions of Americans took a greater interest in the campaign than ever before.

In my mind we proved that the equal time requirement should be changed so as to encourage a wider dissemination of issues, ideas, and political philosophy in an election campaign.

As a member of the Communications Subcommittee prior to the 1964 election I recall that the incumbent President did not want section 315(a) repealed nor did he want it repealed in 1968. Today we have a President who wants section 315(a) repealed not only for candidates for the office of President but for all Federal candidates. What holds us back? I suppose it is fear but if that is the case it should not be. There is nothing to fear from exposing voters to all of the issues and facts in a campaign.

Our distinguished chairman of the Communications Subcommittee has in the past supported complete repeal of section 315(a) for all Federal offices as well as for the offices of Governor and Lieutenant Governor. During the current hearing on S. 382, Senator PASTORE responded to Dean Burch's comments on section 315 as follows:

You have got to be a little pragmatic about that. I suggested at one time that we exclude the office of Congress and the governorship from the equal opportunity requirement of section 315. It didn't get to first base. There was a tremendous amount of resentment on the floor of the Senate and the House. . . .

The chairman went on in those hearings to further state his position with respect to those who felt that repeal of the equal time requirements would result in unfairness:

That is the fear on the part of most. Inasmuch as this is a monopoly you would leave too much power in the hands of the broadcaster. I have never felt quite that way. I always felt there was sufficient maturity and integrity in the industry that you could afford to take the risk.

But that is the feeling of the Congress at the present time. I don't think it is going to be an easy thing to repeal section 315. I think it is an impossible thing at this

moment. All we are trying to do is to do it because there is precedent for it in the case of presidential and vice-presidential campaigns.

Chairman Burch responded to those possible fears as follows:

I think as a practical matter, Mr. Chairman, broadcasters, and we cite this later in a letter we wrote to this committee, I think broadcasters in the political field dealing with major candidates are going to find that the only fair way to handle them is comparably.

I think that is just the realities of life.

Nevertheless, when it came to a vote before the Commerce Committee those of us who wanted section 315(a) repealed for all Federal candidates did not have the votes. I ask unanimous consent, Mr. President, that a copy of that rollcall vote be printed in the RECORD immediately following my remarks.

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

(See exhibit 1.)

Mr. PROUTY. Mr. President, quite frankly, I was surprised that the Commerce Committee did not extend the exemption to all Federal candidates when I considered the following response by Senator PASTORE to the Deputy Attorney General concerning his recommendation for repealing section 315(a) for all Federal candidates:

Now your argument is that we should include the office of, let's say, a Senator or a Congressman. I personally have no objection to that. The only trouble is that there has been some stiff resistance to that on the grounds that this is more or less a parochial situation and does not fit in the same category as the offices of President and Vice President that have to appeal for the national networks rather than the local broadcasting station. . . .

As I have pointed out the Rules Committee considered S. 382 in its entirety. Among other things the Rules Committee would repeal section 315(a) for all Federal candidates.

We did so because we could not find one witness before either the Commerce Committee or Rules Committee who opposed such a move.

We did so because we did not want an incumbent's bill.

We did so because we felt repeal of section 315(a) would lower campaign costs even though nonincumbents might be given a fairer chance.

Broadcasters want repeal for all candidates.

Many Senators, including Senator KENNEDY, Senator SCOTT, Senator BAKER, Senator COOK, and Senator PASTORE apparently want repeal for all Federal candidates.

The President definitely wants repeal for all Federal candidates.

The Rules Committee chose repeal for all Federal candidates. Now the sponsor of the bill apparently wishes to avoid repeal for congressional and senatorial races. I believe, Mr. President, that, in the interest of fairness to candidates for political office, it is highly desirable that we repeal section 315(a), so that all candidates for Federal office will have the

right to equal time, which I am sure will be granted on a fair basis.

EXHIBIT 1

1. Amendment offered by Senator Baker to repeal the equal time requirement of section 315 of the Communications Act and to provide that the lowest unit charge shall apply to all legally qualified candidates for public office. Rejected: 6 yeas; 7 nays.

YEAS—6

Cotton, Prouty, Pearson, Griffin, Baker, Cook.

NAYS—7

Magnuson, Pastore, Hart, Cannon, Long, Moss, Spong.

Mr. PASTORE. Mr. President, will the Senator from Vermont yield on my time for a question?

Mr. PROUTY. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. Referring to his amendment, what he does, actually, is to repeal section 315 which is the equal time provision of the law with reference to all Federal offices. Then on page 2 of his amendment he has this expression:

"If a licensee permits a legally qualified candidate for Federal elective office to use his broadcasting station in connection with such candidate's campaign for nomination for election, or election to such office, the licensee shall afford candidate maximum flexibility in choosing his program format.

It has been my experience—and I want to say to the Senator from Vermont that he quotes me correctly when he says I was for repeal of section 315 insofar as all Federal elective offices are concerned, and I went so far as to include Governors and Lieutenant Governors—that we took up that bill on the floor of the Senate several years ago, but we did not get very far because there was a solidified feeling that this would place a campaign more or less at the whim of an affluent licensee.

Well, I am one of those that will admit there might be spotty cases where that would be the case. I remember the former Senator from Texas, Mr. Yarborough, getting up and saying that he had bought certain time at a station but when he went there to make his broadcast they told him they were sorry but the engineer was not there. So he became a victim of the whim of that licensee. It was to fill the equal-time need, in order to keep a gage on the local licensee, that we instituted that provision in section 315. But my personal feeling is we have come a long, long way from that day.

What I do not like about the amendment of the Senator from Vermont is the word "if." When he uses the word "if," he is going to put that licensee in a position to say, "Unless you do it my way, I will not give you time."

If the Senator would permit, if we could rather use the word "when," I think the record which is being made for the CONGRESSIONAL RECORD today will show that we intend that free time shall be given as a public service.

I tell the Senator frankly—I do not know how our other colleagues will vote on it—that I shall not vote against it.

I tell the Senator frankly that I think the President has a point. The reason

why we wrote this exemption into section 315 for the President, was to do the President a favor. I am the one who said to the networks—I do not know whether the Senator was at the meetings, "You cannot compel the President of the United States to enter into debate. I do not want to tell the President what the format should be. If the President of the United States does not feel that he should debate, no one should embarrass him, whether he be a Republican or a Democratic President." I have said this 10 times on the floor of the Senate.

I got an agreement from the networks that they would allow the President, and the candidate against him, to initiate their own format. It would be a format of their own choosing, because of the astronomical cost of the nationwide television program, that this would be helpful to the candidates, be they Republican or Democrat. That is the only reason why we did it.

In the various States, when it comes down to Senators and Representatives, time has been given because we do not have 35 parties running in a particular State for the office of Senator or Representative. We might have an independent or two but, ordinarily, we have the normal number of candidates, Republicans or Democrats.

But, on the national level, we have the Prohibition Party, the party for this and the party for that, and by the time we get through, we have a bunch of bananas.

So I tell my colleague from Vermont very frankly that if he will change that word "if" to "when," so far as I am concerned, I am ready to vote for it now.

Maybe it will not meet with unanimous approval, and even the Senator's colleagues on his side of the aisle may have strong feelings otherwise, that they would want to have a check on an affluent licensee in a particular State; but so far as I am concerned, I find the amendment agreeable, and I am not going to contest it.

Mr. PROUTY. I certainly appreciate the comments and the cooperation of the Senator from Rhode Island. I am perfectly willing to modify the amendment by striking out on page 2, following the colon, the "if" and substituting in lieu thereof the word "when."

The PRESIDING OFFICER. (Mr. HUMPHREY) The Senator has a right to modify his amendment and, at the request of the Senator, his amendment is modified accordingly.

Mr. PASTORE. I think, if it is agreeable, if we have consumed all the time, but before the vote, we should have a quorum call so that Senators will know what this is all about.

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

The PRESIDING OFFICER. Three minutes remain to the Senator from Vermont.

Mr. BAKER. Mr. President, will the Senator from Vermont yield me 2 minutes?

Mr. PROUTY. I yield the Senator 2 minutes.

The PRESIDING OFFICER. The Sen-

ator from Tennessee is recognized for 2 minutes

Mr. BAKER. I thank the Senator from Vermont for yielding, so that I may add my entire and enthusiastic agreement to the accord which has now been reached between the Senator from Rhode Island and the Senator from Vermont.

As the Senator from Vermont indicated in his remarks in support of the amendment, which was cosponsored by the Senator from Vermont and myself, I offered this amendment, or at least the first half of the amendment, in the Commerce Committee.

I must say that at that time I was impressed with the candor and frankness of the Senator from Rhode Island in indicating that he felt there was merit in the contention and that on previous occasions the waiver of section 315, as it related to presidents and vice presidents, had produced laudable results and that he felt it might have those results in other races.

Mr. President, I shall not prolong the debate by embellishing the accord reached between the distinguished Senators. I only commend the Senator from Rhode Island for coming to agreement on what I believe to be a very significant item.

This is the first time we have provided for a practical access to television and radio opportunities for candidates other than President and Vice President. I believe that there are bound to be laudatory results. I hope that the amendment will be agreed to.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. PASTORE. Mr. President, I yield to the Senator from Virginia whatever time he might desire.

Mr. BYRD of Virginia. Mr. President, I appreciate the Senator yielding to me. I would like to ask a question of the sponsor of the amendment.

May I ask the Senator from Vermont if the Senator from Virginia understands correctly that the amendment proposes to allow maximum flexibility in determining a program format for all candidates for Federal office, and not just for President and Vice President, as the original bill proposed.

Mr. PROUTY. That is exactly correct.

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

Mr. PASTORE. Mr. President, I yield to the Senator from Nevada.

Mr. CANNON. Mr. President, I would like to say that is not the basic issue. That is sort of a side effect to the main purpose of the amendment. The main purpose is that it fills the time requirement for all candidates and broadens it beyond the President and Vice President.

This means that we are putting a tremendous weapon in the hands of the broadcaster, whether television or radio. He could select the people to whom he wants to give time and he would not have to give equal time to all candidates.

Mr. BYRD of Virginia. Mr. President, I appreciate the statement made by the Senator from Nevada.

Frankly, I did not know that was a

basic issue involved. I had been at a meeting of the Finance Committee querying the Secretary of HEW on some budget figures. I could not be here at the time.

That being the case, does the Senator from Rhode Island have adequate time that he could yield to me for the purpose of clarifying this matter?

Mr. PASTORE. Mr. President, I have 7 minutes remaining. How much time does the Senator from Virginia require?

Mr. BYRD of Virginia. Mr. President, I do not know how much time I will require.

Mr. PASTORE. The Senator can continue and if he needs more time, I will yield him time on the bill.

Mr. BYRD of Virginia. Mr. President, I could continue speaking and then offer and amendment if the Senator prefers and take the time from that amendment.

Mr. PASTORE. No; the Senator may keep speaking, and then I will yield him time if necessary on the bill.

Mr. BYRD of Virginia. Mr. President, I ask either the Senator from Rhode Island or the Senator from Nevada in regard to repealing the equal time provision whether that would expand it to congressional or senatorial races.

Mr. PASTORE. The Senator is correct. We left it alone for the President and Vice President. That was because that involved a national question having to do with the networks and because of the prestigious position occupied by the President and Vice President, no national broadcasting network would dare to create a discriminatory position because it involves the highest offices in the land. When it comes to a Senator or a Representative, we are dealing with the licensee and not with the network.

If we have a licensee who is a Democrat and a candidate who is a Republican, he can do what he pleases. That argument can be made. However, we do have the fairness doctrine and the responsibility of the licensee, whose license comes up for renewal every 3 years.

That is about the only tool we have. However, if the Senator from Virginia were to ask me categorically whether, if we repeal the equal time statute, a station could give all of the time to one candidate and jeopardize its license if he wanted to, the answer is yes subject to the fairness doctrine. That is the reason we have section 315.

Mr. BYRD of Virginia. Mr. President, do I assume that the Senator from Rhode Island is opposed to or approves the amendment?

Mr. PASTORE. Mr. President, I approve the amendment because I think overall the industry has reached the stage of maturity in which they can be trusted. I feel that we have the FCC which is a very efficient body. We have our committee, as well. Then we have the fact that every 3 years their licenses may be challenged.

I feel that these are the safeguards. However, I am not ruling out any possible abuse. I am not saying that in the

State of Virginia or in the State of Rhode Island it could not happen. I do not know. However, on balance I believe we will find that the broadcast industry is rather a responsible industry when it comes to things of that kind.

I would doubt very much that anyone would even dare, unless it was a brother or a son, to work out a discriminatory arrangement of that kind. They would be scandalized publicly, and public opinion would be against them. In fact, the backlash would hurt the candidate that was being favored more than it would help him. They have to come in for a renewal of their licenses every 3 years and if the man who was prejudiced would rise up and say, "They have not been conducting themselves in the public interest; this is what they did to me," their license would be subject to cancellation.

Mr. BYRD of Virginia. Mr. President, the key point that the Senator made is that the broadcasting industry speaking generally is a responsible industry. I think that what the Senator said is correct.

To get to a broader question, however, does the legislation under discussion, either the pending amendment or the bill itself, discriminate in any way against candidates who are not nominees of either of the major parties?

Mr. PASTORE. Well, the discretion is up to the licensee. And in the State of Virginia—I do not mean to be facetious about this—I do not think, whether my good friend, the Senator from Virginia, ran on the Democratic or Independent ticket, anyone would dare do it to him.

Mr. BYRD of Virginia. Mr. President, I appreciate the statement of the Senator from Rhode Island. I am not sure about that. However, perhaps there will be others elsewhere, and even in Virginia.

As a matter of fact, one individual in Virginia, and I am not of the same political persuasion that he is, is running as an Independent for lieutenant governor. I do not want to see him discriminated against.

I think that everyone, regardless of his political philosophy, should have the same opportunity I have. I am not a champion of this individual who is an Independent candidate for lieutenant governor.

He fought me all he could. He went from one end of the State to the other, trying to defeat me, just as the Republican governor of the State did. However, I do not want to vote for any legislation that would be discriminatory against this individual who is running as an Independent candidate for lieutenant governor.

I assume from what the Senator says that he would be no more discriminated against than would the nominee of the Democratic or Republican Party.

Mr. PASTORE. In other words, the equal time which is now provided by law becomes the equal time for Federal office and the discretion is that of the licensee.

Mr. PROUTY. Mr. President, I yield myself 2 minutes on the bill.

Mr. President, I point out to the Senator from Virginia that there are probably 50 or 60 different political parties, so-called political parties, throughout the country. Very few of these candidates will receive more than a handful of votes. They are not considered to be candidates by anyone. Under the existing law, anyone who declares himself a candidate as a vegetarian, or something of that nature, would have to be given time if the broadcaster gives time to anyone. It is to get away from that feature that we are providing this amendment.

The Chairman of the Federal Communications Commission made it very evident in testimony before the committee that the fairness doctrine would apply to any of these stations. They have to give fair and equal treatment to all candidates. Certainly a candidate who is perhaps an independent will be given the same equal time as a member of either of the other national parties.

Mr. BYRD of Virginia. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. BYRD of Virginia. The Senator mentioned that there are candidates of minor parties scattered over the Nation, but an independent is not a candidate of any party, whether it be minor or large. I want to be sure that a person who submits his record to the public as an independent has the same standing as does the nominee of the major political party.

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

Mr. PROUTY. Mr. President, I yield myself 2 additional minutes on the bill.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. PROUTY. Mr. President, I think I can assure the Senator that that will be the case; that any bona fide independent candidate or a candidate running on some other ticket, if he is recognized as a major candidate, who is going to receive substantial support in his area, will be given equal time under this amendment. There is no question about that. It is guaranteed by the fairness doctrine, as well.

Mr. BYRD of Virginia. Mr. President, if the Senator will yield further, for the purpose of legislative history I would like to make a few comments. If this is the appropriate time, I can do it now or I could do it later, but I would like to make a few comments in regard to the question of an independent candidate so that the legislative history will be clear.

Mr. PROUTY. Mr. President, how much time does the Senator require?

Mr. BYRD of Virginia. I would say 10 minutes.

Mr. PASTORE. Let us give him 5 minutes apiece.

Mr. PROUTY. I agree to that.

The PRESIDING OFFICER. The Senator has a "coalition" of 10 minutes.

Mr. BYRD of Virginia. Mr. President, this is an extremely important piece of legislation and I am speaking now of the total legislation, as well as the amendment which is being considered by the Senate.

First, I think it is very important that there be an election reform bill. I think it is very important that ceilings be placed on campaign spending.

Now, there is another aspect to this bill that is very important and for the purpose of legislative history I want to review what occurred in Virginia last year and what is now occurring in Virginia this year.

I want to query the managers of the bill as to whether the situation which took place last year and which again is taking place this year could be duplicated if anyone so desired in years to come if this legislation is enacted.

Mr. President, to go back to 1970, in February of that year the Democratic State central committee adopted a resolution requiring for the first time in history that anyone who was to file as a candidate in the Democratic primary for U.S. Senator must certify that he would support whomever the Democratic National Convention might nominate for President in 1972.

It was aimed directly at the incumbent senior Senator from Virginia. The incumbent senior Senator from Virginia took this under advisement and he determined that it would not be proper for a Member of the U.S. Senate to sign any such statement. No one knew who the candidate would be or what he would stand for and no one knows today.

I refused to sign such a statement, and submitted my record to the people of Virginia as an independent.

The Republican Party nominated a candidate for the U.S. Senate, and the Democratic Party nominated a candidate for the U.S. Senate. The Republican nominee had the full support of the Republican Governor, who spent full time in the latter part of the campaign going throughout Virginia seeking to eliminate the Senator from Virginia from the U.S. Senate.

The Democratic candidate in every speech that he made—and I would be glad to give his name but I never was able to recall it during the campaign and I cannot recall it now—called the Senator from Virginia "the Republican from Winchester." He made that statement in every speech and he made it very articulately.

The Republican Governor said he approved of my record; he thought I was a very fine Senator; but unless I called myself a Republican he was going to eliminate me—cut off my political head. That is a tough position to be in because in Virginia—and I do not know how it is in other States—the Governor has great power, and he used the full power and prestige of his office even to the extent of writing letters on official stationery of the Governor asking for campaign contributions to my opponent.

So I was in a very difficult position. I do not recommend to any of my colleagues that they get themselves in the same position. But I determined to struggle along as best I could.

I feel I know the people of Virginia fairly well. The people of Virginia are rather independent minded individuals; they do not like someone to tell them

what to do; they make up their own minds. I have great confidence in the people of Virginia. I have even more confidence in them today than I did a year ago and I had unbounded confidence in them a year ago.

When the votes were counted, the Governor and his candidate had 14 percent, the Democratic nominee about 30 percent and the incumbent senior senator from Virginia 55 percent.

So the situation last year was that each major party nominated a candidate and the incumbent ran as an independent.

Now we come to this year. Several months ago, the vigorous, attractive, Lieutenant Governor died. It was very tragic; he died of cancer at the age of 33. He had a fine future. That left a vacancy in the office of Lieutenant Governor. The office must be filled this November. Each major party within the next several weeks will nominate a candidate for the office of Lieutenant Governor.

In the meanwhile, a State senator has announced his candidacy as an independent. It just happens that this particular State senator who will be a candidate for Lieutenant Governor as an independent is not of the same philosophy as is the Senator from Virginia, and this candidate for Lieutenant Governor did everything possible to defeat the Senator from Virginia in the general election last November.

But I want to be sure that in any legislation that is passed by the Senate that this State senator who has submitted his candidacy for Lieutenant Governor in Virginia will have the same opportunity insofar as the broadcasting industry is concerned, insofar as the newspapers are concerned, and insofar as any other media communication is concerned as I had as an independent last year. I want to be sure he will have the same opportunity that the Senator from Virginia had last year; and I want to be sure also that, if conditions require it, anyone who desires to run for public office as an independent will have an opportunity to do so without being handicapped by any law that might be passed by the Congress of the United States.

As I understand it, there is nothing in this legislation which would change in any way the situation which existed in Virginia last year, and is now existing in Virginia this year; which is to say, to phrase it another way, if this legislation is enacted the Senator from Virginia or a member of the State senate or any individual citizen in my State or any other State, for that matter, may submit his record or candidacy to the people as an independent and will not be discriminated against in any way if either this bill or this amendment is approved.

May I ask the manager of the bill whether my understanding is correct.

Mr. PASTORE. Mr. President, the Senator has put his language in the extreme, and I am afraid I cannot affirm it in any way. I think the possibility for abuse is still there. I think a licensee would do so at his own peril. But I want to say to the Senator from Virginia the reason we reported a bill confining it to the Presidency and Vice Presidency was

that I felt this was a matter that had to be determined on the floor of the Senate. I know this is not acceptable to every Senator. I know there are Senators who have hard feelings. As far as I am concerned, I am perfectly willing to vote for this amendment, because if I can say to the President of the United States, "We shall exempt your office from the provisions of 315," I do not think I can stand up and say, "Insofar as you are concerned, Senator PASTORE, the same rule should not apply to you."

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PASTORE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator has only 1 minute remaining.

Mr. PASTORE. Then I give myself the other minute from the time on the bill.

The President of the United States took that position. That is exactly what he said. That argument was made by some of my colleagues before the committee. I think it was made by the Senator from Vermont (Mr. PROUTY) and the Senator from Tennessee (Mr. BAKER).

I say very frankly, I do not care whether one is a Republican or Democrat, this is an issue which has to be decided from good conscience. As far as I am concerned, I am going to vote for the Prouty amendment, but that does not mean every Senator will vote the same way from his convictions. If anyone thinks this amendment will put him at the mercy of a private licensee, he should vote against it. If he feels that way, he should vote against the Prouty amendment.

Mr. BYRD of Virginia. Mr. President, the point I am trying to make clear is that this does not put an independent candidate at the mercy of a licensee any more than it puts a candidate in a major party at the mercy of a licensee.

Mr. PROUTY. Precisely. As a matter of fact, if the licensee wanted to abuse the law, he could give all the time to an independent; but we are talking only about free time now.

Mr. BYRD of Virginia. We are talking about free time. The point I am trying to establish, and I believe the Senator from Rhode Island has established it, is that if the legislation is adopted it will not put the independent candidate in any more adverse position than it would put the candidate of a major party.

Mr. PASTORE. Exactly.

Mr. BYRD of Virginia. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. PROUTY. Mr. President, I yield back my time.

Mr. PASTORE. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Vermont (Mr. PROUTY), as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from Iowa (Mr. HUGHES), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Mr. ELLENDER) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The result was announced—yeas 71, nays 21, as follows:

[No. 187 Leg.]

YEAS—71

Aiken	Fong	Muskie
Allen	Fulbright	Packwood
Allott	Gambrell	Pastore
Anderson	Goldwater	Pearson
Baker	Griffin	Pell
Beall	Gurney	Proty
Bellmon	Hansen	Prouty
Bennett	Harris	Ribicoff
Boggs	Hartke	Roth
Brock	Hatfield	Saxbe
Brooke	Hruska	Schweiker
Buckley	Humphrey	Scott
Burdick	Inouye	Smith
Byrd, W. Va.	Jackson	Sparkman
Case	Javits	Stevens
Church	Jordan, Idaho	Stevenson
Cook	Magnuson	Symington
Cotton	Mansfield	Talmadge
Cranston	Mathias	Thurmond
Curtis	McGovern	Tower
Dole	McIntyre	Weicker
Dominick	Miller	Williams
Eagleton	Mondale	Young
Fannin	Montoya	

NAYS—21

Bentsen	Gravel	McGee
Bible	Hart	Metcalf
Byrd, Va.	Hollings	Moss
Cannon	Jordan, N.C.	Nelson
Chiles	Kennedy	Proxmire
Cooper	Long	Spong
Ervin	McClellan	Tunney

ANSWERED "PRESENT"—1

Taft

NOT VOTING—7

Bayh	Hughes	Stennis
Eastland	Mundt	
Ellender	Randolph	

So Mr. PROUTY's amendment (No. 343), as modified, was agreed to.

Mr. PROUTY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. TAFT. Mr. President, because of prior personal participation in the broadcasting industry and continuing family and trust interests in a broadcasting company, it has been and will continue to be my practice to answer "present" on matters directly affecting broadcasting.

Accordingly, I have answered "present" on this amendment.

The PRESIDING OFFICER. The question recurs on amendment No. 308.

Who yields time? Time remains on amendment No. 308.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Is anything pending at the moment?

The PRESIDING OFFICER. The Pastore amendment, No. 308, is pending.

Mr. PASTORE. Mr. President, I cannot ask for third reading. Will someone who has an amendment offer it?

Mr. MATHIAS. Mr. President, I call up my amendment No. 272.

The PRESIDING OFFICER. Would the majority leader yield back his time on the Pastore amendment?

Mr. MANSFIELD. The Senator from Rhode Island (Mr. PASTORE) has all my time.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 6, strike lines 9 through 13 and insert in lieu thereof the following:

"For the purposes of computing the limitation provided by the first sentence of this paragraph in connection with a Presidential primary election, the resident population of voting age for the office of President shall be held and considered to be the entire population of voting age for such office within the State in which such primary election is conducted. Amounts spent by or on behalf of any candidate for nomination for election to such office in connection with his primary campaign in any State shall not exceed such limitation for that State."

On page 11, strike lines 19 through 23 and insert in lieu thereof the following:

"For the purposes of computing the limitation provided by the first sentence of this paragraph in connection with a Presidential primary election, the resident population of voting age for the office of President shall be held and considered to be the entire resident population of voting age for such office within the State in which such primary election is conducted. Amounts spent by or on behalf of any candidate for nomination for election to such office in connection with his primary campaign in any State shall not exceed such limitation for that State."

The PRESIDING OFFICER. How much time does the Senator from Maryland yield?

Mr. MATHIAS. I yield myself 5 minutes.

Mr. President, this amendment deals with the spending limitations for presidential primaries. The language, as reasonably construed, is interpreted to mean that a candidate for President calculates how much he can spend in any one primary by first determining how much he can legally spend in the Nation at large—which is 5 cents multiplied by the resident population. Taking this figure, he can then divide that amount by as many primaries as he may wish to enter.

We have all been interested and, perhaps, amused at the sweepstakes going on among New Hampshire and other States that want to be first with the presidential primary. Maybe they have more of a point than we realize. Perhaps it is important from an economic point of view for a State to have the first primary. This is an amendment which brings that very much to mind. As presently drafted a candidate may spend his allocated amount all in one State primary, or he may enter three, 10, or 50 primaries.

I would submit, with due respect to the

committee, that the language should be tightened up. It is much too general. Perhaps the chairman of the committee can help us to define what is meant by "resident population." Is he talking about residents who will participate in the primary party, just Democrats, or just Republicans, or is he talking about the resident population of an entire State?

The PRESIDING OFFICER (Mr. KENNEDY). Does the Senator wish his amendment to be modified to apply to the substitute amendment rather than the bill?

Mr. MATHIAS. That is right.

The PRESIDING OFFICER. The amendment is so modified.

Mr. MATHIAS. The specific points in the bill that would be involved are on page 5, lines 3 to 7, and on page 8, lines 17 to 21.

The text of amendment No. 272, as modified, is as follows:

On page 5, strike lines 3 through 7 and insert in lieu thereof the following:

"For the purposes of computing the limitation provided by the first sentence of this paragraph in connection with a Presidential primary election, the resident population of voting age for the office of President shall be held and considered to be the entire population of voting age for such office within the State in which such primary election is conducted. Amounts spent by or on behalf of any candidate for nomination for election to such office in connection with his primary campaign in any State shall not exceed such limitation for that State."

On page 8, strike lines 17 through 21 and insert in lieu thereof the following:

"For the purposes of computing the limitation provided by the first sentence of this paragraph in connection with a Presidential primary election, the resident population of voting age for the office of President shall be held and considered to be the entire resident population of voting age for such office within the State in which such primary election is conducted. Amounts spent by or on behalf of any candidate for nomination for election to such office in connection with his primary campaign in any State shall not exceed such limitation for that State."

Mr. MATHIAS. Mr. President, I think that, as drawn, the bill limits broad-based participation by all States and their respective citizens. Congress should declare a policy that it desires more rather than less presidential primaries, that it desires more citizens of more States to have a realistic opportunity to determine the party nominee of their party for the office of President of the United States. It would be patently unfair for a man who aspires to be President to choose to enter one symbolic primary, be it in New Hampshire or Florida, or wherever, and to spend exorbitant amounts of money in that single primary to the exclusion of other and perhaps equally important State primaries, and to use the State's population base for the purpose of spending ceilings in the primary of his choice.

This amendment would limit the amount a presidential candidate can spend to 5 cents multiplied by the estimated number of residents in each State the candidate enters a primary. The amendment does not limit the candidate's choice but what it does is to encourage every presidential candidate to

go into more primaries which, in the end, will result in a more responsive and a more responsible system of nominating a President.

In a general election, of course, no similar restrictions, in my judgment, should be applied. There, the nominees of the parties stumping the country in the final election drive could make any determination that they chose, in their own judgment and discretion, as to where the moneys allowed under the general limitation could be spent. But in the primary there is a different situation. It seems to me it should be a matter of declared public policy, to encourage a candidate who wants to be the nominee of his party not to throw all that he is legally allowed to spend into one or a few primaries, to the detriment of the entire electoral system.

Mr. President, I hope that the Senate will adopt this amendment.

Mr. PASTORE. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. I yield.

Mr. PASTORE. I have no personal objection to the amendment. I raised the question with the staff that, when we use the expression "resident population of voting age," I was wondering whether the Senator took the language we used in the substitute or whether he used the eligible vote. I think we both join in meaning, but there is a question of whether, by reference, we may be confusing the issue. In other words, a resident vote, of course, could be even an alien or one not qualified to vote.

Mr. COOK. Mr. President, if the Senator will allow me to interject there, the language in the substitute states:

Multipled by the estimated resident population of voting age for such office.

Mr. PASTORE. All right. I thank the Senator. I do not know about my other colleagues, but I do not see any objection to the amendment. What the Senator is saying is that, in a primary, he does not want to allow the candidate for the office of President to pick and choose a particular State. It could be that he would want to go into a particular State to make a big impression.

Mr. MATHIAS. Yes. He may think it better for the public relations value of the thing to go into X State.

Mr. PASTORE. The same thing applies as for a Senator running on a statewide basis.

Mr. MATHIAS. That is correct.

Mr. PASTORE. I see no objection to the amendment. I am perfectly willing to accept it. I do not know about my other colleagues on the floor, of course, but, if it is necessary to take a vote, I suggest we do it now.

I yield back the remainder of my time.

Mr. MATHIAS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. CHILES). The question is on agreeing to the amendment of the Senator from Maryland, as modified, No. 272.

The amendment was agreed to.

AMENDMENT NO. 271

Mr. MATHIAS. Mr. President, I call up my amendment No. 271 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

On page 5, line 2, before the semicolon insert the following: "or (3) has publicly announced his candidacy for such office or has knowledge or information that any other person or political committee has received contributions or made expenditures for the purpose of bringing about his nomination for election, or election, to such an office and has not notified that person or political committee in writing to cease receiving such contributions or making such expenditures".

On page 10, line 2, before the semicolon insert a comma and the following: "or (C) has publicly announced his candidacy for such office or who has knowledge or information that any other person or political committee has received contributions or made expenditures for the purpose of bringing about his nomination for election, or election, to such an office and has not notified that person or political committee in writing to cease receiving such contributions or making such expenditures".

The PRESIDING OFFICER. Does the Senator wish to modify his amendment to conform to the substitute amendment?

Mr. MATHIAS. Yes; I make that request. The necessary pagination is page 4, lines 5 to 10, and page 7, lines 11 to 16.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The text of amendment No. 271, as modified, is as follows:

On page 4, line 10, before the semicolon insert the following: "or (3) has publicly announced his candidacy for such office or has knowledge or information that any other person or political committee has received contributions or made expenditures for the purpose of bringing about his nomination for election, or election, to such an office and has not notified that person or political committee in writing to cease receiving such contributions or making such expenditures".

On page 7, line 16, before the semicolon insert a comma and the following: "or (C) has publicly announced his candidacy for such office or who has knowledge or information that any other person or political committee has received contributions or made expenditures for the purpose of bringing about his nomination for election, or election, to such an office and has not notified that person or political committee in writing to cease receiving such contributions or making such expenditures".

Mr. MATHIAS. Mr. President, this amendment deals with the definition of a legally qualified candidate. Unless a candidate comes within this legislative definition, he is free to spend as much as he wants and is excluded from the spending limitations of the bill. It is all very well for Congress, in its attempt to reform the election laws, to establish ceilings, limitations, and disclosure regulations, but unless they apply to actual people who are running for public office, it does not mean very much.

The definition as presently drafted has two parts: first, that the candidate qualify under Federal law. In the case of the U.S. Senate, this means that the candidate must be 30 years of age, and a citizen of the United States, whether natural or naturalized.

Second, he qualifies under applicable State law.

Mr. President, I submit that this is not enough. As drafted, both provisions omit any affirmative action by the candidate and only contemplate a passive, formalized series of acts of qualifying oneself for a candidate.

There may be situations in which a candidate would not, perhaps even could not, qualify under State law, although he might be running down the pike at a full gallop and in this case he would not be covered under "applicable State law" and thus excluded from the spending ceilings. He may be a candidate in the eyes of the public and a candidate in his own eyes, and yet not be covered by the bill.

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

Mr. MATHIAS. Mr. President, I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, let us assume that someone invites the distinguished Senator to make a speech in California. Let us further assume that that Senator had in mind that he would like to be a candidate for the President of the United States. We would then get into the precise definition that is already recorded in the register and is the definition adopted by the regulations promulgated by the FCC. I am afraid that we are going to be doing a lot of crystal ball gazing. At what point do we know whether a man is a candidate unless he says so or qualifies under Federal law?

There is a period of time that is rather nebulous. It is true that we have a lot of men who are going all over the country making speeches. Whether they will become candidates or not, I do not know. However, when does anyone know that anyone else is a candidate unless that person says so.

Mr. MATHIAS. Mr. President, the distinguished Senator from Rhode Island raises a possibility that is so remote that it is very difficult for me to answer it seriously. However, let me talk about it in more general terms, because there are people here to whom the question is not as remote as it is to me.

I think we can tell. We can tell that there are people in the Senate today who are thinking of being candidates. It is not any mystery. When one begins to collect money to open an office and to start to make expenditures which are campaign-type expenditures, I think this indicates more than something that is just in one's mind. I think it is something in one's mind which is being expressed.

I agree that we will always have these remarkable situations where, if an east coast Member goes to the west coast, and begins to make speeches and nothing more, it may have the effect of enhancing his reputation and improving his capabilities for the Presidency. However, it is not necessarily the act of a candidate. But when there is the collection of money for the purpose of being a candidate, with the candidate's knowledge—and which he has not disavowed—these are the circumstances my amendment touches.

Then I believe we have the situation which the law can identify and recog-

nize. I think that is the point at which we ought to say that this bill takes hold.

There are also situations where one can actually file under some State law and then, because of the anomaly of different State laws, not become a candidate for a period of time, for as much as 10 days. Under those circumstances, he would still have the freedom to act without respect to the limitation of the bill as presently drafted.

For these reasons, I think we ought to expand the coverage so that we do include candidates who are merely running in their own minds or in the eyes of the public, who can accrue whatever benefits can be accrued from spending, but are not being limited or held accountable under the provisions of the bill.

I hope the amendment will be agreed to. It covers what I think is a serious loophole in the bill.

Mr. PASTORE. Mr. President, I mean to be very cooperative. I tell the Senator that any reasonable suggestion that may be made will be given consideration. However, as I said before, in the spirit of cooperation and developing a bipartisan bill, which is necessary because of the critical and crucial situation. I am willing to go along. However, on this amendment, I am afraid that we are dealing with something that may turn out to be a can of worms.

We debated this from every angle before the committee. It is one section of the bill that we devoted a little more time to than we devoted to other sections.

I hope that we would not do anything to disturb the already accepted definition of a legally qualified candidate.

I hope that the Senator would withdraw the amendment. Otherwise, I would have to move to lay it on the table.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD my reasons for being opposed to the amendment.

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

AMENDMENT NO. 271

Mr. President, my amendment to S. 332 defines "legally qualified candidate" solely for purposes of determining when the limitation on a candidate's expenditures becomes applicable. It is a paraphrase of the regulations and rulings of the FCC as published in the Federal Register, and I have here a copy of the FCC's primer on this matter. That definition is precise; its meaning is readily ascertainable by all concerned—the candidates and the media suppliers; and it is easily enforced.

Of course, one can make up remote, hypothetical situations where its intent could be evaded. But that is true of every piece of legislation ever conceived by the mind of man.

In the world of political campaign reality, however, the definition in my amendment will, for purposes of the spending limitation, make candidates identifiable.

Mr. President, the additional language of definition of "legally qualified candidate" in any attempt to include a class of individuals described by the sponsor of the amendment as "inchoate candidates." These are individuals, according to the amendment sponsor, who could not at a particular point in time,

qualify as a candidate under State law, though clearly a candidate in the eye of both the public and himself.

In attempting to reach these candidates, the amendment would, in my judgment, create greater problems than the one it is designed to cure.

Under the amendment anyone who has knowledge or information that any other person or political committee has received contributions or made expenditures for the purpose of bringing about his nomination for election, or reelection, and has not notified that person or political committee in writing to cease receiving such contributions or making such expenditures, would be a "legally qualified candidate" for purposes of the spending limitation even if he is not qualified under applicable State law and Federal law.

Mr. President, this amendment can only cause confusion and uncertainty among the media suppliers, the candidates, and those who must enforce the legislation.

How, for example, can an individual be charged with knowing every person or committee who makes a contribution or expenditure in order to bring about his election? It also seems to me that this requirement could be easily evaded if someone were disposed to do so.

Moreover, it would bring within the purview of the legislation people who could not possibly be elected for the particular office, because they were not and could not legally qualify. This, it seems to me, would add a needless burden on everyone.

I, therefore, urge the Senate to reject the amendment. The present definition is more than adequate to deal effectively with the situations the legislation is designed to alleviate.

Mr. MATHIAS. Mr. President, I think the Senator from Rhode Island certainly has exhibited the desire to be helpful and cooperative, and I appreciate it. I also understand his feeling that we are in an area that is hard to define. However, because it is difficult to do does not mean that it ought not to be done. I think we can do it with the language I propose which deals with the acts of a man who should be covered by the bill. And these are definable. They are observable. They are not hard to recognize. I believe that the Senate ought to make a decision on it.

I think when we are talking about a man who has publicly announced his candidacy for office or who allows other people to puff up his candidacy with his knowledge and without any denial on his part that we are talking about a man who ought to be covered.

I think a man who allows a committee to be formed to receive money, which he does not disavow, has done something which is clearly within the realm of the legal definition and could be comprehended by the bill.

I believe that if we do not do this, we will then have the bucket of worms that the Senator from Rhode Island mentions. This is never going to get to the marginal case which the Senator and I discussed a moment ago. The marginal case is that of someone who goes out and simply puts up trial balloons in the normal course of public service and in the exercise of the duties of one in public life. We will not get to that. However, in those cases, we are not talking about collecting and disbursing money. Here

we are talking about the real possibility that people are collecting and expending different sums of money and that they will accrue the benefit of a public relations campaign which results from those expenditures.

There are things in this area, such as name identification, which can be a very large asset to a man who is relatively unknown before he becomes a candidate. If his name is identified through a public relations campaign before he becomes a candidate, this would give him a substantial advantage over another candidate who has not made those expenditures or whose expenditures for such purposes were in fact limited by the law.

Mr. PASTORE. Mr. President, I recognize the problem. I am not saying that there is not merit in what the Senator says. The only trouble is that if we begin to tamper with an accepted definition of something that is very important—what is a legally qualified candidate—I am afraid that if we do it off the top of our heads, we will develop more trouble than we have. When we start talking about candidates, as far as I know we have two or three avowed candidates, and I guess every other Member of the Senate is running for the Presidency. I do not know. But the fact is that one has to go to the convention to get the nomination no matter what, and there is a limitation in there now that they cannot spend more in a State than an amount based on the resident population of the State. I think we should try it this way, without this disturbance. If there is some abuse, perhaps we can try it another way later, but I hope the Senator will not pursue this now.

Mr. MATHIAS. The Senator said we should not do this off the tops of our heads. I agree. I have tried not to do that. But I suggest that this is an untried definition in the amendment. The Federal Communications Commission has regulations and in their regulations they have definitions. If the Senator will bear with me further, I would like to read the definition which is in force under the FCC regulations. It states:

A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, State or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who:

(1) Has qualified for a place on the ballot.

This is an expanded definition. It goes beyond that.

Mr. PASTORE. That is our definition. The paraphrase of that. That is exactly the point I am making.

Mr. MATHIAS. I do not believe that the committee bill makes reference to an announcement or to one who holds himself out as a candidate. The committee bill refers to one who qualified and there is a big difference between announcing and qualifying.

The unfortunate fact is that the broader definition and the more inclusive definition would be superseded by the statute, by the act of Congress, and I believe in the process we would be enlarging a loophole which the Federal Communications Commission has attempted by regulation to close.

It is for this reason I press this point because I think the bill, by eliminating not only those who allow others to act for them, but even those who say frankly, "I am a candidate," permits expenditures that should not be allowed.

Mr. PASTORE. As I said before, unless the Senator withdraws his amendment I am going to move to table it at this time. I would not want to do it but I certainly cannot accept it at this moment. I am afraid we would confuse the bill.

Mr. MATHIAS. With all deference to the Senator from Rhode Island, I feel that the question of who is qualified and who is covered is a very important point.

If the Senator feels he must move to table, I certainly understand.

I think the loophole is too big. I think we should agree to the amendment but I am perfectly willing to put the matter to a vote, if the Senator wishes to do so.

Mr. PASTORE. Mr. President, I move to lay the amendment on the table.

Mr. MATHIAS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. All time must be yielded back first. Is all time yielded back?

Mr. MATHIAS. Mr. President, I yield back my time.

Mr. PASTORE. I yield back my time.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island to table the amendment (No. 271) of the Senator from Maryland, as modified. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana, (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Iowa (Mr. HUGHES), the Senator from Mississippi (Mr. STENNIS), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce, that if present and voting, the Senator from Missouri (Mr. SYMINGTON) would vote "yea."

Mr. GRIFFIN. I announce that the

Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are detained on official business, and, if present and voting, would each vote "nay."

The result was announced—yeas 51, nays 40, as follows:

[No. 188 Leg.]

YEAS—51.

Allen	Harris	Montoya
Anderson	Hart	Moss
Bible	Hartke	Muskie
Burdick	Hollings	Nelson
Byrd, Va.	Humphrey	Pastore
Byrd, W. Va.	Inouye	Pell
Cannon	Jackson	Proxmire
Church	Jordan, N.C.	Randolph
Cook	Kennedy	Ribicoff
Cranston	Long	Sparkman
Eagleton	Magnuson	Spong
Ellender	Mansfield	Stevenson
Ervin	McClellan	Taft
Fong	McGee	Talmadge
Fulbright	McGovern	Tunney
Ganabrell	McIntyre	Williams
Gravel	Mondale	Young

NAYS—40

Aiken	Curtis	Miller
Allott	Dole	Packwood
Baker	Dominick	Pearson
Beall	Fannin	Percy
Bellmon	Goldwater	Prouty
Bennett	Griffin	Roth
Boggs	Gurney	Saxbe
Brock	Hansen	Schweiker
Brooke	Hatfield	Scott
Buckley	Hruska	Smith
Case	Javits	Stevens
Chiles	Jordan, Idaho	Weicker
Cooper	Mathias	
Cotton	Metcalf	

NOT VOTING—9

Bayh	Hughes	Symington
Bentsen	Mundt	Thurmond
Eastland	Stennis	Tower

So Mr. PASTORE'S motion to lay on the table Mr. MATHIAS' amendment, as modified, was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its read-clerks, announced that the House had passed, without amendment, the bill (S. 485) to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 8866) to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POAGE, Mr. ABERNETHY, Mr. FOLEY, Mr. BELCHER, and Mr. TEAGUE of California were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 6) to express the sense of Congress relative to certain activities of Public Health Service hospitals and outpatient clinics, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 701. An act to amend the Migratory Bird Hunting Stamp Act to authorize the Secretary of the Interior to establish the fee for stamps issued thereunder, and for other purposes;

H.R. 760. An act to revise and improve the laws relating to the documentation of vessels;

H.R. 1074. An act to amend section 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of a 13-period accounting year;

H.R. 2595. An act to amend the act entitled "An Act to regulate the practice of podiatry in the District of Columbia," approved May 23, 1918, as amended;

H.R. 3628. An act to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes;

H.R. 7048. An act to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes;

H.R. 7117. An act to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes;

H.R. 7096. An act to direct the establishment of health standards for employees of food service establishments in the District of Columbia;

H.R. 8689. An act to provide overtime pay for intermittent and part-time general schedule employees who work in excess of 40 hours in a workweek;

H.R. 9442. An act to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for executive schedule level IV;

H.R. 9798. An act to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes;

H.J. Res. 1. Joint resolution concerning the war powers of the Congress and the President; and

H.J. Res. 829. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 9417. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1972, and for other purposes; and

H.R. 9667. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 701. An act to amend the Migratory Bird Hunting Stamp Act to authorize the Secretary of the Interior to establish the fee for stamps issued thereunder and for other purposes;

H.R. 760. An act to revise and improve the laws relating to the documentation of vessels;

H.R. 1074. An act to amend section 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of a 13-period accounting year;

H.R. 7048. An act to amend the Communications Act of 1934, as amended, to establish a Federal-State Joint Board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes; and

H.R. 7117. An act to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes; to the Committee on Commerce.

H.R. 2595. An act to amend the act entitled "An Act to regulate the practice of podiatry in the District of Columbia", approved May 23, 1918, as amended; and

H.R. 7096. An act to direct the establishment of health standards for employees of food service establishments in the District of Columbia; to the Committee on the District of Columbia.

H.R. 3628. An act to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes;

H.R. 8689. An act to provide overtime pay for intermittent and part-time general schedule employees who work in excess of 40 hours in a workweek; and

H.R. 9442. An act to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for executive schedule level IV; to the Committee on Post Office and Civil Service.

H.J. Res. 1. Joint resolution concerning the war powers of the Congress and the President; to the Committee on Foreign Relations.

H.J. Res. 829. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes; to the Committee on Appropriations.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting the Locarno Agreement Establishing an International Classification for Industrial Designs, was communicated to the Senate by Mr. Leonard, one of his secretaries.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote

fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. MATHIAS. Mr. President, I have introduced amendment No. 291 to S. 382, the Campaign Reform Act of 1971. The amendment creates a franking privilege for all candidates in Federal elections. I strongly believe that the equitable use of this privilege by all candidates would be a major contribution to the electoral process.

It is equally important, however, that the Congress and now the Senate, pass meaningful reform legislation. I believe to call up this amendment now, would seriously affect the chances of passage of S. 382, and, I clearly do not wish to do this. Amendments to S. 382 have been limited to changes in the language of the reported bill and new titles like the one proposed in my franking privilege amendment have been postponed for individual consideration.

In addition, the Post Office and Civil Service Committee of the Senate under the distinguished and able leadership of Chairman McGEE have not had the opportunity to consider this important matter, and I feel the Senate could greatly benefit from its involvement.

Mr. President, I shall not call up Amendment No. 291 for consideration by the Senate and I ask unanimous consent to insert in the RECORD a letter written to me from Chairman McGEE indicating his plans to hold hearings in the very near future on this subject matter.

Mr. President, I do not intend to drop this important addition to campaign reform, but only await consideration by the Post Office and Civil Service Committee until I again pursue its useful objectives.

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

AUGUST 2, 1971.

The Honorable CHARLES MCC MATHIAS, JR.
United States Senate,
Washington, D.C.

DEAR SENATOR: Thank you for your note concerning your interest in removing your amendment #291 to S. 382, the Federal Election Campaign Act of 1971.

Like you, I see great advantages to limiting the number of amendments to the campaign reform bill. Your offer to withdraw your amendment is commendable.

As you know, the Administration has introduced legislation which comes very close to accomplishing what this amendment would provide. This administration bill has already been referred to this Committee.

Although we have not yet had the opportunity to hear this legislation, you can rest assured that following the August recess this Committee will schedule hearings as soon as the calendar allows.

Best wishes.

Sincerely,

GALE MCGEE,
Chairman.

AMENDMENT NO. 273

Mr. MATHIAS. Mr. President, I call up my amendment No. 273, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 9, beginning with line 6, strike down through line 25 and substitute in lieu thereof:

"(d) if a State by law and expressly—

"(1) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection, and

"(2) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election, and

"(3) has provided in any such law an unequivocal expression of intent to be bound by the provisions of this section, and

"(4) has stipulated that the amount of such limitation shall not exceed the amount which would be determined for such election under subsection (3) had such election been an election for a Federal elective office or nomination thereto;

then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate such limitation."

The PRESIDING OFFICER. Does the Senator wish to offer his amendment to the Pastore substitute?

Mr. MATHIAS. Yes, it is offered to the substitute, and for the purpose of conforming—

Mr. BYRD of West Virginia. Mr. President, we cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Maryland may proceed.

Mr. MATHIAS. I offer the amendment to the substitute. For the purpose of conforming it with the Pastore bill, the opposite lines are on page 9, lines 6 through 25.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. MATHIAS. Mr. President, I yield myself 3 minutes.

This is a very simple amendment, very uncomplicated. It might be called a States rights amendment. It is to preserve the control of the States over their own participation in the electoral process. In the lines that have been proposed to be amended, in the broadcast section of the bill, it is provided that if the Federal Communications Commission makes certain findings as to the applicability of a State law, then that State's candidates will come within the purview of the bill as it pertains to licensees, certification, and spending ceilings.

I certainly support the committee very strongly in the goal which I believe to have been intended by this language—the goal of providing some uniformity and some voluntary compliance with Federal law.

But I would raise the constitutional question of instructing a Federal agency, the FCC, to determine the applicability of the laws of one of the States of the Union. I would suggest—and I have suggested by this amendment—that we leave the question of determination to the States and to the judicial system. I can see that there might be some tendency on the part of the States—which have also labored, as we are working here, for electoral reform—to resent this preemption in the effort to get some uniformity in the election laws.

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

Mr. MATHIAS. I yield.

Mr. PASTORE. What we did in this bill was merely to recommend that the States follow suit. The decision is to be theirs. But because broadcasters and licensees have to report what candidates spend, we brought the FCC into the picture in the event that a State decided to limit the amount of money that a candidate for State office could spend in order to run for State office.

What this amendment does—and I think it clarifies the situation—is to say explicitly that the State shall make the determination and call upon the FCC for this guidance.

Is that not all the Senator intends to do?

Mr. MATHIAS. The Senator is exactly correct.

Mr. PASTORE. I am perfectly willing to accept the amendment.

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

Mr. PACKWOOD. I yield.

Mr. PROUTY. I, too, wish to assure the Senator from Maryland of my support. I think it is a very worthwhile amendment.

Mr. MATHIAS. I thank the Senator.

The PRESIDING OFFICER. Is all time on the amendment yielded back?

Mr. MATHIAS. I yield back the remainder of my time.

Mr. PASTORE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

AMENDMENT NO. 312

Mr. PACKWOOD. Mr. President, I call up my amendment No. 312.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 34, line 5, before the period insert the following: "except that any contribution of \$5,000 or more received after the last report is filed prior to the election, shall be reported within twenty-four hours after its receipt."

The PRESIDING OFFICER. Does the Senator wish to modify the amendment?

Mr. PACKWOOD. I offer a modified amendment, the only change being made to conform it to the line numbers of the Senator from Rhode Island's amendment. I send to the desk the modified amendment.

The PRESIDING OFFICER. The modified amendment will be stated.

The legislative clerk read as follows:

On page 25, line 9, before the period insert the following: "except that any contribution of \$5,000 or more received after the last report is filed prior to the election, shall be reported within twenty-four hours after its receipt."

Mr. PACKWOOD. Mr. President, what we have now, in essence, is a 10-day grace period in which to file a report, 10 days prior to the election, because it is reported on a Thursday before the Tuesday, and a person need not file anything received within 5 days before that. There is the possibility—and I will call it more

than that; there is this probability—if one has ever looked at the preelection and postelection reporting, an extraordinarily large amount of money comes into the campaign—I think deliberately prearranged—after the deadline for preelection reporting. We now have a 10-day period, in essence, between the deadline and the last day in which a report has to show money received, in which money can come in.

I am not suggesting that we are going to account for every nickel and dime in that 10-day period. I am asking that any contribution in excess of \$5,000—and that is not very often, in most campaigns—be reported within 24 hours of its receipt, so that the voters might be aware of any large last-minute contributions that are filed.

Mr. PASTORE. Mr. President, the way the bill is drafted, and the way my substitute is drafted at the moment, there is no limit to a contribution. I understand that there will be several amendments to accomplish exactly that. Whether or not this amendment is premature, I do not know.

Mr. PACKWOOD. This is not a limit on the size of the contributions.

Mr. PASTORE. I know it is not. But the Senator is talking about \$5,000 or more. The question arises that if we limit the contribution to \$5,000, "or more" does not apply any more.

Mr. PACKWOOD. The Senator's question confuses me. There is no limit. If somebody wants to give \$25,000—

Mr. PASTORE. I know. But I am saying to the Senator that there will be a move here to limit the contribution to \$5,000, that no one can give more than \$5,000. What the Senate will do with that, I do not know. All I am saying, is that this amendment seems to jump the gun a little, because the Senator refers to anyone who contributes \$5,000 or more. The words "or more" may not apply once we work on the other amendments.

I wonder whether the Senator would postpone this amendment for a while, until we determine what is going to happen to the other feature.

Mr. PACKWOOD. I have no objection, if we get to the stage of putting on the campaign limitation of \$5,000, to strike out "or more." I want to make sure that money is not sneaked into a campaign in the last 10 days.

Mr. PASTORE. I have no objection to the amendment, if we have that limitation. I think we ought to wait and see what happens, and then we will entertain the Senator's amendment.

Mr. PACKWOOD. Then, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Who yields time?

AMENDMENT NO. 303

Mr. PACKWOOD. Mr. President, I call up my amendment No. 303.

The PRESIDING OFFICER. The amendment will be stated.

Mr. PACKWOOD. Mr. President, I send to the desk a modified version of this

amendment, so that it conforms with the Pastore substitute.

The PRESIDING OFFICER. The clerk will state the modified amendment.

The legislative clerk read as follows:

On page 27, line 21, strike "Sec. 305." and insert in lieu thereof "Sec. 305. (a)".

On page 28, between lines 4 and 5, insert the following:

(b) Any person who lends \$10,000 or more within any calendar year to any candidate, political committee, or any candidate and one or more political committees supporting such candidate, shall report such loan to the Comptroller General within 5 days after such loan is granted. The report shall disclose the amount, term, interest rate, and date of the loan, the name of the person to whom such loan was made, the names and addresses of any endorsers of such loan, and the amount of such endorsements.

Mr. PASTORE. Mr. President, what is the number of this amendment?

Mr. PACKWOOD. No. 303.

Mr. President, this amendment is intended to require people who lend \$10,000 or more to candidates to divulge this fact.

I think most of us are familiar with the fact that quite often campaigns are financed on "loans" rather than contributions. Sometimes those loans are repaid, sometimes not. This amendment is not designed to determine whether or not the loans are repaid or whether they shall be treated as gifts. It simply says that at any time someone loans \$10,000 or more to a candidate—which is not regarded at the time as a contribution—that information shall be reported immediately, or within 5 days, to the commission.

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

Mr. PACKWOOD. I yield.

Mr. CANNON. Mr. President, I think this provision is unduly restrictive. S. 382 requires candidates and committees to report contributions and loans. To require banks to report on loans made in the ordinary course of business would be quite unreasonable. This certainly would make that imposition.

In other words, banks are in the lending business; and any time they make a loan of \$10,000 or more, they would be required to report it, under the provisions of this amendment. I do not think it is necessary; and, under the circumstances, I would have to oppose it.

Mr. PACKWOOD. I would like to know if Chase Manhattan or Bank of America or some large donor is lending \$10,000 to a campaign, and I would like to know it soon, not just within the reporting time provisions in the act.

The amendment is designed to get at exactly what the Senator has suggested. If a bank makes a loan in the normal course of business—a loan of \$25,000 or \$50,000—to a candidate, it is not going to be reported posthaste under the bill. It is going to be reported in due course. I think a loan of that size, \$10,000 or more, should be reported as soon as possible.

Mr. CANNON. I have nothing further to say, Mr. President. I am opposed to the amendment. I think it is unreasonable.

The reporting provisions we have in the bill requiring periodic reports as well as reports in advance of election time are

adequate. We require reports on the part of the candidate and on the part of the committee.

Mr. PACKWOOD. Mr. President, I want to ask for the yeas and nays, but before doing so, will yield back my time if the Senator from Nevada will yield back his time.

Mr. CANNON. Mr. President, I yield back my time.

The PRESIDING OFFICER. (Mr. COOK). All time on the amendment has been yielded back.

Mr. PACKWOOD. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. CANNON. Mr. President, I move to lay on the table the amendment of the Senator from Oregon (No. 303).

Mr. PASTORE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada (Mr. CANNON) to lay on the table the amendment of the Senator from Oregon.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Iowa (Mr. HUGHES) and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Delaware (Mr. ROTH), the Senator from South Carolina (Mr. THURMOND), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WHICKER) are detained on official business.

If present and voting, the Senator from Delaware (Mr. ROTH), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 48, nays 43, as follows:

[No. 189 Leg.]

YEAS—48

Allen	Gravel	Montoya
Anderson	Hart	Moss
Bible	Hartke	Muskie
Burdick	Hollings	Nelson
Byrd, W. Va.	Humphrey	Pastore
Cannon	Inouye	Pell
Chiles	Jackson	Proxmire
Cook	Jordan, N.C.	Randolph
Cranston	Keenney	Ribicoff
Curtis	Long	Sparkman
Eagleton	Magnuson	Spong
Ellender	Mansfield	Symington
Ervin	McClellan	Taft
Fong	McGee	Talmadge
Fulbright	McIntyre	Tunney
Gambrell	Mondale	Williams

NAYS—43

Aiken	Byrd, Va.	Hansen
Allott	Case	Harris
Baker	Church	Hatfield
Beall	Cooper	Hruska
Bellmon	Colton	Javits
Bennett	Doie	Jordan, Idaho
Bentsen	Dominick	Mathias
Boggs	Fannin	McGovern
Brock	Goldwater	Metcalf
Brooke	Griffin	Miller
Buckley	Gurney	Packwood

Pearson	Schweiker	Stevenson
Percy	Scott	Young
Prouty	Smith	
Saxbe	Stevens	

NOT VOTING—9

Bayh	Mundt	Thurmond
Eastland	Roth	Tower
Hughes	Stennis	Welcker

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 349

Mr. PROUTY. Mr. President, I call up my amendment No. 349.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 4, beginning with line 16, strike down through line 7 on page 5 and insert in lieu thereof the following:

"(2) (A) No legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of—

"(1) 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

"(2) \$30,000, if greater than the amount determined under clause (1).

A legally qualified candidate for nomination for election to the office of President may not spend a total amount for all primary elections held for such office in which he is a candidate in excess of the limitation provided by the first sentence of this paragraph.

"(B) In addition to the amount which he may spend under paragraph (2) (A) of this subsection for the use of broadcast communications media in connection with his campaign, a candidate for Federal office may spend for such use any unspent portion of the amount he is authorized to spend for the use of nonbroadcast communications media under section 103 of the Federal Election Campaign Act of 1971."

On page 8, strike lines 6 through 21, and insert in lieu thereof the following:

"(c) (1) No legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of nonbroadcast communications media on behalf of his candidacy in such election a total amount in excess of—

"(A) 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

"(B) \$30,000, if greater than the amount determined under subparagraph (A).

A legally qualified candidate for nomination for election to the office of President may not spend a total amount for all primary elections held for such office in which he is a candidate in excess of the limitation provided by the first sentence of this paragraph.

"(2) In addition to the amount which he may spend under this subsection for the use of nonbroadcast communications media in connection with his campaign, a candidate for Federal office may spend for such use any unspent portion of the amount he is authorized to spend for the use of broadcast communications media under section 315 (c) of the Communications Act of 1934 (47 U.S.C. 315(c))."

The PRESIDING OFFICER. The Chair wishes to ask the Senator if this is one of the amendments on which there is a 3-hour time limitation.

Mr. PROUTY. It is, Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Vermont may proceed.

Mr. PROUTY. Mr. President, I realize that there are many who believe that any spending limitation for political candidates is unwise and may be unconstitutional. For example, Prof. Ralph Winter of Yale Law School testified before the Senate Commerce Committee, as follows:

Any limitation on spending in political campaigns, whether limited to spending for certain media or encompassing spending generally, violates the First Amendment. This applies to any limitation on the amount of money that a person can contribute as an individual contribution to a campaign.

It is my judgment that the First Amendment plainly prohibits the setting of a legal maximum on the political activities in which an individual may engage. This is the case whether or not the maximum is imposed in the name of equalizing opportunity or whether an actual discriminatory effect can be shown.

In both the Senate Commerce Committee and the Rules Committee, we gave serious consideration to the question of the constitutionality of a spending limitation. I, for one, was convinced that such a limitation could be constitutional. However, as with any first amendment right, the limitation must be a reasonable one.

As you know, Mr. President, the bill reported by the Senate Commerce Committee had separate but identical limitations for the broadcast and nonbroadcast communications media. In Rules Committee, we adopted the same spending limitation but to avoid overstructuring of the political process, we permitted a candidate to spend any unspent portion of one limitation as an additional amount for the other limitation. This interchangeability feature is the feature which makes any spending limitation reasonable.

Mr. President, when we consider spending limitations, I think it is important for us to remember what the spending limitation does. First of all, any spending limitation favors the incumbent. This fact is particularly true with regard to spending limitations on the communications media.

Why is this the case? There are a number of reasons; but, perhaps the greatest reason is the fact that incumbents are generally better known than challengers. Moreover, incumbents can more easily make news by the way they vote or by the stands they take on important issues.

A recent editorial in Time magazine urged Congress to enact no spending ceiling. It concluded by stating that "money is the great equalizer in the American political system." I am not sure that I completely agree with that premise, but I can understand it. We all should be able to understand it when we consider that under the present system which is completely without spending limitations over 93 percent of the Congressmen and Senators who have run for reelection since 1940 have been successful. Any limit that we place on a challengers ability to spend money in order to convince the voters that an incumbent has served long enough will

tend to be viewed as incumbent insurance.

Mr. President, the spending ceilings in S. 382 are relatively unimportant as far as meaningful reform of our election laws are concerned. For example, the repeal of the equal time requirement of section 315(a) for all Federal candidates is much more than election reform because the effect of the repeal is to increase rather than diminish the exchange of political ideas. The amendments to the Criminal Code which eliminate the unregulated District of Columbia Political Committee and prevent political candidates from running up big bills that they do not pay. It is far more important to insure that political candidates do not violate the law getting elected to office than it is to tell them how they should allocate their resources in a campaign. It is most important that the financing of political campaigns be subject to full and complete disclosure so that the voters can know where a candidate gets his money and how he spends it.

I hope that every Member of this body fully understands the significant difference between spending limitations and all other parts of this bill. Spending limitations by their very nature have a limiting effect while all other provisions have the effect of encouraging above-board honest elections.

As we consider this bill, Mr. President, I hope that the broad perspective I have just outlined will be kept in mind. Amendment No. 308 chooses a method for limiting expenditures which is far inferior to the method adopted by the Rules Committee. By trying to impose separate spending limitations on broadcast and nonbroadcast communications media, amendment No. 308 ignores all of the testimony presented before both committees.

Our distinguished majority leader (Mr. MANSFIELD) submitted testimony and a number of letters to the Senate Commerce Committee. In his letter to Joseph Sample, Senator MANSFIELD probably best summed up the problem when he stated:

I am hopeful the final version of the bill will contain the type of leeway and discretion to each candidate to permit the transfer of amounts from one category to another, depending upon individual judgment and needs of that candidate. I do believe that the overall limitations provided in the bill are adequate, but it is true that a challenger to an incumbent may justly and validly need to expend more of his campaign funds on name identification which can probably more validly be achieved through the electronic media. I would not want any bill with which I associated to be considered a bill for the protection of incumbents.

We all know, Mr. President, that a campaign for the U.S. Senate in Wyoming or Maine is going to have very different requirements than a campaign for the U.S. Senate in New York or California—or even Rhode Island. We all know, Mr. President, that a congressional candidate in New York City may not even be able to afford television at all, while a congressional candidate in Wyo-

ming may find that television is the only way to reach all of the voters.

What rational basis is there for setting separate limitations? Let me read to you the reasons contained on page 30 of the Commerce Committee report:

Some of the witnesses who testified before your Committee urged there be one total limitation on all media spending with discretion left to the candidate to determine what amounts to spend on broadcast and nonbroadcast advertising. There is merit to this contention especially since campaigns differ according to the personal style of a candidate and the area of the country in which the election is being held.

On the balance, however, your Committee opted against such an approach. Television is unquestionably the most used media in political campaigns, and it has been the most significant contributor to the spiraling cost of these campaigns. If candidates were given complete discretion to spend on the use of this media your Committee was fearful that in the closing months of a campaign the airwaves might become inundated with political broadcasts to the exclusion of entertainment and other public interest programs.

The Deputy Attorney General of the United States, Richard G. Kleindienst, replied to that report language in his testimony before the Rules Committee. He stated:

We think the economic facts of life in the broadcasting industry and the long term self-interest of broadcasters will adequately protect the public from any real possibility of an inundation of the air by political advertisements. We also believe that compartmentalized spending limitations ignore differences in candidates and variances in media coverage capabilities and media rates throughout the Nation. Candidates should have the flexibility to structure their campaigns to produce the most efficient and effective communication with the electorate.

Mr. President, let us, in establishing a spending limitation, be realistic. Let us face the facts. Candidates for Federal office should be given the flexibility necessary to insure that all of the voters in their State or congressional district have the maximum flexibility in deciding the best way to adequately inform all of the voters.

The proponents of the approach used in the Pastore amendment argue that if interchangeability were permitted, all candidates would spend all of their money on radio and television. Can they prove such a charge? The answer is no. But I suppose they would argue that the reasonable man knows that television and radio are the most important means for reaching the electorate. Perhaps they are right. However, all of the evidence seems to suggest they are wrong.

Today we do not have any accurate facts showing the amount of money spent by political candidates on billboards or newspaper advertisements. The reason we do not have those facts is that the disclosure laws now on the books are ineffective, both at the Federal and the State level. Herbert E. Alexander of the Citizens Research Foundation is acknowledged by everyone to have done the most work in this area and to be the most knowledgeable. In his recent book, Financing the 1968 Campaign, Mr. Alexander makes some important points. For

those who believe that television and radio is the most important part of a political campaign, Mr. Alexander makes the following observation:

Viewed in terms of candidate selection, the impact of broadcasting on our political life, at least at the Presidential level, is probably less than some have warned.

If one tried to judge the impact of political broadcasting on the outcome of the Presidential election, contradictory conclusions can be drawn from the evidence of 1968. On one hand, some political experts believe that Humphrey would have won the election if he had had sufficient funds to properly plan and fully execute his television campaign. It is suggested by these observers that lack of adequate television exposure caused by lack of funds cost Humphrey the election.

On the other hand, it has been noted by some observers that in spite of the most massive television campaign in history, and the biggest television spending advantage over his opponent in history, Nixon's rating in the polls was virtually unchanged from May to November (ranging around 42 percent). This could mean that Nixon's non-supporters or waiverers may have been largely unaffected by his expensive media campaign and that his media campaign served mainly to reinforce the favorable tendencies of his existing constituency.

It is impossible to resolve these two conflicting views on the importance of television on the basis of the 1968 Presidential election. One can conclude that other factors are probably at least as important, and that very little is really known about the way and the degree to which television influences voters.

Let us face the facts, Mr. President—television costs have been rising at a rapid rate. Political candidates do spend more money on television than they did in the past. When one stops to think of it, that is not too surprising. Until the 1960 Kennedy-Nixon debates, I am not sure that political candidates had given a great deal of thought to the fact that television could be used to inform the voters about the issues in a campaign. In no way, however, does the mere fact that television costs money lead to the conclusion that political candidates should be limited in using television.

Just the opposite conclusion might be reached, Mr. President.

A recent article in the June 10 edition of the Washington Post gives some indication as to the escalation of media advertising costs. In the Washington, D.C., area alone, media advertising costs rose 8.8 percent between April 1970 and April 1971. The article went on to point out that this was a smaller increase than the average 10.8-percent rise in media costs over the previous 5 years. Of all media costs, television rates rose the sharpest. Over the past 6 years in Washington, D.C., television rates rose 80.2 percent. This far outstrips any future adjustments which may be made in the formula as a result of the cost-of-living increase provision contained in the bill.

I would only conclude on this point, Mr. President, by pointing out that even the distinguished chairman of our Communications Subcommittee (Mr. PASTORE) seems to recognize the necessity for at least some degree of interchangeability. During the course of hearings before our Commerce Committee, in a colloquy with Mr. Wasilewski, president of

the National Association of Broadcasters, the few following exchanges occurred:

Senator PASTORE. We thought of that. What you would do in that particular case, you would transfer to the other area.

Mr. WASILEWSKI. I think this ought to be a matter that is in the broad discretion of the candidate himself.

Senator PASTORE. You are absolutely right, because we have said this time and again here, especially during the testimony of some of the networks.

He can better spend his money in another way; that is, either by mailing or by billboards or however he wants to do it.

We have been thinking of the idea that no more than 7 cents per vote, if that is the figure, and any candidate who does not use up to 7 cents can take the slack and transfer it to the other areas. (Commerce Committee Hearings, Serial No. 92-6 at 478, 479.)

Mr. President, all of the foregoing evidence simply begs the question; why not face reality and provide the necessary interchangeability?

Mr. President, I yield such time as he may desire to the distinguished Senator from Tennessee.

Mr. BAKER. I thank the Senator from Vermont for yielding.

Mr. President, this is an amendment which I offered in the Commerce Committee and which was discussed at great length at that time. It has a practical aspect that has been discussed thoroughly and ably by the Senator from Vermont. It has a deeper and more philosophical aspect that I should like to touch on for just a moment.

I think we can begin by agreeing that there is a substantial need for upgrading and modernizing the laws of the United States dealing with the election of Federal officials. Most of us would agree that such improvement and such legislation must embrace some sort of appropriate, enforceable and practicable reporting requirement, as well as some sort of disclosure of the amount of the contribution, at a time which is useful to the electorate.

Most of us probably would agree that there needs to be some sort of regulation of unfair campaign practices. But beyond that point, I am not sure all of us could agree on the techniques that should be employed to accomplish those purposes.

For instance, I am convinced that the lack of interchangeability of campaign allowances, as it is written into amendments Nos. 308 to S. 382 now before the Senate, is a distinct step backward instead of a step forward, because, while we need regulation and improvement in the Federal election laws, we do not need to regiment and institutionalize the process of campaigning. I resist with all the vigor of which I am reasonably capable any effort, for instance, to require that expenditures be made through a Federal agent. That is not seriously suggested nor implied in this bill, but it is one idea that has been considered by those who turn their attention to electoral reform.

By the same token, I would stoutly resist any effort by anyone to say one could or could not use television or could or could not use radio, or mass mailing, or any of the other several techniques

that are available for campaigning in large, populous areas.

It seems to me that if we cannot all agree on the danger of institutionalizing or federalizing the very delicate and personal business of campaigning for the right to represent the people in this Federal Republic, then there is very grievous danger in requiring that a candidate dedicate a fixed percentum share of the amount which he is allowed to spend on advertising to either the electronic or nonelectronic media.

I personally resist the idea that all of us, in our collective judgment, can decide how best and how most efficiently and most equitably the respective viewpoints of candidates in all of the several States of the Union can be presented. As the Senator from New Hampshire (Mr. CORROR), the distinguished ranking minority member of the Committee on Commerce, pointed out, television is almost useless in the State of New Hampshire when it comes to statewide campaigning. As I recall his comments and statements before the Commerce Committee, he wishes that he could utilize television effectively in New Hampshire, but he finds he cannot.

In the State of New Jersey, for instance, there is no television station, although New Jersey is certainly one of our great urban centers in the United States. If a candidate for statewide office in New Jersey desires to campaign through the electronic media, he must purchase time on broadcast stations in New York and Philadelphia. The candidate would therefore, be spending a great deal to reach relatively few potential voters in his State.

This, it seems to me, Mr. President, is a fair example of why we cannot by stature structure the allocation of the available funds between the candidates and between the media.

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

Mr. BAKER. I am happy to yield to the Senator from Kentucky.

Mr. COOK. The same thing could be said as to the State of New Jersey, could it not, as far as nonbroadcast media are concerned? If a candidate for the U.S. Senate wanted to place a full-page advertisement in the New York Times, although it covers a good percentage of the State of New Jersey, actually the cost of the advertisement would be based on the entire circulation area, which would take in a tremendous area in addition to the State of New Jersey; so the principle applies at both ends of the spectrum.

Mr. BAKER. The distinguished Senator from Kentucky is very accurate indeed, and I agree with him. It is a further example of the fact that we cannot effectively and appropriately allocate the funds to be spent in a rigid way. We cannot institutionalize the business of campaigning by requiring a certain percentage of the money to be spent either in the newspapers, as the Senator points out, or in television, according to the formula written into this bill.

I think there should be full interchangeability. I agree that there should

be a limitation on the amount that can be spent. I think that that is the very essence of campaign reform. But I think there should be maximum flexibility for each candidate to decide how to spend it. I do not think Congress should indicate what percentage share can be spent for television or nontelevision advertising, and I wonder, if this measure were enacted, if our next step would be to say that a certain percentage has to be spent in mass mailing, or on billboards, or on magazines, or handout material, or buttons or badges or whatever. Because you see, Mr. President, I contend, and I believe, that it is just as rational and just as logical to require that you spend a certain fractional share of your allowance for rubber balloons as it is to require that you spend a certain percentage share of your allowance for nonelectronic media as distinguished from electronic media.

I want the freedom, Mr. President, to decide how I will spend the statutory allowance which I may spend in any future campaign in which I may engage as a candidate. I do not want, as much as I respect every Member of this body and the judgment of every Member of this body, my peers and colleagues to tell me how to run a campaign in Tennessee.

I think, Mr. President, there should be full interchangeability. This does not act in derogation of the effectiveness of modernized campaign reform. I think we should move about the business of trying to make it practical and workable. But I do not believe we should go this step backward toward the regulation of the allocation of campaign expenditures. Therefore, Mr. President, I join with the Senator from Vermont in offering this amendment to change that provision, instead, to provide 100 percent full interchangeability from one medium to the other, according to the judgment and discretion of the candidate, still within the expenditure limitation framework. I think the Committee on Rules and Administration did an excellent job in this respect. I do not agree with my own committee's version, which is that of the Committee on Commerce. I support the Prouty amendment.

I thank the Senator from Vermont for yielding.

Mr. PROUTY. Mr. President, in the last issue of the Congressional Quarterly, this whole question of media spending was gone into in considerable detail. I shall take only the time to read a brief portion of the article, under the section headed "Media Studies":

One difficulty in assessing the effectiveness of political broadcast advertising is that no one really knows what the public thinks about the massive media campaigns or whether voting behavior is influenced.

Very little evidence has been gathered through research by social scientists in the field. Many persons presume that in politics name recognition automatically means votes, "image" ads are better than "issues" ads, spot announcements reach the widest audience and the more ads the better.

However, there is no proof that these presumptions are correct, and some recent research tends to indicate that they may be misleading.

Mr. President, I remember one very articulate and very able former Member of

this body, a great orator and a great thinker, who, when he became involved in television programs, was completely helpless, overcome with fear and trepidation. He was most ineffective. Others do a better job on television than some of their opponents. But it seems to me that as long as we are requiring full disclosure and placing limitations on the amount of money that a candidate can spend, it seems to me that the candidate himself should have the right to determine how that money is going to be spent within the imposed limitations.

In my own State of Vermont, it was necessary for me to utilize television stations in New Hampshire, Maine, New York, and Massachusetts in order to cover my State of Vermont, which is a small State. There was no other means of doing it. In some areas where there are no television stations, certainly a man could not be required to limit his expenditures to just half of what he would spend if television facilities existed.

It seems to me this is a fair and reasonable approach, and it was approved overwhelmingly by the Committee on Rules and Administration.

I am now very happy to yield to the distinguished Senator from Kentucky.

Mr. COOK. Mr. President, we debated this proposition at length in committee. I think the theory of dividing broadcasts from nonbroadcasts, and making them noninterchangeable, as they are now, runs totally contrary to the basic concept of the bill. When you set up that a candidate is entitled to so much money to reach his constituents. If, in fact, one is entitled to 5 cents per eligible voter for broadcast media and 5 cents per eligible voter for nonbroadcast media, it means that he has the opportunity to reach his constituents at that level of expenditure.

The basis for the noninterchangeability does not allow one to reach all his constituents at this value.

Take the example of the Commonwealth of Kentucky. In order for a candidate to go on television in the State of Kentucky, he not only buys the station's time in Louisville, Lexington, Paducah, Bowling Green, and Hazard, but also buys time on television stations in Charleston and Huntington, W. Va.; in Cincinnati, Ohio; in Evansville, Ind.; in Harrisburg, Ill.; in Cape Girardeau, Mo.; in Nashville and Knoxville, Tenn., and in the Tri-Cities area of Bristol-Johnson City.

If, in fact, we mean that a candidate is entitled to spend 5 cents per eligible voter in the area in which he lives, obviously we are not allowing him to do it; because when he buys time in Cincinnati, he is immediately dissipating out of every 5 cents per voter—if that is what he is doing on the station—about 65 percent of his allocable funds, because that is how much is wasted in the States of Indiana and Ohio when one tries to reach Northern Kentucky.

The point is that when you have this degree of non-interchangeability, what you say, in essence, to candidates in some States is this: "Your money will be totally diffused. Yet, if you happen to be

from the State of Alaska, where you cannot be reached from any of the other 48 States, you may spend all your money within the framework of that State, and it can be utilized in that State. So you get a 100 percent value."

The distinguished Senator from Tennessee gave the example of the State of New Jersey. No one from my part of the country, by the furthest stretch of the imagination, would believe that the State of New Jersey has no television stations. It is a State with a large population, far greater than mine, and its only television outlets are in Philadelphia and New York City. How much of that nickel per voter on broadcast media does a candidate in New Jersey get if he buys time on a New York station? In the first place, he has how many other stations to compete with? I only pose the question to the Senator from New York. I have no idea how many television stations are in New York City with which he has to compete. He has the most expensive market to compete with, and he loses approximately 75 or 80 percent of his allocated funds per voter because they do not even live in the State in which he is trying to get to the voter.

I should like to read two very interesting comments in our hearings on the Federal Election Campaign Act. These are letters that were put into the record by the distinguished majority leader, who wrote to station managers in his home State of Montana. He wrote to Mr. William A. Merrick, who is president and general manager of KBMN. The distinguished majority leader wrote:

I believe that there should as well be some discretion to the candidate that would permit transferring from one media allocation to the other depending upon the individual needs of each candidate.

In a letter to Mr. Sample of Montana Television Network, the majority leader wrote:

In addition, I am hopeful the final version of the bill will contain the type of leeway and discretion to each candidate to permit the transfer of amounts from one category to another, depending upon individual judgment and needs of that candidate. I do believe that the overall limitations provided in the bill are adequate, but it is true that a challenger to an incumbent may justly and validly need to expend more of his campaign funds on name identification which can probably more validly be achieved through the electronic media. I would not want any bill with which I associated to be considered a bill for the protection of incumbents.

I could not agree with that more.

It is my intention—I say this to the Senator from Rhode Island—at the appropriate time to offer an amendment. I know the conversations that have gone on, the discussion that has been had, the reports relative to the disposition of this subject on both sides of the aisle, that the question of total interchangeability is going to be very difficult to get through. It will be my intention to offer, in the nature of a substitute, if the Senator from Vermont will agree, or as a separate amendment, an amendment that will allow a 50 percent discretion one way or the other. This degree of leeway at least will allow a candidate to make up for the inefficiencies he finds in

one media establishment or another where he cannot honestly get to all the constituents he wants to, for the amount of money he is allowed under this allocation.

Mr. PROUTY. Mr. President, I commend the distinguished Senator from Kentucky for his suggestion. I think we have been trying to cooperate. I certainly want to pay tribute to the distinguished floor manager of the bill, the Senator from Rhode Island (Mr. PASTORE).

I would be perfectly willing to modify my amendment along the lines suggested by the Senator from Kentucky, if that would meet with the approval of the distinguished Senator from Rhode Island.

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

Mr. PROUTY. I yield.

Mr. PASTORE. We all have lived in a very cooperative spirit here today, and I congratulate my colleagues on the other side of the aisle for some of the amendments that have been proposed.

But I hope that this afternoon we do not end up adding insult to injury. After all, the common denominator in this bill is, How much are you allowed to spend? When we get into this transferability, which is a 100-percent total, or even 50-percent total, I am afraid that we are going to end up in a very chaotic condition.

Looking at the chart in the report, we know that it spells out how much one can spend in each category in each State. This is alone for the television and the radio time one buys, irrespective of what it costs for production. Taking the figure in California alone, if there is transferability of \$1,423,700 for radio and television time, I say that we have to kiss Bob Hope goodbye, we have to kiss "Bonanza" goodbye, we have to kiss "I Love Lucy" goodbye. We are going to knock off every entertainment on the television screen if we are going to devote this kind of money to radio and television. It will be impossible.

I say to the Senator, frankly, that I want to be compromising and I want to be fair. If he will make that a 20-percent transferability, I will go along with it, because I think that will allow the leeway to take in the situations which are marginal, such as New Jersey or Kentucky.

Let us face it. If we transfer all this money to radio and television, we are going to have utter chaos. The reason why we made it 5 and 5 is that we did section it off. If we are going to have transferability, 10 cents is really too much, for this reason: No. 1, we are not talking about the registered vote. We are talking about the eligible vote—the eligible vote that is determined by the Bureau of Census on the June before the year of the election—which means every person over the age of 18, male and female, whether they have registered or not; and that is a larger total than the number of people who will go out to vote. That is very generous.

So the 5 and 5 is predicated upon that formula. Then add to that the lowest unit

cost, which will give a discount on the television time that is bought of between 35 percent and 50 percent. Add that to it, and I say that we will end up with a scandal. Every office in this country will be put on the auction block.

The time has come when public life and public office will be put up for sale. That is not what we are trying to do. We are trying to cut down the astronomical costs of campaigning. In the last campaign, the President spent on radio and television \$12.7 million. If the Senator invokes this formula, the President will have to spend over \$15 million.

What are we doing?

If we are going to add to it, then I say we are wasting our time. Frankly, we have to have some transferability, which is the argument made by the Senators from Tennessee and Kentucky, and I am perfectly willing to go along with that, but for goodness gracious sake, make it reasonable.

Mr. PROUTY. Mr. President, I yield now to the distinguished Senator from Tennessee.

Mr. BAKER. Mr. President, this is the second chorus that the Senator from Rhode Island is singing. He put this before the Committee on Commerce previously. We have argued the—

Mr. PASTORE. I sing it in the key of C and the Senator sings it in the key of G.

Mr. BAKER. There is no point in arguing this now, except to say that what we are discussing now are two of the most difficult parts of the bill, both the unit rate and institutionalizing the apportionment of the power. I lost on that. The pending bill came out of committee that way. Sooner or later we will regret it. I commend the Senator from Kentucky for trying to compromise a difficult situation. Twenty percent is better than nothing. I hope that some day we will have the interchangeability.

Mr. PASTORE. If it does not work out, we will change it.

Mr. COOK. Mr. President, I would like everyone who reads the Record to think that we had full interchangeability for every candidate running for public office, including the President, in some degree to spend his money on television and radio. We just had an election—

Mr. PASTORE. I say to the Senator from Kentucky that is where he is going to put his money.

Mr. COOK. We had just finished a presidential election before then, and the President who was running for office did not spend all his money on radio and television. I did not spend all my money on radio and television. Those Senators, all of whom are here, did not spend all their money on radio and television. There were no restrictions on interchangeability then. There have never been before. So when we say, all of a sudden, that something will happen, it has not happened in the past. With interchangeability, we can still get out the pamphlets, use the billboards, or buy balloons, as the case may be. The only thing I can tell the Senate is, we did not have this and we could have spent every dime of our money on radio and television, but we did not think it was practical

and we are not going to think it is practical in the future.

From the standpoint of the offer made by the Senator from Rhode Island, let me say that I conveniently have already changed my amendment and I hope that the Senator from Vermont can accept it.

Mr. PASTORE. And the Senator from Rhode Island will buy it.

Mr. PROUTY. Mr. President, I yield to the Senator from Oregon (Mr. PACKWOOD), who wishes to ask one or two questions.

Mr. PACKWOOD. I wonder whether the Senator from Rhode Island would permit me to ask one or two questions.

Mr. PASTORE. Certainly.

Mr. PACKWOOD. I do not understand how, if we put in interchangeability, that it will cut down 1 cent from a campaign. If we do not put in interchangeability, how will it change campaign costs by 1 cent? How will it prevent a Senator from spending money on billboards, bumper stickers, pamphlets, or utilizing people going door to door?

Mr. PASTORE. The point is, we have been generous in allocating the formula and the amount. The reason why we were generous in advocating the formula we did was that we limit it to 5 cents on television and radio. We took that into account. The figure adopted is slightly more than the figure spent on the average throughout the entire country in the last election.

Mr. PACKWOOD. This bill, then, is not a campaign spending limit bill, is it?

Mr. PASTORE. Of course it is.

Mr. PACKWOOD. How are we limiting the spending of the money?

Mr. PASTORE. By limiting it to 5 cents on every eligible voter where radio and television are concerned. On a non-broadcast item, it is 5 cents. A candidate is limited to what he can spend. I think every candidate for public office spends twice as much as he should, twice as much as is necessary.

Mr. PACKWOOD. He spends everything that he has.

Mr. PASTORE. The Senator knows what happens. The candidate is riding along in his automobile and he sees his opponent's sign on the other side of the street, with a big, big billboard, so the candidate does not sleep unless he puts up a billboard on the other side of the street. That happens all the time.

The candidate sees an ad of his opponent's in the newspaper and he has to have one in the newspaper the very next day. If his opponent is on television and he calls you a name, you have got to go on television and reply to him. After the election is over, you say to yourself, "My goodness gracious, how stupid I was. I could have saved half that money."

Mr. PACKWOOD. Let us look at what will happen. If we have interchangeability, every candidate can spend all the money he has plus what he can borrow, unless we limit the amount he can borrow in this bill. If he wins, he can possibly pay off the deficit.

I say, if we want to bring it down, let us bring it down to nothing but do not let it apply to radio, television, or the newspapers.

Mr. PASTORE. I agree with the Senator that if we are going to have interchangeability, we have got to do something about reducing the 10 cents. We have got to do it.

Mr. PACKWOOD. We do not have to do it at all. We can cut it out entirely. Then it will be a bonanza if we do not allow advertising.

Mr. PASTORE. It could be very well, and bring spending into its proper context. If we have interchangeability, then we have to reduce the total amount.

Mr. PACKWOOD. What the Senator has here is not a bill allowing campaign spending but a bill against broadcasting. Perhaps that is what the Senator wishes to do.

Mr. PASTORE. My goodness gracious, no. I have nothing against the broadcasters. As a matter of fact, in some quarters, I have often been called a patsy—which, of course, it not true. Now do not label me with that. I have been stigmatized enough as it is.

Mr. PACKWOOD. I will state for the record, with or without this limitation, that campaign costs on the average will exceed what was spent in 1970 to run for the Senate. This bill is a disclosure bill and a good bill. We should have disclosure. But it will not save 1 cent or put a limit on spending for campaigns. What we are doing is to transfer support from broadcasting to support from the print media and we will find some other way, whether loudspeakers, bumper stickers, or billboards, to spend every red cent that every candidate can raise for his campaign.

Mr. PASTORE. Mr. President, I am willing to yield back my time now.

Mr. PERCY. Mr. President, will the Senator from Rhode Island yield for a question on the amendment?

Mr. PASTORE. I yield.

Mr. PERCY. I wish to inquire, because I was not here for the entire colloquy, the distinguished Senator made the statement that every candidate could figure out that he could save half his campaign expenditures. I agree as to the campaigns I have been in, but has the distinguished Senator figured out which half?

Mr. PASTORE. Both halves. [Laughter.] I wish the Senator would ask me a hard question some day.

Mr. PROUTY. Mr. President, I am perfectly willing to accept a modification of my amendment as suggested by the distinguished Senators from Kentucky and Rhode Island and yield back the remainder of my time.

The PRESIDING OFFICER (Mr. FANNIN). The Senator has a right to modify his amendment. Does the Senator so modify it?

Mr. PROUTY. I so modify it.

The PRESIDING OFFICER. The amendment is modified as requested.

The text of the amendment as modified is as follows:

On page 4, line 16, strike "No" and insert in lieu thereof "Except as provided in section 104 of the Federal Election Campaign Act of 1971, no".

On page 8, line 6, strike "No" and insert in lieu thereof "Except as provided in section 104 of this Act, no".

On page 10, immediately after line 3, insert the following new section:

"LIMITED INTERCHANGEABILITY BETWEEN EXPENDITURES LIMITATIONS

"Sec. 104. (a) A legally qualified candidate in any primary, runoff, general, or special election for Federal elective office may, at his option, transfer not to exceed 20 per centum of the expenditure limitation under section 315(c) of the Communications Act of 1934 as amended or section 103(c) of this Act between one or the other to be spent on either the broadcast or nonbroadcast media on behalf of his candidacy in such election. Any amount so transferred from the one expenditure limitation to the other shall be deducted from the expenditure limitation upon the media from which such transfer is made.

"(b) Any such legally qualified candidate exercising this option shall promptly notify the Federal Elections Commission in writing of the amount so transferred and spent, and shall provide such Commission with such information as the Commission, in its judgment, deems necessary and proper in the exercise of this option.

"(c) The Federal Elections Commission is authorized to develop and promulgate appropriate rules and regulations to carry out the purposes of this section.

"(d) The definitions contained in section 315(c) of the Communications Act of 1934 and in section 103(a) of this Act are applicable to this section."

On page 10, line 5, strike "Sec. 104." and insert in lieu thereof "Sec. 105".

On page 11, line 2, strike "Sec. 105." and insert in lieu thereof "Sec. 106."

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. PROUTY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Vermont.
* The amendment was agreed to.

REMOVAL OF INJUNCTION OF SECRECY FROM EXECUTIVE I, 92D CONGRESS

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Locarno Agreement Establishing an International Classification for Industrial Designs, Executive I, 92d Congress, first session, transmitted to the Senate today by the President of the United States, and that the agreement, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the Locarno Agreement Establishing an International Classification for Industrial Designs, signed October 8, 1968. I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the Agreement.

The countries which are parties to the

Agreement constitute a Special Union. The principal purpose of that organization, which will consist of an Assembly of all contracting parties, and a Committee of Experts, is to establish an international classification for industrial designs. Such a classification system will be of great assistance in researching the existence of exclusive rights respecting a specified design or any variants thereof. This arrangement will be generally similar to that set forth in the Nice Agreement Concerning International Classification of Goods and Services to which Trademarks are Applied as revised at Stockholm July 14, 1967.

I recommend that the Senate give early and favorable consideration to this Agreement.

RICHARD NIXON.

THE WHITE HOUSE, August 3, 1971.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 105) authorizing the President to issue a proclamation designating 1971 as the "Year of World Minority Language Groups."

The message also announced that the House had agreed to 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. 7960) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

The PRESIDING OFFICER. Who yields time? The bill is open to further amendment.

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

On page 3, line 14, strike out "amount of time" and insert in lieu thereof "class and amount of time and same frequency of use"

On page 10, line 6, strike out "amount of space," and insert in lieu thereof "class and amount of space and same frequency of use."

Mr. STEVENS. Mr. President, this is the amendment mentioned in the unanimous-consent agreement for a limitation of 2 hours.

I yield myself 20 minutes at this time.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 20 minutes.

Mr. STEVENS. Mr. President, the Senator from Rhode Island is an extremely fair man. We have had an interesting discussion in committee about this bill.

The PRESIDING OFFICER. Does the

Senator ask that the amendments be considered en bloc?

Mr. STEVENS. Yes—two amendments.

The PRESIDING OFFICER. The amendments will be considered en bloc.

Mr. STEVENS. Mr. President, the provision I am most disturbed with in this bill is one that apparently attracts little attention. If it were said that a typesetter would have to work for 50 percent while he was setting type in a political ad, that a broadcaster would have to work for 50 percent while he read a political ad on a radio station, or that a television announcer would get paid 50 percent while he was reading a political ad for a candidate, I assume that would cause a little more attention to be attracted to the matter. However, it does not.

What it says is that the media, both the air medium and the printed medium, must carry the political advertising at the lowest unit rate available in this 45-day period before a primary election and 60-day period before a general election.

Mr. President, I had printed in the RECORD on July 21 some examples of what would happen in Alaska—and this is comparable all over the country—with small radio stations, small newspapers, and small television stations that are independent of these massive networks or are independent of these very large newspaper chains.

This is what will happen to them. A fixed rate cut, for instance, shows that for a prime time, one spot, a 60-second spot, will cost \$12.50. That would be the cost to anyone who went in there. There is no discrimination against a politician. He will not get it at any more expensive rate or any cheaper rate. However, if this bill passes, the politician will get that time at \$4.50 instead of \$12.50.

I have had discussions with the Senator from Rhode Island in committee, and I am certain from what he has said here that this is the intended result. I do not argue with his intended result in terms of purpose. I argue with it in terms of whether it is fair and whether we should, in fact, require the news media to subsidize political campaigns throughout this country from now on and require, as I have pointed out, this one station to provide political advertising at one-third the cost that it was provided in the last election.

In the last campaign the record shows that my opponent spent twice as much money as I did on radio and television.

Under the pending bill, the Senator from Rhode Island very generously raised the amount for each medium. But under the bill the \$30,000 would be worth at least \$60,000. So, if we are talking about putting a limit on expenditures, it is not in this bill with that provision. It is highly discriminatory to say that this can happen in terms of newspapers. I know of no legal basis or constitutional basis whereby the Congress of the United States can order a newspaper to provide advertising to a political candidate at the lowest rate it provides advertising media to any other advertiser.

With respect to the air medium, I can understand it, because we regulate the

airwaves. But I would challenge anyone to show me the constitutional basis for requiring the printed medium to provide a political candidate for federal office with advertising at the lowest unit rate at which it sells advertising to the grocery store on an average of 6 days a week, 52 weeks a year, and get an earned rate discount.

I call my amendment the comparable rates provision. It requires that no one can discriminate against politicians in terms of their advertising. It says that they cannot charge us any more than they charge anyone else for the same class of time, the same amount of time, or the same frequency of use, or the same class or amount of space or the same frequency of use of the printed medium.

I call the attention of the Senator from Rhode Island to the testimony before the committee in terms of this lowest rate provision when Mr. Wasilewski, from the National Association of Broadcasters, testified before the committee. He was very plain, quoting from page 483 of the hearings before the Commerce Committee, when he said:

Some of the bills introduced would require that broadcasters sell candidates' advertising at the lowest rate available to any advertiser for an equivalent time period, regardless of volume or other considerations. Present law requires a broadcasting station to charge political candidates no more than it would an advertiser for the comparable time. This insures that the candidate will get treatment equitable to anyone else who purchases air time. To require broadcasters to charge political candidates a lesser rate than charged other comparable purchasers of time would constitute an enforced subsidy for political broadcasting—a subsidy required of no other industry.

Mr. President, I underline that. It is certainly required of no other industry.

We are not going to say to anyone else involved in the campaign activity, whether a person who prints billboards, sells billboard space, prints placards, bumper stickers, sells balloons, or whatever it is, that he has to give a politician a favored rate.

But the pending bill cuts right into the small, individually owned radio and television stations and newspapers throughout the country.

I had hoped that we might be able to get a comparison of some of the similar things throughout the country, of similar rates quoted for news media throughout the country. I have not been able to do so, because I guess they do not provide these. They are printed in the FCC records. However, I have not been able to get the individual ones.

Just to show what will be required of the radio, television stations, or newspapers in Alaska—according to information which I have readily available—the Alaska newspaper rate for 1 inch on a display rate is \$3 a column inch. Based upon frequency of use, that is reduced down to as low as \$1.30 an inch. Under the pending bill, it would mean that the politician would pay the low rate. I think it must be a difficult thing for a newspaper to handle every 2 years or 6 years when the politicians come in with adver-

tising that is not very well prepared and not made up in the careful way in which the grocery store ads would be made up in terms of regular ads coming into the newspaper office. But they are to get the grocery store rate available in the small weekly and monthly newspapers in my State that barely survive. They would have to provide the politicians with that rate.

Make no mistake about it. The bill is not a limitation on expenditures.

Under this provision, it becomes a bill which strictly requires a news medium to give the political candidate at least a 50 percent preference in terms of advertising.

If I might have the attention of the Senator from Rhode Island for just a minute, I will ask him if I have misinterpreted this in any way. It is the intention now to have the lowest unit rate in either the 45- or 60-day period available to any advertiser regardless of volume or class of time.

Mr. PASTORE. The Senator is correct.

Mr. STEVENS. I wanted to make sure I was not overstating the case as far as this provision is concerned.

Mr. PASTORE. No. The Senator took occasion to raise the question of the constitutionality of imposing this low unit cost on the newspaper. There is no case as far as we have been able to research that declares such a law unconstitutional. However, there is a New Hampshire case that went before the Supreme Court of New Hampshire. And the supreme court held:

The statute establishing the commercial advertising rate as maximum rate for political advertising in newspapers or by radio stations does not abridge freedom of the press.

That is the language of the Supreme Court of New Hampshire. The case was brought before the Supreme Court of the United States and certiorari was refused. Then, they asked for a review of the refusal and it was refused again. That allowed the supreme court decision of New Hampshire to stand.

We were guided by that. I am not saying the question of constitutionality cannot be debated; it can be.

We are merely saying that a campaign is in the public interest to bring to the people not only the quality of the candidates but also the various issues that affect the community, State, or the Nation.

We are saying that a political candidate is not that kind of customer either for the newspapers or the news media that he can actually undertake a contract to be on radio or in the newspapers throughout the entire calendar year, like, let us say, Procter & Gamble, or some cigarette manufacturer which has prime rates. All we are saying to a newspaper is, "You yourself establish your prime rate, but whatever you establish, that rate you must give to a candidate for public office, in the public interest, for 45 days preceding the date of a primary election and during the 60 days preceding the date of a general or special election." That is all we are doing and we

think that is in the public interest. We are doing that to make it available for the man without great means, in order to challenge another candidate, who may be just as worthy, but who has tremendous means, to put them on the same level so that money will not be the common denominator but so that wisdom, talent, and the issues will be the common denominator. That is what is behind this.

I know the Senator from Alaska is absolutely sincere about his position. There is no doubt about it. But that is why we decided it this way and I think we did the right thing. We are not saying to anyone, "You have to give a certain party a rate you do not give anyone else." What we are saying is, "You make your rate and establish it. The lowest unit cost you charge anyone is that section of time on television, on radio, or in newspapers you have to charge the candidate for public office, whether he is running for the school committee, dog catcher, or the President of the United States. You have to give him the same rate."

Mr. STEVENS. Mr. President, I wish to say to the Senator from Rhode Island that he stated his case very fairly. I only rebut that by saying: Look at the stations. We have small stations. For instance, in Anchorage, Alaska, we have three television stations, four FM stations, four AM stations, two newspapers, and we have less than 100,000 people. The thing that made that available was a group of people who were very aggressive and very competent. The rate cards show that for prime time it is \$300 for a 60-minute program. On the same station for class C time it is \$100.

What the Senator from Rhode Island is really saying is that the politician will walk in and get prime time that is worth \$300 if anyone else were to buy it—and believe me, they do buy it—and that time is put aside for them and they pay only \$100.

Mr. PASTORE. The Senator is 100 miles off course.

Mr. STEVENS. Tell me where I am off course.

Mr. PASTORE. That same time that the Senator is talking about is prime time for Proctor & Gamble for which they charge Proctor & Gamble \$300, and they cannot charge the Senator \$400.

Mr. STEVENS. That is not what the bill says.

Mr. PASTORE. Yes, it is.

Mr. STEVENS. It has nothing to do with time, or frequency, or use. We took it up with the staff and the FCC. If the Senator is willing to concede class of time I am ahead and I am willing to quit.

Mr. PASTORE. I do not know where the Senator gets "class of time." I am talking about the same period of time. In other words, if there is an agreement on the part of any radio station or television station that between 6 o'clock and 7 o'clock anybody can buy time for \$200, and that is the lowest unit cost for that time, if the Senator buys that same time between 6 and 7 o'clock they cannot charge the Senator more than \$200.

Mr. STEVENS. Will the Senator go one

step farther? Suppose the Senator buys it 10 times and I buy it one time; then, the Senator would get the earned rate discount.

Mr. PASTORE. The Senator cannot buy it 10 times because he does not buy 10 times a year; he buys it one time.

Mr. STEVENS. We are in agreement on class of time.

Mr. PASTORE. I do not know where the Senator gets the expression "class of time."

Mr. STEVENS. There is double-, triple-, and third-class time; and that is prime time, middle time, and run-of-the-station time. It is in the FCC journals.

How about newspapers? Can we go into newspapers?

Mr. PASTORE. Yes. If in the Sunday newspaper, page 5, anyone can buy it for \$300, they cannot charge the Senator more than \$300 for that same page 5 on Sunday. That is all I am saying. In other words, they have to treat the man running for public office in the same way they treat their own best customers. What is wrong with that?

Mr. STEVENS. I still think there is something wrong with that.

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

Mr. STEVENS. I will yield in just a moment.

The Senator says there is a premium for advertising on page 2 and if the grocery store buys page 2, it would pay the same price I would pay as a candidate; but if the grocery store bought the page for 52 weeks and at a special price, the Senator would get the special price or discount.

Mr. PASTORE. The Senator is correct. The Senator is headed on the right course. The Senator has come around to where he should have started.

Mr. STEVENS. I respectfully suggest that we need to put that language in the bill in respect to class and time. It is not understood by the industry. I have a letter here concerning that.

Mr. President, I am happy to yield to the Senator from Iowa.

Mr. MILLER. I have already discussed this part of the bill with the Senator from Rhode Island.

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

Mr. STEVENS. Mr. President, I yield myself another 20 minutes and I yield to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. MILLER. Mr. President, I have already discussed this part of the bill with the Senator earlier this morning. I think that as far as one part of the Stevens amendment is concerned there is a meeting of the minds. While I do not think the bill quite says what the intention is, reading the committee report, page 27, especially, I think the intention is stated and I see no reason why the Senator from Rhode Island, the manager of the bill, and the Senator from Alaska cannot get together on this one part; that is, for the same class or quality of time the unit charge will be the same, whether it is for a political advertiser.

I think the Senator is getting to an-

other angle, and that is if the commercial advertiser is given a certain rate because he is going to advertise for two times a day for 30 days and therefore he may get a discount of 20 percent, the question is whether the political advertiser who comes in for just one time a day for 10 days can get the same unit price.

I do know the answer but I know the way the bill reads it would permit the political advertiser to get that unit price even though he may only advertise for 10 days, whereas the commercial advertiser gets it because he is going to advertise for 30 days.

I would like to have the comment of the Senator from Rhode Island because I am sure the committee went into this aspect and it is a troublesome matter.

Mr. PASTORE. This is the way the bill reads:

During the 45 days preceding the date of a primary election and during the 60 days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same amount of time during the same period;

Mr. President, you could change that and say "lowest unit charge of the station for the same amount and period of time."

Mr. MILLER. The same amount and class of time?

Mr. PASTORE. No, it is the period that counts, because in television it is the period that constitutes prime time. The Senator calls it class; I call it period. If class means so much the Senator can use "class." But we want to make sure we are talking about the same thing. Class is quality. Period is time.

Mr. MILLER. Will the Senator from Alaska yield further?

Mr. STEVENS. I yield.

Mr. MILLER. I think the Senator from Rhode Island has recognized that we are talking about the same thing insofar as class of time is concerned, whether it is prime, triple A, or class D time. The language can be worked out on that. But the Senator from Alaska has a point here, and that is that if during that period of time which is 45 days preceding a primary election and 60 days preceding a general election a commercial advertiser would be given a unit cost at the 20 percent discount because he is advertising each day of the 30 days, and the political advertiser is coming along and advertising only in 5 days, or perhaps 2 days, in the same class of time, yet the political advertiser will get that discount. I think that is the point the Senator from Alaska is making. I think there is agreement between the Senator from Rhode Island and the Senator from Alaska.

Mr. PASTORE. The committee was in agreement on this point. Insofar as candidates for public office in any State, municipal, or nationwide office were concerned, as a public service, they ought to be entitled to the lowest unit charge. Frankly, there was not too great an objection to it. Naturally, of course, the broadcasting industry would like to have it out. The newspapers would like to have it out. We know that, but I think they owe the country something. They are given licenses. They enjoy lucrative

businesses. They have more or less monopolies, to a certain extent. I do not see any harm in it at all.

Mr. MILLER. Mr. President, will the Senator from Alaska yield further?

Mr. STEVENS. I yield.

Mr. MILLER. What the Senator from Rhode Island is saying is no doubt the truth, but I do not think we have developed here on the floor what that amounts to. I do not know, in dollars and cents, what that particular aspect of the Stevens amendment is going to mean to a small radio or TV station. I do not know whether we are talking about a small amount of money or a large amount of money because I am not that cognizant with the rates on prime time.

Mr. PASTORE. The committee limited it to 45 days for a primary election and to 60 days for a general election. We were shortening the campaign time, in effect. Not only that, but there is a tendency to wait to come within those 45 days and those 60 days because the candidates will get the lower rates. The discount may come to 30 percent or 50 percent—I do not know—for radio and TV. I do not think the newspapers get into the lowest unit cost, only the radio and television, because most of the radio and television stations are connected as affiliates with the networks, and the networks enter into agreements. They make certain concessions to the licensees for the time they use in showing national broadcasting programs.

I will tell the Senator very frankly what I think is a remarkable thing. Metromedia, WTTG; NBC, Dr. Goldman; ABC, Mr. Goldenson; CBS, Dr. Stanton—all four of them came in and said, "We are willing to give a discount voluntarily."

When it was put up to the committee, the committee said, "No; it ought to be placed in the law."

Mr. STEVENS. This is the very problem. The networks can come in and say, "We are willing to be big guys," but what about Cordova, or Ketchikan, or Fairbanks, stations which are selling time to a local grocery store or a drugstore or a drive-in. They have to scratch for it. That comes to one-third of the time, going by the class of time and frequency of use. The difference is one-third on the frequency and the class of time. If we are agreed on what prime time is, the class it is, we are still talking about frequency.

Mr. PASTORE. There is nothing in the law which compels the radio or television station to sell any time. They do not have to sell a nickel's worth of time.

Mr. STEVENS. That may be the law, but if there is a presidential or senatorial or gubernatorial campaign and those stations try to prevent campaigners from using their facilities, there would be a great protest.

Mr. PASTORE. I was just reminded that they do have to sell a reasonable amount of time. That provision was inserted in the bill.

Mr. STEVENS. There is a provision that requires them to sell.

Mr. PASTORE. But they cannot inundate the broadcasting; it has to be reasonable. In my State the radio and tele-

vision announcements tell the people that so much time will be made available for political purposes. They wait for the applicants to come in, and they allocate.

I realize there may be difficulties in some places, but looking at this from a panoramic view, I do not know of a situation where there is not some difficulty. Perhaps the answer for Alaska is that they may have to charge the candidates the full time. I do not think we are asking too much in this bill.

Mr. STEVENS. I would say throughout the country, where there is a weekly or local newspaper, the situation would be the same.

My amendment would strike out the words "amount of time" and use the terminology class and amount of time and same frequency of use, whether we call it unit or class or time. We are in agreement.

Mr. PASTORE. What the Senator from Alaska is doing is repealing the lowest unit cost provision, and I cannot accept it.

Mr. STEVENS. The Senator said he agreed on class of time.

Mr. PASTORE. I am telling the Senator that anything he does to disturb the provision for lowest unit cost I am against. If the Senator tells me that his amendment carries the lowest unit cost provision, we will get together on the language, but if he is out to destroy the provision for lowest unit cost, I am against it.

Mr. STEVENS. I am trying to preserve the lowest unit cost basis on a comparable basis. I had understood the Senator from Rhode Island agreed on it.

Mr. PASTORE. I agreed on what?

Mr. STEVENS. On the same class of time. The Senator wants prime time to be paid as prime time.

Mr. PASTORE. I suggested that we would use the words "amount" and "same period of time." If the Senator wants to correct it that way, I will accept it.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum so we can take a look at it.

The PRESIDING OFFICER. Out of whose time does the time for the quorum call come?

Mr. STEVENS. The Chair can take it out of my time. I do not care.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I ask unanimous consent to modify my amendment on page 2, line 23 of the Pastore substitute. Strike out everything after the word "amount", insert a comma, and have it read, "class and amount of time during the same period".

On page 3, line 5 after the word "amount", insert "and class".

The PRESIDING OFFICER. Will the Senator send his modification to the desk?

Mr. STEVENS. Yes.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, with these modifications, which are agreeable to the committee, I am perfectly willing to accept the amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. PASTORE. Let me repeat the modification, in order to make it clear.

On page 2, line 23, after the word "amount" in the middle of the page, we delete everything to the end of the paragraph on page 24, and substitute in lieu thereof "class and amount of time during the same period"?

Mr. STEVENS. And on page 3, line 5, insert after the word "amount"—

Mr. PASTORE. After the word "amount" insert "and class of space".

Mr. STEVENS. That is correct. Has my amendment been so modified?

The PRESIDING OFFICER. Will the Senator send the amendment to the desk?

Mr. STEVENS' amendment, as modified, is as follows:

On page 2, line 33, strike out everything after "amount" and insert in lieu thereof "class and amount of time for the same period."

On page 3, line 5, after the word "amount" insert "and class of space."

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. PASTORE. Mr. President, I want the RECORD to be clear that this in no way rejects the committee report recommendation as to the lowest unit cost.

Mr. STEVENS. That is absolutely correct. It is the lowest unit cost for the same class of time and the same period of the day, during the same 45- or 60-day period. We have not done anything about the frequency of use. We concede that, but we have gone to the prime time concept.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. STEVENS. I move the adoption of the amendment, and yield back the remainder of my time.

Mr. PASTORE. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ROTH). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Alaska (Mr. STEVENS), as modified.

The amendment was agreed to.

Mr. PASTORE. I yield to the Senator from West Virginia.

THE HIGHER EDUCATION BILL— UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I am authorized by the majority leader, after having consulted with the minority leader and the principal parties on both sides, to present the following unanimous consent request:

I ask unanimous consent, with respect to the so-called higher education bill—when it is called up—that debate on that bill be limited to 6 hours, the time to be equally divided between and controlled

by the distinguished junior Senator from Rhode Island (Mr. PELL) and the distinguished senior Senator from New York (Mr. JAVITS).

Ordered further, that the time on any amendment be limited to 1 hour, the time to be equally divided between and controlled by the mover of such amendment and the distinguished manager of the bill (Mr. PELL), with exceptions as to the time on the following amendments:

An amendment by the Senator from Colorado (Mr. DOMINICK), on which there be 3 hours.

Two amendments by the Senator from Montana (Mr. METCALF), on each of which there be 2 hours.

Provided further, that time on any amendment to an amendment be limited to one-half hour, the time to be equally divided between and controlled by the mover of the amendment in the second degree and the distinguished manager of the bill (Mr. PELL).

Ordered further, that no amendment not germane be received.

Provided further, that Senators in control of time on the bill may yield therefrom to any Senator on any amendment, motion, or appeal, with the exception of a motion to lay on the table.

Mr. DOMINICK. Mr. President, reserving the right to object, in connection with the limitation on germane amendments, I should like to get a ruling at this time, before I agree to that, that the Foreign Service scholarship program is germane.

Mr. BYRD of West Virginia. Mr. President, in response to the able Senator, I ask unanimous consent that all amendments which have been enumerated be in order.

Mr. JAVITS. And amendments to those amendments, because otherwise the rule of nongermaneness would apply to an amendment to his amendment.

Mr. BYRD of West Virginia. I so modify the request.

Mr. JAVITS. Mr. President, reserving the right to object, I want to get one thing clear. I thoroughly agree with the objective, but I do want to clarify one point:

We may not be able to reach this bill this week, or may not be able to finish it. What is our understanding as to whether this unanimous-consent agreement on the part of everybody—it is fine with me, I say in advance, but I think it should be clear whether it will or will not carry over the recess.

Mr. BYRD of West Virginia. Mr. President, I would respond by saying that in my judgment, and I hope the majority leader will say something on this, we will reach the bill and ought to be able to complete it before the recess.

Mr. JAVITS. And even if we do not, is it the intention to carry it over the recess?

Mr. BYRD of West Virginia. Yes, I would hope so.

Mr. JAVITS. As a result of some of my discussions with some of the minority members who feel strongly on the poverty bill, I thought we had better take the precaution on this one that this unani-

mous-consent agreement will apply whenever the bill is called up.

Mr. BYRD of West Virginia. That is true. I believe that, operating on the double-track system, as we intend to do, we will be able to take it up and complete it before the recess.

Mr. JAVITS. As a matter of fact, in good faith—and I think the majority leader can help us in this—every effort is going to be made to reach it; and if it is not reached, it will be right on the calendar when we get back. We would not want this matter to drag along and have a unanimous-consent agreement outstanding, because circumstances might change.

Mr. MANSFIELD. We are going to make every effort to finish it before the conclusion of business on Friday, and we have every expectation that we will.

Mr. JAVITS. Or, if we do not, that it will be on the calendar when we come back.

Mr. MANSFIELD. It will be. But, frankly, the Senator from Montana is not looking too far ahead on this bill.

Mr. DOMINICK. Mr. President, reserving the right to object—and I do not anticipate objecting—I would like to follow up what the Senator from New York has said. In the event we do not reach the bill or do not finish it prior to the recess, it is entirely possible that during the recess period we will find, from some of the education groups or other people involved, amendments which are not enumerated in here and which may be of some significance. The question, then, is whether the mood of the majority leader and the majority whip would be to modify whatever unanimous consent we have to include additional amendments which might be of more significance that just the 1-hour time limitation would permit us to debate.

Mr. MANSFIELD. Of course, if they were germane.

Mr. JAVITS. That is, if they related to the subject of higher education.

Mr. MANSFIELD. Yes.

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

Mr. BYRD of West Virginia. I thank the Senators.

The unanimous-consent agreement reads as follows:

Ordered, That, during the consideration of the Higher Education bill (S. 659) debate on any amendment (except an amendment by the Senator from Colorado (Mr. DOMINICK) which shall be limited to 3 hours, and 2 amendments by the Senator from Montana (Mr. METCALF), which shall be limited to 2 hours each) shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment and the Senator from Rhode Island (Mr. PELL).

Ordered further, That, on the question of the final passage of the said bill, debate shall be limited to 6 hours to be equally divided and controlled, respectively, by the Senator from Rhode Island (Mr. PELL) and the Senator from New York (Mr. JAVITS). Provided, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal, except a motion to table.

Provided further, That, no amendment that is not germane to the provisions of the said bill shall be received, except the amendments enumerated above and amendments to amendments which are germane thereto.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. PASTORE. Mr. President, I understand that the Senator from Virginia has an amendment. I think we can dispose of it in short order.

AMENDMENT NO. 263

Mr. SPONG. Mr. President, I call up my amendment No. 263, and I have modified it to conform to the Pastore substitute. I send to the desk the modifications.

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The legislative clerk read as follows:

On page 22, line 4, strike "and".

On page 22, line 5, before the period insert the following: "and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made".

On page 26, line 23, strike "and".

On page 26, line 24, before the semicolon insert "and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made".

Mr. SPONG. Mr. President, I believe that this amendment would improve the reporting procedures required of political committees. It would require those committees to list, in addition to how they spend the money, in whose behalf—the candidate's name—the money is spent.

Mr. PASTORE. Mr. President, I have studied this amendment. I believe it would strengthen the disclosure section. If it is agreeable to the Senator from Nevada, I think we can accept this amendment.

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

Mr. SPONG. I yield.

Mr. CANNON. Do I correctly understand that this amendment would require disclosure of specific expenditures that a committee might report on behalf of each candidate?

Mr. SPONG. That is correct.

Mr. CANNON. I see no objection to the amendment.

Mr. PROUTY. Mr. President, I am in favor of the amendment.

Mr. PASTORE. I yield back the remainder of my time.

Mr. SPONG. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

Mr. HOLLINGS. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 21, line 10, after the word "contribution," insert the following: "in excess of \$10."

On page 21, line 24, strike the word "any" and insert in lieu thereof "a".

On line 24 after the word "contribution" insert the following: "in excess of \$10."

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, the Senator talked to me about this amendment. I understand that he has talked to the author of the disclosure part of the bill. The amendment seems to me to be reasonable.

Mr. HOLLINGS. This amendment applies to the small contribution of \$1 or \$2, so that it will not be necessary to employ a large staff and keep all these records. Having a large staff would really discourage the small contributor. This amendment applies to small contributions. Tremendous recordkeeping would be necessary unless we provided that in the case of contributions of \$10 or less all these records would not be required.

Mr. PASTORE. I find the amendment satisfactory.

Mr. CANNON. Would this amendment eliminate the detailed accounting and recordkeeping for contributions under \$10?

Mr. HOLLINGS. Under \$10.

Mr. CANNON. I have no objection.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. HOLLINGS. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, the quorum to be stopped at 4 p.m. At that time, the distinguished Senator from North Carolina, under a previous agreement, will be recognized for the consideration of the conference report on State, Justice, Commerce, and the Judiciary.

Mr. CANNON. Mr. President, would the distinguished majority leader advise whether it is the intention to return to the consideration of S. 382 or whether it will go over until tomorrow?

Mr. MANSFIELD. It is up to the distinguished Senator from Nevada and the distinguished Senator from Rhode Island. Whatever their wishes are, the leadership will be glad to accede to them.

Mr. CANNON. I ask the Senator from Rhode Island whether consideration of S. 382 will go over until tomorrow, after the matter to which the majority leader has referred is laid before the Senate.

Mr. PASTORE. Yes. What time will the Senate meet tomorrow?

Mr. MANSFIELD. 10 a.m.

LINCOLN HOME NATIONAL HISTORIC SITE

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House on H.R. 9798.

The Chair laid before the Senate a

message from the House on H.R. 9798, an act to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes, which was read twice by title.

Mr. BIBLE. I ask unanimous consent that the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BIBLE. Mr. President, this is the so-called Lincoln boyhood bill, to establish the Lincoln Home National Historic site, in Springfield, Ill.

We have extended discussion and extended hearings on the Senate side. The Senate committee reported it favorably and unanimously to the Senate. It was before the Senate and it was approved. This is the House counterpart of the bill.

I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, passage of H.R. 9798 today will be a great tribute to Congressman PAUL FINDLEY. It is he who has been the moving force behind this legislation to make Abraham Lincoln's home in Springfield, Ill., a national historic site. This bill will make possible the purchase of a four-block area around the Lincoln home and restoration of the site as it appeared when Lincoln lived there before becoming President in 1861.

I commend Representative FINDLEY for his leadership in this bill and feel it is only proper that the President should sign the House of Representatives version of this legislation so that it will be clear that this originated with Representative FINDLEY in the House. I have been happy to cooperate with him on this side of the Capitol, and I wish to express appreciation to my colleagues in the Senate who so enthusiastically backed a companion bill I introduced in the Senate. Our actions here today will result in final congressional action on this bill.

Mr. STEVENSON. Mr. President, this afternoon the Senate has a rare opportunity to honor one of the country's greatest Presidents, as well as the State and the city which he called home.

A little over a century ago the country faced the first real challenge to its national existence. It was saved by a unique American who came from the prairies of mid-America—from Illinois. Abraham Lincoln had faith in the good sense and decency of men and believed in the possibilities for reason and progress in the world.

When he left Springfield, Ill., on February 1, 1861, he could not have foreseen the enormity of the task that lay ahead. We will never be sure what events or good fortune conspired to give us this man in that moment of need. We do know that a homespun, self-taught man, unequipped by conventional standards to assume the Presidency, emerged from Springfield in 1861 to reunite a country almost destroyed by open rebellion.

It is only appropriate that the place where Lincoln unknowingly prepared himself to meet the challenges of his fateful Presidency be preserved and des-

ignated the national historic landmark that it is.

The Lincoln home, located on the corner of Jackson and Eighth Streets in Springfield, was the only place Lincoln called home for the 17 years preceding his Presidency.

Currently maintained by the State of Illinois in its original condition, it is one of the 10 most popular historic sites in the country. The neighborhood surrounding the home has been increasingly subject to the deterioration of commercial urbanization. The Lincoln Home National Historic Site bill, on which we will vote today, establishes a four-square block area surrounding the house to be administered by the National Park Service and restored to its original condition at the time Lincoln lived there.

At the Lincoln Home a smalltown lawyer and political novice became a statesman of world renown. I trust that the Senate will insure the preservation of this important part of our national life.

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

The bill (H.R. 9798) was ordered to be read a third time, was read a third time, and passed.

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

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

The motion to lay on the table was agreed to.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. ROTH). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. TUNNEY) laid before the Senate a message from the President of the United States submitting the nomination of Robert A. Morse, of New York, to be U.S. attorney for the Eastern District of New York, which was referred to the Committee on the Judiciary.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1972—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. ROTH). The hour of 4 p.m. having ar-

Item (1)	New budget (obligational) authority, fiscal year 1971 (enacted to date)	Budget estimates of new (obligational) authority, fiscal year 1972	New budget (obligational) authority recommended in House bill	Senate bill	Conference action
	(2)	(3)	(4)	(5)	(6)
Equal Employment Opportunity Commission					
Salaries and expenses.....	\$16,185,000	\$27,620,000	\$22,000,000	\$27,620,000	\$23,000,000
Federal Maritime Commission					
Salaries and expenses.....	4,658,000	5,412,000	5,300,000	5,300,000	5,300,000
Foreign Claims Settlement Commission					
Salaries and expenses.....	710,000	788,000	750,000	750,000	750,000
Payment of Vietnam and U.S. Pueblo prisoner of war claims.....	265,000	100,000	100,000	100,000	100,000
Total, Foreign Claims Settlement Commission.....	975,000	888,000	850,000	850,000	850,000
National Commission on Fire Prevention and Control					
Salaries and expenses.....	50,000	770,000		400,000	300,000
National Commission on Reform of Federal Criminal Laws					
Salaries and expenses.....	100,000				
National Tourism Resources Review Commission					
Salaries and expenses.....	50,000	700,000		300,000	300,000
Small Business Administration					
Salaries and expenses:					
Appropriation.....	20,012,000	23,800,000	22,300,000	23,000,000	22,650,000
Transfer from revolving funds.....	(59,853,000)	(60,200,000)	(62,200,000)	(60,200,000)	(60,200,000)
Payment of participation sales insufficiencies.....	1,340,000	1,487,000	1,487,000	1,487,000	1,487,000
Business loan and investment fund.....	264,000,000	300,000,000	275,000,000	275,000,000	275,000,000
Disaster loan fund.....	365,000,000	100,000,000	100,000,000	100,000,000	100,000,000
Total, Small Business Administration.....	650,352,000	425,287,000	398,787,000	399,487,000	399,137,000
Special Representative for Trade Negotiations					
Salaries and expenses.....	638,000	968,000	800,000	800,000	800,000
Subversive Activities Control Board					
Salaries and expenses.....	401,400	467,000	450,000	450,000	450,000
Tariff Commission					
Salaries and expenses.....	4,495,000	5,526,000	5,036,000	5,336,000	5,186,000
U.S. Information Agency					
Salaries and expenses.....	172,075,000	180,075,000	179,000,000	179,000,000	179,000,000
Salaries and expenses (special foreign currency program).....	13,000,000	13,000,000	13,000,000	13,000,000	13,000,000
Special international exhibitions.....	3,578,000	3,549,000	3,400,000	3,400,000	3,400,000
Special international exhibitions (special foreign currency program).....	332,000	306,000	306,000	306,000	306,000
Acquisition and construction of radio facilities.....	600,000	1,200,000	1,100,000	1,100,000	1,100,000
Total, U.S. Information Agency.....	189,585,000	198,130,000	196,806,000	196,806,000	196,806,000
Total, title V, related agencies.....	901,614,400	682,699,000	645,126,000	653,546,000	648,226,000
Total, titles I, II, III, IV, and V, new budget (obligational) authority—appropriations.....	3,823,352,300	4,216,802,000	3,688,183,000	4,098,083,000	4,067,116,000
Memoranda:					
Appropriations to liquidate contract authorizations.....	(274,453,000)	(240,544,000)		(240,544,000)	(240,544,000)
Total appropriations, including appropriations to liquidate contract authorizations.....	(4,097,805,300)	(4,457,346,000)	(3,688,183,000)	(4,338,627,000)	(4,307,660,000)

¹ Includes budget amendment, in the amount of \$735,000 (S. Doc. 92-26) not considered by the House.
² Includes budget amendment, in the amount of \$9,600,000 (H. Doc. 92-133), not considered by the House.
³ Reflects comparative transfers due to reorganization.

⁴ Funds provided in separate appropriations rather than proposed consolidation.
⁵ Budget amendment (S. Doc. 92-27) not considered by the House.
⁶ Budget amendment (S. Doc. 92-27) not considered by the House.
⁷ Includes budget amendments in the amount of \$11,805,000 not considered by the House.

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 o'clock tomorrow morning.

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

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 382. The pending question is the amendment offered by the Senator from Rhode Island.

Mr. BYRD of West Virginia. I thank the Chair.

Mr. President, I ask unanimous consent that amendment No. 282, offered by the senior Senator from Maryland (Mr. MATHIAS), be called up at this time, that it be stated by the clerk, and that the Senate proceed to its immediate consideration, but that time on that amendment not begin to run until tomorrow morning.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 29, line 11, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 29, line 20, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 30, line 1, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 34, line 9, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 35, line 3, after "addresses" insert the following: "(occupations and the principal places of business, if any)".

On page 35, line 16, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 35, line 22, after "address" insert the following: "(occupation and the principal place of business, if any)".

The PRESIDING OFFICER. The understanding of the Chair is that the Senator from West Virginia asks that the amendment be—

Mr. BYRD of West Virginia. Made the pending business, but that the time on it not begin to run until tomorrow morning.

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

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

U.N. MEMBERSHIP FOR CHINA

Mr. BYRD of West Virginia. Mr. President, U.S. overtures toward the People's Republic of China experienced a major escalation yesterday, when Secretary of State William P. Rogers made the inevitable announcement that American opposition to United Nations membership for mainland China would cease after 21 years.

There have been a number of developments over the past few years that made yesterday's announcement somewhat less surprising. Since October of 1970, at least six countries—Canada, Equatorial Guinea, Italy, Ethiopia, Chile, and Nigeria—have established diplomatic relations with the government in Peking. For its part, the People's Republic of China seems to have fully emerged from the isolation of its "cultural revolution," re-dispatching ambassadors to at least 28 nations.

But the most significant development was obviously the November 20, 1970, vote in the United Nations General Assembly. For the first time, a majority of the nations voting expressed support for U.N. membership for mainland China—51 in favor, 49 against, and 25 abstentions. The membership drive failed, of course, since, at the request of the United States, the vote was an "important question" and a two-thirds majority was needed.

Given the realities of the world today, no one was shocked by the new U.S. position; and the new policy apparently has been well enough calculated to win the approval of the majority of citizens.

However, we must not let ourselves get carried away by the euphoria of the situation.

Announcing the two-China policy is one thing—making it work is quite another. It can only succeed with the cooperation of both the People's Republic of China and Nationalist China. And neither of these countries has said it will sit with the other.

Mr. President, I have supported efforts to bridge the communications gap between our own Nation and the People's Republic of China. The December 1965 lifting of the travel ban for doctors and medical scientists; the July 21, 1969, automatic validation of U.S. passports for travel to mainland China; the "Ping Pong Diplomacy" event; and the President's decision to visit the People's Republic of China—all of these have contributed to bridging that gap.

But our efforts have gotten little in return from Communist China; and, if this latest move alienates a trusted and important ally—Nationalist China—then the results will be negative.

I support U.N. membership for the People's Republic of China but only if Na-

tionalist China retains its seat, both in the General Assembly and in the Security Council.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session, to consider a nomination on the executive calendar, under Department of Justice.

The PRESIDING OFFICER (Mr. HART). The nomination on the executive calendar, under Department of Justice, will be stated.

DEPARTMENT OF JUSTICE

The assistant legislative clerk read the nomination of David Luke Norman, of the District of Columbia, to be an Assistant Attorney General.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER FOR ADJOURNMENT TO 9 A.M. ON THURSDAY NEXT AFTER ADJOURNMENT ON WEDNESDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business tomorrow, it stand in adjournment until 9 a.m. on Thursday next, August 5, 1971.

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

ORDER FOR RECOGNITION OF SENATOR GRAVEL ON FRIDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on Friday, August 6, 1971, immediately following the recognition of the two leaders under the standing order the distinguished Senator from Alaska (Mr. GRAVEL) to be recognized for not to exceed 15 minutes.

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I assume that this will be the last quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. Immediately after the recognition of the two leaders under the standing order—and with no period for routine morning business—the Senate will proceed to the consideration of amendment No. 282 to S. 382, the so-called Federal elections campaign bill. The time on that amendment, which has been authored by the Senator from Maryland (Mr. MATHIAS), will be limited to 30 minutes, to be equally divided between the mover of the amendment and the manager of the bill, the Senator from Rhode Island (Mr. PASTORE).

It is assumed that a yeas-and-nays vote will occur thereon, although the yeas and nays have not yet been ordered.

It is anticipated that the Senate will work hard to complete action on tomorrow on the Federal elections campaign bill, if at all possible. If action has not been completed by 5 p.m., and if, at that time, it appears that another day will be needed for the disposition of that bill, it is likely that the Senate will then proceed to the consideration of the so-called higher education bill—S. 659—which was reported from the committee today. A time agreement has been entered thereon, and it is anticipated that the Senate will likely work into the evening on that bill.

There should be several rollcall votes tomorrow, and the first such vote could occur as early as 9:30 a.m. if the yeas and nays should be ordered on the Mathias amendment No. 282.

RECESS TO 9 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in recess in accordance with the previous order until 9 a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 12 minutes p.m.) the Senate recessed until tomorrow, Wednesday, August 4, 1971, at 9 a.m.

NOMINATION

Executive nomination received by the Senate August 3, 1971:

DEPARTMENT OF JUSTICE

Robert A. Morse, of New York, to be U.S. attorney for the eastern district of New York for the term of 4 years, vice Edward R. Neahr.

CONFIRMATION

Executive nomination confirmed by the Senate August 3, 1971:

DEPARTMENT OF JUSTICE

David Luke Norman, of the District of Columbia, to be an Assistant Attorney General.

SENATE
FLOOR DEBATE
ON
S.382
AUGUST 4, 1971

H.R. 7189, to authorize appropriations to carry out the Standard Reference Data Act.

Testimony was heard from National Bureau of Standards Director Branscomb. A statement for the record was submitted by Representative McKeivitt.

GENERAL REVENUE SHARING

Committee on Ways and Means: Met in executive session for continued consideration of general revenue sharing legislation. No announcements were made and the committee adjourned until Wednesday, September 8, when it will resume markup of the bill.

Joint Committee Meetings

NOMINATIONS

Joint Committee on Atomic Energy: Senate Members held hearings on the nominations of James R. Schlesinger, of Virginia, and William Offutt Doub, of Maryland, both to be members of the Atomic Energy Commission, where Senator Byrd of Virginia testified in behalf of Mr. Schlesinger; Senators Mathias and Beall in behalf of Mr. Doub; and AEC Commissioner Wilfrid E. Johnson, in behalf of both nominees. The nominees were present to testify and answer questions.

The nominations were subsequently ordered reported to the Senate.

APPROPRIATIONS—LABOR-HEW

Conferees met in executive session to resolve the differences between the Senate- and House-passed versions of H.R. 10061, making appropriations for the Departments of Labor and Health, Education, and Welfare for fiscal year 1972, but did not reach final agreement thereon and will meet again tomorrow.

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Wednesday, August 4, 1971

## Senate

### Chamber Action

*Routine Proceedings, pages 29225-29289*

**Bills Introduced:** 22 bills were introduced, as follows:  
S. 2410-2431. Page 29228

**Bills Reported:** Reports were made as follows:

H.R. 2596, to authorize members of the D.C. Fire Department and police departments in the District of Columbia to participate in the Metropolitan Police Department band (S. Rept. 92-394);

H.R. 2600, to equalize disability retirement payments

of members of the D.C. Fire Department and police department (S. Rept. 92-350);

H.R. 8794, to provide health care for certain disabled former members of the D.C. Fire Department and police departments (S. Rept. 92-351);

H.R. 2592, to regulate employment of minors in the District of Columbia, with an amendment (S. Rept. 92-352); and

H.R. 8589, proposed D.C. Healing Arts Practice Act amendments, with amendments (S. Rept. 92-353).

Page 29227

**Bills Referred:** Sundry House-passed bills were referred to appropriate committees. Pages 29311, 29338

**Coast Guard Procurement Authorizations:** Senate insisted on its amendments to H.R. 5208, to authorize funds for procurement of vessels and other Coast Guard facilities for fiscal year 1972, agreed to conference requested by the House, and appointed as conferees Senators Magnuson, Long, Hollings, Griffin, and Hatfield.

Page 29323

**Federal Election Campaign Practices:** Senate continued to consider S. 382, to promote fair practices in the conduct of election campaigns for Federal political offices, taking action on proposed amendments thereto as follows:

Adopted:

(1) Modified Mathias amendments en bloc which would (a) equalize penalties as applied to the nonbroadcast media and broadcast media (No. 267), and (b) to make the definition of the term "State" in title III of the bill conform to the definition of that word in title II of the bill (No. 280);

(2) Modified Mathias amendments en bloc which would (a) require reporting of contributions in the amount of \$100 or more (No. 284), (b) assure that debts and obligations will be reported to the Federal Government until they are satisfied (No. 286), (c) to require inclusion in reports of the business and occupation of the contributor (No. 282), (d) exempt bank loans from the term "contribution" only if the loans are given in the ordinary course of business (No. 276), and (e) to assure reporting of expenditures made in behalf of a political committee as well as by such a committee (No. 285); and

(3) Modified Mathias amendment limiting to \$50,000 amount which a candidate for President or Vice President may contribute to his own political campaign (prior to adoption of this amendment, Senate, by 33 yeas to 58 nays, rejected motion to table); and

Rejected:

(1) Modified Mathias amendment limiting to \$5,000 the amount which an individual may contribute to any one political candidate, and limiting to \$5,000 amount which any individual may contribute to a political committee for a political candidate;

(2) Modified Hartke amendment No. 366, barring TV broadcasting stations from selling broadcast time in segments of less than 1 minute duration for use by a legally qualified candidate for Federal elective office (rejected by adoption, by 74 yeas to 17 nays, with one voting present, of tabling motion); and

(3) Modified Dominick amendment No. 315, barring use of dues, assessments, or other moneys collected by organizations for the purpose of benefiting a candidate for Federal office or political committees (rejected by adoption, by 56 yeas to 38 nays, of tabling motion).

The Chair sustained a point of order against Fannin amendment No. 325, providing tax incentives for contribution for candidate for Federal office, as being not germane to the subject of the bill.

Pending at recess was Pastore substitute amendment No. 308, as amended.

Senate will resume consideration of this bill tomorrow.

Pages 29226, 29289-29337

**Education Amendments:** Senate began consideration of S. 659, omnibus education amendments of 1971, adopting Humphrey amendment No. 337, providing Federal grants to State and local governments for internship programs to promote political leadership. Senate will resume consideration of this bill probably late in the afternoon on Thursday, August 5.

Pages 29338-29361

**Military Construction Authorizations:** Senate laid down for further consideration (at approximately 9:30 a.m.) on Thursday, August 5, H.R. 9844, authorizing funds for military construction for fiscal year 1972.

Page 29361

**Confirmations:** Senate confirmed the nominations of Johnnie M. Walters, of South Carolina, to be Commissioner of Internal Revenue;

Peter C. Benedict, of Virginia, to be a member of the National Mediation Board;

John Dickson Baldeschwieler, of California, to be Deputy Director of the Office of Science and Technology; and

Two Air Force nominations in the rank of general; one Navy in the rank of admiral; 18 Marine Corps in the rank of general; and sundry other nominations in the Army, Navy, and Marine Corps.

Page 29362

**Record Votes:** Three record votes were taken today.

Pages 29299, 29323, 29335

**Recess:** Senate met at 9 a.m. and recessed at 7:07 p.m.

Pages 29339, 29359, 29361

## Committee Meetings

### COMMITTEE BUSINESS

**Committee on Agriculture and Forestry:** Committee met in executive session to discuss committee business, but made no announcements.

### MILITARY PROCUREMENT AUTHORIZATIONS AND NOMINATIONS

**Committee on Armed Services:** Committee, in executive session, by a unanimous vote of 16 yeas, ordered favorably reported with amendments H.R. 8687, fiscal 1972 authorizations for military procurement. As approved by the committee, the bill would authorize a total of \$21 billion, a decrease of \$100 million over the House-passed figure of \$21.1 billion.

Committee also approved 1,461 routine nominations in the Air Force.

### NOMINATION

**Committee on Commerce:** Committee held hearings on the nomination of John W. Ingram, of Illinois, to be Administrator of the Federal Railroad Administration, where the nominee was present to testify and answer questions in his own behalf.

Hearings were recessed subject to call.

### OCEAN DUMPING AND COASTAL ZONE MANAGEMENT

**Committee on Commerce:** Subcommittee on Oceans and Atmosphere, in executive session, approved for full committee consideration with amendments S. 582, authorizing assistance to States in developing coastal zone management programs.

Subcommittee also approved for full committee consideration with amendments H.R. 9727, to ban the unregulated dumping of materials into the oceans, estuaries, and Great Lakes, pending receipt of this bill from the House.

### TOXIC SUBSTANCES CONTROL

**Committee on Commerce:** Subcommittee on the Environment continued hearings on S. 1478, to restrict the distribution and use of chemicals found to be toxic and hazardous products. Witnesses heard were Robert Fri, Deputy Administrator, Environmental Protection Agency; Prof. Robert Riseborough, Institute of Marine Resources, University of California at Berkeley; and a panel of witnesses representing environmental groups, as follows: Harrison Welford, Center for the Study of Responsive Law; Linda Billings, Sierra Club; Samuel Love, Environmental Action; James Rathelsburger, Friends of the Earth; and Joel Pickelner, National Wildlife Federation.

Hearings continue tomorrow.

### VETERANS' UNEMPLOYMENT

**Committee on the District of Columbia:** Committee resumed hearings concerning veterans' unemployment in the District of Columbia, receiving testimony from David O. Williams, coordinator of veterans activities, Manpower Administration, Ulysses G. Garland, Office of Employment Service, D.C. Manpower Administra-

for the Congress to react as to what it has done. I think it is also proper for the administration to point out what has not been done. I do not think it was done from a posture of hostility, because it is necessary that the executive and legislative bodies work together. We should do as much as we can this year, because next year will be, to a degree, blighted by the pollution of politics, and the smog of ambition will descend upon our legislative bodies. It will be difficult to see, through the mist, the haze, and the smoke, the difference between what is substance and what is political. So that 1971 is a cleaner year, a year when one will be able to see farther into the distance and see more clearly the objectives than perhaps we will be able to do next year. As we get into the last 3 or 4 months before election, I have periodically warned the American people that Congress will not make too much sense. I do not want to say what I think the candidates will do.

Mr. President, I yield back the remainder of my time.

#### FEDERAL ELECTION CAMPAIGN ACT OF 1971

The ACTING PRESIDENT pro tempore. The Chair now lays before the Senate, S. 382, the so-called Federal election campaign bill, which the clerk will report.

The legislative clerk read as follows:

Calendar No. 223 (S. 382) a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

The ACTING PRESIDENT pro tempore. The pending question is amendment No. 282 of the Senator from Maryland (Mr. MATHIAS). Who yields time?

Mr. PASTORE. Mr. President, if I may have the attention of my distinguished colleague, the Senator from Maryland, we have just had a very informal talk. The Senator has a number of amendments. Some of them go as to form. Some of them do go as to substance. I think they can be placed in the category of what we consider to be the very important amendments.

Mr. President, for that reason I have suggested to the Senator from Maryland that his staff sit down with our staff and determine which ones I could accept and which ones I would have to contest. And we would take a vote on it, whatever the result may be. We would thus have an expression of the will of the Senate.

They do have at the desk a very important amendment which has to do with the amount of money which any one individual can contribute. That is a very controversial amendment. As a matter of fact, I think that many on the other side of the aisle have very strong feelings, as some on our side of the aisle have very strong feelings, as to whether there should be a limitation on how much any one individual can give to a candidate or how much of his own money he can invest in his own campaign.

Mr. President, if I may have the at-

tention of the Senator from Maryland, I would hope that he would temporarily withdraw this particular amendment and call up the important amendment. I think we ought to get right at the gut of this situation, and let us see if we can resolve the whole problem today.

We have this amendment and the Fan-nin amendment, which has to do with a checkoff. And apart from those, I do not know of any other amendments that we could not sit down as reasonable men and work out.

I say very frankly that if I cannot accept an amendment, I cannot do so. If I can accept the amendment, I will accept it. However, if I cannot do so, I will move to lay the amendment on the table. It does not make any difference whether the sponsor is a Republican or a Democrat. We have to solve the problem.

Mr. President, I am talking now on the time on the bill.

Mr. COTTON. Mr. President, I have been in attendance at conference on the HEW appropriation bill. Therefore, I could not be on the floor. Has the question concerning the interchangeability of the "five and five" limitation been resolved?

Mr. PASTORE. Yes. It has been adjusted so that it is five and five, with a leeway of 20 percent that candidates can use in one way or another. I thought that it was a fair compromise. That has been our attitude here. I do not agree with the attitude of those who say that we are not giving in enough or giving in too much. That is a lot of rhetoric. We want a bill for the country.

Mr. COTTON. Mr. President, I thank the Senator and commended him on the compromise. Having been confined to the conference session, and not having had an opportunity to look at the RECORD, I did not know of the resolution of this issue.

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

Mr. PASTORE. Mr. President, I yield to the Senator from Maryland time on the bill.

Mr. MATHIAS. Mr. President, I think that the Senator from Rhode Island has raised an extremely important question. I think the procedure which he has outlined is a good one. Some amendments have been proposed that I think the committee would be willing to accept and that the Senate would be willing to accept.

I am perfectly willing, after a careful staff review, to submit those en bloc, and we can dispose of them very expeditiously.

I have as a cosponsor of the amendment to which the Senator refers, the Senator from Florida (Mr. CHILES). When he reaches the floor, we can proceed on that amendment. And others can probably be set aside for another day and will not have any effect on the election reform.

Mr. PASTORE. I would hope that they would be disposed of sometime this afternoon.

Mr. MATHIAS. Well, another year.

Mr. PASTORE. I see what the Senator

means. He means after we have had it tested and tried thoroughly.

Mr. MATHIAS. Yes. After all, the law of the Medes and Persians are not involved here. We are dealing with the fabric of the law that will change as the customs and times change.

Mr. President, I ask unanimous consent at this point that I may withdraw the pending amendment, No. 282.

Mr. PASTORE. Mr. President, I will ask for a quorum call and we will try to reach Senators on the telephone to see if they can come to the floor.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged to either time.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is advised that he has a right without unanimous consent to withdraw his amendment.

Mr. MATHIAS. Mr. President, I so do.

The ACTING PRESIDENT pro tempore. The amendment is withdrawn.

Mr. MATHIAS. That is subject to the possible recall of the amendment.

The ACTING PRESIDENT pro tempore. The Senator may recall the amendment.

Will the Senator from Rhode Island advise the Chair to whom the time is to be charged?

Mr. PASTORE. Neither side.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to exceed 30 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and it is so ordered.

#### MESSAGE FROM THE HOUSE-- ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 2591. An act to amend section 8 of the act approved March 4, 1913 (37 Stat. 974), as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with State and Federal regulatory bodies on matters of joint interest;

H.R. 5638. An act to extend the penalty for assault on a police officer in the District of Columbia to assaults on firemen, to provide criminal penalties for interfering with firemen in the performance of their duties, and for other purposes;

H.R. 6638. An act to amend the act of August 9, 1955, relating to school fare subsidy for transportation of schoolchildren within the District of Columbia;

H.R. 7960. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes;

H.R. 8432. An act to authorize emergency loan guarantees to major business enterprises; and

H.R. 9388. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

#### ORDER FOR ADJOURNMENT FROM THURSDAY TO 9 A.M. FRIDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow it stand in adjournment until 9 a.m. on Friday next.

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

#### EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar beginning with New Reports.

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

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar beginning with New Reports, will be stated.

#### DEPARTMENT OF THE TREASURY

The legislative clerk read the nomination of Johnnie M. Walters, of South Carolina, to be Commissioner of Internal Revenue.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

#### U.S. AIR FORCE

The legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. 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.

#### U.S. NAVY

The legislative clerk read the nomination of Vice Adm. Thomas F. Connolly, U.S. Navy, for appointment to the grade of vice admiral when retired.

The ACTING PRESIDENT pro tempore.

Without objection, the nomination is confirmed.

#### U.S. MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. MANSFIELD. 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.

#### NATIONAL MEDIATION BOARD

The legislative clerk read the nomination of Peter C. Benedict, of Virginia, to be a member of the National Mediation Board.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, the next one will be Calendar No. 262.

#### OFFICE OF SCIENCE AND TECHNOLOGY

The legislative clerk read the nomination of John Dickson Baldeschwieler, of California, to be Deputy Director of the Office of Science and Technology.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK

The legislative clerk proceeded to read sundry nominations in the Army, in the Navy, and in the Marine Corps, placed on the Secretary's desk.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominations.

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

#### LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of legislative business.

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

#### COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. GAMBRELL) laid before the Senate the following letter, which was referred as indicated:

#### REPORT OF SMALL BUSINESS ADMINISTRATION

A letter from the Administrator, Small Business Administration, transmitting, pursuant to law, a report of that Administration, for the year 1970 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TUNNEY, from the Committee on the District of Columbia, without amendment:

H.R. 2596. An act to amend the Act of July 11, 1947, to authorize members of the District of Columbia Fire Department, the U.S. Park Police force, and the Executive Protective Service, to participate in the Metropolitan Police Department Band, and for other purposes (Rept. No. 92-349);

H.R. 2600. An act to equalize the retirement benefits for officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia who are retired for permanent total disability (Rept. No. 92-350); and

H.R. 8794. An act to provide for the payment of the cost of medical, surgical, hospital, or related health care services provided certain retired, disabled officers, and members of the Metropolitan Police force of the District of Columbia, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protective Service, and the U.S. Secret Service, and for other purposes (Rept. No. 92-351).

By Mr. TUNNEY, from the Committee on the District of Columbia, with an amendment:

H.R. 2592. An act to amend the act entitled "An act to regulate the employment of minors in the District of Columbia," approved May 29, 1928 (Rept. No. 92-352).

By Mr. TUNNEY, from the Committee on the District of Columbia, with amendments:

H.R. 8589. An act to amend the Healing Arts Practice Act, District of Columbia 1928, to revise the composition of the Commission on Licensure To Practice the Healing Arts, and for other purposes (Rept. No. 92-353).

#### EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

Mr. STENNIS. Mr. President, from the Committee on Armed Services I report favorably the nominations of three Air National Guard officers for appointment as Reserve commissioned officers in the U.S. Air Force in the grade of brigadier general. I ask unanimous consent that these names be placed on the Executive Calendar.

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

The nominations ordered to be placed on the Executive Calendar are as follows:

The following officers for appointment as Reserve commissioned officers in the U.S. Air Force, to the grade indicated, under the provisions of sections 8218, 8351, 8363, and 8392, title 10, of the United States Code:

#### TO BE BRIGADIER GENERAL

Col. William A. Browne, 426-18-1642FG, Mississippi Air National Guard.

Col. William E. Elmore, 520-07-1863FG, Alaska Air National Guard.

Col. Wendell G. Garrett, 312-12-7999FG, Indiana Air National Guard.

Mr. STENNIS. Mr. President, in addition, I report favorably 1,458 appointments in the Air Force in the grade of captain and below. Since these names have already appeared in the CONGRESSIONAL RECORD in order to save the expense of printing on the Executive Cal-

riod of up to 90 days without obtaining a visitor's visa.

S. 1966

At the request of Mr. BROCK, the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 1966, a bill to establish a National Emergency Wage-Price Stabilization Board to promote and encourage price and wage decisions consistent with the public interest and control inflation.

S. 2304

At the request of Mr. TOWER, the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), the Senators from Kentucky (Mr. COOPER and Mr. COOK), the Senator from Kansas (Mr. DOLE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Utah (Mr. MOSS), the Senator from Illinois (Mr. PERCY), the Senator from Alaska (Mr. STEVENS), the Senator from Georgia (Mr. TALMADGE), the Senator from South Carolina (Mr. THURMOND), the Senator from North Dakota (Mr. YOUNG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Tennessee (Mr. BAKER), the Senator from Wyoming (Mr. HANSEN), and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of S. 2304, the veterans' allied health professions training assistance program.

S. 2321

At the request of Mr. MAGNUSON, the Senator from New Jersey, (Mr. WILLIAMS) was added as a cosponsor to S. 2321, the Emergency Unemployment Compensation Act.

S. 2278

At the request of Mr. BAKER, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 2278, a bill to provide accelerated assistance for economic emergency areas.

S. 2332

At the request of Mr. TOWER, the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Alaska (Mr. STEVENS), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 2332, a bill to provide free military postage for personnel serving in designated hardship or isolated duty stations.

S. 2380

At the request of Mr. HARTKE, the Senator from Indiana (Mr. BAYH) and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 2380, a bill to amend the act of November 5, 1966 (80 Stat. 1309) providing for the establishing of the Indiana Dunes National Lakeshore, and for other purposes.

S. 2394

At the request of Mr. BROCK, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 2394, a bill to establish an improved international economic policy structure in the Federal Government, and for other purposes.

SENATE JOINT RESOLUTION 62

At the request of Mr. GRIFFIN, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of Senate Joint Resolution 62, providing for the display

of the flags of each of the 50 States at the base of the Washington Monument.

SENATE JOINT RESOLUTION 79

At the request of Mr. HARTKE, the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of Senate Joint Resolution 79, the equal rights amendment.

SENATE JOINT RESOLUTION 135

At the request of Mr. TOWER, the Senator from Tennessee (Mr. BAKER), the Senator from Arkansas (Mr. McCLELLAN), and the Senator from Rhode Island (Mr. PASTORE) were added as cosponsors of Senate Joint Resolution 135, providing for National Law Enforcement Officers Day.

#### ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 33

At the request of Mr. BROCK, the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of Senate Concurrent Resolution 33 regarding the persecution of Jews and other minorities in Russia.

#### MILITARY CONSTRUCTION AUTHORIZATIONS, 1972—AMENDMENT

AMENDMENT NO. 379

(Ordered to be printed and to lie on the table.)

Mr. GURNEY submitted an amendment intended to be proposed by him to the bill (H.R. 9844) to authorize certain construction at military installations, and for other purposes.

#### ECONOMIC DISASTER AREA RELIEF ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 380 AND 386

(Ordered to be printed and to lie on the table.)

Mr. BUCKLEY submitted two amendments intended to be proposed by him to the bill (S. 2393) to amend the Natural Disaster Relief Act of 1970.

AMENDMENTS NOS. 387 AND 388

(Ordered to be printed and to lie on the table.)

Mr. BAKER submitted two amendments intended to be proposed by him to the bill (S. 2393), supra.

AMENDMENT NO. 389

(Ordered to be printed and to lie on the table.)

Mr. COOPER, for himself and Mr. BUCKLEY, submitted an amendment intended to be proposed by them, jointly, to the bill (S. 2393), supra.

AMENDMENT NO. 390

(Ordered to be printed and to lie on the table.)

Mr. COOPER submitted an amendment intended to be proposed by him to the bill (S. 2393), supra.

AMENDMENT NOS. 391 AND 392

(Ordered to be printed and to lie on the table.)

Mr. COOPER, for Mr. DOLE, submitted amendments intended to be proposed to the bill (S. 2393), supra.

#### FEDERAL ELECTION CAMPAIGN ACT OF 1971—AMENDMENTS

AMENDMENT NO. 381

(Ordered to be printed and to lie on the table.)

Mr. BELLMON submitted an amendment intended to be proposed by him to amendment No. 308, proposed to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

AMENDMENT NO. 382

(Ordered to be printed and to lie on the table.)

Mr. CURTIS submitted an amendment intended to be proposed by him to amendment No. 308, proposed to the bill (S. 382), supra.

AMENDMENT NO. 383

(Ordered to be printed and to lie on the table.)

Mr. HART submitted an amendment intended to be proposed by him to amendment No. 308, proposed to the bill (S. 382), supra.

#### EDUCATION AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 384

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK submitted an amendment intended to be proposed by him to the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Educational Act of 1963, and related Acts, and for other purposes.

AMENDMENT NO. 385

(Ordered to be printed and to lie on the table.)

Mr. RIBICOFF submitted an amendment intended to be proposed by him to the bill (S. 659), supra.

AMENDMENT NO. 386

(Ordered to be printed and to lie on the table.)

Mr. PELL, for himself and Mr. GRIFFIN, submitted an amendment intended to be proposed by them, jointly, to the bill (S. 659), supra.

#### ANNOUNCEMENT OF HEARING ON DIVERSIFICATION OF DEFENSE CORPORATIONS

Mr. CRANSTON. Mr. President, I wish to announce that the Subcommittee on Production and Stabilization of the Committee on Banking, Housing, and Urban Affairs will hold hearings on August 10, 1971, in Los Angeles on the problems relating to the diversification of defense corporations into nonmilitary production. These hearings will begin at 9 a.m. on August 10, 1971, in room 10220 of the Federal Building located at 11000 Wilshire Boulevard, Los Angeles, Calif.

spect to the major contours of the budget and, hence, the shape of our priorities. The establishment of an Office of Goals and Priorities with the mandate and capacity to produce a variety of budgets from which to choose would end this unhealthy dependence.

Finally, Congress currently is compelled to operate without the social data required to choose rationally between alternative resource uses, to evaluate program effectiveness, and to formulate comprehensive public policy. The Council of Social Advisors and the annual Social Report of the President authorized in Title I of the Act would help to fill this information vacuum.

In other words, if Congress is serious about employing its constitutional power over the purse to reorder the nation's priorities, it could begin at no better place than with the passage of the Full Opportunity and National Goals and Priorities Act.

With the enactment of the Full Employment Act in 1946, America acknowledged that Adam Smith's "invisible hand" could not be relied on in a society as complex as ours to ensure the economic welfare of its citizens.

Passage of Goals and Priorities Act would constitute an equally historic acknowledgment. For the "invisible hand" implicit in our fragmented and haphazard approach to many social problems is no more effective than its economic counterpart; and must similarly be replaced with disciplined, informed planning if the social well-being of our citizens is to be secured.

#### CONSUMER CREDIT

Mr. TAFT. Mr. President, consumer credit continues to be an area of deep concern for all Americans viewing economic planning for the future.

Those of us with good memories will recall that, in the final hours of debate on the "Truth in Lending" bill Members of both the House and the Senate came to realize how little is really known about the intricate workings of the consumer credit system in this country. Indeed, the Congress discovered at that time that, never in our history, has our Nation done the kind of basic research on consumer credit that is essential to wise and prudent legislation. It was this paucity of reliable information that prompted the Congress to agree on two principles at that time: We agreed to limit "Truth in Lending" to the matter of disclosure; and we agreed to establish, on a bipartisan basis, the National Commission on Consumer Finance, whose duties—as defined by the act—are to "study and appraise the functioning and structure of the consumer finance industry, as well as consumer credit transactions generally," and to report to Congress on:

First. The adequacy of existing arrangements to provide consumer credit at reasonable rates;

Second. The adequacy of existing supervisory and regulatory mechanisms to protect the public from unfair practices, and insure the informed use of consumer credit;

Third. The desirability of Federal chartering of consumer finance companies, or other Federal regulatory measures.

I remind the Senate of these facts only because bills have already been intro-

duced in both the House and the Senate—long before the Commission has developed the factual information that we agreed was essential to informed legislation. By various means, both bills would regulate the existing credit rate structure—asking the Congress to embark upon a course of action that we specifically, and quite recently, rejected.

I am reliably informed that the Commission is well along on its study of consumer credit and that it will meet its 1972 deadline. I am also told that research by the Commission up to now reinforces the need for added study. What has been learned to date is just how much we do not know about credit.

For example, we don't know what a law that limits the price of credit would do to the supply of credit. Would such a law make credit more or less available to consumers of low and marginal income?

We do not know whether a limit on the price of credit represents a real saving for our constituents or whether that consumer would wind up paying less for credit and more for the merchandise purchased.

We do not know what happens to people whose applications are rejected. Do they give up their desire to buy? Or, having been rejected by legitimate credit grantors, do they seek relief by turning to unscrupulous moneylenders who operate beyond the law?

Various of our States have now enacted laws regulating the price of credit. What has happened in these States? The laws differ widely. How do the results compare? Again, we do not know.

In short, there is almost nothing about credit that we do know for sure. We do not even know if a law which limits the price of credit would be a spur to our competitive system or whether such a law would make chaos of the existing and viable competitive relationships among retailers, banks, small loan companies, and other credit grantors.

My purpose in making this statement is not to suggest that the Congress close the books on credit legislation for all time. It may well be that additional legislation will be required. It is my purpose, however, to urge the Congress to act from knowledge and not from ignorance. Having established the National Commission on Consumer Finance, having spent the taxpayers' dollars to make sure we are acting in their interest, it seems to me we have no choice but to restrain our eagerness to legislate—at least until the facts are in hand in July 1972.

I would also remind the Senate of the dangers of whimsical tinkering with an economic force as intricate as credit. Our Nation is only now recovering from the economic downturn of 1970. Let us not imperil that recovery by needlessly hasty action.

#### CONCLUSION OF MORNING BUSINESS

Mr. PASTORE. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be closed.

The ACTING PRESIDENT pro tem-

pore. Without objection, the period for the transaction of routine morning business is closed.

#### MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 2594. An act to amend chapter 19 of title 20 of the District of Columbia Code to provide for distribution of a minor's share in a decedent's personal estate where the share does not exceed the value of \$1,000; and

H.R. 2894. An act to incorporate the Paralyzed Veterans of America.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. GAMBRELL).

#### FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. PASTORE. Mr. President, what is the pending matter now?

The ACTING PRESIDENT pro tempore. The amendment of the Senator from Maryland has been withdrawn.

The pending business is S. 382. The pending question is on the Pastore substitute amendment, as amended.

#### AMENDMENTS NOS. 267 AND 280

Mr. MATHIAS. Mr. President, I call my amendments Nos. 267 and 280, and I ask unanimous consent that the amendments be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The amendments will be stated.

The amendments were read as follows:

#### AMENDMENT NO. 267

On page 3, line 16, strike "(e)" and insert: "(f)".

On page 6, line 25, strike the closing quotation marks.

On page 6, after line 25, insert the following:

"(e) One who willfully and knowingly violate the provisions of subsection (c) or (d) of this section shall be punished by a fine not to exceed \$5,000 or imprisonment for a period not to exceed five years, or both. The provisions of sections 501 through 503 of this Act shall not apply to violations of such subsection."

On page 10, strike lines 1 through 3 and insert in lieu thereof:

"(f) One who willfully and knowingly violates the provisions of this section shall be punished by a fine not to exceed \$5,000 or imprisonment of not more than five years, or both."

#### AMENDMENT NO. 280

On page 20, strike lines 23 through 25 and insert in lieu thereof the following:

(1) "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

Mr. MATHIAS. Mr. President, these two amendments are technical in nature. They deal with some of what we might call the fine points of the bill.

One of the provisions of the bill as written is to provide criminal penalties for violation, and the penalties are different for the broadcast and nonbroadcast media.

The purpose of amendment No. 267 is to equalize the penalties as applied to the broadcast media and the nonbroadcast media. The amendment makes no other change in the bill except to put these two media in a state of equality.

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

Mr. MATHIAS. I yield.

Mr. PASTORE. Mr. President, I have considered the amendment carefully. It will bring about a high performance of standards. It is a good amendment. I am willing to accept it.

Mr. MATHIAS. Mr. President, amendment No. 280 is a technical amendment that amends the definition of "state" in title III to conform to the definition of "State" in title II so that those who have to interpret this act can deal with a uniform definition.

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

Mr. MATHIAS. I yield.

Mr. PASTORE. Mr. President, that is exactly true. This merely clarifies the definition of "State," which means "each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States."

I am perfectly willing to accept this amendment, as well.

The ACTING PRESIDENT pro tempore. Do Senators yield back their time?

Mr. MATHIAS. I yield back my time.

Mr. PASTORE. I yield back my time.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendments to be considered en bloc.

The amendments (No. 267 and No. 280) were agreed to.

Mr. MATHIAS. Mr. President, I send to the desk four amendments and I ask unanimous consent that they be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the amendments will be considered en bloc. The amendments will be stated.

The amendments were read as follows:

On page 25, line 18, strike "in excess of \$100" and insert in lieu thereof: "of \$100 or more".

On page 27, line 9, strike the semicolon and the word "and" and insert in lieu thereof: "and a continuous reporting of their debts and obligations after the election at such periods as the Comptroller General may require until such debts and obligations are extinguished; and"

On page 21, line 14, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 21, line 23, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 22, line 3, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 25, line 13, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 26, line 6, after "addresses" insert the following: "(occupations and the principal places of business, if any)".

On page 26, line 19, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 26, line 25, after "address" insert the following: "(occupation and the principal place of business, if any)".

On page 13, line 3, insert after the word "regulations," the following: "and in the ordinary course of business".

On page 14, line 4, insert after the word "regulations," the following: "and in the ordinary course of business".

Mr. MATHIAS. Mr. President, I think the most significant of these amendments, the one with substance for the electoral process, is amendment No. 284, which requires the reporting of contributions of \$100 or more. I think this is an important amendment because it gives confidence to the public that it is actually getting disclosure in a meaningful way.

The bill as written requires reporting of contributions in excess of \$100 and, of course, that would exempt from reporting one of the most common devices that we know of, which is the \$100 dinner. Whoever heard of a \$10 dinner? It is perfectly true that these are arbitrary lines. It might be a \$99 dinner, but the usual figure we see is the \$100 dinner. So I think this amendment will show more than anything else the intent of the Senate to deal with election reform by requiring disclosures as to the \$100 dinners to public view.

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

Mr. MATHIAS. I yield.

Mr. PASTORE. The amendment is perfectly agreeable to the committee and to me, and I am willing to accept it, but from now on, as I said to the Senator, we will see the \$99 dinner—\$99.98 dinner.

Mr. MATHIAS. If I can observe to the Senator—

Mr. PASTORE. But the Senator is right. I hope he does not misunderstand me. I will buy the amendment.

Mr. MATHIAS. I was going to say that if the \$99 dinner comes into vogue, at least it will be the first reduction in the cost of living for some time.

Mr. PASTORE. Well, I hope it breaks the inflationary spiral.

Mr. MATHIAS. Mr. President, amendment No. 286 requires that campaign debts remain on the books until they are extinguished. They cannot just drop out of sight and be forgotten. I think this is an important amendment, because the public has the right to know what happens to campaign debts, just as it has the right to know what happens to campaign assets.

Amendment No. 282 would require the insertion of the occupation and place of business of the contributor. This is a bit of exposure of the contributor's interest. I think it is important public business.

Finally, amendment No. 276 would exempt bank loans made in the ordinary course of the banking business from classification as contributions.

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

Mr. MATHIAS. I am happy to yield.

Mr. PASTORE. Here again I am perfectly willing to go along with this

amendment. Of course, there are certain aspects that could be criticized. Where there is a very nominal debt, it means the committee would have to be in existence ad infinitum; but there may be cases where the debt is pretty large. That is what the Senator from Maryland is aiming at. This amendment would work out very well in that case. I am perfectly willing to accept it.

The ACTING PRESIDENT pro tempore. Do Senators yield back their time?

Mr. MATHIAS. Mr. President, before I yield back my time, I ask unanimous consent that, in amendment 286, the words "Comptroller General" be changed to "Commissioner."

Mr. PASTORE. Mr. President, I have no objection. That should be done.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be so modified.

Do Senators yield back their time?

Mr. MATHIAS. I yield back my time.

Mr. PASTORE. I yield back my time.

The ACTING PRESIDENT pro tempore. All time having been yielded back, the question is on agreeing to the amendments of the Senator from Maryland en bloc, as modified.

The amendments, as modified, were agreed to en bloc.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MATHIAS. Mr. President, I have an amendment, which I ask to have stated.

The ACTING PRESIDENT pro tempore. The clerk will state the amendment.

The assistant legislative clerk read the amendment, as follows:

On page 11, line 15, strike "and 614" and insert in lieu thereof "614, and 615".

On page 15, strike out lines 19 and 20 and insert in lieu thereof the following:

Sec. 208. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitations on contributions and expenditures

"(a) (1) No person (other than a candidate or political committee) may make contributions directly or indirectly during any calendar year in excess of an aggregate amount of \$5,000 to any candidate for Federal office. For purposes of this paragraph, a contribution shall be held and considered to have been made to such a candidate if it is paid to such candidate or his agent.

"(2) No such person may make contributions directly or indirectly to political committees in excess of an aggregate amount of \$5,000 during any calendar year.

"(3) No candidate may receive contributions from, nor authorize expenditures by, political committees in connection with his campaign for nomination for election, and election, to Federal office in excess of an aggregate amount of \$75,000 during any calendar year.

"(b) (1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

"(A) \$50,000, in the case of a candidate for the office of President or Vice President;

"(B) \$35,000, in the case of a candidate for the office of Senator; or

"(C) \$25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"(2) For purposes of this subsection, 'im-

mediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

"(c) No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of the provisions of this section.

"(d) Violation of the provisions of this section is punishable by a fine not to exceed \$1,000, imprisonment for not to exceed one year, or both."

On page 17, strike out the matter between lines 6 and 7 and insert in lieu thereof the following:

"608. Limitation on contributions and expenditures.";

Mr. PASTORE. Mr. President, the Senator from Maryland (Mr. MATHIAS) had to leave the Chamber temporarily. The Senator from Florida (Mr. CHILES) is here. I yield the floor.

Mr. CHILES. Mr. President, the amendment that was just read is the amendment that was offered by the Senator from Maryland (Mr. MATHIAS) and myself to place a limit on the amount of money that an individual can contribute to a campaign; also, to place a limit on the amount that a candidate can receive from one person.

I think, when we are dealing with the subject of campaign expenditures, if we are going to have a meaningful bill, in addition to putting a lid on the amount of money that a candidate can spend, we must address ourselves to the amount of money that we are going to allow an individual to give to a campaign and the amount of money we are going to have a candidate receive from an individual.

What we are really trying to do when we put a lid on expenditures is work toward getting some public confidence into the elective process. If one wants to assume that every candidate is absolutely honest, that he is not going to be swayed by the amount of any money contributed, then there is no reason for any limitation to start with.

In many instances that can be true, but I think what we are trying to do, in addition to putting a limit on spending, is to restore some public confidence on the part of the people. The people cannot understand, today, why a candidate receives \$25,000 or \$250,000 from one individual, and they cannot understand how a candidate is not going to be influenced by receiving that amount of money. I cannot understand it either. If you receive that kind of money, there does not have to be any quid pro quo offered; there does not have to be any bargain struck, but from the day you take that kind of money from a contributor, you put the screw in yourself if you are running for office, because all that man has to do is look at you some time in the future and say "This is important to me" or "That means something to me," and then you are going to feel the responsibility and the debt that you owe, because you have accepted that kind of money.

We are trying to provide that \$5,000 is the maximum amount of money that an individual contributor should give or that an individual candidate should receive from a contributor. As we look around this country today, we do not

find many people who can make a \$5,000 gift; but if we look at the campaign contributions, we find that many people made gifts amounting to more than that; and we also find that those people who gave more than \$5,000 had an interest, in many instances a vital interest, in what was going on and in what they were seeking.

I have some experience with campaign contribution money. When I wanted to seek the office of U.S. Senator, most people said I could not even run for that office, because I did not have the ability to raise a war chest and get the kind of money that I would need.

I found I was in a campaign in which one candidate spent \$450,000 of his own money in the first primary. All he had to do was write a check. I believe some kind of limitation on that is needed; because, for example, we have court cases which have held that if a candidate has only so much money to spend for qualifying, you cannot raise the qualifying fee to the point where you would be able to put him out of reach of qualifying for that office. But you are doing the same thing if you allow one candidate to spend his own personal wealth, as opposed to another candidate who is without such success.

I do not think we want to build into our offices the requirement that you have to be wealthy in order to seek the office of U.S. Senator or Governor or Representative. I do not think that should be a qualification, that you have to have large individual wealth. So this would be a limitation that a candidate for President could spend only \$50,000 of his own money, a candidate for U.S. Senator could spend \$35,000, and a candidate for Representative could spend \$25,000.

I think that is an important limitation. It is most important, I think, that we put some curbs on the amount of money that an individual can give and the amount of money that a person individually can take from a contributor. I think that is important to restore public confidence. I think it is fine, if we are really dealing seriously with a campaign expenditure bill. We are just dealing with one little phase of it, if we are going to put a total limit on the amount one can spend, but do not put any limit on the individual contribution, because what we are concerned with is how a candidate is influenced.

Mr. PASTORE. Mr. President, will the Senator yield for several questions?

Mr. CHILES. I yield.

Mr. PASTORE. I think we ought to show in the RECORD exactly what this amendment would do, so that those who vote on it will know exactly what they are doing.

As I understand the Senator's amendment, one can give only to the extent of \$5,000 to any candidate personally; is that correct?

Mr. CHILES. That is correct.

Mr. PASTORE. And one can give that \$5,000 to as many candidates as he chooses, personally, is that correct?

Mr. CHILES. Individually, in their names.

Mr. PASTORE. In their names.

Mr. CHILES. Yes.

Mr. PASTORE. But if you do give to a committee, then all you can give is \$5,000 maximum, period. In other words, you cannot give \$5,000 to the committee of one candidate, \$5,000 to the committee of another candidate, and \$5,000 to the committee of a third candidate. Do I understand that to be the correct interpretation of the Senator's amendment?

Mr. CHILES. That is correct.

Mr. PASTORE. I mean, I would like the record to show that.

Mr. CHILES. Yes; whether you give to one committee or a series of committees, you can give only \$5,000 through the committee system.

Mr. PASTORE. In other words, if, in a State, there were, let us say, 25 Representatives running for office, and two Senators—or there would be one Senator because they would not be running together unless there were a vacancy—and each of them had a committee, that would formulate 26 committees, would it not?

Mr. CHILES. Yes.

Mr. PASTORE. According to the interpretation of the Senator's amendment, the top amount one could spread out to those 26 committees would be \$5,000?

Mr. CHILES. That is correct.

Mr. PASTORE. In its entirety?

Mr. CHILES. Yes.

Mr. PASTORE. I just wanted the record to show that, so that everyone will understand this amendment.

Mr. CHILES. Yes. But one contributor could give \$5,000 to each one of those candidates individually.

Mr. PASTORE. That is right; but he would have to make it as a personal contribution to an individual.

Mr. CHILES. That is right. The public, therefore, would be informed of who was giving it and who was getting it, and that would stop some of this proliferation of having the committee really hiding, through the committee, who is making the gift and who is ultimately receiving it.

Mr. PASTORE. I understand. I just wanted to clarify that, so we would all understand.

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

Mr. CHILES. I yield.

Mr. CANNON. Does the Senator's interpretation, then, also mean that this includes national committees as well as committees for a particular candidate? For example, would a man be able to make only a total \$5,000 contribution to the political committee for Chiles, the political committee for Jones, and the National Democratic Committee or the National Republican Committee? And some of them do contribute to both.

Mr. CHILES. Yes.

Mr. CANNON. \$5,000 would be the total?

Mr. CHILES. Yes.

Mr. CANNON. I must say that I find the Senator's proposal quite unrealistic. The committee has considered these matters over the years, and I must say that, without exception, the testimony before the committees by both of the political parties, by people who have considerable expertise in the field, was

opposed to this type of amendment—not only the limitation on the committees, but the limitation on the candidates.

I have for years been trying to get out an election reform bill that was meaningful, and we came to the conclusion, after our hearings, that such a limitation was not only not meaningful, but perhaps was in violation of constitutional rights; and Assistant Attorney General Kleindienst testified before my committee to that effect, that he had grave doubts about the constitutionality of such a proposal and would recommend against it.

Though I do not recall precisely, in our last series of hearings I do not believe there was a solitary witness who did not testify against this sort of proposal, but rather favored the proposal of complete and full disclosure, leaving it up to the public to make their judgments based on the available information as to what the contributions are, and by whom and to whom.

I shall verify, before the discussion on the bill is concluded, whether there were any witnesses who testified in favor of that proposition.

Mr. CHILES. I appeared before the Senator from Rhode Island and his committee.

Mr. PASTORE. Mr. President, may we have order? There is a rumbling going on here; we cannot hear.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CHILES. I certainly spoke for having an individual limitation in that testimony.

I can see where perhaps the national committee of the Republicans and the national committee of the Democrats would be against this proposal, because they like to take contributions this way. It is a good way to get people to give so that their names are not disclosed. But I think the people of the country are entitled to know. I think they are entitled to have a limitation, and if we say that all you have to do is have a fair disclosure, then we do not even need the upper ceiling that we are putting on. And if we can put on an upper ceiling, for the life of me I do not understand why we cannot put on an individual ceiling.

My State has an individual ceiling on the amount a candidate can receive and a contributor can give, and that has been tested in the courts of my State and upheld. I do not have any great concern as to the constitutionality of placing a limit on what a person can give.

Mr. CANNON. When the Senator says "upper ceiling" I do not know what he refers to, unless he is referring to the amount a person can spend on radio or TV.

Mr. CHILES. I am talking about the total ceiling imposed by this bill.

Mr. CANNON. There is not a total ceiling now. That, we found, did not work. Ever since the law has been enacted, we have had a ceiling on the amount that a candidate could spend, so we have had the proliferation of committees. We are trying to get around that, because we found that that did not work and it is unrealistic, and we

are trying to get to something that is more meaningful.

When the Deputy Attorney General testified before our committee, I queried him about a limitation. He said:

Yes; I know that, Senator.

This view is also supported by the 1970 report of the Twentieth Century Fund Task Force on financing congressional campaigns (electing Congress—the financial dilemma). Given full contributions disclosure during a campaign, we think the voter is capable of safeguarding the integrity of the election process. The reporting and disclosure provisions of the bill are adequate to permit contribution limitations to be set at the ballot box.

He went on further:

A further, and not insubstantial, argument against an individual campaign contribution limitation is the fact that this approach to the problem may be unconstitutional. In his testimony on this bill before the Senate Commerce Committee, Prof. Ralph Winter of Yale Law School expressed the view that a limitation on individual campaign contributions violates the first amendment. The Supreme Court, of course, has not yet ruled on this question.

He continued at considerable length.

As I have said, he and the other witnesses who testified before my committee opposed any limitations, for the reasons I have stated. Frankly, they convinced me, even though I initially did vote for a \$5,000 limitation on contributions, and I was convinced in the course of the hearings; and I will have to oppose the proposal of the Senator.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SCOTT. I yield myself 5 minutes on the bill.

Mr. President, I began with the same theory in discussing, over a period of years, how best to secure campaign reform; and I began with the theory that the obvious thing to do is to impose limitations on the candidates. I had no objection, and I still have no objection, to imposing limitations on contributions by candidates to their own campaign—the so-called rich man's amendment. But I question seriously the efficacy of the limitation on contributions to candidates by others.

One reason why I question it is that, as my staff went into the consideration of a bill, we discovered that almost all the academic experts on this matter—the professors of political science, agencies such as the Committee for an Effective Congress, and others who have long been interested in campaign reform—said that the way to do it is to have some very tough provisions, to safeguard the right of the public to know, to administer the law by an independent agency, and to limit the overall amount; which can be spent in a campaign—for example, through the media. The bill does all these things.

But it would seem to me to be in contravention of the approach already approved by many civic and public and nonpartisan agencies—they are all quoted in the hearings—for us to reverse the trend and attach a limitation and then wait for the inevitable evasions of the limitation, because they are easily evaded.

With respect to the limitation of \$5,000 by an individual, all he has to do is to get a brother-in-law, who is not related to him. He puts up \$5,000. Then his second cousin's wife puts up \$5,000, and somebody else puts up \$5,000, and the law becomes a shambles and a mockery.

What we are trying to do here is to get a law that will work. I want a law that will work and through which a team of mules cannot be driven, a law which would not take a Philadelphia lawyer to interpret. I am a Philadelphia lawyer, but I would not want to interpret the evasions of this bill.

So I hope we can put together a bill which the other body can accept with reasonable cheerfulness, and that we can avoid reversing our wheels when we are about two-thirds through toward passage.

I am for the reform bill, and I am for the various features we have been discussing as we have gone along. Some of the amendments have clearly strengthened the bill and improved the possibility of effective enforcement. This will not. This is an open invitation to evasion. Instead of having a large number of committees, as we do now, to evade the present laws, we will just have a large number of friends and relatives and people who are willing to lend their name and go ahead and make a donation in their name.

Every one of us in Congress knows what is wrong with the election laws. What is wrong with them is that they are not being observed, they are not being enforced, and they are being wilfully evaded, and the evasions are so widespread that there is no chance of enforcement. Let us try legislation that works. The proposed legislation has an independent agency. It has overall limitations on expenditures which, in my opinion, are a little too tight, but perhaps that is all right. It has tough reporting provisions, and that is all right. It has instructions to the regulatory agencies to come up with some rules and regulations to keep people from running a campaign on other people's money and not paying them back, particularly presidential candidates, who are notably bad credit risks for the most part.

I would not lend a presidential candidate a wooden nickel. But that is because I have been in politics long enough to understand about presidential candidates. They have to get their advertising somehow. They will travel and let the airlines pay for it if we do not do something about it. They will let Ma Bell's burden become ever greater if we do not do something about it.

So we can have a bill, and a good one, but I do not think we ought to have campaign limitations of this type, which is the prohibition of putting more than a given amount of money into a campaign by an individual. Yes, let the rich man be limited. Let the man be limited who should not try to buy public office by putting in \$150,000 or \$500,000 of his own money. But let us not limit the right of any individual—it is of doubtful constitutionality, anyway—to help another person run for public office. If he is limited, he will find another way to do it.

Mr. President, I think this amendment should be rejected.

Mr. PASTORE. Mr. President, I think this was one of the most controversial parts of the bill and the one problem that we had to wrestle with the most.

I am one of those who feel that there should be some kind of limitation. If we adopt the theory here that the sky is the limit, I am afraid that we can get into some scandalous situations. On the other hand, we have to be pretty careful what we do, because we may stymie the whole process of democratic elections.

Under this amendment, as it is presently drawn, it is my understanding that an individual who gave, let us say, \$3,000 to one of my committees could give the national committee only \$2,000, or if he gave my committee \$5,000, he could not give anything to the national committee. Let us face it. It will take millions in the electronic media alone to run a presidential campaign. We have to raise the money. That is what puzzles me about this amendment. But we have to find an answer to the problem. When it comes to giving a contribution to one running for the Senate or Congress, frankly, I think that \$5,000 from any one individual to that candidate is sufficient. Then we have to go around and get enough people to make a contribution, so that we can fit it into the ceiling as prescribed under the law. When we get into the question of committees, we do not find too much trouble with this interchangeability of the committees for various candidates running for Federal office, outside of the office of the President and Vice President. There, I am afraid, we do meet an unrealistic situation.

Mr. SYMINGTON. Mr. President, will the Senator from Rhode Island yield to me briefly?

Mr. PASTORE. I am happy to yield to the Senator from Missouri.

Mr. SYMINGTON. It is necessary for me to go to a markup, but I would simply tell the able senior Senator from Rhode Island and present to him the fact that I believe there is great merit in this amendment, based on the personal experience I had in the last campaign. I will make a talk on that, if the able Senator will give me some time later on, and go into a little detail as to why I think, based on my actual experience, that this is a very important amendment.

Mr. PASTORE. Well, we may be disposing of this amendment this morning. I want to remark that to the Senator from Missouri. I also want to say to him that I am in accord with what he says, because he had a problem, where a wealthy person stated that no matter what it cost him, he was going to get his son elected to the Senate. That is one of the scandals I have been talking about. So that I think there should be a limitation on how much an individual can contribute to his own campaign so that he does not smother someone else, who has to go about scrounging for funds. What bothers me is: What are we going to do about our national committees?

Mr. SYMINGTON. If the Senator from Rhode Island would yield further for an observation, I understand that the amendment will be debated. I will be

back here for the vote. The only reason I am taking the time of the distinguished Senator right now is that I heartily endorse the amendment and would hope that the Senate would agree to it.

Mr. PASTORE. Well, I realize that—  
Mr. SCOTT. Mr. President, will the Senator from Rhode Island yield?

Mr. CANNON. Mr. President, if the Senator will yield, let me say that I regret the Senator from Missouri will not be in the Chamber to hear this debate on the pending amendment, because the arguments against it, I think, are overwhelming. A number of other people who have testified with expertise in this field are adamantly opposed to the amendment.

Let me say that I started out favoring the initial concept and—

Mr. SCOTT. So did I.

Mr. CANNON (continuing). But after hearing the testimony at great length, and going into the matter thoroughly, I have completely changed my position and I am adamantly opposed to it. I am sorry that the Senator will not be here.

Mr. SYMINGTON. I am very much impressed with what my good friend from Nevada, for whom I have the greatest respect and admiration, says. He knows more about it than I do. But, from what I heard of the amendment, and based on what my staff's analysis of it was, I felt it was important for me to take this position, based on my own experience.

Mr. BAKER. Mr. President, will the Senator from Rhode Island yield me some time?

Mr. PASTORE. Mr. President, how much time do we have on this?

The ACTING PRESIDENT pro tempore. The Senator from Florida has 1 minute remaining, and the Senator from Rhode Island has 11 minutes remaining on the amendment.

Mr. SCOTT. Mr. President, I yield the Senator from Tennessee 10 minutes on the bill, if I have the time.

Mr. BAKER. I am not particular whose time I speak on. Five minutes?

Mr. SCOTT. I yield 5 minutes to the Senator on the amendment if necessary, or on the bill.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized for 5 minutes.

Mr. BAKER. I thank the distinguished minority leader.

Mr. President, I have always felt that there should be a limitation on the amount that a candidate may contribute to his campaign, or on the amount that is contributed to his campaign by his family. That is a unique and special circumstance. I, too, started out, as did the distinguished minority leader, favoring a limitation on the amount any person could contribute to a political campaign. As a result of consideration of this matter in the Commerce Committee, and in the Subcommittee on Communications, as well as the diligent inquiry which was made by the Senate Committee on Rules and Administration before which I had the privilege of testifying, all of us came away with less certainty, thinking a little less ferociously about the matter than we did before the inquiry had started.

I am not convinced that there is a

practical way to limit the amount of an individual contribution but I am sure, on the other hand, that if we are going to have a limitation on third-party contributions, it will have to be realistic. As the distinguished minority leader has pointed out, if it is not, then it is an open invitation to evasion and grievous injury will be done to a brand new bill. There is far more good in the bill than there is bad, but I would say that the effect of this effort would be to distort it by placing an unrealistic ceiling on third-party contributions.

I think that a distinction should be made between a limitation on the amount that a candidate and his immediate family may contribute to his own campaign and a limitation on contributions by third parties to his campaign. There should not, in my opinion, be a limitation on third party contributions. The limitation, if there is one, should apply to a candidate and his immediate family.

With those prefatory remarks out of the way, Mr. President, I should like to ask the distinguished junior Senator from Florida (Mr. CHILES) a question or two with regard to the amendment, which will help to clarify its import in my mind.

Is it fair to say to the distinguished junior Senator from Florida that the effect of the bill—and I am referring now to section 203-A1—is to limit to \$5,000 the amount that a third party can contribute to a candidate or a committee?

Mr. CHILES. That is not exactly correct. Under this, he could contribute \$5,000 to the candidate. He could also contribute \$5,000 to a committee or a series of committees. So, in effect, he could contribute \$10,000, if he wanted to.

Mr. BAKER. That is the point I wanted to try to reach. Is there a limitation on the number of committees to which a \$5,000 contribution could be made?

Mr. CHILES. On the committee section, in the amendment, the way it is now drawn, there would be a \$5,000 limitation on a committee or committees.

Mr. BAKER. So that on the aggregate limitation of \$5,000 on committees—and I came in after debate had begun, so the Senator will have to bear with me for a moment if I ask a question which has been already covered—is there a distinction between campaign money for a particular candidate and either the Democratic or Republican National Committees?

Mr. CHILES. Not the way this is drawn.

Mr. BAKER. Is there a distinction between the candidate himself and the Democrat and Republican senatorial campaign committees?

Mr. CHILES. No.

Mr. BAKER. Is there a limitation that would apply to the candidate and all committees regardless of their nature and scope? May I ask, then, do I read subsection 3 on page 2 correctly when I surmise that no single committee can contribute more than \$75,000, but there is no limitation on the number of committees that can contribute \$75,000?

Mr. CHILES. No, sir. Subsection 3 puts a limit on the candidate. It says that the

candidate shall not receive from the committee or accumulation of committees more than \$75,000 from the committee method. The rest of the contributions he would receive from individual contributions.

Mr. BAKER. Is that not, then, an effective limitation on the amount of money a candidate can spend when we combine that with the limitation the individual can spend?

Mr. CHILES. No.

Mr. BAKER. Have we not unintentionally limited the total amount the candidate can spend to \$75,000 plus \$50,000 that he can spend on his own behalf?

Mr. CHILES. No; because he can then receive individual contributions for any other amount. This is saying how much he will receive via the committee method.

Mr. BAKER. So, in effect, what we are doing is raising the options to three sources, that is, all committees in the aggregate can contribute \$75,000. The candidate may contribute, if he is running for the Senate, \$35,000 of his own funds, or those of his immediate family, and then he may receive individual contributions to take up the balance to the expenditure maximum, if he intends to spend the maximum, from personal contributions. Is that correct?

Mr. CHILES. I missed the Senator's question.

Mr. BAKER. Aside from the aggregate total of \$75,000 from all committees, and in the case of a race for the Senate, \$35,000 from his own funds or those of his immediate family, the balance of the funds, if he chooses to spend the funds that we allow in other sections of the bill, would have to be raised by individual contributions.

Mr. CHILES. Correct.

Mr. CANNON. Mr. President, will the Senator from Tennessee yield?

Mr. BAKER. I yield.

Mr. CANNON. The Senator has very well pointed out many of the problems that exist in this amendment. Actually, it is being retrogressive rather than directly making this a meaningful election reform bill.

This would take us back beyond even the present law which we found to be completely unworkable and completely unrealistic. For instance, the present law contains the maximum of \$5,000 contribution that a person can make. So he can make contributions to a lot of different committees. This would restrict it so that he could only contribute \$5,000 to all of the committees together.

On the other hand, a candidate for the Senate can spend \$25,000, or whatever the figure is, under the present law. It is somewhat different. But here we are saying that the committees can all pay money over to him from all committee sources, but that he can only raise \$75,000. And he can only spend \$35,000 of his own money.

There is no prohibition against committees going out and spending. We are leaving a loophole big enough to drive a truck through in that form if we are going to try to impose restrictions. This is the answer. We finally came to the conclusion that the best way to go about

it was to go about getting a full disclosure.

There are so many ways we can get around the practicalities of what has to exist if the campaign is to be run properly.

Mr. BAKER. Mr. President, I commend the Senator from Nevada for his perception of the whole issue. As I conceive it, we are trying to move away from an unworkable bill which has failed to accomplish its purposes in the past elections. This bill threatens to put us back in the position we were in before.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I yield 2 additional minutes on the bill to the Senator.

Mr. BAKER. Mr. President, I thank the minority leader. I feel that if there is a limitation at all, it applies in two different ways that an individual can contribute to the candidates. I think there are two different situations. However, after having considered every effect of this that could be brought to my attention or that I was aware of, I finally concluded, and reluctantly, that it was physically impossible to have a workable limitation on individual contributions. If the Mathias amendment relates to the candidate's own efforts I think that would be related in a new amendment.

I do not feel that this is the right approach, and I will vote against it.

Mr. CANNON. Mr. President, on that point, concerning the limitation, a candidate to the office of Senator would be able to spend \$35,000 of his own money. We do not put any limitation on the amount he can spend in a campaign.

We say that if a candidate has money, he can only spend \$35,000 of his own money. However, he has to spend half of the time necessary to run a campaign trying to raise money from friends, to the extent of \$5,000 each. If we are going to let a man spend \$100,000, is it any worse if he spends it from his own money or spends it as a result of solicitations through the mail and the collection of contributions in the amount of \$1 or \$5?

Mr. BAKER. Mr. President, there is a point that relates to this, and that is that those who are rich have very rich friends and it would be very easy to get such contributions. And we would have a valid campaign.

Mr. PASTORE. Mr. President, I yield myself time from my own time.

The thing that bothers the Senator from Rhode Island is this: Let us assume that the President can spend \$6 million. Does not the Senator think it would be improper for him to, let us say, collect \$1 million from six different people to finance his campaign? Does the Senator not think that smacks of scandal?

Mr. BAKER. I think it would if it were concealed from the public.

Mr. PASTORE. Even if it were disclosed that an individual was putting up \$1 million toward the election of the President, I would be wondering what position as ambassador to what country he would pick.

Mr. BAKER. Mr. President, I point out to the Senator from Rhode Island that if any such situation as the Senator visualizes were to occur with a Republican candidate, the Senator from Rhode Island would make exactly the same speech he has made now in a public forum. And it would be very damaging indeed.

Mr. PASTORE. Mr. President, I want to say, and I hope I am not being accused of plagiarism, that in discussing the bill, the Senator came up with a solution that I thought was rather practical. What he said was that any individual could contribute to any candidates for different offices. I think one office involved the Presidency, and I think the Senator said an individual could contribute \$25,000. He also said that he could contribute \$15,000 to a senatorial race and \$10,000 to a congressional race.

I do not see why anyone, unless they have an angle, wants to contribute more than \$15,000 to a senatorial campaign—unless it happens to be a wife who loves the candidate very much.

Mr. BAKER. Mr. President, the Senator from Rhode Island recalls correctly. As I said in my earlier remarks on the floor today, throughout the process of the consideration of this bill in the Commerce Committee under the leadership of the Senator from Rhode Island and in the Committee on Rules and Administration, before which committee I testified, we had three sets of opinions on this.

I finally came to the reluctant conclusion that I hold now: that the thrust of this effort must be to have a workable bill and that this amendment leads us away from that direction.

Mr. CANNON. Mr. President, the Senator from Rhode Island raises a very good point. The Attorney General got into that matter. We could find questions involved if we imposed a limitation. A person could make the amount of that contribution and, on the other hand, turn around and make a contribution to political committees, to a county committee, to a State committee, and to a national committee. They in turn could spend the money for the candidates.

This could lead inadvertently to a violation of the law, as the Attorney General pointed out in his testimony. Therefore, we could have a man violating the law on the matter of the limitation we impose. On the other hand, he could contribute money to respective committees that in turn spend funds for the same candidate.

The point the Senator from Rhode Island made was about the tremendous contributions that were made. This information is made public today. I am sure the Senator will recall the situation. It was given notoriety in the newspapers and concerned the tremendous amount of contributions made during the last election. But what was bad about that? The bad feature was that the publicity occurred long after the election was over.

We have tried to get at that matter. We have set the reportings we require in the bill so that they will make the information available to the public and the

public can make an informed judgment as to whether it constitutes an undue influence.

We saw an example of this with relation to 16 ambassadors, I think, that were appointed who were big contributors to the party. That is not unusual. It consistently happens. However, the point is that the public knows the amount of the contributions before the election and they can make an informed judgment and make a decision. However, certainly when we do not learn these facts until long after the election, there is not any opportunity for the public to be informed in any way.

Mr. BAKER. I agree with the Senator from Nevada. I think he is right.

Mr. PASTORE. Mr. President, there is this to be said about the bill. Subsidies have a ceiling, and the spending restriction is very tough and, I might add, brutal on disclosures. There is no question about that. But the thing that bothers me is that I do not like the idea that the sky is the limit.

Mr. SCOTT. Mr. President, would the Senator agree that the amendment is not exactly the way it should be?

Mr. PASTORE. The amendment is faulty in several respects. There is no question about that. Whether we can reach some kind of a solution on this matter, I do not know. However, this question comes under the jurisdiction of the Senator from Nevada, who has gone into this matter thoroughly, even more so than we did on our committee, because we did not have primary or original jurisdiction with respect to the question.

Mr. CANNON. Mr. President, we have come a long way now in trying to get election reform. We have gone up the hill and down the hill in past years and we have not been able to get it through. We have an opportunity here at this time to take a step forward. I would hope that we do not try to take so many steps forward at the same time that we fall flat on our faces in the process.

Let us try to get a bill that is meaningful from the standpoint of the election reform and let the public know what is happening. Let us see if we cannot move along and make progress in this field, progress that is long overdue. Then, if we need to make changes as time goes on, we can do it. But let us not kill the bill by trying to get in everything that everybody wants. There are many things that I wanted. But I have changed my thinking in order to try to get a bill.

Mr. SCOTT. Mr. President, I yield myself 5 minutes on the bill.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, I agree we should not kill this bill with kindness. What happened here is that the Committee on Commerce considered this measure at great length and with a good deal of expertise available. There were many witnesses over the years.

The Committee on Rules and Administration also considered the bill most carefully. Many Senators have worked on this bill.

In the course of working on it, a number of Senators, including several of us

who have spoken, began with the idea that the way to pass a reform bill was to limit campaign expenditures. We discovered, and we were supported in testimony by nearly all who testified, that the way to reform campaign expenditures is through disclosure and an overall limitation on how much is spent in various ways, so that the public knows how much is being spent, who is spending it, why it is being spent, and where it is being spent.

The amendment process here often involves the submission of amendments, motivated by the greatest of good will, but submitted by Senators who have not heard the testimony, who have not gone through the process of changing their minds as they have heard the witnesses, and who have the same ideas now which the Senators on these two committees began with and rejected.

Mr. President, here is what the Committee on Rules and Administration said on page 121 of the committee report:

The committee carefully examined the desirability of having a limitation on individual contributions. The committee rejected placing a limitation on individual contributions for three reasons:

I especially emphasize the first reason; I mentioned it before:

(1) Such a limitation probably is unconstitutional;

(2) Such a limitation is completely unworkable; and

(3) Full disclosure makes such a limitation unnecessary.

Prof. Ralph Winter, of Yale Law School, stated the following:

"It is my judgment that the first amendment plainly prohibits the setting of a legal maximum on the political activities in which an individual may engage. This is the case whether or not the maximum is imposed in the name of equalizing opportunity or whether an actual discriminatory effect can be shown."

Even if such a limitation were constitutional, it clearly would be unworkable. Section 204 of S. 382 as originally introduced, would have limited individual contributions to an aggregate amount of \$5,000, whether given directly or indirectly to a political candidate. Not only would the \$5,000 limitation have invited evasion of the law—

I already mentioned that.

by encouraging backroom cash contributions but also it would have created a situation whereby both the contributor and the candidate could have inadvertently violated the law. Such a situation would arise whenever an individual gave \$5,000 to a particular candidate and any additional money to an organization or committee which in turn made any contribution to the same candidate. Deputy Attorney General Richard G. Kleindienst in testifying before the committee succinctly summed up the problem:

"Further, the proposed section would impose felony sanctions for aggregate contributions exceeding the limitation in any amount, and regardless of the intent of the contributor."

So, Mr. President, you can go to jail without meaning to do so, or you can go to jail without violating the law, or you can go to jail because somebody takes part of your contribution and applies it in a way you did not know about or did not intend.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I yield myself 5 additional minutes on the bill.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, I continue to quote the statement of Deputy Attorney General Richard G. Kleindienst, which appears on page 122 of the committee report:

In view of the perplexing array of political committees which solicit campaign contributions, inadvertent violations are likely and intentional violations may easily be made to appear inadvertent. Such a proscription would be virtually impossible for the Department to enforce and the public would be deluded if it believed otherwise.

Moreover, it was recognized that full and complete disclosure really solves the problem of large contributions. Under the new disclosure provisions contained in title II the public will know exactly how a candidate's campaign is financed. Since the disclosure provisions require reports 15 days and 5 days before an election, the voter will be in a position to make a judgement at the polls concerning the effect of large individual contributions to a political candidate.

Mr. President, this well-intentioned amendment serves only the purpose of creating a question of constitutionality in connection with an important part of the bill. Not only that, but it also raises questions of concurrence in the other body; it reverses the processes on which the bill is predicated, the process of disclosure and total limitation of expenditures through the media; it is unworkable, and, as the Deputy Attorney General said, it is unenforceable.

Mr. President, I do not know how many more faults one can find in an amendment. Then, it is said that it is against the law, that it could not be enforced if it were a part of the law. In any event, it is an evasion and contradictory to the rest of the bill. I think if those who introduced the amendment had heard the testimony they would not have pressed the amendment.

I would suggest we have the rich man's amendment separately, and some limitation on how much a man can give to his own campaign, because I can see a great evasion in this amendment. If he is limited to \$5,000, what does he do? He has no limitation on his own money. He is a man of influence. He wants to find \$200,000. He finds 40 friends and gives it to them and each of them gives back \$5,000.

Let us close that loophole and go after the man who would bribe the election because he is so well fixed. But on top of the spending limitation and the media section let us not add something that will not work.

The PRESIDING OFFICER (Mr. NELSON). The Senator's 2 minutes have expired.

Mr. CANNON. Mr. President, what is the present time situation?

The PRESIDING OFFICER. Five minutes are left on the amendment; 4 minutes to the Senator from Rhode Island and 1 minute to the other side.

Mr. MATHIAS. Mr. President, how much time do I have remaining on the amendment?

Mr. CHILES. The Senator can take time from the bill.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. MATHIAS. Will the Senator from Pennsylvania yield me time?

Mr. SCOTT. I yield 5 minutes to the Senator from Maryland on the bill.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, as the sponsor of this amendment I request that we have a division of the amendment into sections (a) and (b), as offered, and a separate vote on section (a) and section (b).

The PRESIDING OFFICER. Is the Senator asking for a separate vote on section (a) and a separate vote on section (b)?

Mr. MATHIAS. The Presiding Officer is correct. I further request that we vote first on section (b), which the Senator from Pennsylvania called "the rich man's section."

The PRESIDING OFFICER. That would require unanimous consent.

Mr. CANNON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CHILES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield for a parliamentary inquiry?

Mr. MATHIAS. I yield.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. CHILES. Can the sponsor of the amendment, in effect, ask to conform his amendment to take up section (b), and would that require unanimous consent, the yeas and nays not having been ordered, if he asked to conform his amendment to have section (b) read section (a) and section (a) read section (b)?

The PRESIDING OFFICER. The Chair is informed that it cannot be done since the amendment is printed, unless there is unanimous consent to change it.

The Parliamentarian advises the Chair that since the yeas and nays have not been ordered, the author of the amendment may withdraw his amendment and offer section (b) as an amendment.

Mr. MATHIAS. Mr. President, I will withdraw the amendment and offer section (b) of the amendment as a new amendment.

The PRESIDING OFFICER. Will the Senator send his amendment to the desk?

Mr. MATHIAS. The amendment is at the desk.

The PRESIDING OFFICER. The clerk will read the amendment as now offered.

The assistant legislative clerk proceeded to read the amendment.

Mr. MATHIAS. Mr. President, in view of the fact that this amendment is an integral part of the previous amendment, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DOMINICK. Mr. President, I object. I have not heard.

The PRESIDING OFFICER. Objection is heard. The amendment will be read.

The assistant legislative clerk read the amendment, as follows:

On page 15, strike out lines 19 and 20 and insert in lieu thereof the following:

Sec. 203. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitations on contributions and expenditures

"(a) (1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

"(A) \$50,000, in the case of a candidate for the office of President or Vice President;

"(B) \$35,000, in the case of a candidate for the office of Senator; or

"(C) \$25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"(2) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

"(b) No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of the provisions of this section.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed \$1,000, imprisonment for not to exceed one year, or both."

On page 17, strike out the matter between lines 6 and 7 and insert in lieu thereof the following:

"608. Limitations on contributions and expenditures."

Mr. MATHIAS. Mr. President, the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), very aptly described this as a rich man's amendment. It is a very simple amendment. It simply says that a man running for the presidency cannot contribute, either directly from his own funds or from the funds of his family, more than \$50,000 to his political campaign for President or Vice President; that a man or woman running for the U.S. Senate will be limited, under the same circumstances, to \$35,000 of personal or family money; or \$25,000 in the case of a candidate for the U.S. House of Representatives.

I do not think these are unreasonable restrictions.

I think there is nothing more destructive of confidence in representative government and in the democratic process than enormous sums of personal or family money invested in a campaign.

Let me say—and I think it is a vindication of our system—that sometimes these investments of vast private fortunes do not work. That was the case of the Ottinger campaign in New York in 1970. Although the money was spent, it did not work; and I think that should give us some confidence, but I do not think we can allow the public trust and the public respect for the electoral institutions to depend upon these vagaries of chance, and I think we can build into the system in this bill some protection against even the suspicion that a man can buy a seat in the House of Representatives or buy a seat in the Senate or buy the White House itself.

These are arbitrary figures, of course. It is difficult to set what should be an

exact or accurate figure which the law should allow a man to give to his own campaign, but I think it is essential that we do.

History is replete with lessons on this. There was, at the end of the Julian dynasty of the Caesars, at the time of Nero's death, no more of the family of Julius and Augustus Caesar to inherit the empire, and so Galba bought it. He just bought it, lock, stock, and barrel. There is a further lesson for us in the history of Galba, because he wretched on the deal. He was a man with a reputation of great wealth. He never went for a ride in his carriage without carrying with him a million cisterians of gold. So he got the reputation of being a rich man. So when the opportunity came to use his credit to get the imperial throne, he bought it on credit, and he wretched.

Mr. President, let us not have any Galbas in America. Let us not give anybody that chance. Let us not give anybody the expectation that the gold is available for that purpose.

I think this is a very important amendment, and I am very appreciative of the support of the Senator from Florida (Mr. CHILES), who is cosponsor.

Mr. CHILES. Mr. President, I wanted to ask the Senator if he knows why, in our system, in a democratic government, there should be an advantage to being born to wealth in seeking public office. Should that be an advantage, under our system, that we should give a candidate?

Mr. MATHIAS. It is not a case of whether someone is born with wealth, but the mere possession of wealth should not in itself be a qualification for political office, and the ability to control vast sums of money should not be a qualification for public office. Of course, as the Senator knows, it is impossible to totally equalize a great society such as ours, but this amendment goes in that direction.

Mr. CHILES. When we make a law with respect to qualifying fees, and when the courts have struck down high qualifying fees as denying equal protection under the law to individuals not of wealth, which would really fix it so individuals of wealth could seek office and those without wealth could not do so, are we not really talking about the purpose that is contained in the amendment—that we wish people to start equal and not give a great advantage to someone because one candidate is wealthy and the other is not?

Mr. MATHIAS. The Senator is correct.

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

Mr. MATHIAS. I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I yield myself 5 minutes on the bill.

I respect very much the attitude and the sincerity of the distinguished Senator from Maryland (Mr. MATHIAS) and the distinguished Senator from Florida (Mr. CHILES). But, as a practical matter, this amendment is very likely to backfire. It may work exactly the opposite from what these very dedicated gentlemen intend.

I happen to live in a State that has a rigid restriction or ceiling on contribu-

tions of individuals to campaigns. If one runs for the U.S. Senate, he cannot have more than \$3,500 from any individual or group of individuals. That is the limit of the contribution.

Mr. President, if any unknown person is seeking to oppose an incumbent Senator, and he starts his campaign, it is going to be very difficult, in the early part of his campaign, for him to raise money. If he is not allowed to advance a reasonable amount of money from his own resources to get his campaign underway we would just be insuring the renomination and reelection of an incumbent Senator, because a well-known incumbent naturally receives more contributions.

Mr. President, there is no way on earth, and I do not believe that any human mind can devise legislation, to make a poor man as fortunate as a rich man. If you and I sit down around a poker table, it makes no difference whether we are playing for 10 cent stakes or \$10 stakes, the fellow who has more money has the advantage because his losses do not concern him as much.

I certainly am not wealthy. In fact, I am of very limited means. And after 40 years of campaigning for public office, it is my opinion that the only way to prevent what the Senators seek to prevent is by rigidly enforced, periodic disclosure of who is spending what and for whom, so that before any election the public can read and know everything that has been spent or has been contracted to be spent. Such rigid disclosure will enable the public—and they are sophisticated enough—to form their own judgments when they see a rich man trying to buy an office.

For many years I was an attaché working for a Member of this body. I was here 40 years ago, when Vare of Pennsylvania and Smith of Illinois were denied seats in this body because it was found that they had spent great sums in securing nomination and election to the U.S. Senate. I remember that occasion as a young man, and others through the years.

The people can determine if a man is trying to buy a seat. But, there is nothing we can put on that will not give a rich man an advantage. What we are going to do, if we adopt this amendment in this form, is fix it so that some humble unknown, who is trying to run for Congress or trying to run for the Senate, whose name is not prominent enough to attract contributions, and who certainly at the outset of his campaign has to depend on raising money, will have greater difficulty in winning a seat.

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

Mr. COTTON. Certainly I yield to the Senator from Maryland (Mr. MATHIAS).

Mr. MATHIAS. The Senator, of course, speaks a great deal of home truth here. It is like the old doggeral verse with which we are all familiar:

It's the same the whole world over.  
Isn't it a shame?  
It's the rich that gets the gravy.  
And the poor that gets the blame.

I do not deny that, and I do not think the Senator from Florida denies it. If you have plenty of money, instead of riding

around in an old car that has got 100,000 miles on it—

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired.

Mr. COTTON. I yield myself 3 additional minutes, and yield 2 minutes of it to the Senator from Maryland (Mr. MATHIAS).

Mr. MATHIAS (continuing). An old car with threadbare tires, as compared with the affluent candidate who happens to have a big, comfortable car than can get there, or maybe even an airplane, surely the rich candidate is going to have some built-in advantage. We cannot legislate all those advantages out of the system. But we can, I think, reduce them to the irreducible minimum.

That is all this proposal would do. It does not say, as the Senator from New Hampshire suggests, to some obscure but worthy candidate, that he is going to be put at a disadvantage because that obscure and worthy candidate is not likely to have more than \$25,000 of his own money to put in a House race, or \$35,000 of his own money to put in a Senate race, or \$50,000 of his own money to put in a presidential race.

This is merely saying to that obscure candidate, "We are not going to let you be bargained out of the marketplace by someone who can do more than that." This is simply putting a limitation on the advantage of wealth.

Mr. COTTON. If the Senator will recall, I did not say a poor obscure candidate. I said a new man trying to break in—that is a new candidate. I say that even in a small State like my own, you cannot have a hotly contested battle for a seat in the U.S. Senate without spending \$100,000.

Mr. MATHIAS. And you should have it.

Mr. COTTON. All right. But, I say that if John Doe who is a member of a State legislature comes along, for example, and tries to run for a Senate seat held by a popular and well-known Senator, then he is going to have to start financing his campaign in advance. The money contributions come in later. However, the Senator's amendment would fix it so that he cannot do that.

Mr. MATHIAS. But, if the Senator will yield, since he has held himself up as an example here—

Mr. COTTON. No, I withdrew that.

Mr. MATHIAS. Suppose, after the many years of loyal and effective service which the Senator has rendered not only to the people of his State, but the entire Republic, some enormously wealthy individual rides in, invests a million dollars of his own money, and puts on the kind of publicity broadside that would obscure the solid contributions the Senator has made; is that fair?

Mr. COTTON. I can tell my good friend, as a practical matter, that I would like to see some rich man run against me. I can assure you that everyone in the State of New Hampshire would know before that campaign was over that he was rich; that he was spending money; and that he was thereby attempting to "buy" the office.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CANNON. Mr. President, will the Senator yield for some further questions on this subject?

Mr. MATHIAS. I have no further time, but if the Senator will yield on his time.

Mr. CANNON. I yield myself 5 minutes on the bill.

This provision says that no candidate may make expenditures from his personal funds in excess of a stated amount. Does that mean a candidate could not go out and get credit in excess of that amount, and then later try to have a fundraising dinner or something to pay off those obligations? What is the situation there?

Mr. MATHIAS. I do not understand exactly what the Senator means.

Mr. CANNON. The provision says:

"No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

"(A) \$50,000, in the case of a candidate for the office of President or Vice President;

"(B) \$35,000, in the case of a candidate for the office of Senator; or

"(C) \$25,000, in the case of a candidate for the office of Representative.

What I am asking is, does that mean the candidate could not go out and secure credit in excess of that amount, with the hope of later paying it out of contributions? The question is, if he does that, then what happens if he does not raise contributions in that amount, and eventually winds up for the deficit that exceeds the amount he is permitted to spend?

Mr. MATHIAS. Of course, these are difficult questions in practice. My own feeling would be that I would take the strict construction, that a candidate should not rely on his own resources, because this could be a very neat way to circumvent the intent of Congress here, if in fact this turns out to be the intent of Congress.

If a candidate were a man of very substantial wealth, and, relying upon the statement of his banker, he could go and open the till at any time, not in reliance upon what he might hope to get because of his political campaign, but because the banker knows he has got the rest of it stashed away, I think we would nullify, really, the attempt here, which is to equalize the access to public office between those who are wealthy and those who are not.

Mr. CANNON. Does the Senator feel that there is evil inherent in a man spending more than \$35,000 of his own money, rather than going out and getting \$40,000 from eight of his friends at \$5,000 apiece? Is that an inherent evil the Senator is trying to correct?

Mr. MATHIAS. The Senator uses the word "evil." I think what we are dealing with here is a reinforcement of public confidence in the stated ideals of this Republic, that in the eyes of the law, in the eyes of the Government, men are equal, and that we will not tolerate the personal or the natural inequalities that providence may impose upon us to become fixed as a part of our political and social system; that we are saying that we are going to give men equal access, to the greatest extent possible, to the priv-

ilege and to the responsibility of public office.

Mr. CANNON. Does the Senator feel that the public is going to have its confidence instilled by the adoption of legislation that is obviously unworkable and obviously is unreasonable and probably infringes on a constitutional right?

I pointed up one practical problem already, that of a man extending credit. He goes out and gets credit during the campaign and does not happen to be able to raise all the funds to pay it off, and he has to pay it off himself over a period of time, and it amounts to more than \$35,000. Under this proposal, he would be in violation of the law.

Take the case of a man who does have some wealth and happens to have his own airplane. How is that going to be allocated, when he flies his airplane? What is the amount that should be allocated to this \$35,000 if he has his own airplane that he can fly around and use to visit people to try to sell a campaign?

Is this proposal going to cover the postage which a man has to buy to send out his mailing? Suppose he buys a great many stamps and sends out a great deal of mail, and his people come in and say, "Mr. Candidate, we have a lot of letters that have to go out, and we have to have stamps, and you are up to your \$35,000 limit." Can he not go out and buy stamps? Can he not pay the telephone bills that he might have incurred on an extension of credit on his telephone credit card?

I believe there are many practical problems here that are not going to help instill confidence of the public in the elective process. The public is going to have their confidence instilled, if they have it instilled, by knowing what is going on and then making a decision as to whether or not they will support that particular candidate.

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

Mr. DOMINICK. Mr. President, will the Senator from Nevada and the Senator from Pennsylvania yield me 5 minutes on the bill?

Mr. CANNON. I yield to the Senator.

Mr. PROUTY. I yield time to the Senator.

Mr. DOMINICK. Mr. President, I want to inject a couple of statements with respect to this amendment. I believe many things are involved.

I think that anybody who is dumb enough to contribute that much to his own campaign probably is not going to get elected, anyway. But, over and beyond that, he has a right to do it. I would say that this is as much of a right under the first amendment as the right of free speech.

I do not agree or think it is sensible for people to walk barefooted even in a peace march to the Capitol. I do not think it adds very much. Nevertheless, those who want to do it have a right to do it, and I am not going to stop them from doing it, as long as they do not interfere with anybody else's rights.

I do not see any reason why, just because somebody's family may have some money, they are prohibited from contributing. This is an exercise of free speech. It is an exercise of political par-

ticipation. Why do we take it out only on the President and the Senator and the Representative? What about the Governors?

I understand that the present Governor of Pennsylvania, Governor Shapp, spent an enormous amount of his own money in his campaign, and so did Mr. Ottinger. Shapp was defeated the first time and won the second time. Ottinger was defeated. Perhaps they were defeated because they spent so much money. I do not have the faintest idea.

I do not see why we should take upon ourselves the banner of righteousness and say that simply because somebody has some money, he should not be allowed to spend it. It seems to me that is a total limitation on the right of free speech in our country.

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

Mr. DOMINICK. I am happy to yield.

Mr. MATHIAS. I think the Senator has raised an interesting constitutional question, and I do not ignore that constitutional question. Since it has been raised, perhaps it ought to be addressed.

Let us assume, for the sake of our discussion, that there is a constitutional question. I pose to the Senator a parallel kind of problem, which is the problem we have under the first amendment, including the right of a free press and the constitutional guarantee of a fair trial. We have discovered in the course of our political experience that the guarantee of a free trial is not always compatible with the guarantee of a totally free press, and there has to be some coordination of these two very essential and basic constitutional principles.

I admit, only for the sake of this argument, that there is a constitutional problem here. But if there is, I would say it is the kind of constitutional principle which has to recognize that there are other equally and important constitutional principles that also have to be recognized.

Mr. DOMINICK. If I may say so, the constitutional restrictions, as I understand them—and I am not sure that anybody understands them—on the free-press situation at this point, the ones I can see, are those which definitely involve the national security of the country or which definitely create hazards to individuals, visible hazards, such as yelling "fire" in a crowded theater. This is the type of situation in which there is a restriction. In this case, one is not yelling "fire" in a theater by spending more money or having his family spend more money, if they want to be dumb enough to do it, as I have said.

Second, the national security is not being endangered, unless the person who is being attacked by a person who is spending that kind of money thinks he is the only savior in the United States; and if he thinks so, he should be put out of office, anyway.

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

Mr. DOMINICK. I yield.

Mr. MATHIAS. Let me say that I would have to disagree violently that if one condones the practice of recent years—since I have mentioned the Ottinger case, I mention it again—if there

is a feeling around the country that it is all right to spend—I have forgotten the exact figures—more than \$2 million of one's money or the money of one's immediate family in a campaign for the U.S. Senate, and nobody objects, and everybody says that is all right, or at least they do not say it is wrong, then I say to the Senator that he is yelling "fire" in a crowded theater.

Mr. DOMINICK. I say to the Senator that the people of that area said they did not want him, so they said they thought it was wrong, and they voted him out. I do not see any real horror in that. I do not see any crowded theater. I am happier that he spent \$2 million of his own money, or whatever the figure was, than \$2 million of other people's money that he went around and collected all over the place and then spent. I think it is much better for him to do it this way and let him help the economy, as the Senator from Kansas just whispered in my ear. I do not see anything wrong with that.

It seems to me that injecting the idea that we are able to limit what somebody else can say as to their right of expression or support of a candidate is just plain wrong. I think it is unconstitutional, and I think it is morally wrong.

Mr. COTTON. Mr. President, I yield myself time on the bill to say that we have explored this amendment thoroughly. I understand that the distinguished Senator from Florida is about to use 5 minutes. I hope it will not be taken amiss if, after he has used his 5 minutes, I move to table this amendment.

Mr. PASTORE. I yield 5 minutes on the bill to the Senator from Florida.

Mr. CHILES. Mr. President, I have been listening with great interest to a number of the discussions and arguments on this bill and on this amendment. I have heard many things about it being wrong, about it being unconstitutional, and that it will create all kinds of problems. What I hear sounds to me like a lot of nit-picking.

It seems to me that all we are talking about is really the confidence of the people in this body and in the Presidency, and whether we are going to have the people feel that one can buy an office in the Senate and Congress or in the Presidency. Some Girl Staters were up here the other day, and I sat with them in the gallery for a few minutes. They were looking down on the Senate during its deliberations and one of them said to me, "We were talking with our counselor and in our classes and we came to the conclusion that you were the only person in the Senate who is not wealthy, that you have to be wealthy to get into the Senate."

Well, of course, that is not true, but there are many people who believe that. However, it made me realize that this is a concept that not only Girl Staters have but many other people, that we have to be wealthy to be a Senator.

It is a concept that, in some ways, is true, that we have to have wealth, or some resources, or the ability to get some money together in order to seek office. I do not believe that should be true, if we are talking about gaining

the confidence of the people of this country.

I do not believe that if we are wealthy, all we have to do is write out a check, because we have so much money, for all the television time we need, all the radio time we need, all the money needed for billboards, and have all that done by writing one check, as opposed to the candidate who must seek contributions from his friends and other people who are willing to support him, to try to run a campaign.

I do not believe that is the American way. I do not believe the American way is that we should be able to buy an office. The courts have already spoken to that when they asserted that the qualifying fee cannot be raised to put a man out of office.

What disturbs me is that the limitations are so high. I do not see why a candidate should be able to spend \$25,000 or \$35,000 in order to buy the job.

Mr. BROCK. Mr. President, will the Senator from Florida yield?

Mr. CHILES. I yield.

Mr. BROCK. I personally agree with what the distinguished Senator from Florida is trying to accomplish. The Senator just mentioned the fact that the limitations are so high; \$50,000 is the limitation on the presidential campaign and that is probably less than two-tenths of 1 percent of the amount which will be spent; \$35,000 is the limit for a senatorial race. On the average, that is only 3 percent to 10 percent of what the total campaign cost of the race will be. As to the congressional race, allowing the \$25,000, that will be maybe 50 percent, on the average cost of a House race which, it seems to me, is a figure which is high.

Another point I should mention, Mr. President, it seems to me that the Members of this body should vote for an amendment of this kind out of self-protection if nothing else, because all of us are accused of spending more money than we could ever possibly spend on our own campaigns, so that I would like the protection of law.

The Senator has a very good point with his amendment.

Mr. CHILES. I thank the Senator from Tennessee. I have a hard time conceiving of \$50,000. That seems a lot of money to me, even for a presidential campaign, or if someone talks about coming to the Senate, by spending \$35,000 or \$25,000.

Mr. BROCK. \$25,000 is a high percentage of the amount to run for Congress, but a person could almost afford that.

Mr. CHILES. The Senator has a good point. The senior Senator from Ohio in his discussion earlier said, "What is wrong with our election laws? We have disclosure in the bill." I am sure everyone will agree that disclosure is important and valid but part of it is that we are setting a standard to which all the people of this country will look. They will look at the standard and determine for themselves whether it is a good one or not.

What are we looking for in the House of Representatives or the Senate? We are looking for a body of men and women who will reflect the overall judgments of the people of this country. I do not believe that we want all wealthy people, all lawyers, or all insurance men. The whole

genius of our system is to have a deliberative body made up of people from all walks of life who will come to the Senate and House and put their knowledge and expertise together to improve the welfare of all the people. They should not all be wealthy. They should all be capable of being able to run for the Senate or the House without possessing wealth.

Mr. President, I think that this is a good amendment.

Mr. CANNON. Mr. President, I yield myself 1 minute on the bill. As I said before, this is not a good amendment. It would be unenforceable completely, particularly in view of the credit arrangements that I discussed earlier. I hope that the Senate will reject the amendment, because it is unrealistic.

Let me point out that in the bill itself we have provided for complete disclosure. The public will know if a candidate is spending his money, and how much. They will form their own judgments and then they can decide whether the candidate is trying to buy the election, or is having someone buy it for him, because that information will remain available periodically and fully through a commission which we have appointed and the public will be able to make its own informed judgments.

Mr. LONG. Mr. President, will the Senator from Nevada yield?

Mr. CANNON. I yield.

Mr. LONG. Mr. President, in my experience, I have been aware of people who wanted to serve their Government and the public was willing to share in the campaign expenses, but the candidate could afford to do it by himself, so why would we want to make someone be obligated to someone else for campaign contributions when he is fully able to take care of it himself?

Perhaps the candidate inherited the money from his mother or father and he does not want to throw any financial obligations on the shoulders of anyone else. He has plenty of money to contribute to his favorite charity. He would also like to serve in public office and do things for the good of the people. Why should he not be permitted to pay for campaign costs if that is what he wants to do? Why obligate him to someone else when he can afford to pay it? Why should we want to require that he seek contributions from people far less able to afford it than he? It makes no sense to me.

Mr. COTTON. Mr. President, in accordance with the notice I gave earlier, I move to lay this amendment on the table.

Mr. MATHIAS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. BENTSEN). The motion to table is not in order. The Senator from Maryland has 9 minutes left on his amendment.

Mr. MATHIAS. Mr. President, I yield back my remaining time.

Mr. COTTON. Mr. President, I renew my request.

Mr. MATHIAS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Hampshire (Mr. Cor-

ton) to lay on the table the amendment of the Senator from Maryland (Mr. MATHIAS).

On this question the yeas and nays have been ordered, and the Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, will the Chair please state the form of the question as it is now proposed to the Senate?

The PRESIDING OFFICER (Mr. BENTSEN). The question is on agreeing to the motion of the Senator from New Hampshire (Mr. COTTON) to lay on the table the amendment of the Senator from Maryland (Mr. MATHIAS).

Mr. ALLOTT. I thank the Chair.

The PRESIDING OFFICER. The clerk will resume the call of the roll.

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

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Carolina (Mr. THURMOND) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Wyoming (Mr. HANSEN) and the Senator from Connecticut (Mr. WEICKER) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) and the Senator from South Carolina (Mr. THURMOND) would each vote "nay."

The result was announced—yeas 33, nays 58, as follows:

[No. 191 Leg.]

YEAS—33

|         |              |               |
|---------|--------------|---------------|
| Allott  | Dole         | Jordan, Idaho |
| Baker   | Dominick     | Long          |
| Bellmon | Ellender     | Magnuson      |
| Bennett | Ervin        | Montoya       |
| Bentsen | Fannin       | Pastore       |
| Bible   | Fong         | Pell          |
| Buckley | Goldwater    | Prouty        |
| Cannon  | Gurney       | Stennis       |
| Cook    | Hruska       | Taft          |
| Cotton  | Inouye       | Tower         |
| Curtis  | Jordan, N.C. | Young         |

NAYS—58

|              |           |           |
|--------------|-----------|-----------|
| Aiken        | Hart      | Packwood  |
| Allen        | Hartke    | Pearson   |
| Anderson     | Hatfield  | Proxmire  |
| Beall        | Hollings  | Randolph  |
| Boggs        | Hughes    | Ribicoff  |
| Brook        | Humphrey  | Roth      |
| Brooke       | Jackson   | Saxbe     |
| Burdick      | Javits    | Schweiker |
| Byrd, Va.    | Kennedy   | Scott     |
| Byrd, W. Va. | Mansfield | Smith     |
| Case         | Mathias   | Sparkman  |
| Chiles       | McClellan | Spong     |
| Church       | McGovern  | Stevens   |
| Cooper       | McIntyre  | Stevenson |
| Cranston     | Metcalf   | Symington |
| Eagleton     | Miller    | Talmadge  |
| Fulbright    | Mondale   | Tunney    |
| Gambrell     | Moss      | Williams  |
| Gravel       | Muskie    |           |
| Griffin      | Nelson    |           |

NOT VOTING—9

|          |        |          |
|----------|--------|----------|
| Bayh     | Harris | Percy    |
| Eastland | McGee  | Thurmond |
| Hansen   | Mundt  | Weicker  |

So Mr. Cotton's motion to lay Mr. MATHIAS' amendment on the table was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland (Mr. MATHIAS). [Putting the question.]

The amendment was agreed to.

Mr. HARTKE. Mr. President, I have an amendment at the desk which I ask to have read.

The PRESIDING OFFICER. Will the Senator identify his amendment by number?

Mr. MANSFIELD. Mr. President, would the Senator from Indiana withhold his amendment? There is another part to this amendment, and it was understood when action on this part of the amendment was completed that the Senator from Arizona (Mr. FANNIN), who has been on the floor for the last hour and a half, would offer his amendment.

Mr. HARTKE. Could the Senator from Indiana and the Senators from Illinois and Minnesota be recognized after that amendment?

Mr. MANSFIELD. Yes, Mr. President, I make that unanimous-consent request.

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

Mr. MANSFIELD. Mr. President, to make the record clear, it has been agreed that after the disposal of the Mathias-Chiles amendment, which will be laid before the Senate shortly, the Senator from Arizona will be recognized, and then the Senator from Indiana and his associates will be recognized—

Mr. PROUTY. Mr. President, we cannot hear the majority leader.

The PRESIDING OFFICER. Will the Senator from Montana restate his request?

Mr. MANSFIELD. Mr. President, it is my understanding that it was understood that the second part of the Mathias-Chiles amendment would now be offered, to be followed by the amendment of the distinguished Senator from Arizona (Mr. FANNIN), to be followed, when disposed of, by the distinguished Senator from Indiana (Mr. HARTKE) and his associates.

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

Mr. HARTKE. Mr. President, I ask unanimous consent that the name of the Senator from Minnesota (Mr. HUMPHREY) may be added as a cosponsor of amendment No. 366.

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

Mr. STEVENS. Mr. President, who has the floor?

The PRESIDING OFFICER. Is the Senator from Maryland offering his amendment at this time?

Mr. MATHIAS. Mr. President, I advise the Chair that the Senator from Florida (Mr. CHILES), who is cosponsor of the amendment, is seeking recognition, I think.

The PRESIDING OFFICER. The Senator from Florida.

Mr. STEVENS. Mr. President, will the Senator yield for me to make a correction of the Record?

The PRESIDING OFFICER. Will the Senator permit us to have the amendment read first?

Mr. CHILES. Mr. President, I ask that the amendment be stated.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment, as follows:

On page 15, strike out lines 19 and 20 and insert in lieu thereof the following:

Sec. 203. Section 603 of title 18, United States Code, is amended to read as follows: "§ 603. Limitations on contributions and expenditures

"(b) (1) No person (other than a candidate or political committee) may make contributions directly or indirectly during any calendar year in excess of an aggregate amount of \$5,000 to any candidate for Federal office. For purposes of this paragraph, a contribution shall be held and considered to have been made to such a candidate if it is paid to such candidate or his agent.

"(2) No such person may make contributions directly or indirectly to political committees in excess of an aggregate amount of \$5,000 during any calendar year.

"(3) No candidate may receive contributions from, nor authorize expenditures by, political committees in connection with his campaign for nomination for election, and election, to Federal office in excess of an aggregate amount of \$75,000 during any calendar year.

Mr. CHILES. Mr. President, this is the second part of the amendment that we divided after we had offered it earlier. This portion of the amendment says that no person can give to a candidate more than \$5,000 in a contribution.

The next part provides that no person can give to a committee or series of committees more than \$5,000.

The third portion provides that no candidate shall receive from committees a sum in excess of \$75,000 from the committee sources.

I think this provision would really complete the package of what we are talking about in election reform and in election campaign reform. Now we have done something about contributions of individuals and their families from their wealth. This amendment would go a further step that is necessary and provide that no one is going out, because he is wealthy, and buy himself a stable of Senators, Representatives, or any other candidates because he is making a contribution in excess of \$5,000. This amendment is going to give the people some faith in our system that a candidate is not going to be bought, that he is not going to give special favors and consideration to someone who has paid a huge sum of money for his campaign, because they are going to know that no sum in excess of \$5,000 will be given.

I think this is necessary to give us a meaningful campaign contribution bill. What are we seeking in a campaign contribution bill? We are seeking the confidence of the people. Obviously we are seeking a disclosure. We are seeking a limitation on overall spending. But, in addition to that, we are seeking to know that we are going to have candidates and officeholders who are not beholden, because they were responsible for their election to a single person. We are seeking to make sure that no person of individual wealth can use his wealth to obtain office against the public interest. More than that, we are seeking the confidence of the people in the electoral system.

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

Mr. CHILES. I yield.

Mr. PASTORE. I am rather amenable to the idea of limiting the contribution to \$5,000. What disturbs me—and I repeat it—is the second part of the amendment, in which it states that no person may make contributions directly or indirectly to political committees in excess of an aggregate amount of \$5,000 during any calendar year.

Would the Senator be amenable to having the provision read that no such person may make contributions directly or indirectly to political committees on behalf of any candidate in excess of, and so on?

Mr. CHILES. Yes, I would be.

Mr. PASTORE. What the Senator is actually doing here is providing that if a person is limited to contributing \$5,000 to committees, if there are five people in his State running for Federal office, let us say one Senator and four Representatives, he is limited to \$5,000; beyond that he could not make a contribution to the national committee, according to this amendment. Am I correct?

Mr. CHILES. Yes, I would be amenable to the suggestion the Senator makes.

Mr. PASTORE. In other words, the Senator would confine it to \$5,000 for all committees for one candidate?

Mr. CHILES. Yes.

Mr. President, I would ask the Chair if, the yeas and nays not being ordered on the amendment, I could have the amendment conform to that language.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

Mr. CHILES. Mr. President, to add the following—

Mr. PASTORE. After the word "committees" on next to the last line of the amendment, add the words "on behalf of any candidate."

The PRESIDING OFFICER. Is the language accepted by the Senator from Florida?

Mr. CHILES. Yes, it is.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. McCLELLAN. Mr. President, I should like to inquire of the distinguished Senator, the author of the amendment, what effect this has on senatorial or campaign committees up here that raise money by the process of having dinners, such as it is the practice to have? If one gives \$5,000 to that dinner, is he precluded from making a contribution to the candidate of his choice thereafter?

Mr. CHILES. No, he is not.

Mr. PASTORE. Not with the modification I made.

Mr. CHILES. With the modification, he would not be precluded.

Mr. McCLELLAN. One other question: They raise money at these dinners and they raise possibly more than the \$5,000 for the candidates that will be entitled to receive those donations. Can the congressional committee which raises the money at those dinners be prohibited now from distributing more than \$5,000 to any one candidate?

Mr. CHILES. Under the modification that I have accepted, under subpara-

graph (3), the overall limitation will be \$75,000 on behalf of the candidate who received it from the committee.

Mr. McCLELLAN. Do I understand one candidate can receive \$75,000 from one of these dinner committees held here to raise money?

Mr. CHILES. Under the modification, if the money was not given to the committee of an individual Senator, it would be possible. That would be the overall limitation. Today there is no limitation at all.

Mr. McCLELLAN. I am concerned about an individual Senator. I would like to know. Let us say \$500,000 was raised up here at a dinner.

Mr. CHILES. Yes.

Mr. McCLELLAN. For congressional assistance for certain candidates, certain Members of Congress. They are entitled to receive contributions from that. Tell me what the limit is under this proposed legislation that one Senator can receive or one Representative can receive from this character of fundraising process.

Mr. CHILES. Today there is no limitation. He could receive the whole \$500,000. Under this amendment, if adopted, there would be a limitation of \$75,000.

Mr. McCLELLAN. That is very intriguing, if you can give, out of this fund up here, as much as \$75,000 to one candidate.

Mr. CHILES. Today, as I say, you could give as much as \$500,000, under the Senator's example.

Mr. McCLELLAN. Well, that is hardly likely. It is impractical; I think we all agree with that.

Mr. CHILES. I think the \$75,000 is a little impractical.

Mr. McCLELLAN. I am just trying to find out if you can still give more than the \$5,000 from this fundraising to any candidate.

Mr. CHILES. Yes.

Mr. McCLELLAN. That is what we want to clear up.

Mr. CHILES. Yes.

Mr. McCLELLAN. So this has no reference, then, and there is no application, to these fundraising dinners that we have up here, where we ask our friends to send in money, to make contributions to the overall campaign fund?

Mr. CHILES. That is correct.

Mr. McCLELLAN. So a Senator or Representative can receive, or any committee or combination of committees can receive for him, more than \$5,000 out of this fund?

Mr. CHILES. Yes.

Mr. McCLELLAN. That is what I thought we ought to clear up, because this fund has been raised and is available, and there will be others.

Mr. PASTORE. But the Senator should realize, if he will yield at this point, that we have got to qualify that. The question has been raised by the Senator in the context of the entire legislation that we are passing, I hope, today, and that is, No. 1, the candidate is limited as to how much money he can spend for his campaign, regardless of where the money is coming from; and No. 2, we have a very strict—and I have used the expression "very brutal"—disclosure law, whereby

the candidate has to indicate where the money comes from.

Mr. McCLELLAN. That is correct.

Mr. PASTORE. So thereby, if he receives \$75,000 from the central campaign committee, he has to show it, and he has to file it with that independent commission that we have created.

All this proposal would do, as I understand the amendment now, is permit any individual to make a contribution of \$5,000 to a candidate, or, if he has a multitude of committees, he can make a \$5,000 contribution in the aggregate, for that particular candidate. But he cannot contribute \$5,000 here, \$5,000 there, and \$5,000 somewhere else for the same candidate.

Mr. CHILES. That is correct.

Mr. PASTORE. That is all it amounts to.

Mr. McCLELLAN. I understood that in the amendment, but I did not understand how it would apply to these fund raising dinners, as to someone who may have contributed \$5,000 to a dinner.

Mr. PASTORE. I wish to say to my friend that this is the crucial provision, upon which a veto might hinge.

Mr. SCOTT. Does this apply to all candidates, or just candidates for Congress?

Mr. CHILES. No; it would apply to all Federal offices.

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

Mr. CHILES. I yield to the Senator from Kentucky.

Mr. COOK. Let us take the example of a candidate for the Presidency; we have a major dinner, and it is in that candidate's name as the presidential candidate. Is it correct that regardless of how much money is received as a result of that dinner, he can only, if only one committee is involved, receive a maximum of \$75,000 from it?

Mr. CHILES. As a maximum.

Mr. COOK. What happens to the remainder of it, if more than \$75,000 is raised?

Mr. CHILES. I am sure the money could go to the national party, or he could give it to his favorite charity.

Several Senators addressed the Chair.

Mr. CHILES. The Senator from Kentucky had not completed his colloquy.

Mr. COOK. Might I say this all sounds well and good, but I am sure the contributions that are made as a result of buying tickets are made with the idea of contributing to the individual whose dinner is being attended; and I am sure that if the contributor knew the money was going to charity, he would make the contribution to charity so that he could deduct it from his income tax.

What the Senator is saying is that if a major dinner were given in the name of a presidential candidate, by a committee, that they would have to sell \$75,000 worth of tickets, plus the expense of the dinner, and then stop; is that correct?

Mr. CHILES. Well, what I am saying is that they could make that contribution up to \$5,000 to the candidate, instead of to the dinner.

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

Mr. CHILES. I yield.

Mr. SCOTT. Under the Senator's amendment—and I think the mischief is beginning to come out here—suppose a person were interested in the outcome of the election in six States, where he would like to help a given candidate for the Presidency. He would like to give a thousand dollars; but, as I understand it, under the Senator's amendment, that would exceed what he could contribute, because that would be \$6,000 instead of \$5,000.

Mr. CHILES. That is correct.

Mr. SCOTT. So there are 50 States of the Union, and if somebody wanted to help out in all 50 States, he would be permitted to give \$100 in each State; is that correct?

Mr. CHILES. That is right.

Mr. SCOTT. So a contributor is limited, in a presidential campaign, to campaign contributions, not of \$5,000 per candidate, but \$100 per candidate in each of the 50 States, if he were interested in doing that; is that right?

Mr. CHILES. If he would like to divide it that way, and that is the way he wanted to make the gift, that is fine. If he would like to give the presidential candidate \$5,000 he can do that, but this amendment would spell out that he could not give the individual candidate more than \$10,000. He could give him \$5,000 individually and \$5,000 through committees, but the amendment would spell out that one person could not bankroll a candidate for President of the United States.

Mr. SCOTT. Of course, my heart is bleeding for the half dozen or more presidential candidates in this body, who must be shivering in their shoes, at least, at the very thought of the impact of this amendment.

But beyond that, for the benefit of Senators who were not here earlier, I made these points, as Senators will recall:

First, the amendment is unconstitutional according to the testimony given in the committee.

Second, the Attorney General says it is unenforceable.

Third, it is open to any kind of evasion under the sun, because any candidate with means can call upon his uncles and his cousins and his sisters and his aunts, and we are back to the same old evil of having multifarious committees, except that now we are going to have multifarious relatives, if a man is fortunate enough to have the multifarious relatives.

The Senator from Nevada is opposed to the amendment, I am opposed to the amendment, and I would like to add something else: If this amendment goes into the bill, we are not going to get any bill, because the bill will be vetoed, and I would support the veto.

Several Senators addressed the Chair.

Mr. PASTORE. Mr. President, I think we can solve the question by deleting from the amendment section 3. If the amendment is primarily directed toward what you can contribute, why mess it up with what you can receive from committees?

First of all, this law does limit you as to the amount of money you can spend. This law does have a provision for very

strict disclosure. We can solve the problem, I think, in this way. It has been called to my attention that I had the wrong piece of paper in my hand, because the Senator has added a subsection to his amendment, and that is the one that is causing the trouble. Why not just delete that subsection?

Mr. CHILES. All right. I ask that the amendment be further modified by deleting subsection 3, which would take away the restriction of the \$75,000 from fund-raising dinners.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. PASTORE. In other words, we are getting away from the collection element and getting into the contribution element, which is what we are dealing with here, and I do not think we ought to confuse them.

As it stands now, under this amendment, any person can contribute up to \$5,000 to any individual candidate and up to \$5,000 to any committee or combination of committees for that particular candidate; is that not it?

Mr. CHILES. That is correct.

Mr. SCOTT. Mr. President, would the Senator further clarify what happens to all the fundraising dinners around here, to which I hope to avoid contributing?

Mr. CHILES. I think we are giving some protection to the Senator.

Mr. SCOTT. How? In other words, now you can raise it, if you want, by the fundraising dinners, and there will be no limitation; is that correct?

Mr. CHILES. No. Presently there is no limitation, that is correct, that there is no limitation now. We are seeking to put some meaningful limitations on this bill.

It is interesting, Mr. President, that on the one hand, when we seek to put the limitations on the bill, we hear the cry that that would be unconstitutional, that it is going to be vetoed, that it will bring down the wrath of heaven; but, on the other hand, when we take away what appears to be something that would be unenforceable, we are told that now we are opening up the door.

Mr. SCOTT. What I am trying to find out, though, is whether the Senator has withdrawn the \$75,000 limitation.

Mr. CHILES. That is right.

Mr. SCOTT. If he has, he has opened the door; and thereby, rather than my sounding inconsistent, I point out that what the Senator is doing is encouraging the evasion. It seems to me that now they can have a half-million-dollar fundraising dinner and go ahead and give the man all he wants.

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

Mr. SCOTT. I think the Senator needs the help of the Senator from Rhode Island, with his mastery of logic, to see whether he can make sense out of that.

Mr. CHILES. I yield.

Mr. PASTORE. With respect to the question raised by distinguished Senator from Pennsylvania, a person is limited as to how much money he can spend. Irrespective of this amendment, the Democratic Senatorial Campaign Committee or the Republican Senatorial Campaign Committee could give the Senator, pro-

vided he disclosed it, up to the maximum amount he could spend for his campaign. This does not inhibit that at all. This does not touch that element at all. That is what we are solving here now.

When we take out section 3, all we are confining this to is to what a person can contribute, not what he can receive. He can receive, provided he discloses it, up to the maximum amount he can spend.

Mr. DOMINICK. Does this mean that any one person can give to a variety of different political committees?

Mr. PASTORE. Not for the same candidate.

Mr. DOMINICK. Suppose there is the Republican Committee for Senatorial Support in Colorado, the Republican Committee for Senatorial Support in Washington, D.C., and the Republican Committee for Senatorial Support in South Carolina. Can they give \$5,000 to each of these?

Mr. PASTORE. Yes, and nothing has been done in this bill to change that.

Mr. SCOTT. What do they do?

Mr. PASTORE. They distribute it, as they have been doing up to now—and I am told that the Senator's side has done a little better than we have.

Mr. SCOTT. We try. We are not always successful.

Mr. CHILES. What would be done in that situation is that now we have a disclosure. The Senator from Florida—if I may refer to myself—would disclose that he got his money from the committee in the District of Columbia, the Committee for Better Government in Florida, the Committee To Elect Good Democrats somewhere else. There are all those nefarious and hidden ways in which I could have received my money, as opposed to the standards set by this amendment, that an individual shall give not more than \$5,000 and that he shall put his name on it. So that there would be a test by which the public could judge, with the disclosure in the bill and with the standards set by the individual contributions.

Mr. DOMINICK. Mr. President, will the Senator yield for some questions?

Mr. CHILES. I yield.

Mr. DOMINICK. Do I correctly understand that under the Senator's amendment, as he is proposing it, any person can give to any number of political committees so long as they are not for just one candidate?

Mr. PASTORE. That is correct.

Mr. DOMINICK. Is that correct?

Mr. CHILES. So long as they are not giving to a candidate.

Mr. DOMINICK. Without the Senator's amendment, one would still have to make disclosures of where he got his money; would he not?

Mr. CHILES. That is correct.

Mr. DOMINICK. So the only effect of the Senator's amendment would be to put up a kind of blazoning sign which is going to inhibit the ability of the Senator from South Carolina and myself to raise money for our respective candidates.

Mr. CHILES. No; it certainly is not going to prohibit the raising of money, but it is going to put a standard to the people by which the people will see that a candidate is not to take more than \$5,000

from an individual, and then the standard of judging how much money he receives, whether it is from nefarious committees.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. CHILES. I yield.

Mr. DOMINICK. The effect of the Senator's amendment is that the Senator from South Carolina and myself, being the chairmen, respectively, of our senatorial committees, can create committees in each State and raise a great deal of money because we have a multitude of candidates. But when we come to the President, on either side, although an individual or our committees might give us as much as \$50,000 for the Senators, they can give only \$5,000 for the Presidency.

Mr. CHILES. No; the national committee also could collect money there.

Mr. DOMINICK. Not for an individual candidate.

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

Mr. CHILES. I have told the Senator from Arkansas that I would yield to him.

Mr. McCLELLAN. I must attend a committee meeting.

The PRESIDING OFFICER. All time of the Senator from Florida has expired.

Mr. PASTORE. Mr. President, let us find out about the time. Do we have any idea of when we are going to vote on this amendment?

I yield 10 minutes to the Senator on the bill.

Mr. McCLELLAN. I should like to ask one other question, for clarification. This matter has become very complicated, as is evidenced by the colloquy that has taken place.

I present a hypothetical case now, and I ask the Senator to tell me what his amendment does. The Senator says that one person can contribute only \$5,000 to a single candidate.

Mr. CHILES. That is correct.

Mr. McCLELLAN. If they have a dinner for the Democratic candidates, or for one candidate, where the plates are \$5,000, or the amount for a given number of plates should come to \$5,000 and one fellow buys that number of tickets, can he afterward contribute \$5,000 to that candidate, if this money is distributed?

Mr. CHILES. He can give \$5,000 to a committee or a series of committees for the candidate. He can give \$5,000 to the candidate. So he can make a total contribution of \$10,000.

Mr. McCLELLAN. He can make a total contribution of \$10,000?

Mr. CHILES. Yes.

Mr. McCLELLAN. That is what I thought. I think the Senator really is simply inviting a lot of dinners. That is what the result would be—just a lot of dinners, and a fellow could contribute all he wanted. He could buy all the tickets he wanted.

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

Mr. CHILES. I yield.

Mr. PROUTY. I think I am raising a rather important question, and I should like to have it clarified.

The Senator's amendment states that

no person can make contributions directly or indirectly during any calendar year in excess of an aggregate amount of \$5,000 to any candidate for Federal office; is that correct?

Mr. CHILES. That is correct.

Mr. PROUTY. Suppose someone is solicited for \$5,000 for a certain candidate. Then he is asked to contribute to one of the political action committees such as the Committee for an Effective Congress or some other committee, such as an environmental committee of some kind, supporting the same candidate. He has given \$5,000 to the candidate. He gives \$2,000, perhaps, to one of the committees and does not know how that money is going to be spent. Is he not in violation of the law?

Mr. CHILES. Not with the removal of subsection (3). The provision would be under subsection (2), and subsection (2), with the modification—we changed the language in subsection (2). I do not know whether the Senator has that. With the amendment, he would not be in violation if he gave it to a committee other than a committee for an individual candidate.

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

Mr. CHILES. I yield.

Mr. MATHIAS. I think he could be in violation if he gave to an individual the maximum amount, \$5,000, and then gave to a committee an earmarked contribution.

Mr. CHILES. In excess.

Mr. MATHIAS. In excess of his original contribution.

Mr. PROUTY. But if he earmarked it, he would not be in violation of the law?

Mr. CHILES. That is correct.

Mr. SCOTT. Even if he did not earmark it and it still got to the candidate, he would not be in violation.

Mr. CHILES. That is correct.

Mr. SCOTT. That is an evasion.

Mr. BROCK. What possible effect would this amendment have? All that the respective parties would have to do would be to set up multiple candidate committees, and then everybody would be excluded from the law.

Mr. CHILES. There is the possibility.

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

Mr. CHILES. I yield.

Mr. PASTORE. What we are trying to avoid is the element of being beholden. If one makes a contribution to the Republican Senatorial Committee, that money goes into a pot. The candidate does not become responsible to the giver. Nobody becomes responsible to the giver.

Now we have something a little different. Where one makes a personal contribution to an individual, there is the intimate contact of the person to person. That is where we are disturbed a little, because that is where you become beholden. You can take this thing and stretch it to any ridiculous proportion you want. But what we are trying to do is to measure the amount any individual can give another individual, or any committee can give on behalf of that particular candidate. When you give it to a campaign committee, or go down here to a banquet being held by the National

Democratic Committee or the Republican National Committee, you are not beholden to anyone, so that the committee gives you \$50,000 and you have got to state that the \$50,000 came from the committee, and the committee has got to state where they got the \$50,000. But you are not beholden to the giver. That is the point we are trying to get over. We could take a quarter of a million dollars, or half a million dollars, or \$1 million, and put it in someone's campaign pot. That is what we are trying to avoid. We are trying to free the democratic process. If Senators do not believe in that freedom, then vote against this whole bill.

Several Senators addressed the Chair.

Mr. CHILES. Mr. President, I yield to the Senator from Alaska (Mr. GRAVEL).

Mr. GRAVEL. I should like to address myself to the point the Senator from Colorado made, and over which the eyebrows of the distinguished Senator from South Carolina were being raised. As I understand it, philosophically, this is going to add to the structure of committees, be they the party committees, or committees for peace causes, or committees for hawk causes. It will add to these, because they will be the vehicle through which money will be able to be contributed in an unlimited fashion. It will facilitate the task. It might develop party regularity. It might throw into motion new aspects of our system that are not now there. We might move away from committees and identify more with individuals. What the Senator is doing is a sensible device that will accomplish more with organizations. It will have that effect.

Mr. STEVENS. Mr. President, I should like to comment on what the distinguished Senator from Rhode Island said. As I understand it, this means that some people are not beholden to the large givers, those in the party structure, those in the committee structure.

Shades of Carmen Di Sapio. Shades of all the bossism I have ever seen. Every candidate will be beholden to the political committees that you are forcing into the political stream today. I hope that I do not have to be beholden to any political boss. I am not beholden to anyone right now. I am perfectly willing fully to discuss every contribution I get from anywhere, and require anyone that makes a contribution to disclose it. But why create a political figure who has the power? You assume somebody will be beholden. Why not assume that the political boss will not be beholden to the contributor? You assume that we would.

Mr. PASTORE. I do not know Carmen Di Sapio. I have never met him. But I do know ERNEST HOLLINGS and I do know PETE DOMINICK, and they are not bosses. They are not bosses. They are chairmen of campaign committees of the Senate. Take Larry O'Brien, the present national chairman. Take any other names the Senator wants. He does not impress me by using the name Di Sapio.

Several Senators addressed the Chair.

Mr. CHILES. I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, this amendment refers to \$5,000—

Mr. CHILES. That is correct.

Mr. CURTIS. I take it that it would not include services or gifts other than dollars; is that correct?

Mr. CHILES. I do not know what the definition of the overall bill is in regard to services. I would be open to a legal interpretation on the basis of that definition.

Mr. MATHIAS. It is a thing of value.

Mr. CHILES. Yes I think it is a thing of value, so that I think services could be computed within that.

Mr. CURTIS. I still do not think it will effectively reach those situations where organizations delegate great armies of manpower to go out and carry on a candidate's campaign.

Mr. CHILES. I would answer that by saying that there are many things the amendment does not reach and a lot of things I would like to see in the bill are greater than the amendment. But I think what we are trying to do here is to set a standard that will be such that the public will be able to see that an individual should not give more than \$5,000 to a candidate, and the candidate should not get more than \$5,000 from an individual. He should not be beholden to anyone by more than that. That is the standard we are trying to set. If we go around it by way of a committee, we can do that now. The committees are there.

What the bill does do is to set up disclosure for the committees. When we go around it by those committees, the press, your opponent, the public, will be able to see that you did not go by the standard that was set in the bill and someone is trying to give all his money through committees, or someone is trying to receive all the money through committees. So I think we still have that standard, whereby we can judge the guy in the white hat or the guy in the black hat. The public needs that standard. They want to have us say that we are not beholden to anyone, that we are not taking money from one man and owing him for that, that we are not going out to try to buy a stable of office holders. So we will set that standard. That is what it comes down to. I think Senators can disagree with that and can also find all kinds of technical things to disagree with, all kinds of loopholes as to what the amendment does not do. There are some things that it does do. But what we are talking about is the philosophy of whether we think there should be a standard, a hallmark that we see the office is not for sale, the candidate is not for sale, a Senator is not for sale, and that we will see that we are putting a prohibition on what an individual can give. That is what the amendment does.

Mr. President, I yield the floor.

Mr. SCOTT. Mr. President, I yield myself at this time 10 minutes on the bill so that I may yield to the Senator from Kansas (Mr. DOLE); but before doing that, I would like to point out a further evasion committed by this amendment. For example, if any three Senators running for office in 1972, of the same political party, get their heads together and organize a committee called "a Committee to Elect Senators We Like" or "a Committee to Elect Senators Who Will

Do What We Say," whatever they want to call it—and of course they will really call it "the Committee for Clean Government," I was only suggesting the real name—but they form a Committee for Clean Government and the three of them have an arrangement whereby they can get \$5,000 from each contributor only, but the committee for clean government can get all the money it wants because it is not earmarked and you have tacit consent that it may be \$150,000. To the candidates' immense surprise, they send \$50,000 to candidate A, \$50,000 to candidate B, and \$50,000 to candidate C.

The Senator from Florida indicated that the committees can spend all they want. So long as they do not earmark it, they will get it. This implies that politicians were born yesterday. It also turns over to a bunch of newly created committees the function heretofore exercised by reasonably respected organizations known as the Democratic National Committee and the Republican National Committee. In deference to my friend from Kansas I should say highly respected, since he and I held that same job.

I now yield to the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, I appreciate the Senator yielding to me. I see some great possibilities here, as the chairman of the Republican National Committee, and I have a few questions to ask the Senator from Florida.

As I understand part 2, there would be no limit on the amount of money any person might contribute to the Republican National Committee; is that correct?

Mr. CHILES. That is correct, unless he tried to contribute to a committee on behalf of an individual candidate.

Mr. DOLE. Unless it was earmarked, and I understand that part. Because President Nixon said I should be chairman, it would be all right for an individual to contribute \$50,000 or \$100,000 to the Republican National Committee; is that correct?

Mr. CHILES. In spite of what President Nixon said, he would be able to contribute.

Mr. DOLE. Right. Then I, in turn, as chairman of the Republican National Committee—and certainly Larry O'Brien also of the Democratic National Committee—under this amendment could make a distribution any way I saw fit insofar as a campaign was concerned, as the committee chairman, not as an individual.

Mr. CHILES. That is right. I mean, although the limitation was under the bill as to what the candidate's spending would be.

Mr. DOLE. Then I would not be guilty of any crime if I make a contribution as a chairman of a party to a candidate; is that correct?

Mr. CHILES. That is correct.

Mr. DOLE. Mr. President, secondly, does the limitation apply to both primary and general elections?

Mr. CHILES. Yes, it does apply. It is an overall limitation.

Mr. DOLE. So if we have John Doe, a millionaire, who contributes \$5,000 to the nomination efforts of someone who wants

to be elected President or Senator, he could not contribute \$5,000 in the general election.

Mr. CHILES. Not individually; the Senator is correct.

Mr. DOLE. Then, he could contribute \$5,000 in each calendar year. He could start preparing now for 1976 by contributing \$5,000 each year, starting this year.

Mr. CHILES. The Senator is correct.

Mr. DOLE. I think it is important to point up that about all we do, as I understand it, is limit the amount that John Doe, whoever he may be, can contribute if he has money and if he is concerned about politics. He is more or less limited to contributing \$5,000 to one presidential candidate, but he could contribute \$5,000 to any number of senatorial candidates.

Mr. CHILES. Individually; the Senator is correct.

Mr. DOLE. So, he has to limit his contributions to a candidate for President which is rather unfair, for I think that a candidate for the Presidency is perhaps a little more important than a candidate for Senator. However, John Doe can contribute money to the national committees. Is there any limit to the number of committees to which he can contribute?

Mr. CHILES. As long as they were not set up individually for him, he could contribute to committees. But there would be a disclosure under the bill as to who was contributing.

Mr. DOLE. It occurs to the Senator from Kansas that disclosure is the way to solve the problem. However, it does appear that it would give the national committees much more power. I do not concur completely in what the Senator from Alaska said. However, it appears to me that if John Doe, a millionaire, could not contribute more than \$5,000 to Mr. X's candidacy for President but could contribute to the Democratic or Republican National Committees an unlimited amount, it would put us in a strong position as chairmen of the national committees.

Mr. CHILES. I think he could contribute to the party now. Much of the money would be coming through the committee now. I do not know how that would change the matter.

Mr. DOLE. Mr. President, as a practical matter, we have great difficulty in the Republican National Committee—and I assume in the Democratic National Committee—raising money. It is particularly true in a presidential year. There is a lot of competition for the dollar. However, if the amendment is adopted, it would strengthen the position of the national committees and we could have, if we were so inclined, great stature in our positions.

Mr. PASTORE. Mr. President, is there any reason the Senator should not have?

Mr. DOLE. I want some, but not all of it.

Mr. PASTORE. How much does the Senator want?

Mr. DOLE. Not all of it but it appears that if we had all the money, we might even name the candidate.

Mr. PASTORE. The point is that this

goes to the amount an individual could spend. This goes to what an individual could contribute.

If the Senator does not believe in a limitation he ought to be against the amendment. I am not trying to persuade anyone to go along with me. As a matter of fact, I went out of my way to make corrections in the modification so that it would be this way. It was a labyrinth of confusion before.

If the Senator does not go along with me, he can be as sincere as possible and vote against it. However, we are trying to limit the amount an individual can give to an individual candidate.

Naturally a President does not go around collecting money for a campaign. No one collects money for a President. His national committee does it. It is always done that way. That is done by the national committee, not by President Nixon. It was not done by President Kennedy or any other President. The national committee does that.

We do not want to do anything to render the national committee innocuous. We do not want to do that. If in the process we involve the person-to-person obligation, we are better off than if we make the democratic process weaker.

Mr. DOLE. Of course, in every presidential campaign, the Veterans Committee for HUMPHREY, the Veterans Committee for Nixon—I am sorry if I used that name without permission.

Mr. HUMPHREY. Go right ahead. I like it.

Mr. DOLE. Whoever might happen to be the candidate, could that candidate get \$5,000 from an individual.

Mr. PASTORE. Not to each one. An individual can give any amount up to \$5,000. If he has five committees, \$5,000 can be given to each committee.

Mr. DOLE. What about the candidate for Vice President? Could he also give money to Vice President AGNEW, for example, if he is a candidate?

Mr. PASTORE. That is correct. Any person could give up to \$5,000 to him or to any of the committees.

Mr. DOLE. Mr. President, in effect, the Vice President is elected because he is connected with the presidential candidate.

Mr. PASTORE. Well, he could lend the money to the President.

Mr. SCOTT. That would constitute another evasion.

Mr. PASTORE. There is no evasion involved.

Mr. CURTIS. Mr. President, some of us have heard about contributors who oftentimes give to both sides. Those givers could still give twice as much as the loyal supporters of those candidates if this amendment were to pass.

Mr. PASTORE. I think that the strong disclosure law that we will have would give him away.

Mr. DOLE. Mr. President, I share that view. Disclosure would take care of the fellow who plays both sides of the street.

Mr. PASTORE. They cannot straddle the road after this.

Mr. SCOTT. Mr. President, I yield to the Senator from Maryland.

Mr. MATHIAS. Mr. President, let me

say to the Senator from Kansas that in this amendment, as in any statute passed by Congress, it is possible to evade the law or to avoid the law or to just break the law. But we have to assume that people want to uphold the policy and standard which Congress sets. That is all we are doing. We are setting a standard and a goal for the American people. I think that it is worth setting. I hope that the Senate will adopt the amendment.

Mr. SCOTT. Mr. President, I have undertaken to yield to the Senator from Alaska. So I will yield 2 minutes to the Senator from Alaska and then turn over control of the time on this side to the manager of the bill on this side, the Senator from Vermont, who seeks recognition.

Mr. GRAVEL. Mr. President, is there a limitation in the bill on how much any political party or committee can spend on whomever might be their candidate? If a group for peace had \$1 billion or \$1 million, could they spend that as they chose?

Mr. PASTORE. Not if they are campaigning for the one candidate. All they can spend is up to the amount named. They cannot spend any money on the candidate's campaign without his permission.

Mr. GRAVEL. And what if they do not have it?

Mr. PASTORE. Then there would be a violation of the law if they were to do that. This is not my amendment that these questions are addressed to. I just sought to clarify the amendment. I just put in the amendment.

Mr. GRAVEL. I am trying to make up my mind. Although I agree with the Senator from Florida and I think this is a laudatory standard to achieve, I do not think the amendment will accomplish this. It will set into motion a brokerage system that we have gotten away from in which a person would become very powerful as a professional fundraiser. He would be able to go out and collect money and parcel it out and have great power, and yet not be an elected official.

Mr. PASTORE. I cannot imagine any person being in that position unless he happens to be chairman of either of the political parties, unless he happens to be Senator DOLE, chairman of the Republican Party, or Lawrence O'Brien, chairman of the Democratic Party.

Mr. GRAVEL. I disagree with the Senator. If I were to live in the Southwest and wanted to raise a lot of money to defeat peace candidates, I might have very good access to a very large sum of money.

I could parcel that sum out from one or two individuals to as many candidates as I might choose under this system, and it would actually be encouraged because they would be given this subterfuge. In other words, Mr. President, if you want to give a lot of money to a candidate, do it through a committee. I think the national committees are clean, but it would open up a proliferation of committees.

Mr. PASTORE. Mr. President, I yield myself time on the bill.

The PRESIDING OFFICER (Mr. ROHN). The Senator from Rhode Island is recognized.

Mr. PASTORE. I answer that if there were no ceiling as to the amount of money that could be spent in the Senator's behalf the Senator would be correct, but the Senator must consider this amendment in the context of the entire bill. Whoever receives a dime from any person in any campaign has to disclose it under the law.

Mr. GRAVEL. But that is a virtue that would exist without this amendment.

Mr. PASTORE. But it does not exist today. That is why we are here.

Mr. GRAVEL. The Senator misunderstands me. That virtue exists in the bill, without this amendment.

Mr. PASTORE. That may be so but without this amendment any individual could give any amount without restriction. The Senator from Florida wants to do something about that. He does not want the money to come from not only any one particular source but from many sources. That is the approach of the Senator's amendment. If the Senator from Alaska does not go along with him he can vote against it.

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

Mr. PASTORE. Mr. President, on the bill, I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I wish to ask a question for clarification. Much of the discussion has been about the national committees, but everybody knows we have State committees, county committees, and city committees. There is a county Democratic committee, a county Republican committee, a State Democratic committee, and a State Republican committee.

Does this particular amendment deny an individual the right to contribute to those committees that do not have particularly any one man in mind?

Mr. PASTORE. No; it would not change that at all.

Mr. HUMPHREY. An individual could make a \$5,000 contribution to 50 State committees, and he could make a similar contribution to any number of county committees. Second, once that happened, insofar as individual amounts of expenditures are concerned, how do we measure out, for example, if the Democratic committee of my State decides to run a full-page ad for all the candidates in 1972, starting with the presidential, vice-presidential, and county candidates?

Mr. PASTORE. It would have to be exposed to the Senator from Minnesota and they would have to get his consent to do it for him. In other words, the Senator would become responsible for any act done in his behalf. That is why this is a strong bill.

If Senators think it should not be that strong, it should be weakened, but we have made this a strong bill.

If anyone who conducts a campaign in the Senator's behalf or spends money in the Senator's behalf, that is chargeable to the Senator and it cannot be done without his permission.

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

Mr. PASTORE. I yield.

Mr. SCOTT. Suppose, in that county and in that State there is no one run-

ning for Federal office except one person. Now, someone has exhausted his \$5,000 to that person but would like to give it through the county committee and the county committee gives it to the only candidate running for Federal office in that State. Is that an evasion?

The Deputy Attorney General said that if that is done, there could be prosecution for a felony.

Mr. PASTORE. I do not think so. All he would have to do is declare—

Mr. SCOTT. Then, he has given \$10,000, so the only one who can receive the \$10,000—

Mr. PASTORE. We are not talking about receiving. I thought we had corrected that.

Mr. SCOTT. No one is vaccinated against receiving the money.

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

Mr. PASTORE. I yield.

Mr. CANNON. This is right back where we started. This is section 608 of the code, title 18, and we are just rolling it back.

I think we are destroying this bill if we continue as we are going now. We are rolling it back to where it has been over the years. We have found it is not a good law. All of the witnesses testified to that effect. We have tried to make a good law.

Mr. SCOTT. Not only destroy the bill but invite a veto just as sure as this is left in.

Mr. PASTORE. I want to make the further point that I am not here to destroy the bill. Everybody knows that. I have made that clear. Let us get this matter straight.

One of the complaints that has been made is that we have a Corrupt Practices Act today, and under that Corrupt Practices Act, all that can be given is \$5,000. That is the law today. This figure of \$5,000 has not been picked out of the sky. It is in the law today.

The only trouble with the law today is that you can give \$5,000 to 50 committees for the same candidate. That is what we are removing here. All we are saying is, "You can give the \$5,000, but insofar as giving it to various committees, you are confined to \$5,000 in the aggregate."

What we are doing is removing the loophole. That is all we are doing. We are removing the loophole.

Mr. CANNON. Mr. President, I respectfully have to disagree with my colleague. We are simply widening the loophole.

Mr. PASTORE. I do not think so.

Mr. CANNON. We say you cannot give more than \$5,000 to all committees for HUMPHREY, let us say, but you can turn around and give \$5,000 to as many committees as you want—State, national, and county committees and they can turn around and give HUMPHREY a good part of that money.

So we are not doing one thing in this that is not covered in section 608 of the present code.

Mr. PASTORE. Mr. President, the Senator has disagreed with me and I can disagree with him. The point which he complains of exists today. You can give a county or a State committee all you

want to. We are not affecting that at all. That is under State law.

All we are saying is, with respect to the abuse today, where a person can set up 50 committees and give 50 committees \$5,000, we are cutting that out. We are correcting a loophole. That may bring about a veto. I do not know.

The question has been raised time and time again that the trouble was not with the \$5,000 limitation, but the idea that you can multiply that \$5,000 by many different committees. We are cutting that out and saying that no matter if there is one committee or 50 committees, the aggregate can be only \$5,000. We are closing that loophole.

Mr. HUMPHREY. Mr. President, I think the Senator made a very able point. If we are looking for an amendment to cover all possibilities of the evasion it is not going to be decided here—maybe in heaven, but not here—because the ingenuity of the human mind is beyond comprehension.

Mr. PASTORE. They would not do it in heaven because there are no politicians up there.

Mr. HUMPHREY. JOHN, speak for yourself.

Mr. SCOTT. What you would be doing would be to put Presidential candidates in purgatory.

Mr. HUMPHREY. It does place a guideline and a standard and it will, as the colloquy has demonstrated, strengthen the respective political committees, both Republican and Democratic committees.

I think one of the great errors in politics is the proliferation of committees. They destroy political responsibility.

The important thing is, first, to account for contributions; second, to account for disbursements and expenditures; and third, to place ceilings on how much can be expended. In other words, accountability, and that is more important than all the detail we write into this bill. It is the exposure that would be gotten; the fact that you could not disguise, avoid, or evade. That is what is important in this bill.

Mr. PROUTY. Mr. President, I yield myself 5 minutes on the bill.

I think we are missing the entire question before us. I want to read again from the amendment, as modified.

No person \* \* \* may make contributions directly or indirectly during any calendar year in excess of an aggregate amount of \$5,000 to any candidate for Federal office.

No person may make contributions directly or indirectly to political committees on behalf of any candidate in excess of an aggregate amount of \$5,000 during any calendar year.

I think that means no candidate can receive more than \$5,000 from any individual.

Does the Senator from Rhode Island agree with that?

Mr. PASTORE. That is correct.

Mr. PROUTY. Suppose there are 35 or 50 committees spread throughout the country, in support of various candidates. I am solicited or somebody solicits me to contribute to a half dozen or more of those committees. I have already given \$5,000. Actually, I do not have the money,

but if I had it, suppose I gave to some candidate for Federal office. I have also been asked to contribute to various other committees. I do not know how they are going to spend that money or on what candidates. I think disclosure is going to put us in an impossible situation.

The Deputy Attorney General summed up the problem before the committee when he said:

Further, the proposed section would impose felony sanctions for aggregate contributions exceeding the limitation in any amount, and regardless of the intent of the contributor. In view of the perplexing array of political committees which solicit campaign contributions, inadvertent violations are likely and intentional violations may easily be made to appear inadvertent. Such a proscription would be virtually impossible for the Department to enforce and the public would be deluded if it believed otherwise.

I think the central issue is that we are perhaps going to create, or perhaps result in bringing, charges against innocent contributors.

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

Mr. PROUTY. I yield.

Mr. DOLE. I trust this is not a frivolous question but there is nothing that says one cannot contribute \$5,000 against some candidate. This amendment says on behalf of a candidate. One could organize a committee against President Nixon and he could give \$5,000 or \$10,000 or \$50,000 to that committee. This provision speaks in a positive way of being for a candidate. Nothing prohibits a man from giving to a committee against a candidate. So one could give a million dollars against a candidate but only \$5,000 for a candidate for President?

Mr. PASTORE. The answer is that the question is not frivolous, but the fact is that when they begin to bandy money around, the person who is running against Nixon has to account for it, because he cannot use it without disclosing it.

Mr. DOLE. Even if he is supporting no candidate?

Mr. PASTORE. Of course, there is free speech.

Mr. DOLE. There is a "Committee on Good Government."

Mr. PASTORE. What does that mean? Everybody is for good government, but the minute they mention the name "DOLE" or "PASTORE," they had better add that.

Mr. BAKER. Mr. President, if the Senator will yield, we have discussed this at some length. I think the Senator will agree that this limitation will apply only to radio or television. If someone were buying an advertisement for some particular candidate, the advertisement would be subject to a limitation, but there are a hundred other things one can do against a candidate which are subject to no limitation.

Mr. PASTORE. That is right. In other words, one could come out against the Vietnam war and people would have to decide whether he was for or against a candidate. We could not write a law to cover that. Somebody raised the point, what if a faculty got together on a candidate and they wanted to put an adver-

tisement in the paper, "Ban the Bomb." We cannot stop that. Perhaps many of us would not want that done; perhaps many would. We cannot provide for everything.

Mr. BAKER. While it is not possible to have a perfect limitation on advertisements against a candidate or in favor of some abstract issue, it is possible to do something. This amendment is completely devoid of any restriction at all in that respect. I think the distinguished Senator from Kansas is entirely right when he says this amendment applies simply to expenditures for a candidate, while there is no prohibition against contributions directly or indirectly against a candidate. I think we should do something, but I do not think we should approve this amendment.

Mr. PASTORE. If I may make my reason clear, my substitute does not include the provision we are talking about now. As a matter of fact, there is no limitation on contributions in my substitute, because I followed the recommendation of the Committee on Rules and Administration, and it insisted that it be written the way that committee thought it should be written. I did not disturb that at all.

I am saying to Senators and I can live with or without the amendment. I shall vote for the amendment, if it comes to a vote, because I feel what we are doing is adopting an amendment directed against abuse of a multitude of committees. I think we have done that. But I say, frankly, every Senator is left to his own conscience. It would not bother me which way this amendment goes. I think we have talked about it from every angle and we ought to bring it to a vote. If Senators vote it up, it is all right with me. If they vote it down, it is all right with me, because the name of the game in this bill is the limitation, the ceiling, a candidate can spend, and full disclosure.

Mr. PROUTY. Mr. President, I yield to the junior Senator from Alaska (Mr. GRAVEL).

Mr. GRAVEL. Mr. President, one clarification. This amendment does have a prohibition on committees and the amount that can be contributed to them. What is sought here is to prevent dumping \$5,000 in various committees, because then the candidate will not have any control over that. Then you set up a power system that will operate within our system, and I submit that ill is greater than the ill we are trying to correct.

Mr. PASTORE. That is not so, because the minute that money is spent, the candidate is responsible.

Mr. President, I yield 10 minutes to the Senator from Virginia (Mr. BYRD).

Mr. BYRD of Virginia. Mr. President, there has been so much discussion that the Senator from Virginia is a little confused as to just what this amendment does do.

First let me say that I favor a limitation on campaign spending. The record will show that I supported the bill which passed the Senate last year, presented by the Senator from Rhode Island.

I favor the Pastore bill, S. 382, which is before the Senate today. The RECORD

will show that a few minutes ago the Senator from Virginia supported the placing of a limitation on the amount that a candidate himself or his immediate family may contribute to his campaign.

Now we get to the amendment under consideration. As I say, there has been so much discussion that I may not be certain that I understand the facts, and that is the only reason why I wish to discuss the amendment.

As I understand the Senator from Rhode Island, a candidate for the Senate, to take an example, may receive a contribution up to \$5,000 from one individual. I understood the Senator from Rhode Island to say the same individual may make a contribution to the Democratic senatorial campaign committee or to the Republican senatorial campaign committee. Such committee, in turn, may funnel back that \$5,000 to the candidate.

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

Mr. BYRD of Virginia. I yield.

Mr. PROUTY. Not if he has already contributed to the candidate.

Mr. PASTORE. No, no; the Senator from Virginia is correct. He may give the \$5,000, as I understand the amendment, to a committee in the candidate's behalf. Is that correct?

Mr. CHILES. That is correct.

Mr. PROUTY. If the Senator will read the language, he will see that that is not so:

No such person . . . may make contributions directly or indirectly during any calendar year in excess of an aggregate amount of \$5,000 to any candidate for Federal office.

That means whether the money comes from the Democratic National Committee, a county committee, a State committee, or a committee for effective government that may be established anywhere in the country. How is it going to be possible for any committee to know the facts?

Mr. BYRD of Virginia. I am trying to establish exactly what the amendment does. The Senator from Vermont has one interpretation; the Senator from Rhode Island has another interpretation.

Mr. PASTORE. I am not the sponsor of the amendment. The sponsor is the Senator from Florida (Mr. CHILES). I made certain corrections and asked him questions, and that is what he told me.

Mr. CHILES. I think with the additional language, if the Senator reads subparagraph 2, he will see that no such person may make contributions directly or indirectly to political committees on behalf of any candidate in excess of an aggregate amount of \$5,000. You have to read section 1 and section 2 together; that will, in effect, allow contributions in an amount of \$10,000.

Mr. PROUTY. Mr. President, if the Senator will yield further, that does not have the effect the Senator intends.

Mr. CHILES. I refer to line 8 on the first page. I think you have to read the language in the total of the two paragraphs.

Mr. PROUTY. If I may say so to the Senator, that is what I have been doing.

[Several Senators addressed the Chair.]

Mr. PASTORE. The Senator from Virginia has the floor.

Mr. BYRD of Virginia. I yield to the Senator from Nevada.

Mr. CANNON. I thank the Senator.

Mr. President, this is exactly the problem that the Deputy Attorney General directed himself to when he appeared before our committee. He pointed out that inadvertently situations like this could occur, that a person might make a \$5,000 contribution to a candidate, and might make another \$5,000 to a political committee which, in turn, turns around and pays \$3,000 of that amount back to the candidate, and that would be a violation of the law, even though it might be inadvertent.

That was one of the reasons, as I understand it, that he said, first, that he believed it was unconstitutional, and second, that he believed that it was unenforceable, and he also said that it would lead to many inadvertent violations of the law, and I must say that I think the Senator from Vermont has made a good point there, that in section 1 where it says that no person can make a contribution directly or indirectly of more than \$5,000 in a particular year to a particular candidate, certainly, if he has made another \$5,000 or \$10,000 or \$50,000 contribution to a committee that is not for a particular candidate, which he has a right to do, and that committee turns around and makes a contribution back to the candidate, that certainly is an indirect contribution to the candidate.

Mr. BYRD of Virginia. Mr. President, in that regard, there is nothing in this amendment—I suppose I should address this question to the Senator from Florida: There is nothing in this amendment to prevent the same individual who has made a contribution to a candidate from making a similar \$5,000 contribution to the Democratic senatorial campaign committee or the Republican senatorial campaign committee; is that correct?

Mr. CHILES. That is correct.

Mr. GRIFFIN. Mr. President, will the Senator from Virginia yield to me?

Mr. BYRD of Virginia. I yield.

Mr. GRIFFIN. As I understand it, it is not limited to \$5,000 to the national central campaign committee; he can make a \$100,000 contribution to either committee, under the amendment.

Mr. BYRD of Virginia. May I ask the Senator from Florida, is that correct?

Mr. CHILES. That is correct. It is correct today, and it would be correct under this amendment.

Mr. BYRD of Virginia. Then we are not putting a ceiling on campaign contributions by this amendment.

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

Mr. PASTORE. I give the Senator 5 minutes more. Is that enough?

Mr. BYRD of Virginia. No, I do not believe it is. Let me take that, and we will see how we get along.

Mr. PASTORE. All right.

Mr. BYRD of Virginia. This is a very important matter.

Mr. PASTORE. I know, but I want to

say this to the Senator from Virginia—and I hope I do not assume the position here today that this is my amendment. I keep saying that time and time again. It is not in my substitute.

Mr. BYRD of Virginia. No, I am not aware of that.

Mr. PASTORE. But something has just happened here that has boxed us in. What we have done here today has put us in the position that no one can spend more than \$35,000 of his own money to run for the Senate, and yet we are saying, in the same breath, that anybody else can give him \$1 million. Is that not ridiculous? If we had not agreed to the amendment, I will say frankly, I do not think we should agree to this one, but where we have boxed ourselves in by saying, a short while ago, that nobody can spend more than \$35,000 of his own money, but he can collect more than a million dollars from someone else for his campaign—is that not ridiculous? I say both provisions ought to go out, or both provisions ought to go in, and that is the reason I am on my feet.

Mr. BYRD of Virginia. I have the floor, as I understand it.

Mr. PASTORE. And I will give the Senator 10 minutes.

Mr. BYRD of Virginia. I am not arguing either for or against the amendment right now. I am trying to understand the amendment, I am not sure other Senators understand the amendment, and I do not think we ought to vote on it until we do understand it.

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

Mr. BYRD of Virginia. In just a moment. I want to say to the Senator from Rhode Island that I am not in favor of taking the lid off and permitting people to spend a million dollars. What I want to do is correct that, but I submit that the amendment does not do that, if I understand it correctly.

Mr. PASTORE. If the Senator will yield, I did not intimate that at all. The reason I am making speeches this afternoon is that I voted to table the former amendment because I did not think it had any place in this measure. I think if a man wants to run for public office and has the money, and there is only so much he can spend, why should he not use his own money? It is a precious possession; if he wants to become a Member of the Senate, and can afford it, and can exceed what the amendment prescribes, why should we stop him for using his own money, and make him go around and try to collect it from somebody else? But I say, also, there ought not to be any limitation to what someone else can give him.

Mr. BYRD of Virginia. I am not taking that attitude.

Mr. PASTORE. I understand.

Mr. BYRD of Virginia. But I do not believe this amendment accomplishes what the Senator from Rhode Island wants to accomplish.

Mr. MATHIAS. Mr. President, will the Senator yield for a short comment? I believe it might throw some light on the question in the Senator's mind.

Mr. BYRD of Virginia. I will yield to the Senator from Maryland and then to

the Senator from Tennessee, but then I want to address my question to the Senator from Florida.

Mr. MATHIAS. In the amendment that the Senator from Florida and I have cosponsored, we provide this language:

No such person may contribute directly or indirectly to political committees or on behalf of candidates in excess of the aggregate amount of \$5,000 during any calendar year.

But I wish the Senator from Virginia would remember that this is an amendment to the bill, and he has to go back and read the bill. And if he will go back and read the bill, there are some definitions which will help him in an overall understanding of what is being done.

Mr. BYRD of Virginia. If the Senator will yield, I am not arguing against the amendment or for the amendment. I am trying to understand the amendment.

Mr. MATHIAS. That is what I am trying to help the Senator with.

On page 14 of the bill—and I am talking about the Pastore substitute—in line 21, the word "person" is defined as meaning an individual, partnership, committee, association, corporation, or any other organization or group of persons.

If you read these 2 sections together, it will be found that what we are trying to do here—and I do not know whether it will help the passage of the amendment or hurt it, but I think people ought to understand it—Senators will find that taken together, it does form a substantial limitation, and I think that if the Senator understands that, he will understand that we are doing something here which will change the political mores of America.

Mr. BYRD of Virginia. I yield now to the Senator from Tennessee, and then I should like to put some questions to the Senator from Maryland or the Senator from Florida.

Mr. BAKER. Mr. President, I thank the Senator from Virginia.

The PRESIDING OFFICER. The Senator's initial time has expired.

Mr. PASTORE. How much time would the Senator like to have?

Mr. BYRD of Virginia. Twenty minutes.

Mr. PASTORE. I yield 20 minutes to the Senator from Virginia.

Mr. BYRD of Virginia. I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, the Senator from Oregon would like to make a brief unanimous consent request. I wonder if the Senator would yield to him for that purpose?

Mr. BYRD of Virginia. I yield.

Mr. PACKWOOD. Mr. President, since I intend to propose several amendments to this measure, I ask unanimous consent that my legislative assistant be permitted to remain on the floor during votes, so that I might work with him during that period of time.

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

Mr. BAKER. Mr. President, I do not want to reargue the merits of this amendment. I have done that on previous occasions this morning and this afternoon. But I would like to point out

another uncertainty of interpretation, in my view, in this amendment.

The Senate agreed this morning that section 608(a) (1) provides that no person may make contributions, directly or indirectly to any candidate for Federal office, in excess of \$5,000; and I think there is reason to believe that the word "contribution" includes contributions by any committee to that candidate. I think it is entirely possible that a contribution to the Republican National Committee of, say, \$100,000, distributed in part to the Senator from Virginia or the Senator from Tennessee, would fall within the prohibition of this section.

I caution that the felony provisions of this statute apply to the candidate as well as to the donor.

I also respectfully point out that section 2, when read in *para materia*—as the distinguished Senator from Florida correctly indicates we should—with the rest of the amendment and the rest of the bill, does not help much; because I, for one, am not in a position to say with certainty, as a matter of legal interpretation, that the added language "on behalf of any candidate," which appears after the word "committees," modifies and relates to contributions on behalf of a candidate or committees on behalf of a candidate. I think it is equally susceptible to either interpretation.

It seems to me that the Senator from Virginia is doing a signal service to the Senate in trying to clarify the meaning of these terms; that the amendment, even as modified, is still ambiguous; and that it does not lead to the results being espoused and not necessarily to all the results being criticized. The fact remains that we are in a morass of uncertainty so far as this amendment is concerned, and I think we are headed for disastrous trouble unless we clear it up.

Mr. BYRD of Virginia. I thank the Senator.

I put this question to the Senator from Florida and the Senator from Maryland, who I understand are the cosponsors of the amendment.

The distinguished Senator from Michigan stated on the floor a few moments ago that an individual could contribute \$100,000 to the Republican senatorial campaign or the Democratic senatorial campaign. Is that statement correct?

Mr. CHILES. I think that is correct.

Mr. BYRD of Virginia. Then, there is no restriction as to how much of that \$100,000 can be put to the use of any particular senatorial candidate anywhere around the country. I assume that is correct.

Mr. MATHIAS. I would recall to the Senator the definition of "person" which I just read. I believe it is on page 14 of the Pastore version of the bill. It includes within the definition of "person" a committee or an organization. Under those circumstances, if "person" is to be taken to include a committee and if a person as so defined is restricted in what he can give to any single candidate, we do have some restriction.

Mr. CANNON. Mr. President (Mr. CHILES), will the Senator yield, so that I may answer on that point?

Mr. BYRD of Virginia. I yield.

Mr. CANNON. The Senator must take into consideration the language of the proposed amendment that is now pending, for section 208, which says "No person" and then, in parenthesis, "other than a candidate or political committee." So this has made an exclusion of the political committee, which technically falls within the definition of "person" on page 14 of the original bill.

Mr. MATHIAS. I agree that that is what the bill should say. I have some apprehension. But perhaps we can clear it up by this colloquy, that we do not need it, because the section to which the Senator refers talks about contributions to a candidate. The succeeding section talks about no such person and imposes the \$5,000 limitation.

I raise this point so that we can have absolute clarity. The Senator from Virginia is doing a great service by helping us to reach this clarity.

Mr. BYRD of Virginia. Let me phrase it this way: Mr. X contributes \$5,000 to a senatorial candidate in a particular State, and then he contributes \$100,000 to the senatorial campaign committee. Can the senatorial campaign committee then make a contribution for the benefit of the particular candidate concerned of \$5,000 or \$50,000 or \$25,000, or any other figure they wish to contribute?

Mr. MATHIAS. I was diverted for a moment. Would the Senator repeat that?

Mr. BYRD of Virginia. I will restate it. Mr. X makes a \$5,000 contribution to a candidate in the State of Maryland, let us say, a Republican candidate in the State of Maryland.

Mr. MATHIAS. I do not recall any such contribution.

[Laughter.]

Mr. BYRD of Virginia. Mr. X also makes a \$100,000 contribution to the Republican Senatorial Campaign Committee. Can the Republican Senatorial Campaign Committee make a contribution of \$5,000 or \$50,000, or any other amount, for the benefit of the Republican candidate in Maryland?

Mr. MATHIAS. That is the assumption we have been working on—

Mr. PASTORE. No; that answer is "Yes." I think that ought to be explained to the Senator from Virginia. We have gone through that. The answer to that is in the affirmative.

Mr. BYRD of Virginia. That is what I am trying to establish.

Mr. PASTORE. I think we ought to clear the record, not use a lot of "ifs" and "buts."

Mr. MATHIAS. I think we agree that that is the way it ought to be.

Mr. PASTORE. Whether it is right or wrong, the answer is "Yes."

Mr. BYRD of Virginia. So there is no limitation as to the amount that the Senatorial Campaign Committee, whether it be the Republican Senatorial Campaign Committee or the Democratic Senatorial Campaign Committee, can contribute to a particular candidate. The answer is "Yes."

Mr. PASTORE. The answer is "Yes." That is why we knocked out the \$75,000 limitation.

Mr. BYRD of Virginia. There is no limitation.

Mr. PASTORE. There is no limitation now.

Mr. BYRD of Virginia. Let us get to another candidate. Let us take a candidate in the State of Maryland, or in the State of Virginia, who is a candidate for the Senate as an independent. He does not receive \$1 from the Democratic Senatorial Campaign Committee, not \$1 from the Republican Senatorial Campaign Committee. As I understand it, he is restricted, then, to a total contribution of \$5,000. His Democratic opponent can get  $x$  number of dollars, without limit. His Republican opponent can get  $x$  number of dollars, without limit. Is that correct?

Mr. MATHIAS. That is correct. But I point out that he is not restricted in what he might get from the Good Government in the Old Dominion Campaign Committee, which would be the counterpart of the regular party committees.

Mr. BYRD of Virginia. In other words, if there were a committee called Virginians for Byrd, as there happened to be last year, that committee would be considered in the same context as the Republican and Democratic Senatorial Campaign Committees and could receive unlimited funds?

Mr. CANNON. No. That committee could not.

Mr. BYRD of Virginia. That is what I thought.

Mr. CANNON. Because that is a committee for a specific candidate. Therefore, it would be limited to a \$5,000 contribution from a contributor.

Mr. BYRD of Virginia. That is the way I understand it.

Mr. CANNON. If that contributor had already contributed to some other committee for BYRD, they could only contribute, in the aggregate, \$5,000.

Mr. PASTORE. That is correct.

Mr. BYRD of Virginia. I thank the Senator. That is my understanding of it.

I ask the Senator from Maryland—is that not correct?

Mr. MATHIAS. I think the Senator has stated it correctly.

Mr. BYRD of Virginia. I admit that not many individuals run as an Independent, and perhaps no one should run as an Independent; but I do not think a man should be precluded from running as an Independent.

Yet, by this amendment, if a man runs as an Independent, his contributions would have to be held down to \$5,000; but if he were a nominee of a party, he could get  $x$  number of dollars in unlimited amount.

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

Mr. BYRD of Virginia. I yield.

Mr. YOUNG. Suppose a candidate could not spend more than 10 cents a vote and his committee was given \$50,000 and he was not allowed to spend more than \$30,000. Could he take the other \$20,000 himself? What would happen to the other \$20,000?

Mr. BYRD of Virginia. I am frank to say that I am not competent to answer that question, it should be answered by the manager of the bill.

Mr. PASTORE. The answer is very simple. He would be compelled to give it back.

Mr. MATHIAS. Common sense might enter the procedure earlier than that. He might not get more than he could spend in the first place.

Mr. CANNON. Furthermore, there is no such limit as 10 cents a vote—an over-all limit.

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

Mr. BYRD of Virginia. I yield.

Mr. COOK. I should like to expound on the theory that I think the Senator has correctly stated. The candidate also finds himself in the position that he must use at least a degree of subterfuge to set up an all-encompassing national committee that does not have his name attached to it so that it can receive the sums and utilize it in his campaign, whereas in the long history of the Republican senatorial campaign committee and the Democratic senatorial campaign committee, their ability and reach are all over the United States. The independent who finds himself in that position who runs is either totally limited to his own area or else sets up or has set up for his benefit a committee for an independent slate of candidates, where they can reach into the entire United States for resources. The independent candidate is totally restricted as to the sphere of influence that such a newly created committee could establish between the time of its creation and the time of the election.

Mr. BYRD of Virginia. That is my understanding exactly, what the Senator from Kentucky has just stated. It seems to me that what this is doing is discriminating against every candidate except a candidate running on a major party ticket.

When I first ran for the Senate, the Conservative Party put up a candidate against me. If this amendment had been enacted into law at that time, I would have been entitled to have obtained as much money as I wished, or as they were willing to give me, from the Democratic senatorial campaign committee. But the conservative candidate, and the Socialist candidate, which that party also put up against me, did not have any senatorial campaign committee. So I would have been able to draw unlimited funds from my committee to the extent that they were giving me money from the Democratic senatorial campaign committee. So that those opponents would have been discriminated against.

However, in the past election, I would have been discriminated against, in that the Republican senatorial campaign committee could have made an unlimited contribution to its candidate, as could have the Democratic senatorial campaign committee. But I, as an Independent, would not have been able to be in that position. A limit would be put on a conservative candidate, a Socialist candidate, a progressive candidate or an independent candidate—but there would be no limit on the contributions which could be received by a Democratic candidate or a Republican candidate.

Mr. BAKER. Mr. President, if the Senator from Virginia will yield to me briefly, I should like to add one point to the element of confusion here, if the Senator will permit me to do that, and I apologize to him in advance. If the interpretation is correct, that there is no limitation on what someone may give the Republican or Democratic senatorial campaign committees and they, in turn, can give to a candidate for President, or a candidate running for the Senate or House of Representatives, what happens to the amendment that we just passed? What happens to the limitation on contributions by a candidate to his own campaign?

Mr. PASTORE. Is the Senator speaking to me?

Mr. BAKER. I was speaking to the Senator from Virginia (Mr. BYRD) but I expect that the Senator from Rhode Island may have some comment to make. I wonder what happens to the amendment we just adopted on limiting personal contributions. Might we not have a situation where X candidate for President is limited to, say, \$50,000 that he can contribute of his own funds, but he can contribute \$1 million to the Democratic National Committee which, in turn, will advance it to the committee?

Mr. PASTORE. That is exactly what bothers me. I tell the Senator, frankly, that is why I voted to lay the amendment on the table.

Mr. BAKER. I think we should reconsider this whole thing and start all over.

Mr. PASTORE. I tell the Senator frankly, the position I take is, if we are going to keep the limitation as to what a candidate can spend of his own money, we should have a limitation on what contributions he can receive.

Mr. BYRD of Virginia. Mr. President, I have several other questions I want to try to clear up.

I want to preface this question by saying, since I am going to quote the Senator from Rhode Island, that the Senator from Rhode Island is not the author of the amendment we are discussing. He has merely been attempting to interpret it, as I understand it. But, he is not the author.

Now in the colloquy the Senator from Rhode Island had with the Senator from Minnesota, as I understood it, the Senator from Rhode Island replied in the affirmative when the Senator from Minnesota made this statement: Under this amendment is it possible for an individual to make a \$5,000 contribution to State committees, city committees, county committees, local committees, of all types. I understood the Senator from Rhode Island to reply in the affirmative.

Now, in Virginia we have 96 counties and 36 cities. Thus, we have 96 Democratic committees in the counties and 36 Democratic committees in the cities, making 132 units. We have the same number of Republican committees.

Do I correctly understand that an individual, if he so desired, could make a \$5,000 contribution to each of the committees? Am I correct on that?

Mr. PASTORE. Provided that com-

mittee was not set up for you as a candidate, except—

Mr. BYRD of Virginia. It is a recognized—

Mr. PASTORE. That is right. In other words, it is for the Democratic Party of the State and the answer is "Yes." Your answer is "Yes".

Mr. MATHIAS. I concur fully.

Mr. PASTORE. That would have to be apportioned to his expenses.

Mr. BYRD of Virginia. I am trying to get the contribution side. An individual could contribute \$5,000 to 132 different committees; is that correct?

Mr. MATHIAS. That is correct, so long as he does not earmark the contribution, or so long as the committee is not *prima facie* for a single candidate.

Mr. BYRD of Virginia. Now we come to the independent candidate. Can he set up 132 different committees and have one individual contribute \$5,000 to each of those committees under the amendment, I ask the Senator from Maryland?

Mr. MATHIAS. He can give \$5,000 to each committee, yes, and contribute to the committee \$5,000, so long as it is not earmarked, or so long as it is not for a single candidate.

Mr. BYRD of Virginia. How would the Senator get away from the single candidate? Here is a man who is running for a specific office, at a specific time, as an independent candidate.

Mr. COOK. If I could interject there, if I understood the Senator from Nevada (Mr. CANNON) correctly, he could not—that if those committees were set up and there was one independent candidate, and only one independent candidate, then he could only give \$5,000 in the aggregate. He could not give \$5,000 to each one of the 132 committees.

Mr. MATHIAS. Let me say to the Senator from Virginia (Mr. BYRD) that I was assuming there would be more than one independent candidate.

Mr. BYRD of Virginia. The Senator could not assume that, because last year there was only one independent candidate.

Mr. MATHIAS. Then I would have to agree with the Senator.

Mr. BYRD of Virginia. Then a person who wants to run on some other ticket is in a very serious, if not an impossible, disadvantage, whether he runs on the Conservative ticket, as one individual ran against me, or whether he runs on the Socialist ticket, as one individual ran against me. It likewise would put the independent candidate at a great disadvantage.

Mr. PROUTY. If the distinguished Senator from Virginia will yield to me briefly, I do not think, the way this amendment is drafted, that the 132 committees the Senator refers to could give more than \$5,000 to an individual candidate, or to the Democratic or Republican committees either.

Mr. BYRD of Virginia. The Senator from Maryland answered the question in the affirmative. I do not know. All I am doing is seeking information.

Mr. GRIFFIN. Mr. President, if the Senator will yield, looking at the language, it says that no person other than a committee or a political committee may

make contributions. That excludes the political committee.

The PRESIDING OFFICER (Mr. HART). The time of the Senator has expired.

Mr. BYRD of Virginia. Mr. President, I would like a little extra time.

Mr. PROUTY. I shall be glad to yield 5 minutes on the bill to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I think we had better understand what we are doing with this amendment.

Let me take a little time here, because I want the record to be straight. During my last campaign I reduced the amount of advertising I had planned to use in the last 10 days of the campaign because I was determined to go on a pay-as-you-go basis.

I also asked my finance chairman to put a limit on any individual contribution.

I am proud to say that my campaign committee received contributions from about 6,000 individual contributors.

Never before in Virginia have so many individual citizens contributed to a political campaign.

I agree with the statement made on the floor the other day by the Senator from Rhode Island (Mr. PASTORE). He said that he thinks half of the money is wasted in campaigns. I agree. However, the problem and the trouble is that we never know which half is wasted.

We must get campaign spending under control. But this amendment does not do it. It leaves the matter wide open. There is no limit on the contributions one can make to committees under this proposal. I think that before we adopt the amendment, we should be sure of what we are doing.

I voted for the Campaign Reform Act proposed by the Senator from Rhode Island in the last session of the Congress. I support his proposal in this session of Congress. But this particular amendment—which is not the Senator from Rhode Island's—would just wreak havoc, it seems to me, with anyone who desires to run as a Progressive, a Socialist, a Conservative, or an Independent, or anyone else who chooses to run on a ticket outside of the party structure.

What we would be doing in the Senate is saying, "We will not consider anyone unless he is in the party structure. We in the campaign committee here in Washington will determine how much this candidate will get and how much the other candidate will get. And we will parcel it out in whatever amounts we want to and make them beholden to us."

The amendment would put no limit on contributions to established party campaign committees. I think there should be such a limit.

The amendment is unsound and should be defeated.

Mr. COOPER. Mr. President, will the Senator yield so that I may make a motion to reconsider?

Mr. BYRD of Virginia. I will be glad to yield.

Mr. SCOTT. Mr. President, I would like to join in the motion to reconsider since I also was on the prevailing side.

Mr. COOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOPER. Mr. President, am I correct in saying that the pending amendment is on page 11, line 15, to strike—

Mr. BYRD of West Virginia. Mr. President, would the Senator use his microphone? We cannot hear him.

The PRESIDING OFFICER. The Senator from Kentucky may proceed.

Mr. COOPER. Mr. President, is the pending amendment the amendment on page 11, line 15, to strike "and 614" and insert in lieu thereof "614 and 615", going down through section 203, subsection (a), subsection (2).

The PRESIDING OFFICER. The Chair would like to confer with the Parliamentarian.

Mr. COOPER. Mr. President, I ask unanimous consent that the pending amendment be laid aside and that I be permitted to make a motion to reconsider the amendment which was previously considered.

The PRESIDING OFFICER. Is there objection?

Mr. CHILES. I object.

Mr. COOPER. Mr. President, I voted for the previous amendment. So, I am, in a parliamentary sense, permitted to ask for reconsideration of the amendment. After looking at the record of the Committee on Rules and Administration, on which I serve—

The PRESIDING OFFICER. The Chair must first inquire as to who is yielding time to the Senator from Kentucky.

Mr. PROUTY. Mr. President, I yield 3 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. COOPER. Mr. President, after studying the report following our discussion, I think the adoption of the previous amendment was inconsistent with the position we took in the committee, and that is that there should be no limit on contributions. However, we took that position, as I know has been explained many times in the debate, first, because we thought it was practically impossible to enforce the limitation of \$5,000 or any other limitation; second, because the disclosure was the best method to apprise the people of the sources of contributions made to the defendants; third, because the Deputy Attorney General, Mr. Kleindienst and the other witnesses testifying before the committee expressed the view that to impose a limitation on contributions was not correct from the constitutional standpoint.

Under the first amendment of the Bill of Rights, the contribution to a candidate would probably have the same constitutional protection as would a person speaking on behalf of a candidate. That is a method of expressing support.

I think that the best way to end this controversy, if it is possible, would be to move to reconsider. Then, if the motion to reconsider is successful, we would vote on the prior amendment on its merits. If that should be successful, I think we will have solved the situation. As I un-

derstand it, I am not permitted to make the motion at this time unless I secure unanimous consent.

Mr. AIKEN. Mr. President, will the distinguished Senator from Rhode Island yield me 1 minute?

Mr. PASTORE. I yield to the Senator from Vermont.

Mr. AIKEN. I have one rather important question to ask. I am sure that the answer will be very much appreciated by the distinguished junior Senator from Louisiana. I understand the problem of a candidate who is not a candidate of either major party. However, assuming that the nominee is the candidate of both parties, could he accept twice as much in the way of contributions to which he would be entitled to?

Mr. PASTORE. If he collects twice as much as he is allowed to spend under the law, then he can only spend up to the limit of the law.

Mr. AIKEN. I understand, but he would have to defend himself against a write-in campaign, and he would need more money.

Mr. PASTORE. He does not need to spend money if he has the endorsement of both parties. And the nearest thing to it is the Senator from Vermont. I understand that he only spent 17 cents the last time out.

Mr. President, there may be misunderstanding on the part of some Senators as to what happened here and also on the part of the press. What we are interested in here is a campaign spending bill that will make some sense. I know that we cannot solve all the problems of the world with one stroke. No matter what kind of bill we pass, we may achieve nearness to perfection, but there will never be perfection.

Paradoxically, the situation we are in at the present moment is this: There seems to be a tremendous amount of resistance to a limitation of \$5,000, for the reasons that have been expressed on the floor of the Senate. If the amendment does not carry, we shall be left in the position that the sky is the limit as to what a person may contribute to another person's campaign. Yet this is the irony of it all. Only a short while ago we adopted an amendment which provided that an individual may not spend more than \$35,000 of his own money for his own campaign, but that he may spend \$1 million for somebody else's campaign.

The point I am making is that if we are to keep a limitation on what a person may spend for his own campaign, we have to go along with this amendment. We have to be fair. On the other hand, if we are not going to go along with this amendment, then, of course, the previous amendment would present a rather awkward situation.

This is a very, very controversial area. I said so this morning. It was controversial when it was before our committee. I do not want to do anything to jeopardize the bill. I have heard some mutterings here—some of it perhaps substantiated, some of it perhaps gossip—that if these two amendments creep into the bill and

are sustained by the House, there will be a Presidential veto.

The name of the game here is a limitation on spending by a candidate. The name of the game is full disclosure. These other things may be important, but they are quite incidental. As a matter of fact, with the evolution of time, if certain corrections have to be made, we can make them.

I would strongly recommend—and I do so in the hope that we will pass a bill that will be acceptable not only to the House but also to the administration—that if the sponsors of the amendment will find it convenient in their hearts, in view of what has transpired on the floor of the Senate, to withdraw the pending amendment, we can clear the way for the Senator from Kentucky to move for reconsideration and leave the elements of the Pastore substitute exactly as they were submitted, and as they stand without these two amendments.

Mr. President, I leave this question up to my colleagues.

Mr. SCOTT. Mr. President, I suggest the absence of a quorum for a moment so that we can arrive at some secret covenants secretly arrived at and maybe we can publish them, without the time being taken from the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCOTT. 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. SCOTT. Mr. President, we are nearing the end of the time. The time has nearly expired. Therefore, if the Senator from Florida has a motion to make we are prepared.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. PASTORE. Mr. President, what is the parliamentary situation on the pending amendment?

The PRESIDING OFFICER. The question is on agreeing to the Chiles-Mathias amendment.

Mr. PASTORE. Mr. President, has all the time been used?

The PRESIDING OFFICER. The time has expired.

The question is on agreeing to the Mathias-Chiles amendment.

The amendment was rejected.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate numbered 1 and 3 to the bill (H.R. 4590) relating to the dutiable status of aluminum hydroxide and oxide, calcined bauxite, and bauxite ore; that the House had agreed to the amendment of the Senate numbered 2 to the bill, with amendments, in which it requested the concurrence of the Senate; and that the House had agreed to the Senate amendment to the title of the bill.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 309) to provide for recognition of the 50th anniversary of the establishment of the General Accounting Office, and for other purposes.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 2814. An act for the relief of Rea Republica Ramos;

H.R. 6666. An act for the relief of Maj. Michael M. Mills, U.S. Air Force;

H.R. 7871. An act for the relief of Robert J. Beas;

H.R. 9910. An act to amend the Foreign Assistance Act of 1961 and for other purposes;

H.J. Res. 98. Joint resolution authorizing the President to proclaim the 28th day of September of 1971 as "Teacher's Day";

H.J. Res. 527. Joint resolution to authorize and direct the President to proclaim September 12 through 19, 1971, to be "American Field Service Week";

H.J. Res. 543. Joint resolution authorizing the President to proclaim the period September 12 through September 18, 1971, as "National Square Dance Week"; and

H.J. Res. 782. Joint resolution to authorize the President of the United States to issue a proclamation to announce the occasion of the celebration of the 125th anniversary of the establishment of the Smithsonian Institution and to designate and to set aside September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution.

#### HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 2814. An act for the relief of Rea Republica Ramos;

H.R. 6666. An act for the relief of Major Michael M. Mills, United States Air Force;

H.R. 7871. An act for the relief of Robert J. Beas;

H.J. Res. 98. Joint resolution authorizing the President to proclaim the 28th day of September of 1971 as "Teacher's Day";

H.J. Res. 527. Joint resolution to authorize and direct the President to proclaim September 12 through 19, 1971, to be "American Field Service Week";

H.J. Res. 543. Joint resolution authorizing the President to proclaim the period September 12 through September 18, 1971, as "National Square Dance Week"; and

H.J. Res. 782. Joint resolution to authorize the President of the United States to issue a proclamation to announce the occasion of the celebration of the one hundred and twenty-fifth anniversary of the establishment of the Smithsonian Institution and to designate and to set aside September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution; to the Committee on the Judiciary.

H.R. 9910. An act to amend the Foreign Assistance Act of 1961 and for other purposes; to the Committee on Foreign Relations.

#### HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 309) to provide for recognition of the 50th anniversary of the establishment of

the General Accounting Office, and for other purposes, was referred to the Committee on the Judiciary.

### FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

#### AMENDMENT NO. 325

Mr. FANNIN. Mr. President, I call up my amendment No. 325.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. FANNIN. Mr. President, I would like to make certain technical modifications in the amendment. On page 1, strike lines 1 and 2 and insert:

On page 36 insert the following:

On page 1, strike line 7.

On page 2, beginning with line 10, strike the words "and which is described in subsection (c) or (d)."

The PRESIDING OFFICER. The amendment is so modified.

Mr. FANNIN. Mr. President, I ask unanimous consent that the reading of the amendment as modified be dispensed with, and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and without objection the amendment will be printed in the RECORD.

The amendment (No. 325) as modified, is as follows:

On page 36 insert the following:

#### "TITLE IV—AMENDMENTS TO INTERNAL REVENUE CODE

##### "PART A—TAX INCENTIVES FOR CONTRIBUTIONS TO CANDIDATES FOR FEDERAL OFFICE

##### "PART B—PROHIBITION OF CERTAIN POLITICAL ACTIVITIES

"Sec. 411. (a) Section 501 of the Internal Revenue Code of 1954 (relating to exemption from tax) is amended by redesignating subsection (f) as (g) and by inserting after subsection (e) the following new subsection:

"(f) PROHIBITION OF CERTAIN POLITICAL ACTIVITIES.—No organization described in section 501(c)(5) which requires any person to pay membership dues, fees, or other assessments, as a condition of employment shall be exempt from taxation under subsection (a) for any taxable year in which any part of its income or of the amounts received for its support is used—

"(1) to support or oppose any candidate for public office.

"(2) to support or oppose any political party, or

"(3) to carry on voter registration."

"(b) The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act."

Mr. FANNIN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. FANNIN. Mr. President, I wish to thank the following Senators who co-sponsored the amendment: Senators

TOWER, BENNETT, BROCK, GURNEY, CURTIS, HANSEN, and GOLDWATER.

Mr. President, the purpose of the bill is to find a way to treat all segments of our society equally. Our goal is to correct inequities so evident in past election campaigns. The bill as presently constituted does not so provide.

To reach this goal it is necessary for this bill to provide checks and balances on expenditures. Regretfully, there is one unclosed loophole that the bill does not cover—I refer to compulsorily collected dues of union members being used for political purposes—something the Congress has never intended.

There has been much said about the rich man's amendments Mr. President—I ask my colleagues—who is richer than the unions?

Mr. President, first, I will talk about individual rights, about protecting the working man.

Millions of American working men and women are forced to pay dues each month to unions. Contrary to the wishes of many of these union members, their dues and assessments are being used for political purposes.

Two weeks ago I pointed out to the Senate that unions reported spending \$10.7 million for political purposes in the 1970 elections. This is only the very tip of the iceberg. Millions more were spent by the unions for unreported contributions, to provide facilities for campaigns, to pay for supplies for campaigning, to pay the salaries of supposed union officials who actually were full time political campaigners for various candidates.

In the 1968 elections union contributions were estimated at from \$60 million on up.

Mr. President, at this point I ask unanimous consent to insert in the RECORD two tables from the book, "Financing the 1968 Election" by Herbert E. Alexander.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 6-1.—LABOR NATIONAL-LEVEL COMMITTEES GROSS DISBURSEMENTS, 1956, 1960, 1964, 1968

|      | Reporting committees | Gross disbursements (in millions) |
|------|----------------------|-----------------------------------|
| 1956 | 17                   | \$2.2                             |
| 1960 | 21                   | 2.3                               |
| 1964 | 31                   | 3.7                               |
| 1968 | 37                   | 7.1                               |

TABLE 6-2.—GROSS DISBURSEMENTS OF THE TEN LARGEST LABOR NATIONAL-LEVEL COMMITTEES, 1960, 1964, 1968

|                               | 1968      | 1964      | 1960     |
|-------------------------------|-----------|-----------|----------|
| Committee for Good Government | \$251,000 | \$122,000 | \$77,000 |
| COPE (AFL-CIO)                | 1,207,000 | 989,000   | 794,000  |
| DRIVE (Teamsters)             | 211,000   | 270,000   | 50,000   |
| ILGWU                         | 1,077,000 | 426,000   | 316,000  |
| Machinists                    | 572,000   | 260,000   | 193,000  |
| Marine Engineers              | 262,000   |           |          |
| Seafarers                     | 947,000   | 121,000   |          |
| Trainmen                      | 215,000   | 43,000    | 10,000   |
| UAW                           | 309,000   | 269,000   | 61,000   |
| Steelworkers                  | 240,000   | 251,000   | 239,000  |

Adding the two UAW committees together, \$560,000 was spent in 1968, \$391,000 in 1964, and \$138,000 in 1960.

Mr. FANNIN. Mr. President, these tables show that in 12 years the number

of labor committees reporting on the national level more than doubled. Their reported contributions went from \$2.2 million to \$7.1 million. Again, let me point out that these represent only a fraction of the actual union expenditures for political campaigning.

The executive director of COPE, Alexander E. Barkan, has provided some impressive statistics on the role that his organization and other union bodies played in the 1968 elections.

Barkan has said that they distributed 110 million pieces of printed matter.

They registered 4.6 million voters—mostly of one political party.

COPE operated telephone banks in 638 locations with a total of 8,055 telephones.

This—and again it is only a very small sample—shows how deeply the unions were involved in the election of public officials. It was the union members who paid the freight for the materials and facilities used, and for the salaries of union officials who served as the key political organizers.

No one asked the union workers whether they approved of this.

No one asked the union rank and file which candidates should be supported.

The decisions were made by the union bosses who have fantastic resources at their disposal to use in grinding their favorite political axes. These union bosses naturally are going to use these resources to promote the election of public officials who will support legislation and policy that is to the benefit of the union bosses.

One of the major jobs of Government is protecting rank and file workers from exploitation by ruthless union leaders. How is Congress supposed to do this when so many Members become deeply indebted to the union bosses?

This brings me to the second point, protection of the integrity of our entire political system.

Congress has enacted laws—effective laws—to prevent big business from gaining an iron grip on the Government. In the legislation we are considering today, the objective is to keep home balance in our campaign and election system—to prevent candidates from "buying" their way into office and to prevent special interests from "buying" the candidates.

Mr. President, I believe that a paragraph from a brief filed in 1962 with the Presidential Commission on Campaign Costs pretty well summarized this concern:

No one can adequately document or even estimate the persuasive effects of Big Money on our public officials. Those who are experienced in political campaigns make these points: candidates must constantly think of the financial problem; campaign costs have mounted sky-high, particularly for television, a large proportion of the money candidates need comes from those who can afford substantial contributions; those who make such contributions expect at the best "sympathetic consideration" of their viewpoint and at the worst outright promises of support of their special interest. This vulnerability to Big Money is most obvious in the closing days of every campaign, when candidates take money from almost any source, in a frantic effort to get ahead of, or catch up with, the opposition in television time. The necessity of relying on these large contribu-

tors puts every political candidate in an increasingly untenable position.

This was presented to the Presidential Commission by the late Walter P. Reuther in behalf of his United Automobile, Aircraft and Agricultural Implement Workers of America. Of course, Mr. Reuther argued that it was big money from big business that was bad, not big money from the union bosses.

It is my contention that big money from union bosses is the biggest threat to our political system because of the concentration of resources and the control of not only funds but the facilities and manpower that can make or break candidates for public office.

If we do not put some meaningful restraint on the unions they will be left free to "buy" the candidates election after election.

And I would point out that this can apply to primary as well as general elections. Politicians who are now the chosen ones of the chosen party could find the situation changed should they incur the displeasure of the few who control access to union resources.

Unions have prospered because they have been given broad protection by Congress. Our laws are heavily biased in their favor. This is why they can exact dues and assessments to amass the resources that can make or break politicians in certain areas of our Nation.

Yet, the union membership makes up a small portion of our country—less than 10 percent of our population.

Mr. President, it is time that we whittle the political power of the union officials back down to its rightful size. If we do not take action on this, the campaign reform bill we are considering will be a farce.

The amendment would prohibit any organization which requires the payment of dues or other assessments and which membership in such organization is a condition of employment from claiming an income tax exemption for any taxable year in which any part of its income or of the amounts received for its support is used—

First, to support or oppose any candidate for public office,

Second, to support or oppose any political party, or

Third, to carry on any voter registration.

Labor unions currently are taxed on unrelated business income, but under 501(c)(5) of the Internal Revenue Code they are not taxed on passive or investment income, such as dividends, interest, annuities, or royalties.

501(c) of the code provides some 17 categories of exemptions for a number of varied organizations.

501(c)(5) is the only one of the 17 paragraphs that contain no definitions, limitations, or prohibitions. Because of this, my amendment is an absolute necessity.

Tax exemption under section 501(c) of the code is a special privilege which was intended only if tax exempt organizations do not engage in activities beyond their exempt purposes.

Congress clearly intended that unions should not engage in political activities

through the use of involuntary dues. This was spelled out in the Federal Corrupt Practices Act.

The Internal Revenue Code has been interpreted as permitting a union tax exempt status no matter how much of its money it spends for political purposes. In a very real sense, the Internal Revenue Code is condoning illegal political activity and rewarding it with a tax exemption.

Mr. President, it is common practice for a portion of involuntary union dues to be allocated to special committees which channel these funds into political campaigns. These often are called "political education" or "community action" committees, but this is a very thin veil. These committees "educate" people to support the politicians who are in favor with the union bosses. They bring about "community action" which will boost the political fortunes of the chosen party or candidate. They conduct so-called voter registration drives which are in fact door-to-door canvasses on behalf of individual candidates or a single party.

This amendment is intended to put some reasonable restraint on the staggering sums of money and resources now being poured into these political activities by the unions.

This would not prevent the use of separate political arms or organizations. I do not dispute the right of unions to have political action machinery which is truly supported by voluntary contributions.

This amendment would not affect other voluntary political action groups such as the League of Women Voters or associations which are allowed to engage in certain political activity under other sections of the Internal Revenue Code.

Someone is bound to argue that we do not need this amendment because political spending by unions already is illegal.

Mr. President, it is obvious that the Federal Corrupt Practices Act has not done the job. There have been attempts to enforce this law, but the results have been singularly unimpressive.

Allow me to cite from the report of the President's Commission on Campaign Costs. Recommendation No. 4 in the report, Financing Presidential Campaigns, says:

*Recommendation No. 4—Prohibition of Partisan Campaign Contributions and Expenditures by Corporations and Labor Unions*

Section 610 of Title 18, United States Code, is the principal controlling statutory provision relating to political contributions and expenditures by corporations and labor unions. The prohibitions of this section make it unlawful for corporations or labor unions to make—

"A contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section."

A general misconception appears to exist about the effect and intent of this provision. From our study of the section, its legislative history, and the applicable court decisions, it is clear to us that no distinction is intended between corporations and unions

with respect to political contributions and expenditures.

Section 610 reflects a proper congressional policy to restrain equally without exception or discrimination the activities or corporations and labor unions with respect to political contributions and expenditures. We recommend that section 610 be vigorously enforced and that the present equal legislative treatment of these organizations with respect to political contributions and expenditures be maintained.

*Financing Presidential Campaign, Report of the President's Commission on Campaign Costs, pages 20-21.*

During Mr. FANNIN's statement on his amendment:

Mr. CANNON. Mr. President, will the Senator yield for 30 seconds?

Mr. FANNIN. Mr. President, I yield with the understanding that I do not lose my right to the floor.

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

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which the last amendment was adopted.

The PRESIDING OFFICER. We are now on an additional matter of pending business.

Mr. MATHIAS. Mr. President, I ask unanimous consent to reconsider the vote.

The PRESIDING OFFICER. Is there objection?

Mr. DOMINICK. Mr. President, reserving the right to object, I would like to find out what the unanimous-consent request was.

The PRESIDING OFFICER. The Senator from Maryland has asked unanimous consent that it be in order to enter a motion to reconsider the vote by which the previous amendment was adopted.

Mr. DOMINICK. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

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

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

Mr. CURTIS. I commend the Senator for what he is saying, and for the preparation of an amendment dealing with this important aspect of Federal elections. Any law to control or limit campaign expenditures or activities is most difficult to write. We are all agreed that we do not want to prohibit that contribution or that activity which is in the interest of the public good, and which encourages individuals to be active participants in this job of self-government.

On the other hand, whatever attempt to control expenditures and political activities we undertake by law certainly should treat all segments of our society alike. The present law does not accomplish that. The bill before us would not accomplish it.

In a sense, it is quite easy to police a contribution made by a private citizen for a political cause. In all probability, the money has to be withdrawn from the bank, even if it is not paid by check. The individual is a taxpayer. That means that his books are open to the U.S. Government, so that they can find out where his money comes from, where it goes, whether a tax deduction was claimed when he was not entitled to it, and so on.

But in dealing with labor unions, we

have an altogether different situation. They are by law tax exempt. The Internal Revenue Service has an obligation to audit tax-exempt organizations, but they never have been audited and they are not now auditing labor unions. They give as the reason that it takes so much manpower they have just never gotten to it.

So here we have an activity that neither the spotlight of public opinion nor the eyes of the Government ever get a look at. I am inclined to believe that there are situations where money is taken from the treasury of a union and given to candidates. I believe that happens. I certainly would not condemn all unions or all union officers, but they are openly in the business of supporting and electing candidates to Federal office. I believe that the workingman's dues are being taken to support candidates which the individuals, or at least many of them, do not believe in and do not support, and we have provided no effective way of protecting the worker from it.

Then there is another field of activity that goes unnoticed so far as the Government is concerned, or the exposure to public opinion, and that is the use of manpower, the assignment of many individuals whose salaries and expenses may be paid by unions, who are active in registering voters, distributing literature, and advising voters, who are providing the means to get a favorable story across to voters for their candidate and an unfavorable story across to the voters as to the opposing candidates.

All of these things go to the very heart of politics. Registering voters, getting the names on mailing lists, building up your own candidates, getting the criticisms of the opponents—all of that is direct political activity. Yet anyone who has experienced it knows that it goes on. It is neither stopped nor controlled nor regulated.

I am not prepared to say that it should be stopped. But I believe that if there is one candidate who is supported financially by individuals, and through the money he receives must pay for all these things, any system that regulates him, limits him, and controls what he should do should also apply to the situation where there is a candidate who is supported by a huge organization, having a membership, perhaps, in a given congressional district, of a good many tens of thousands of members, who provided the wherewithal, the time, the energy, and the expense money to carry on that candidate's campaign.

I commend the Senator from Arizona for giving attention to this matter, because the first objective of a bill regulating campaign expenditures and campaign activities should be to do justice and to allow for a fair campaign, which means treating both sides alike. The legislation before us fails in that regard.

I thank the Senator for his generosity in yielding.

Mr. FANNIN. Mr. President, I certainly commend the distinguished Senator from Nebraska for what he has said. I am in agreement with the intent, as he has expressed it, of Congress. Certainly when we see the variation in the ways in which our statute is interpreted, we are vitally concerned.

Mr. CURTIS. Mr. President, will the Senator yield for one further observation?

Mr. FANNIN. I am pleased to yield to the Senator from Nebraska.

Mr. CURTIS. I believe illustrations can be cited, though I shall not do so, where a candidate supported by an organization with a great membership in his particular district or in his State, has carried on a massive campaign, and in that campaign, by all public appearances, he hardly seems to have an opponent; yet from the financial reports, the person who has had a massive campaign carried on in his behalf reports much less in the way of expenditures. The reason is that someone else has taken over and carried on the campaign for him. Yet there is uneven treatment given the two candidates, as far as legislation of this type is concerned.

Mr. FANNIN. I thank the distinguished Senator from Nebraska, and I assure him that is the exact intent of my amendment, to treat equally everyone involved in the election. And we cannot do that where we are giving special privileges to one segment of our society.

I do feel that this is one area in which we should have corrective legislation, and that is why I have offered the amendment.

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

Mr. FANNIN. I am glad to yield to the distinguished Senator from Tennessee.

Mr. BROCK. Mr. President, I am particularly impressed with the amendment, and I thank the Senator from Arizona for offering it. I have had some personal experiences in connection with the problem to which the amendment is addressed.

I remember that in my first campaign, in 1962, one particular organization brought in 50 women who were paid full time, 8 hours a day, to operate a telephone bucket shop. They hired the women, rented a building, installed telephones, and went to work, and not one dime of that expense was reported as a contribution to any candidate. In fact, they were not successful, but they did have a very marked effect.

This is something that has been a loophole in the law for a number of years.

I think the Senator's point about the Department of Internal Revenue is valid. The question I have is that if the Internal Revenue feels that it has inadequate laws, why do they not have the courage to come and tell us what laws they need with which to do an adequate job? If the laws are adequate, they ought to have the courage to enforce the laws. But somehow, the Department of Internal Revenue has failed miserably in its duty to protect the American people from other tax exemption privileges.

Mr. FANNIN. I agree with the Senator.

I may comment that I wrote the Internal Revenue Service and questioned them on this issue—at least challenged them—as to the way they interpreted our statutes. I received a letter which was very disappointing. They said:

Therefore, it is the Service's position that if a labor union has as its principal purpose

the representation of employees in such matters as wages, hours of labor, working conditions, and economic benefits, and the general fostering of matters affecting the working conditions of its members, the exemption of the organization is conferred by the statute. We find no basis to support modification of this position.

The weakness I see here is the way they interpret the economic benefits and "the general fostering of matters affecting the working conditions of its members." They are going so far in their interpretation that it is unrealistic.

Mr. BROCK. I am sure the Democratic Party and the Republican Party and every other organization in the United States is acting to protect the interests and the working conditions of its members. So, why does not every organization in America have a tax exemption? That, to me, defies logic.

The fact is that the Department of Internal Revenue has lacked either the integrity or the ability to proceed to protect the rest of the American people who are subsidizing such actions, in effect, by granting tax exemptions to an organization which abuses its franchise and privileges.

For the Senator's benefit, I should like to cite an example that happened to me last year.

I well recall, in September or early October, a piece of the most vituperative propaganda one has ever seen. It was pure slander and fallacious. It was mailed from Nashville, Tenn., in opposition to my candidacy. It had no foundation in fact. Yet, it was paid for by a labor organization, without the consent of its membership, using the tax-exemption privileges, using the mail privileges.

I think that what the Senator is proposing is simply an addendum to the bill of rights for the workingman. It seems to me that the worker has a right, and must have a right, to say where his dues are being spent. If he does not have that right, we are missing our obligation to him.

Fortunately, I have sizable support from most of the membership of organized laborship, to the chagrin, I will admit, of some labor bosses. The fact is that they did support me, and that is one of the reasons why I was successful. Yet, their funds were collected under a mandatory agreement and were spent in opposition to their own wishes, and I think that is just as much a violation of the Bill of Rights as anything possibly could be. The Senator is trying to address that problem, and I support him.

Mr. FANNIN. I commend the distinguished Senator from Tennessee for his verification of what has been brought out here today in the statement I have made. I agree with him wholeheartedly that we are not giving the member of a union his personal rights. He does not have the opportunity to designate where his money will be spent, how it will be spent; in many instances his assessed or involuntary dues are utilized adversely to his desires.

I think this is a sad process. We have had proposed legislation before us for some time to correct it.

Mr. President, in its report, "Financing a Better Election System," the Committee for Economic Development followed

similar reasoning. The first sentence covers the intent. It reads:

Corporations and labor unions should be treated alike with respect to political campaign contributions and activities.

Mr. President, I ask unanimous consent to have the full statement printed at this point in the RECORD.

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

#### FINANCING A BETTER ELECTION SYSTEM

Corporations and labor unions should be treated alike with respect to political campaign contributions and activities. Both should be prohibited from using corporate funds or unions dues to support any candidate or political party at any level of government, either through direct cash contributions or through services in kind such as compensation to officers or employees for time used in fact for campaign purposes. This prohibition should extend to religious, social, educational, philanthropic, or other organizations not explicitly and openly organized in support of political parties or candidates, including business partnerships and "political education" affiliates. Stringent penalties for violation should be imposed and enforced.

Federal law presently forbids both corporate and union gifts to parties and candidates in national elections, but the loopholes and evasions are widely evident. The states follow variable patterns, more commonly limiting corporations than unions. Only individuals can vote; no organization or group can cast a ballot. Therefore, only those organizations openly chartered to do so should engage in political campaigns. This would not, of course, inhibit the work of foundations or other research and educational organizations, nonpartisan in character and concerned with issues of broad public policy.

Mr. FANNIN. Mr. President, my amendment would bring an effective new restraint on the undersirable and illegal political spending by labor organizations. These organizations are more concerned about maintaining their tax-exempt status than they are about the remote possibility of prosecution under current law.

As I said earlier, tax exemption under section 501(c) is a special privilege. The amendment would make it clear that this privilege will continue only so long as unions do not abuse the privilege.

Unions could remain tax free simply by sticking to the business of being unions rather than playing at the role of kingmaker. To keep their tax-exempt status, they would have to remain free of political wheeling and dealing.

One more point I would like to make is the fact that my amendment is consistent with the Supreme Court decisions in the Street and Allen cases. The Justices held that Congress did not intend to authorize unions to use compulsory dues and fees for political purposes.

As Justice Douglas said:

The collection of dues for paying the costs of collective bargaining of which each member is a beneficiary is one thing. If, however, dues are used, or assessments are made, to promote or oppose birth control, to repeal or increase the taxes on cosmetics, to promote or oppose the admission of Red China into the United Nations, and the like, then the group compels an individual to support with

his money causes beyond what gave rise to the need for group action.

I think the same must be said when union dues or assessments are used to elect a Governor, a Congressman, a Senator, or a President. It may be said that the election of a Franklin D. Roosevelt rather than a Calvin Coolidge might be the best possible way to serve the cause of collective bargaining. But even such a selective use of union funds for political purposes subordinates the individual's First Amendment rights to the views of the majority. I do not see how that can be done, even though the objector retains his rights to campaign, to speak, to vote as he chooses. For when union funds are used for that purpose, the individual is required to finance political projects against which he may be in rebellion.

Mr. President, let me summarize the purpose of this amendment.

It is intended to protect the rights of rank and file union members who are now forced to contribute to political causes they do not believe in.

It is designed to maintain some balance in our political system by requiring unions to abide by the same regulations that apply to other segments of our society.

Without this provision, this bill will be a sham.

Mr. TOWER. Mr. President, I strongly support the adoption of the Fannin-Tower amendment to S. 332, the campaign spending bill.

The subject of this amendment is, perhaps, the most important topic which the Senate will consider during its deliberations on this most important piece of legislation. If we, as a legislative body, are to adopt a fair and just campaign spending bill that will apply equally to all candidates running for office, it is crucial that this amendment be adopted.

I should like to reiterate the purpose of this amendment. This amendment would remove the tax exemption from any organization which uses compulsory membership dues to support or oppose a candidate for political office or to support or oppose any political party.

It may be argued that this amendment is somehow antiunion or antilabor. I cannot accept this interpretation of the intent and effect of it. I would not support such a measure. The amendment can be construed to be prolabor, for it seeks to restrict the power and control certain organizations exert over funds gathered from union members.

It is important to remember that funds gathered by union leaders for political purposes are not done so on a voluntary basis. If a man is to be a member of a union, he must pay his monthly dues to that union. As the law stands now, this union can use all or part of the dues to support a candidate for public office. Mr. President, I have never believed that a man should be forced to join a union in order to work, although that is the law in many States. It is far worse, however, to force a man to contribute to a political campaign if he is to work. That, Mr. President, is the practical effect of present union practices. That is the grievance which this amendment seeks to redress.

There is ample evidence that these political contributions, exacted from union members as the price for their jobs, are often used to elect candidates which the union member himself neither supports nor votes for. No piece of legislation can properly be referred to as "a bill to promote fair practices in the conduct of election campaigns for Federal political offices" if it fails to eliminate a practice which often forces a man to contribute to a candidate whom he opposes.

Recent elections have proved that union members do not vote in one bloc and that they do not give landslide support to the candidates which benefit from their compulsory membership dues. Therefore, the rights of many members are being abused because they oppose at the ballot box a candidate who has benefited from their membership dues. This practice of using compulsory dues to support certain political endeavors is contrary to our basic democratic framework of government and must be halted. It is certainly an insult to many union members who would like to support the candidate of their own choice during an election.

Mr. President, I have received hundreds of pieces of correspondence from union members who are unhappy with seeing their hard earned money being spent to support partisan politics.

I, myself, have received a great deal of support from union members and local unions throughout the State of Texas. This is so even though the official organs of organized labor have not supported me.

I do not believe that the cause of labor will in any way be hindered by the adoption of this amendment. I do feel, however, that the cause of the rank and file union member will be advanced because under this amendment the rank and file union member will have a better chance to support the candidate of his choice.

Mr. President, this amendment will remove the tax-exempt status from any organization that uses compulsory dues to support partisan political activity. It will apply to any organization, regardless of the particular ideological persuasion of the leadership of that organization, which engages in such practices.

This amendment is essential to a fair campaign spending bill and essential to a participatory democracy which is safeguarded by the Bill of Rights. It is for this reason that I urge the Senate to adopt the Fannin-Tower amendment.

Mr. CANNON. Mr. President, this is an amendment to the Internal Revenue Code to deny to any organization the privilege of a tax-exempt status for any year in which it uses any dues, fees, or other assessments as a condition of employment to first support or oppose any candidate for public office, second, support or oppose any political party, or third, to carry on voter registration.

Political contributions by national banks, corporations, and labor organizations are prohibited by section 610 of title 18 of the United States Code. This amendment would go further and pro-

hibit even such civic, public spirited programs as voter registration. Voting records in the United States ought to be improved. Millions neither register nor vote. Now, millions of 18-, 19-, and 20-year-olds are eligible to vote in 1972. It is important to encourage all qualified citizens to register and to cast their votes. Tax exempt organizations ought not to be penalized because of their worthy programs in the public interest. Those programs are educational and nonpartisan. They should be encouraged not prohibited under pain of loss of tax-exempt status.

Mr. President, I am opposed to the amendment. If the Senator has no more to say about the amendment, I intend to raise a point of order.

Mr. FANNIN. Mr. President, I did not hear everything the Senator said. This amendment would apply only to unions that use involuntary dues or assessments for political purposes. It does not extend to groups such as the League of Women Voters.

Mr. CANNON. If the Senator has concluded—we have concluded on this side—we intend to raise a point of order.

Mr. FANNIN. I have concluded.

Mr. CANNON. Mr. President, I raise a point of order on this amendment that it is not germane.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. FANNIN. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada raises the point of order that the amendment is not germane. The Chair sustains the point of order on the ground that nothing in the bill or in the amendment deals with the Internal Revenue Code or the subject of taxes. Therefore, this does present new subject matter and would not be germane to the bill. Under the unanimous-consent agreement, amendments must be germane to be in order.

Mr. FANNIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FANNIN. Do I correctly understand that the amendment is automatically withdrawn by the ruling of the Chair?

The PRESIDING OFFICER. By the ruling of the Chair, the amendment is ruled out of order.

Under the previous order, the Chair will now recognize the Senator from Indiana (Mr. HARTKE).

Mr. PASTORE. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be taken out of this side.

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

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### ECONOMIC DISASTER AREA RELIEF ACT OF 1971—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I am authorized by the distinguished majority leader, after consultation with the minority leadership and principal parties to the bill, to propose the following unanimous-consent request:

I ask unanimous consent that at such time as the bill is called up, debate on S. 2393, a bill to amend the Disaster Relief Act of 1970, be limited to 2 hours, to be equally divided between the distinguished Senator from New Mexico (Mr. MONTROYA) and the equally distinguished Senator from Kentucky (Mr. COOPER); provided further, that time on any amendment thereto be limited to 1 hour, to be equally divided and controlled by the mover of such amendment and the manager of the bill (Mr. MONTROYA); provided further, that time on any amendment be limited to 30 minutes, the time to be equally divided between the mover of the amendment in the second degree and the distinguished manager of the bill (Mr. MONTROYA) provided, that no amendments not germane be received; ordered further, that Senators in control of the time on the bill may yield therefrom to any Senator on any amendment, motion, or appeal, with the exception of a motion to lay on the table.

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

Mr. BYRD of West Virginia. I yield.

Mr. COOPER. Would the Senator amend his request to provide that the senior Senator from Tennessee (Mr. BAKER) will control the time on the minority side?

Mr. BYRD of West Virginia. Yes. I so modify my request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

The unanimous-consent agreement reads as follows:

*Ordered*, That, during the consideration of the bill (S. 2393), to amend the Disaster Relief Act of 1970 to make areas suffering from economic disasters eligible for emergency Federal aid, to improve the aid which would become available to economic disaster areas, and for other purposes, debate on any amendment, motion or appeal, except a motion to lay on the table shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment, or motion and the manager of the bill (Mr. MONTROYA). *Provided further*, That, any amendment to an amendment be limited to 20 minutes, to be equally divided and controlled by the mover of the amendment in the second degree and the manager of the bill (Mr. MONTROYA).

*Provided further*, That, no amendment not germane to the provisions of the said bill shall be received.

*Ordered further*, That on the question of final passage of the said bill debate shall be limited to 2 hours to be equally divided and controlled respectively by the manager of the bill (Mr. MONTROYA) and the Senator from Tennessee (Mr. BAKER). *Provided*, That the time on the passage of the said bill may be allotted to any Senator during the consideration of any amendment, motion or appeal, except a motion to table.

#### EMPLOYMENT ASSISTANCE APPROPRIATIONS—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, on behalf of the distinguished majority leader, after consulting with the ranking minority member of the Appropriations Committee and with the chairman of the Appropriations Committee, I propound the following unanimous-consent request:

I ask unanimous consent that, at such time as it is called up, debate on the \$1 billion employment assistance appropriations bill be limited to 1 hour, with the time to be divided equally between the distinguished manager of the bill, the Senator from Louisiana (Mr. ELLENDER), and the ranking Member, the distinguished Senator from North Dakota (Mr. YOUNG); that time on any amendment thereto be limited to 30 minutes, with the time to be equally divided between the mover of the amendment and the manager of the bill; that time on any amendment to an amendment be limited to 20 minutes, to be divided equally between the mover of the amendment in the second degree, and the distinguished manager of the bill; provided further, that no amendment not germane be received; ordered further, that Senators in control of the time on the bill may, from the time on the bill under their control, allot additional time to any Senator during the consideration of any amendment, motion, or appeal, except a motion to table; and provided further, that on any committee amendments the time be taken out of the time on the bill.

The PRESIDING OFFICER (Mr. BROCK). Is there objection to the unanimous-consent request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The unanimous consent agreement reads as follows:

*Ordered*, That, during the consideration of the resolution (H.J. Res. 833), Labor, Emergency Employment Assistance Appropriations Bill, debate on any amendment (except committee amendments, debate of which shall come out of the time allotted on the bill), motion or appeal, except a motion to lay on the table, shall be limited to 30 minutes to be equally divided and controlled by the mover of any such amendment or motion, and the manager of the bill (Mr. ELLENDER).

*Provided further*, That debate on any amendment to an amendment shall be limited to 20 minutes to be equally divided and controlled by the mover of the amendment in the second degree and the manager of the bill (Mr. Ellender).

*Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

*Ordered further*, That on the question of final passage of the said resolution shall be limited to 1 hour, to be equally divided and controlled respectively by the manager of the bill (Mr. Ellender) and the Senator from North Dakota (Mr. Young).

*Provided*, That, the time on the passage of the said bill may be allotted to any Senator during the consideration of any amendment, motion or appeal, except a motion to table. (August 4, 1971).

FEDERAL ELECTION CAMPAIGN ACT  
OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

AMENDMENT NO. 366 AS MODIFIED

Mr. HARTKE. Mr. President, I have an amendment at the desk, No. 366, which I ask be modified in accordance with the changes in the bill and that it be stated.

The PRESIDING OFFICER. The amendment as modified will be stated.

The assistant legislative clerk read the amendment, as modified, as follows:

On page 6, after line 25, add the following:  
“(e) No television broadcasting station may sell or otherwise make available broadcast time in segments of less than one minute duration for use by or on behalf of a legally qualified candidate in connection with his campaign for nomination for election, or election, to Federal elective office.”

Mr. HARTKE. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 4 minutes.

Mr. HARTKE. Mr. President, during the past decade, the influence of television on American society has grown dramatically. We have come to know it as both a force for good and an instrument of evil. It can educate and it can entertain, but—in the hands of professional promoters—it can be used to create false images and erroneous impressions. By day, television can teach our children to read. By night, it can promote violence and destruction.

The enormous potential of television is just now being realized by the American viewing public, but it has long been realized by advertisers. Where still pictures and printed words were once required to sell products, now moving pictures and spoken commentary are able to reach millions of potential consumers at almost any given moment of the day.

The importance of television to the political candidate became apparent almost 20 years ago. Through this new medium, a candidate could get his message to a larger audience than had ever before been possible. And when that message was sandwiched into the regular program fare, the candidate had a captive audience. They could avoid his personal appearances, his leaflets and his newspaper ads far more easily than they could his television promotions.

Once again, we learned the dual potential of television. It could give political candidates far more exposure than other mass media—certainly, a welcome influence upon a democratic society—but it could also serve to create “public” images of candidates that bore scant resemblance to reality.

In recent years, the promotion of this superficial imagery has been accentuated by candidates of both major parties throughout the Nation. At times it is harmless, but all too often it can be diabolical. Using advertising techniques developed by publicists of detergents, deodorants and automobiles, political

candidates have used 30-second and 1-minute advertisements on radio and television to misrepresent facts and create false and baseless impressions about their opponents.

My own experience is not unlike that of my colleagues. Subjected to a difficult race during the last campaign in which spot advertisements were used by the opposition to cloud the issues and belie the truth, I learned at firsthand the damage which these ads can do.

At least \$59 million was spent on political broadcasting in 1968, enough to buy over 6 million spots. Since 1964, the proportion of money used to purchase ads of 60 seconds or less had increased from 81 to 95 percent in 1970. At the same time, use of programs of 5 minutes duration or longer has decreased 38 percent between 1966 and 1970.

Because the bill now before us places a ceiling on media expenditures in campaigns, there will likely be increased pressure to buy short segments of time in order to get the broadest exposure and the highest impact per dollar. This trend foreshadows a lessening of opportunity for viewers to hear a rational discussion of issues. If television is to achieve its positive potential as an educating medium and a promoter of democratic institutions, this trend must be reversed.

It is in this spirit that the Senator from Illinois (Mr. STEVENSON), the Senator from Minnesota (Mr. HUMPHREY), and I offer an amendment which would eliminate completely all campaign broadcast segments of less than 1 minute duration.

At the present time, candidates for major offices spend 95 percent of their broadcast funds on spot ads. Must the Government structure of this great country be determined by the political cosmetology of Madison Avenue? Are we to select our leaders with little more to commend them than a smile, a witticism, and a slogan? Are legislators to be selected on the basis of mass merchandising?

Let us look at what is happening today in the field of television advertising. Products from toys to sleeping remedies are being hawked in a fashion which has offended the American public and aroused the retribution of the Federal Trade Commission and other regulatory agencies. The consumer of a product has administrative and legal recourse for misrepresented merchandise, but what about political candidates? What agency can tell the candidate that it is not enough to decry the conditions which beset us, but that he must tell what he intends to do to correct those conditions? What agency can tell the politician that he must produce what he promises?

No 30-second commercial ever was able to explain how brand X eliminates grease and dirt, and no 30-second commercial will ever be able to allow a political candidate to engage in a rational discussion of a single issue.

Mr. President, spot ads cheapen politics. They make the political process a game of images rather than an ongoing debate of issues. Today, Americans are rejecting the politics of superficiality.

They demand far more than clichés and invective. What they long for is an honest and frank discussion of the issues which concern them and their country.

We can help to bring about this new and long-awaited politics by adopting the amendment which the Senator from Illinois (Mr. STEVENSON), the Senator from Minnesota (Mr. HUMPHREY), and I offer today.

Mr. President, I yield 6 minutes to the Senator from Illinois (Mr. STEVENSON).

Mr. STEVENSON. In 1936, the Republican Party sponsored a series of skits on radio which suggested that contemporary young couples were postponing marriage, because of the size of the national debt.

In 1944, the Democrats' use of radio spots in the presidential campaign led Broadcasting magazine to comment “we have elected a President with singing commercials and with jive and jabber-woogie.”

In 1956, the Republican National Committee chairman set the tone of the Republican campaign:

Politics these days is like a business . . . you sell your candidate and your programs the way a business sells its products.

The Democratic presidential candidate in 1956 was repulsed by this attitude toward American politics. He said:

This idea that you can merchandise candidates like breakfast cereal—that you can gather votes like box tops—is, I think, the ultimate indignity to the democratic process.

But the trend has continued. With every election more money, more letters, and more radio spots, continue. With every election the intelligence of the voter is insulted. His decencies are offended more. And our politics is cheapened more.

It is not a partisan issue. No one forgets the mushroom cloud and the voice of doom used in support of Lyndon Johnson in 1964.

It is an American issue. We simply cannot afford it any longer. Political spots reached new heights of silliness in 1966 when a gubernatorial candidate spent \$1.5 million on TV spots in which he never appeared. An animated fish did the talking for him.

More spots were used than ever before in 1968—over 6 million. The Republicans produced a spot showing the Appalachian poor, urban street riots, and wounded GI's in Vietnam, all followed by the laughing face of our esteemed colleague, HUBERT HUMPHREY. Democrats countered with a spot presenting hysterical laughter at each mention of the name SENATOR AGNEW.

And in 1970 the commercials reached a new low in American politics. We have passed the point of public tolerance. Ninety-five percent of expenditures for political advertising went to spots in 1970. They ranged from corny gimmicks to the worst of demagoguery. A candidate for Governor ran a spot which began “are we going to be ruled by the bloc? Look what it did in Watts and in the Nation's Capital.” In Indiana our colleague, Senator HARTKE, was subjected to one televised smear after another. His

opponent even attempted to link him to the Vietcong. And it was no better in Illinois and Utah and Missouri and in many other States. I need not recall for my colleagues the political pornography employed in that campaign. It is not now, nor will it soon, be forgotten. But it will continue unless we act to stop it.

What we will not change for the better, time may even change for the worse. Political advertising has become a big business. Nearly 100 advertising agencies handled major candidates in 1970. Fees for ad agencies ranged from \$30,000 to \$100,000. Many of the media men switch back and forth between soaps, cereals, and deodorants, on the one hand, and candidates for public office on the other. They utilize what is known in the trade as the "unique selling point," seeking a message which, repeated through saturation broadcasting, is intended to reach the viewers subliminally and influence them to respond subconsciously in the polling place. Spots are encouraged. Repetition is the key. Among the popular strategies for "people selling" are the "spurt" technique, the "telenews" technique, and "instant information."

A brochure for one ad agency specializing in political advertising boasts that it has a "track record of 95 percent wins." The brochure begins:

We believe that winning your election depends upon your ability to mobilize the English language and send it out over the mass media to claw its way into the voter's mind, telling him what's in it for him if he votes for you.

One image maker, Robert Goodman, says of candidate AGNEW:

He was a beautiful, beautiful body, and we were selling sex.

Of his own political philosophy, he says:

We try to make the candidate bigger than life and we try to do it emotionally. Our job is to glamorize them and hide their weaknesses . . . if he's got it, we project it. If he hasn't, we try to fudge it.

Another ad man has said of the American public:

You know your audience. They are not very bright, and they succumb to the sensational new word.

Another, Harry Trealeaven, says:

Most national issues today are so complicated, so difficult to understand and have opinions on, that they either intimidate, or more often, bore the average voter.

There is no telling where this trend will end. All we can say is that it must end. The effect of these spots is to cheapen politics. It takes the dignity out of running for public office. It may well be that such political poison accounts in large measure for the crisis of confidence in our politics. Its use insults the intelligence and the decency of the people. It suggests to an increasingly informed public that it is held in contempt by candidates whom it then holds in contempt.

The public wants this mutual antagonism to end. A recent Gallup poll revealed that 74 percent of Americans support some kind of restriction or control of political advertising. We should want it to end, too.

This amendment would ban the pur-

chase by Federal candidates of television segments less than 60 seconds in length. As a practical matter, the amendment applies almost entirely to spots of 10, 20, and 30 seconds, since those are the most commonly used time segments.

These short spots are the ones offering the greatest potential for superficiality and demagoguery. These ads lend themselves to the subliminal techniques. These are the spots which are repeated again and again to a captive audience. They are inappropriate to serious discussion of issues. They last just long enough for an appeal to emotions, not long enough for an appeal to intellect.

Unless something is done, we may soon reach the time when our only exposure to candidates is through short spots. The amount of money spent on programs of 5 minutes or longer has declined by 38 percent over the past 4 years.

This amendment would be an important step toward reversing that trend.

Elimination of political spots under 60 seconds may not be the whole answer to cleaning up our politics, but it is a step. It would help restore integrity to our political process. And it might help to make election campaigns something more than devices for obtaining public office—at all costs and by any means.

Mr. PASTORE. Mr. President, my colleagues from Indiana and Illinois know the affection and respect I have for their judgment. But this is an amendment that is within a very, very critical area. I agree with everything they said. There have been some very, very shabby pornographic slogans, not only during political campaigns, but sometimes on a regular schedule.

For me to stand on the floor of the Senate and say, "You can be pornographic for 5 minutes but not for 1 minute," I am afraid we would be using a measuring instrument that would not make much sense.

The trouble was not with duration. Some people can say a great deal in 1 minute and some people can take 2 hours and say nothing. Time is not significant. Maybe the 1-minute spot is not a desirable spot, but I am afraid we are getting into something here involving the first amendment of the Constitution.

Who am I to say to the candidate that he cannot have a 1 minute spot, if that is the spot he wants? Senators would be surprised at how much can be said in 1 minute. We have been in this Chamber time and time again when a minute is granted here and there, and a Senator is supposed to state his position in a minute.

This is not a new issue. This issue has been raised several times by my friend, the Senator from Indiana (Mr. HARTKE). I know he has a very strong feeling about the matter and the fact that it involves Madison Avenue techniques and deception.

But like everything else, that cannot be measured in terms of 1 minute, 5 minutes, or 10 minutes. Some people can be very deceptive in 1 minute and some people can be very deceptive in 5 minutes.

We brought this matter to the attention of the Federal Communications Commission and we have had an opinion

rendered by the Chief Counsel, who thinks this would be unconstitutional.

Frankly, I think this gets into the area of censorship. When we say to a man he cannot speak or perform for 1 minute, I am afraid we are saying to him that we are denying him freedom of speech.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from R. E. Wiley, General Counsel, Federal Communications Commission, dated March 31, 1971, and his enclosed memorandum, which is printed on page 588 of the hearings.

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

HON. JOHN O. PASTORE,  
Chairman, Subcommittee on Communications, U.S. Senate, Washington, D.C.

DEAR SENATOR PASTORE: In response to your request at the recent hearings on political broadcast bills, I am enclosing a memorandum on the question of the legality of establishing minimum time limitations for political broadcasts.

It is concluded that dictating an important aspect of a candidate's format in political broadcasts by setting an absolute minimum time may abridge the First Amendment. Additionally, such a limitation may violate the equal protection clause as incorporated in the Fifth Amendment due process clause if the minimum time is not reasonably related to the evil sought to be avoided.

Please advise me if I can be of further help to the Committee.

Sincerely,

R. E. WILEY,  
General Counsel.

MARCH 31, 1971.

MEMORANDUM OF THE GENERAL COUNSEL, FEDERAL COMMUNICATIONS COMMISSION, ON THE LEGALITY OF ESTABLISHING MINIMUM TIME DURATIONS FOR POLITICAL BROADCASTS

The question addressed by this memorandum is the validity of a requirement by Congress or the Federal Communications Commission that no political broadcasts may be carried unless they are of a minimum length—perhaps five minutes. It is believed that such a limitation upon political broadcasts would probably violate the First Amendment and would also raise questions of compatibility with the Fifth Amendment insofar as it "incorporates" the equal protection clause of the Fourteenth Amendment to the Constitution. The Congress or the Commission probably could take other types of action to discourage the presentation of political candidates in a manner akin to selling commercial products, i.e., through brief spot announcements.

The conclusion that an absolute bar against the presentation of political broadcasts of less than a specified length would run afoul of the First Amendment rests upon a long series of cases in the Supreme Court holding that the government may limit speech only where it poses a clear and present danger of bringing about a substantive evil which the government has a strong interest in avoiding. *Konsigberg v. State Bar of California*, 366 U.S. 36, 50, n. 11 (1961); *Terminiello v. Chicago*, 337 U.S. 1, 4-5 (1949); *Bridges v. California*, 314 U.S. 252 (1941); *Schenck v. United States*, 249 U.S. 47 (1919). Moreover, a limitation on speech is unconstitutional if Congress has available a less restrictive alternative to achieve the same ends. See *United States v. Robel*, 389 U.S. 258, at n.20 (1967). The Court has also struck down indirect limitations upon speech which tend to "chill" free debate, e.g., *New York Times v. Sullivan*, 376 U.S. 254 (1964), as well as those which impose direct prior restraints, e.g., *Near v. Minnesota*, 283 U.S. 697 (1931).

Congress, of course, has large discretion in

controlling the Federal election process, although the extent of its power with regard to State Elections has been limited recently, *Oregon v. Mitchell*, — U.S. —, 27 L. Ed. 2d 272 (decided December 21, 1970) (18-year old voting age sustained for Federal elections, but not for State and local elections). Thus, Congress has been upheld in requiring public disclosure of political contributions, *Burroughs v. United States*, 290 U.S. 534, (1934), and restricting political activities of government employees, *United Public Workers v. Mitchell* 330 U.S. 75 (1947) (the decision in this case resting on the government's interest in an efficient public service). However, the Supreme Court has also recognized that political speech merits a particularly high order of protection against government interference. Thus, it has stated that "speech concerning public affairs is more important than self-expression; it is the essence of self-government," *Garrison v. Louisiana*, 379 U.S. 64, 74-75 (1964). See also *Mills v. Alabama*, 384 U.S. 214 (1966), where the Court found unconstitutional an Alabama statute which prohibited election day newspaper editorials on issues which were on the ballot. To the same general effect is *Farmers Educational and Cooperative Union v. WDAY*, 360 U.S. 526 (1959), where the Court held that a broadcast licensee could not be held liable for defamatory matter in political broadcasts which it was forbidden to censor under section 315 of the Communications Act, 47 U.S.C. § 315, and emphasized the importance of free political debate. Any limitation on political speech would appear to carry a very heavy burden to overcome an attack on its constitutionality. In the present context, it is unlikely that the courts would find a clear and present danger of a serious evil sufficient to support the direct interference with political speech which will be imposed by the proposal under consideration.

It is of course true that because "radio is inherently not available to all," a system of regulation in the public interest is both necessary and constitutionally valid, *National Broadcasting Co. v. United States*, 319 U.S. 190, 227 (1943). In this context it has been held that the power of a broadcast licensee to limit use of his facilities to those with whom he agrees may be curtailed in favor of the paramount interest of the listening and viewing public in hearing both sides of public issues. See *Red Lion Broadcasting Co. v. F.C.C.*, 295 U.S. 367 (1969), where the Commission's fairness doctrine, which generally requires a broadcaster to afford a reasonable opportunity for the presentation of conflicting views on public issues, was sustained as an effectuation of the First Amendment principle that "the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public . . ." *Associated Press v. United States*, 326 U.S. 1, 20 (1945). See also *Banzhaf v. F.C.C.*, 405 F. 2d 1082 (D.C. Cir., 1968), cert. denied, 395 U.S. 842 (1969), which sustained the Commission's requirement that broadcasters who carried cigarette advertisements should also carry anti-cigarette smoking announcements.<sup>1</sup> However, neither these nor any other decisions suggest that a direct limitation on speech would be permissible. As the Court stated in *Red Lion*, 395 U.S. at 389-390:

"This is not to say that the First Amendment is irrelevant to public broadcasting. On

the contrary, it has a major role to play as the Congress itself recognized in § 326, which forbids FCC interference with 'the right of free speech by means of radio communication.' Because of the scarcity of radio frequencies, the Government is permitted to put restraints on licensees in favor of others whose views should be expressed on this unique medium. But the people as a whole retain their interest in free speech by radio and their collective right to have the medium function consistently with the ends and purposes of the First Amendment. It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount. See *FCC v. Sanders Bros. Radio Station*, 309 U.S. 470, 475 (1940); *FCC v. Allentown Broadcasting Corp.*, 349 U.S. 358, 361-362 (1955); 2 Z. Chafee, *Government and Mass Communications* 546 (1947). It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the Government itself or a private licensee. *Associated Press v. United States*, 326 U.S. 1, 20 (1945); *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964); *Abrams v. United States*, 250 U.S. 616, 630 (1919) (Holmes, J., dissenting). '[S]peech concerning public affairs is more than self-expression; it is the essence of self-government.' *Garrison v. Louisiana*, 379 U.S. 64, 74-75 (1964). See Brennan, *The Supreme Court and the Melkjohn Interpretation of the First Amendment*, 79 Harv. L. Rev. 1 (1965). It is the right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences which is crucial here. That right may not constitutionally be abridged either by Congress or by the FCC."

The people's "right to hear" appears to be directly impinged by a refusal to permit short announcements by political candidates or their supporters, imposed without regard to the licensee's other coverage of the particular campaign.

It is important to note in this connection that the Commission has held that a licensee may reject the use of paid spot announcements to discuss public issues where it is otherwise covering all substantial conflicting views. *Business Executives' Move for Vietnam Peace*, 25 FCC 2d 242 (1970), appeal pending *sub nom.*, *Business Executives' Move for Vietnam Peace v. F.C.C.*, No. 24,492 C.A.D.C. This ruling was designed to preserve the licensee's capacity to serve the paramount public interest by arranging a schedule not governed by ability to pay, and in recognition that selling ideas like soap should not be encouraged. Congress or the Commission might in similar vein withhold from political spot announcements some preference otherwise given to political broadcasts. The validity of such an approach would of course depend upon its terms.<sup>2</sup>

As mentioned above, the Fifth Amendment might also be relevant to a proposal to prohibit spot political broadcasts. The Supreme Court has held that conduct violative of the equal protection clause of the Fourteenth Amendment (applicable only to the States) may also be so unjustifiable as to constitute a violation of the due process clause of the Fifth Amendment, *Bolling v. Sharpe*, 347 U.S. 497 (1954). It may be assumed that the same standard of equal protection applies to the Federal Government as to the States. It could be argued that a law which bans political broadcasts of less than a stated minimum duration invidiously discriminates against poor candidates by making the broadcast

media accessible only to the rich.<sup>3</sup> While the use of large scale spot campaigns has in the past been the hallmark of the wealthy candidates, an absolute prohibition on the sale of short time periods could work to the disadvantage of the less well financed campaign.

The poor candidate, of course, may be said to be in essentially the same position under present law as he would be under the proposed limitation on political spots. The well-financed candidate can now buy large amounts of time for spot (or program-length) political broadcasts, and the licensee is obligated only to afford the opposing candidates equal opportunities to buy time. See § 315 of the Communications Act, 47 U.S.C. § 315. However, section 315 does not operate as would the proposal under discussion to cut off an opportunity to buy cheaper time which is otherwise available to the candidate.

The equal protection clause requires only that the classification which is made by reasonably related to legitimate governmental interests, *McGowan v. Maryland*, 366 U.S. 420 (1961), and here the government's strong interest in safeguarding the political process by avoiding the marketing of candidates in non-informing spots would be a strong factor in defense of a reasonable specification of a minimum time, such as one minute. Where the line would be drawn would probably depend on variables such as what minimum time is necessary for adequate expression of a viewpoint, the cost of obtaining broadcasts of the minimum time duration, and, of course, the need for the legislation. Depending on the length of the minimum time allowed under the proposed spot limitation, the proposal might withstand constitutional attack on equal protection grounds, but this issue nevertheless would be of serious concern.

The above discussion of the constitutional issues applies to both the Commission and Congress. If the constitutional problems were surmounted, action by the Commission would still have to be rooted in authority granted it by the Communications Act. The Commission has broad authority under Sections 303, 307, 308, and 309 of the Communications Act, 47 U.S.C. §§ 303, 307, 308, 309, to make regulations it finds to be necessary in the public interest, convenience and necessity. It would have to determine whether a further limitation on political broadcasts of the type under discussion was consistent with § 315, in which Congress has laid down specific standards in the area of political broadcasts. See *Letter to Nicholas Zapple*, 23 FCC 2d 707 (1970). In view of the discussion above of the First Amendment considerations, it seems unnecessary to attempt to resolve the issue of the Commission's statutory authority.

In conclusion, the proposal to limit political broadcasts to those which last at least a specified number of minutes raises serious constitutional problems, and would probably be in conflict with the First Amendment.

Mr. PASTORE. Mr. President, if there are no further remarks to be made on this amendment, I shall move to table the amendment.

Mr. HARTKE. Mr. President, I would like to say that I am not persuaded by the question of constitutionality or the first amendment. That question can only be directed at the entire matter of whether Congress has the power to deal with regulations of any kind of a licensee of the Federal Government. If that argu-

<sup>1</sup> It should be noted, however, that the congressional ban on cigarette announcements on electronic media subject to the jurisdiction of the FCC, Public Law 91-222 (Apr. 1, 1970), has been challenged in the courts on constitutional grounds. *Capitol Broadcasting Co. v. Mitchell*, U.S. Dist. Ct., D.D.C., Civil Case No. 3495-70.

<sup>2</sup> The decision of the Court of Appeals in *Business Executives' Move for Vietnam Peace v. F.C.C.* may bear upon this question as well as the broader questions discussed in this memorandum.

<sup>3</sup> At some point, a minimum time duration for political broadcasts (say, one hour) would unreasonably prevent even the average candidate from purchasing time on the broadcast media.

ment has any merit, it has this merit as to the question of regulations, generally. So I am not persuaded by that.

I would like to call attention to the fact that the position which the Senator from Illinois (Mr. STEVENSON), the Senator from Minnesota (Mr. HUMPHREY), and I are advocating has been endorsed, and really not in this limited fashion, by the report of the 20th Century Fund Commission on Campaign Costs in the Electronic Era entitled "Voters' Time."

The Commission on Campaign Costs in the Electronic Era at that time consisted of Newton N. Minow, the former Chairman of the FCC from 1951 to 1963, and four other commissioners. The present Chairman is Dean Burch. In addition there was Thomas G. Corcoran, Alexander Heard, and Robert Price. Mr. Corcoran was a Washington attorney who was a close adviser to President Franklin D. Roosevelt and other Democratic candidates and Presidents; Alexander Heard is a Democrat and political scientist, who is chancellor of Vanderbilt University, the author of "The Costs of Democracy."

Mr. President, I might point out to the Senator from Rhode Island with respect to any argument made against this provision in regard to 1 minute, that certainly, in my opinion, I would like to see them go to 5 minutes. Probably the most minor issue on this floor is debated under the chairmanship of the distinguished majority leader for 20 minutes, with 10 minutes equally to a side.

Mr. President, at this time I wish to yield to another of the cosponsors, the former Vice President of the United States, the Senator from Minnesota (Mr. HUMPHREY).

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, I am sure that the arguments for this amendment have been well stated by the Senator from Indiana and the Senator from Illinois.

I wish to state that it boils down to one thing. What can be said in 10 seconds that explains something about the candidate's qualifications or about the great issues of our time? We have read all the documents about how to get elected and about how to put a candidate's image on the screen. The great trouble in politics today is that there is too much imagery and not enough substance. I imagine that Abe Lincoln would have had a little trouble with image, but he would have had no trouble with matters of issue, program, and policy.

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

Mr. PASTORE. Mr. President, how much more time does the Senator desire?

Mr. HUMPHREY. Two minutes.

Mr. PASTORE. I yield 2 minutes to the Senator from Minnesota on the bill.

Mr. HUMPHREY. Mr. President, I hope that this particular amendment will be taken very seriously and included as part of our campaign elections bill.

I have before me an editorial from Broadcast magazine of August 2, and the editor of this particular magazine feels the limit should be 5 minutes. It is his feeling that political broadcasting of the 10 second, 30 second, and even 1 minute

variety is both demeaning on the one hand and often misleading on the other.

There is a very prominent Midwestern broadcaster who called on national broadcasters to provide the use of 30-second and 60-second spots for political candidates. Thirty seconds is bad enough, 10 seconds is deplorable and 1 minute gives everyone a chance to see the spots on the candidate and to be able to find out a little bit about what he has to say.

I realize we cannot write this bill as a code of ethics for campaigns, but I think there is enough merit in this amendment. I was pleased to join as a cosponsor.

I hope we can come through another election without talking about the selling of candidates. What this country needs is an explanation of basic issues and there is little that you can explain in 10 seconds that is worth listening to. It is not selling toothpaste, deodorants—although at times that might be helpful—a bottle of beer or a pack of cigarettes. We talk too much about that in American life. We need honest and open discussion with all the valid opinions that the American people have or are willing to listen to and to make that possible through the use of the electronic media.

Mr. CURTIS. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The Senator's time has expired on the amendment.

Mr. PASTORE. Mr. President, I yield to the Senator from Nebraska so that he may ask a question.

Mr. HUMPHREY. I would be glad to answer.

Mr. CURTIS. Were this amendment to be agreed to, would it be lawful for a broadcaster to sell time for an announcement that said, "Send a full-time farmer to Congress. Vote for John Doe." Would that be lawful?

Mr. HUMPHREY. No; not only that, but I think it would be awful if it were done. This business about sending a full-time farmer or a full-time businessman, or whatever it is, to Congress, in a 5- or 10-second billing, in between announcements of the football game, is not the way I think American politics should be promoted for the best effect.

Mr. CURTIS. It is not deceptive. Is it?

Mr. HUMPHREY. Not deceptive; it just is not informative.

Mr. LONG. Mr. President, will the Senator yield me 1 minute?

Mr. PASTORE. I yield 1 minute on the bill to the Senator from Louisiana.

Mr. LONG. Mr. President, I have looked at the memorandum supplied by the Federal Communications Commission. I hope the distinguished Senator from Minnesota and his distinguished colleagues will not offer it. I believe it would raise a serious constitutional issue, and that is, if a person wants to go in for less than 1 minute and make his pitch over and over again, whether we have the right to deny him that privilege.

I am frank to say that, inasmuch as this bill has merit, I would dislike to see it stricken down as unconstitutional by putting something in it of dubious constitutionality, because it is clear from

the cases cited in this memorandum that a serious question is presented whether there is a right to deny a person the privilege of making a simple pitch that he can put in, in 1 minute or less.

Mr. HUMPHREY. Mr. President, there is concern about this question. I am not unaware of that. I have just had brought to my attention a copy of the memorandum. Nevertheless, I say the FCC can establish standards.

Mr. STEVENSON. Mr. President, will the Senator yield me 2 minutes?

Mr. PASTORE. Mr. President, I yield 2 minutes on the bill to the Senator from Illinois.

Mr. STEVENSON. Mr. President, this amendment does not limit access to television for candidates for messages of a minute or more. It eliminates the 30-second spots, the 10-second spots, the 20-second spots—spots which most obviously lend themselves to abuse. These are advertisements; they are not speeches. Advertisements do not come within the constitutional guarantee that protection of free speech is entitled to in our society. After all, Congress has placed a prohibition against advertising of tobacco on television. If it can constitutionally prohibit the advertising of tobacco on television, I should think it could limit 10-, 20-, or 30-second spots which very clearly do, from painful experience, lend themselves to abuse.

I would also say it is not an intrusion, it is not an unreasonable meddling into the affairs of candidates, and it certainly is no more intrusive than many other provisions in the bill. It is no more intrusive or troublesome than the reporting provisions or the ceilings set for coverage of radio and television.

I thank the Senator for yielding to me.

Mr. PASTORE. Mr. President, I do not want to argue with my colleagues, because I have the highest respect and affection for them. I think that some sensible messages can be given 30 seconds. Some things one can say and some things one cannot say in that time. For instance—and I do not mean to be personal about it, and I do not want my distinguished colleague to misunderstand—but suppose my colleague should say, "I am Adlai E. Stevenson, Jr. I am the son of a great, illustrious father, a great statesman, and I would like to pursue his career in the Senate, and I would appreciate your indulgence." That can be done in 10 seconds. Is there anything wrong with it. How can we say it is wrong? We cannot say that. That is the question we are dealing with in a very sensitive area. A constitutional question is raised.

Are we to say to an individual that he cannot speak for less than 1 minute if he wants to and let the public decide whether he is saying anything wrong? Let us not deprecate the intelligence of the American people. It does not take them too long to find out a person is a phony. It does not take long. I know that frauds are perpetrated and I know about the Madison Avenue gimmicks. I am merely pointing out that we have pursued this question with the FCC and the General Counsel has rendered a memorandum questioning the constitutionality of the bill. I think we should

not weaken the bill with such a provision and give some one an excuse to veto the bill. I am trying to avoid that.

For that reason I am going to move to lay the amendment on the table.

Mr. HARTKE. Mr. President, did the Senator from Rhode Island make the motion?

The PRESIDING OFFICER. Who yields times?

Mr. PASTORE. Mr. President, I withdraw the motion to table for a moment. I understand that the Senator from Alaska wishes to speak.

Does the Senator from Indiana want more time?

Mr. HARTKE. Mr. President, I just want to ask for the yeas and nays.

Mr. PASTORE. Very well, Mr. President, I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. The motion has been withdrawn. There is no motion pending.

Mr. PASTORE. Mr. President, I yield 1 minute to the Senator from Alaska.

Mr. GRAVEL. Mr. President, I would like to endorse the views of the chairman of the committee; that is, very simply, how can we truly get to this level and try to legislate to outlaw less than 1-minute broadcasts? There is an old saying by Aristotle, "If I had more time, I would write you a more concise memorandum." If a person had more time, he could write a better message, and it might take 20 seconds. That would not necessarily have to be outlawed. The 20-second spot might be good or bad. It is a tool. For us to try to legislate what tool should be is a colossal error, particularly if we do not understand the processes involved, when McKeden and Carpenter and others are trying to probe this matter in a scientific fashion. We do not know the full impact of it. Yet we are trying to legislate on it here. We do not know what the real problem is.

I think it is legislative arrogance to think in terms of outlawing something which is a method of communication. We are not prepared to say whether a message should not be put out in less than 1 minute. Let us have freedom to do it. It is like saying, "Henceforth, you have to advertise only in English." Suppose I wanted to communicate with some people in Polish. Suppose I wanted to communicate with some people in German. Why should that be legislated against? This would be an error which would become obvious 6 months or so from now.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Barry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GARMATZ, Mrs. SULLIVAN, Mr. LENNON, Mr. PELLY, and Mr. KATH were appointed

managers on the part of the House at the conference.

#### FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. MUSKIE. Mr. President, at the time our Nation was founded, many States had property qualifications for voting. It was believed that only a man who wanted to preserve his land and wealth was responsible enough to participate in political affairs. Fortunately, our concept of political equality has developed tremendously since that time; now the belief that all citizens, regardless of wealth, should have an equal opportunity to participate in politics is an axiom of our political system. This idea that wealth could be a prerequisite for voting today would be met with well-deserved outrage.

But as our practices of equality in voting have grown, our opportunities for equality in seeking office have shrunk. Once again, wealth is a barrier to democratic practice. Today, it is not State statutes, but the extraordinary cost of running a campaign that keeps all but those who can raise vast amounts of money from seeking office. If we do not drastically alter our campaign practices, only those who are wealthy, or who are chosen by the wealthy will be able to compete for elective office. This is an outrage in a democratic Nation.

Certainly, great wealth or the ability to solicit that wealth is not a proper prerequisite for office in a democracy. Nor is it healthy to have elected officials making decisions about the common good knowing that they will depend upon wealthy interests to survive reelection.

The increasing dependence of our elections upon money is a distortion of the elective process and produces terrific pressure towards corruption. As long as millions are spent to sweep men into office on a wave of superficial advertising more appropriate to soap or cereal than national politics, the structure of democratic practice and our faith in that practice will continue to decay.

What our Nation needs is a simple and inexpensive way for each candidate to communicate intelligently and fully with the voters. Our Nation has just that device: television. But we have, nearsightedly, failed to use this public tool to serve the public good.

The central question before us is relatively simple: Will we structure our electoral process so that every candidate has a chance to speak to the voters and that no candidate gets too many chances? Or shall we cynically do nothing of television advertising too often won by the candidate with the bigger wallet?

I think the answer is clear—we desperately need a change. And so I support the major changes in our election laws contained in the Federal Election Campaign Act now before the Senate.

First, I believe media spending should

be limited so that no candidate can overwhelm his opponent or the electorate with an advertising campaign of monumental cost, and, in effect, buy his way into office.

While even the poorest candidate will have some access to the voters, he is not protected from a barrage of advertising from a wealthy campaign chest. Such a massive public relations effort serves no purpose. It is a waste of resource and a distortion of the democratic process.

The answer to this problem of money running political campaigns is to limit campaign spending. Ideally, a limit on all spending would be best. But a limit on media spending would be an effective control over spending, because television and radio have such a unique role in public persuasiveness. It is not appropriate that they should be limited, because they are the most expensive part of the present campaign expenditures and because the airwaves belong to the public. Finally, media spending can be monitored relatively easy so that enforcement of spending limits does not become a serious problem.

Therefore, I favor the 5-cent limitation per eligible voter on spending on the electronic media that was contained in the Commerce Committee version of this legislation. I also favor the 5-cent-per-voter limitation on the nonelectronic media. The 5-cent-per-voter limitation on television and radio spending is near the outer limits of effective control; I personally believe that a 5-cent-per-registered-voter limitation would be more effective and realistic. But I feel the compromise at a 6-cent level that was agreed to yesterday will be both reasonable and effective.

I also strongly favor the provisions of this bill which require candidates to be sold television and radio time at the lowest unit cost for the station during elections. This means that candidates will not have to pay expensive rates, thereby sharply increasing the costs of campaigning.

A second major reform contained in this bill is the provision for the disclosure of campaign financing. It is time that the financing of elections in the United States came out into the open. This will permit honesty in the solicitation and use of these funds. It will allow the public to judge the type of financial support that each candidate receives as well as each candidate's possible dependence upon individuals or groups with particular views. Public disclosure will do much to restore confidence in our electoral processes. Therefore, I favor the disclosure provisions contained in this legislation which will require public listing of all contributions and expenditures of over \$100 relating to political campaigns.

The third and vitally important part of the legislation is the tax credit provisions which encourage small contributions to campaigns for Federal office. These provisions are an important attempt to encourage widespread support for candidates for Federal office, thus decreasing their dependence upon large contributors. I hope they will be passed by the Senate this year.

A combination of media spending lim-

its and widespread small contributions could alter the entire structure of American campaigning. There would be a limit to how much money any candidate reasonably needs, and there would be access to funds for any candidate who has widespread appeal. This would allow any candidate, regardless of his access to resources, to compete fairly for public office.

Much of the credit for the present legislation must go to Senators PASTORE and CANNON who have worked so hard on this complex legislation. They deserve our commendation.

Mr. President, the legislation before us today will provide one of the most far-reaching and significant reforms in our campaign processes in our Nation's history. It will restore confidence in the openness and honesty of our elections. And it will remove the influence and the belief in the influence of money in the selection of our most important leaders. I feel it is absolutely essential that this legislation be enacted into law this year.

Mr. TALMADGE. Mr. President, the legislation which I am privileged to co-sponsor with the Senator from Rhode Island, the Senator from Nevada, and the distinguished majority leader, represents a major effort in an area vital to our democratic society—the problem of campaign reform and exorbitant campaign costs.

It is of concern to those who either hold or plan to run for public office. More importantly, it is of vital concern to the electorate—the people of this country who are entitled to the best leadership and the maximum possible influence in the electoral process.

It is alarming that the right to seek public office is rapidly becoming contingent upon the independent wealth of the candidate or the ready availability of large-scale financial support from groups with a particular ax to grind.

I think all of us will agree that the situation worsens with every election. If this trend is not arrested, we may arrive at a day when elections are nothing but a spending contest between powerful vested interest groups to see who can present the slickest and most commercial package to the American voter. In a word, Mr. President, the objective of this legislation is to provide maximum information to the voters consistent with reasonable spending limitations.

In pursuit of these objectives, we have devised a comprehensive approach. The provisions of this legislation deal with the use of the communications media, spending limitations, and disclosure and reporting requirements.

In its substantive provisions, the legislation repeals the equal time requirement in primaries and general elections for the office of President and Vice President of the United States.

It further requires both broadcast and nonbroadcast media to charge candidates at the lowest unit rate of advertising during specified periods before the primary and general elections.

The bill also enacts limitations on campaign spending. Candidates for Fed-

eral elective office can spend 5 cents for each resident of voting age or \$30,000, whichever is greater. This amount can be spent in the broadcast media, and a similar amount can be spent in the non-broadcast media. This sum can be spent in primaries, runoffs, and general elections. Amounts can be expended only by the candidate himself, or upon the written authorization of the candidate or his representative. Finally, there is a provision which adjusts the spending limitation automatically, based on the consumer price index.

The disclosures and reporting requirements of the bill apply to every candidate for Federal elective office and every political committee which spends over \$1,000 in a calendar year for the purpose of influencing an election.

Any expenditure or contribution in excess of \$100 must be reported along with the name and address of the donor or the person on whose behalf the expenditure is made.

Under the bill's punitive provisions, a violation of the act by a candidate, a member of the media, or a third party can be punished by a \$50,000 fine, a 5-year prison sentence, or both.

Mr. President, the need for a bill of this nature is clear. We are attempting to strike a delicate balance here—but it is one which must be struck.

The spending limitations must be sufficiently broad to allow the candidate to adequately acquaint the voters with himself and his program.

Within a democratic society, the road to public office must be free and open. Instead, we are turning it into a toll road—and the toll is becoming prohibitive.

Furthermore, we should remember that the vote in this country is the cornerstone of our liberties. Countless patriots have given their lives to secure it for us. Americans have a sacred obligation to exercise their franchise and to do so in an informed and intelligent manner.

A limitation on campaign expenditures which is too severe would defeat this purpose. But so also does no limitation at all. The superabundance of campaign money has resulted in the injection of public relations firms into the electoral process. Candidates are being presented to the public in slick commercial packages like so many new cars. The public relations firm which helps the candidate construct his image will not be there to help him after his election. The public needs to know the man himself, not a carefully constructed image.

Perhaps the most important function of this bill is that it will return elections to a mutual exchange of information instead of a massive sales campaign. In so doing, it serves a salutary purpose, and I wholeheartedly recommend its adoption.

Mr. MATHIAS. Mr. President, as you know, I have introduced amendment No. 291 to S. 382 for the purpose of creating a franking privilege at reduced rates for all candidates—incumbents and challengers alike.

I do not wish to encumber this bill with amendments which do not go to the heart of S. 382—amendments which neither tighten up nor plug up holes in

the reported bill. In the little time remaining before recess, the Senate has enough of these substantive amendments to consider. I would rather see the Senate spend its time on these, for I feel the more we add to the bill, rather than spending time to clarify the already existing bill, we are likely to give campaign reform a lethal blow.

Therefore, I shall not call up amendment No. 291, upon the assurance from the chairman of the Post Office and Civil Service Committee, that his distinguished committee will consider hearings on this matter as soon as possible.

I strongly believe in this concept of the franking privilege; it will greatly equalize the candidates before the eyes of the public as well as decrease the great advantage of incumbents in all Federal elections.

And I do not think this Chamber can proceed in this important matter without the benefit of this committee's views. I am glad to be able to submit for the Senate a copy of the chairman's letter assuring us of his intention to give this matter prompt attention.

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

AUGUST 2, 1971.

HON. CHARLES McC. MATHIAS, Jr.,  
United States Senate,  
Washington, D.C.

DEAR SENATOR: Thank you for your note concerning your interest in removing your amendment No. 291 to S. 382, the Federal Election Campaign Act of 1971.

Like you, I see great advantages to limiting the number of amendments to the campaign reform bill. Your offer to withdraw your amendment is commendable.

As you know, the Administration has introduced legislation which comes very close to accomplishing what this amendment would provide. This administration bill has already been referred to this Committee.

Although we have not yet had the opportunity to hear this legislation, you can rest assured that following the August recess this Committee will schedule hearings as soon as the calendar allows.

Best wishes.

Sincerely,

GALE MCGEE,  
Chairman.

Mr. PASTORE. Mr. President, I yield 2 minutes to the Senator from Kentucky (Mr. Cook).

Mr. COOK. Mr. President, I would hope if this amendment should have an opportunity to come up again, in event the motion to table is not agreed to, that there would be a great deal of research by the proponents of the amendment, and not only as to the first amendment but as to the fifth amendment and the equal protection clause under the 14th amendment, because we are not dealing with the question of whether the Senate should legislate against a particular group, but we are legislating for a distinct group against the ability of another group to function under another set of rules and regulations. This poses a serious constitutional question, and not merely with respect to the first amendment. I would hope that a great deal more research would be done in this field before the amendment would be adopted by the Senate.

Mr. PASTORE. Mr. President, I move that the amendment be laid on the table, and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment offered by the Senator from Indiana for himself and other Senators. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. TAFT (when his name was called). Present.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Carolina (Mr. THURMOND) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

The result was announced—yeas 74, nays 17, as follows:

[No. 192 Leg.]

YEAS—74

|              |               |           |
|--------------|---------------|-----------|
| Aiken        | Dominick      | McClellan |
| Allen        | Eagleton      | McGee     |
| Allott       | Eastland      | Miller    |
| Anderson     | Ellender      | Mondale   |
| Baker        | Ervin         | Montoya   |
| Beall        | Fannin        | Moss      |
| Bellmon      | Fong          | Pastore   |
| Bennett      | Gravel        | Pearson   |
| Bentsen      | Griffin       | Pell      |
| Bible        | Gurney        | Prouty    |
| Boggs        | Hansen        | Randolph  |
| Brock        | Hart          | Saxbe     |
| Brooke       | Hatfield      | Schweiker |
| Buckley      | Hollings      | Scott     |
| Burdick      | Hruska        | Smith     |
| Byrd, Va.    | Hughes        | Sparkman  |
| Byrd, W. Va. | Inouye        | Spong     |
| Cannon       | Jackson       | Stennis   |
| Case         | Javits        | Symington |
| Chiles       | Jordan, N.C.  | Talmadge  |
| Church       | Jordan, Idaho | Tower     |
| Cook         | Kennedy       | Tunney    |
| Cotton       | Long          | Weicker   |
| Curtis       | Magnuson      | Young     |
| Dole         | Mathias       |           |

NAYS—17

|           |          |           |
|-----------|----------|-----------|
| Cooper    | McGovern | Proxmire  |
| Cranston  | McIntyre | Ribicoff  |
| Fulbright | Metcalf  | Roth      |
| Harkin    | Muskie   | Stevens   |
| Humphrey  | Nelson   | Stevenson |
| Mansfield | Packwood |           |

ANSWERED "PRESENT"—1

Taft

NOT VOTING—8

|           |        |          |
|-----------|--------|----------|
| Bayh      | Harris | Thurmond |
| Gambrell  | Mundt  | Williams |
| Goldwater | Percy  |          |

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. PASTORE. Mr. President, I yield 12 minutes on the bill to the Senator from Missouri.

Mr. LONG. Mr. President, will the Senator from Missouri yield me just 1 minute?

Mr. SYMINGTON, I am happy to yield to the Senator from Louisiana.

MILITARY CONSTRUCTION AUTHORIZATION BILL

Mr. LONG. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 5208.

The PRESIDING OFFICER (Mr. Brock) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LONG. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. LONG, Mr. HOLLINGS, Mr. GRIFFIN, and Mr. HATFIELD conferees on the part of the Senate.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. SYMINGTON. Mr. President, the Federal Elections Campaign Act of 1971 offers an enforceable, and reasonable method of requiring a candidate, or political organization, to account for receipts and expenditures made in seeking Federal office.

In a democracy, accountability to the public is the foundation of Government.

An informed public must be given "maximum information" about those who hold public office if they are to have an opportunity to properly evaluate their actions and decisions. This accountability cannot begin with the holding of a Federal office. It must also apply to those who are candidates for Federal office.

Accountability alone, however, is not enough. Reasonable limitations must be applied to the expenditures of a candidate so as to prevent any person with unlimited resources from "buying" an election; and also to encourage those qualified people without such resources to nevertheless seek public office.

Recently the chairman of Common Cause, the Honorable John W. Gardner, observed to All American citizens,

You Are Being Had.

Mr. Gardner went on to say,

It isn't a pleasant thing to admit that in this great nation elective offices can be purchased; that votes of Federal, State and local officials are bought and sold, every day;

that access of the people to their government is blocked by a "Chinese wall" of money. It isn't pleasant but it's a fact—and, today, a dangerous fact.

Mr. Gardner presented a thesis which should guide democratic Government in the United States, when he also stated:

People need to feel they have access to their government. They need to believe their government is responsive. They need to feel it can be called to account. But whenever they look they find that the access of money to power is blocking the access of people to power.

The legislation before us represents a major bipartisan effort in the Congress to close the loopholes; and to make accountability as much a part of a political campaign as any issue before the candidates.

At the same time it proposes fair limitations on the amounts which candidates can spend on broadcast and non-broadcast media—areas which have experienced a "spiraling competition" of rising costs in Federal elections.

It is shocking indeed to note some of the loopholes which a candidate can now use to prevent disclosure of all contributions and expenditures made on behalf of his candidacy.

Although millions of dollars have been spent on primary election campaigns—as well as in efforts to secure a party nomination for the presidency—a candidate does not have to report those expenditures.

Committees working on behalf of a candidate who state they do so without the "knowledge or consent" of the candidate, and who do not operate in more than one State, are not required to make Federal reports of their receipts and expenditures.

A candidate's report often does not reveal the identity of contributors by failing to provide a "complete address." In some instances, as was true with respect to contributions to the campaign of my recent opponent, large contributions were made and were reported as anonymously given.

Even if some provision of the Corrupt Practices Act is violated, as of today there are not sufficient resources or procedures for investigating and bringing action against a candidate or committee which violates the law.

Furthermore, the laws of the respective States generally leave the committees which support a candidate various means of hiding their true activities and actual expenditures.

As illustration, recent articles in the St. Louis Globe-Democrat and the St. Louis Post-Dispatch reveal how loopholes in the State and Federal laws may be employed.

These articles refer to the fact that my opponent in the 1970 Missouri senatorial campaign, who was then, and still is, the attorney general of our State, asserted that he was not aware for some time that treasurers of committees which had supported his candidacy had filed their reports in the States of Illinois and Oklahoma rather than in Missouri.

In other words, voters of the State of Missouri not only did not know before the election, but do not know as of to-

day, the amount of money spent, or the names of all his contributors.

Nevertheless, my opponent did say that the treasurer of one committee was a Mr. Sam Powell, who served during my opponent's campaign as his press secretary; also, that the committee report in question was filed in Oklahoma, but that he did not know where.

The voters of Missouri still do not know, because members of the news media have been unable to find where they were filed, or even whether they were ever actually filed.

According to State Senator John J. Johnson, who brought these facts to the attention of the Missouri Senate, the Illinois treasurer served as the treasurer of 43 committees in Missouri, and raised tens of thousands of dollars on behalf of my opponent.

But his reports were filed in Illinois.

My opponent also was reported as saying that he knew the treasurer of these committees was raising money for him, but that he had no knowledge of the committees involved.

In an editorial on this issue of accountability to the public, the Daily Dunklin Democrat of Kennett, Mo., called for a new State Corrupt Practices Act, stating in the editorial:

As the State's chief law enforcement officer, Mr. Danforth has some obligation to observe both the spirit and the letter of the law . . .

I ask unanimous consent that the text of these articles: "Danforth Explains Filing of Reports Out of State," St. Louis Post-Dispatch, June 10, 1971; "Danforth Backers Filed Campaign Reports in Illinois," St. Louis Globe-Democrat, June 10, 1971; "Campaign Expense Loopholes," the Daily Dunklin Democrat, June 14, 1971, be printed in the RECORD.

There being no objection, the articles and editorial were ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, June 10, 1971]

DANFORTH EXPLAINS FILING OF REPORTS OUT OF STATE

(By Louis J. Rose)

JEFFERSON CITY, June 10.—Republican state Attorney General John C. Danforth acknowledged yesterday that some reports listing campaign contributions in his unsuccessful race for Senator last year were filed in Illinois and Oklahoma, rather than Missouri.

He denied, however, allegations by State Senator John J. Johnson (Dem.), Affton, that this violated the spirit of the law by utilizing a loophole in Missouri's Corrupt Practices Act governing reporting of campaign contributions.

Johnson criticized Danforth in remarks on the Senate floor and produced photostats of reports filed last December in Madison County, Ill. The reports listed contributions totaling \$53,000 to various committees that worked on behalf of Danforth's candidacy.

The reports were filed by Louis P. Holst, treasurer of the committees involved.

Johnson said a loophole in Missouri's Corrupt Practices Act apparently permitted a candidate to avoid filing a report in Missouri by having a resident of another state serve as a treasurer of his campaign committee.

He asked the General Assembly to set up an interim committee to review and rewrite state statutes governing campaign contribution reporting requirements.

Johnson told the Senate it was not his intention to single out Danforth as the only candidate to take advantage of the reporting loophole.

"It is common knowledge that these laws are seldom enforced and they are, indeed, widely violated and ignored by many," Johnson said. "It does appear to me, however, that when campaign committees for the chief law enforcement official of this state feel free to start using loopholes in the law, then the time has come for the General Assembly to take some action to have meaningful and enforceable corrupt practices laws."

Danforth told the Post-Dispatch that he was not aware of the existence of the committees involved in the Illinois reports until about two months after the general election last November. He said he learned also at that time that similar reports had been filed in Oklahoma but said he did not inquire into the amounts of contributions listed in the Oklahoma reports.

Danforth said Holst was a certified public accountant with offices in St. Louis and was the father of Cathy Holst, who was a staff assistant in Danforth's campaign. He said Holst filed the reports in Illinois because he was a resident of that state.

Of the \$53,000 in contributions cited in the Illinois reports, \$26,000 was given by Randolph P. Compton, an uncle of Danforth. Compton's home is in Scarsdale, N.Y.

Danforth said that throughout his campaign he remained aloof from fund-raising efforts. He did not want, he said, to become involved in soliciting contributions for fear this would "impair my independence."

He said he never violated either the spirit or letter of the law. "I think the only thing you can do with the laws that set specific requirements is comply with them. I am confident no law has been violated," Danforth said.

The reports filed in Oklahoma, he said, were submitted there because the treasurer of the committees involved was Sam Powell, whose home was in Oklahoma. Powell was Danforth's press secretary in the campaign.

Danforth questioned why he was singled out by Johnson and called on him to make public the names of other candidates whose campaign committees may have filed reports in other states.

He said he would not be surprised if the same was true of committees that aided Stuart Symington, particularly committees that may have been set up in the Washington, D.C., area. Symington, a Democrat, won re-election to a fourth six-year term in the Senate last year by defeating Danforth by 37,500 votes.

[From the St. Louis Globe-Democrat, June 10, 1971]

DANFORTH BACKERS FILED CAMPAIGN REPORTS IN ILLINOIS

JEFFERSON CITY.—Some fund-raising committees for Attorney General John C. Danforth's campaign for the U.S. Senate in 1970 did not file their reports in Missouri; they filed them in Illinois and Oklahoma.

These reports were brought to the attention of the Missouri Senate Wednesday by Sen. John J. Johnson (Dem.), Affton, as he cited what he called a loophole in the corrupt practices statute in Missouri. He said he was not singling out the attorney general.

"It is common knowledge that these laws are seldom enforced and they are, indeed, widely violated and ignored by many," the senator said.

But, he said, the attorney general is an example, and he produced documents showing that at least \$53,000 was raised by 43 committees in Missouri, but the reports were filed in Illinois.

The Missouri statute reads that such fund-raising committees must make reports

"in the office of the recorder of deeds of the county in which such treasurer resides."

Johnson said the treasurer of the Danforth committees in this instance was Louis P. Holst, who lists his residence as Madison County, Ill., and the reports were filed in Madison County.

Danforth told The Globe-Democrat that he had intentionally isolated himself from the fund-raising committees in his campaign last year against Sen. Stuart Symington. He said he knew Holst as an accountant and the father of a girl who worked in his campaign office in St. Louis.

He said he had no knowledge of the committees mentioned in the report and did not know that Holst was raising money for him.

"There were a number of people operating a variety of stuff in the campaign," Danforth said, "and I remained very remote from the contributors."

Johnson called on the Senate to set up a study committee on the corrupt practices act.

"Since this is a Missouri law and the campaign for elective office is within Missouri, it certainly would indicate that the intent of the law is such that it presumes that a campaign committee report should be filed in the state of Missouri," Johnson said.

"Not so. The loophole in the law apparently permits a candidate to simply find a resident of another state to serve as a treasurer of his campaign committee and thus avoid filing the report of campaign receipts and expenditures within the state of Missouri. The likelihood of Missouri citizens having knowledge of campaign contributions is thus greatly diminished."

He added that it appeared to him, though that when the campaign committees of the chief law enforcement official of the state feel free to use loopholes, "then the time has come for the General Assembly to take some action."

Danforth said he was curious as to why Johnson singled him out when he admitted "that others are doing the same thing."

He said he was ready and willing to help the legislature improve the election laws and had said so in the past.

"The laws should provide for a complete disclosure of all receipts to candidates, before, not after, the election," he said.

Danforth told The Globe-Democrat that there was a similar operation in Oklahoma for his candidacy. He said he did not know how much money was collected there.

He said the treasurer there was Sam Powell, who ran his Jefferson City office during the campaign. He said reports were filed in Oklahoma but he did not know where.

"I think both treasurers were even overzealous in filing the reports in the counties where they live, complying with the Missouri law," he said.

Reminded that the Missouri law does not cover Illinois or Oklahoma, Danforth said there was "no reason why they needed to file at all."

Danforth said he did not know how much was spent on his entire campaign. But he said the amount contributed in Illinois "was hardly a major share of the expense."

Two of the major contributors on the Illinois reports were an uncle of Danforth and "anonymous."

The reports show that Randolph P. Compton, whom Danforth identified as his uncle from Scarsdale, N.Y., gave \$26,000 through the Holst committees. Danforth said he did not know why his uncle chose to donate in this manner.

"Anonymous" donated \$15,000. Danforth said he did not know who this was.

Other contributors were Spencer T. Olin, chemical company executive from St. Louis, with \$6,000; the National Republican Senatorial Committee, with \$5,000, and F. M. Webb with \$1,000.

Holst made affidavits certifying himself as the head of the St. Louis Television Committee for Danforth, the Greene County Committee for Danforth, the Jackson County Television Committee for Danforth, the St. Louis County Television Committee for Danforth, the Jackson County Citizens Committee for Danforth and the City of St. Louis Citizens Committee for Danforth.

All of these are Missouri committees for the general election campaign. The rest of the 43 committees Holst listed himself as treasurer of in the primary election were also in Missouri, and the report for the primary filed in Madison County noted that there were no receipts and no expenditures. Of Holst, who headed this multitude of committees in his behalf, Danforth said:

"I think I met him. In fact, I did shake hands with him."

[From the Daily Dunklin Democrat, June 14, 1971]

#### CAMPAIGN EXPENSE LOOPHOLES

We must confess ignorance to a loophole in Missouri's election laws permitting candidates and their campaign officials to file expense reports in another state. It was not until state Sen. John Johnson, St. Louis County Democrat, revealed that some of John Danforth's 1970 expense accounting has been filed in Illinois and Oklahoma that we were aware such was possible under what is obviously a loosely-worded state law.

Sen. Johnson provided the evidence, with photostat copies of reports filed last December in Madison County, Ill., for the unsuccessful Danforth campaign for U.S. Senator. Other Danforth campaign reports were filed in Oklahoma.

Danforth told reporters he was not aware of the campaign reports being filed in Illinois until about two months after the November election. We believe him. But what we do question is his permitting this to occur after he learned of it, as well as his failure to determine just how much was listed on his campaign expense report in Oklahoma. As the state's chief law enforcement officer, Danforth has some obligation to observe both the spirit and the letter of the law, and we're certain that even Clyde Orton and Jet Banks would rule that if Danforth did not violate the actual provisions of the statute, he certainly violated the spirit.

Sen. Johnson is correct in his contention that Missouri's corrupt practices act should be tightened. There are now too many loopholes in the law, as evidence the failure of some Bootheel candidates to file any report at all, while others file what appear to be highly erroneous reports.

The corrupt practices act was written, of course, by men who were elected to public office and it can be reasonably assumed wished to remain in public office. They are not inclined to be overly-stringent in writing regulations concerning their own conduct at election time.

Perhaps it is time for other groups to suggest a model law that would permit the state to have an accurate accounting of all expenses from all candidates—and filed in this state. Perhaps it would be well if a group such as the Missouri Bar Association tried its hand at writing a model law. Most certainly the Missouri Bar could do much better than the Missouri Legislature has done.

Mr. SYMINGTON. Mr. President, the Federal Elections Campaign Act is the thoughtful product of many experienced Members of the Senate and goes far toward closing these and other loopholes which exist in the present law.

Without the confidence of the people in their Government and those who lead it, our Nation cannot stand erect. That confidence can only be earned by the

honesty and candor of elected officials, as they perform their responsibilities to those they represent.

Loopholes in the law which have permitted deception, and incomplete disclosure in the past, have earned no confidence, rather the distrust and suspicion of the voter; and this would seem to have discouraged many able and experienced citizens from involvement in fields of public service.

The report of the Committee on Commerce perhaps best summarizes the necessity for this legislation when it stated:

No one individual or group stands to gain under S. 382. The American people do, however, because they have staked their all on a democratic system of electing their leaders—and the integrity of that system is now being threatened.

In summary, Mr. President, integrity incident to the election process, along with the confidence of the American people in that process, are too vital to the concept and workings of our form of government to permit further delay in achieving needed and meaningful reform in the rules which govern campaign spending.

It is for these reasons that I support this bill and would hope it is approved by the Senate.

#### AMENDMENT NO. 315

Mr. DOMINICK. Mr. President, I call up my amendment No. 315.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. DOMINICK. Mr. President, I ask unanimous consent that my amendment be modified to conform with the Pastore substitute amendment to S. 382.

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

The amendment, as modified, reads as follows:

On page 17, between lines 2 and 3, insert the following:

"Sec. 206. Chapter 29 of Title 18, United States Code, is amended by adding at the end thereof, the following new section:

"§ 614. Use of labor organization funds for political purposes.

"(a) No part of the dues, assessments, or other moneys collected by a labor organization from any person covered by an agreement requiring membership in such organization or the payment of dues, fees or other moneys as a condition of employment shall be made available to or for the benefit of any candidate or political committee.

"(b) Any person who willfully violates this section shall be fined not more than \$5,000 or imprisoned for not more than one year, or both."

On page 17, in line 3, strike the words "Sec. 206" and insert in lieu thereof the words "Sec. 207".

On page 17, between lines 10 and 11, insert the following:

"(4) adding at the end of such title the following:

"614. Use of labor organization funds for political purposes."

Mr. DOMINICK. Mr. President, I yield myself 15 minutes at this time.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 15 minutes.

Mr. DOMINICK. Mr. President, I might say for the benefit of the Senate that I do not intend to take much time because I do not think it will need much time to explain the amendment.

Mr. President, this amendment is aimed at correcting what I view as a great infringement on the rights of many individual union members in the United States—the use of funds collected from employees, subject to compulsory union membership or compulsory payment of fees for the support of political candidates unknown to the member or not really supported by the union member.

The single most important factor in the elective process is the right of any private citizen to participate in a political campaign—in other words, to engage in some form of political activity. As the debate on this bill amply demonstrates, that participation today often takes the form of financial support or contributions. I believe that this participation is gravely abused by the practice of labor organizations in providing, through political education committees and other dummy groups, financial aid to candidates from union dues assessed against the membership. The records of the Clerk of the House and various State offices show that in the 1970 senatorial campaign, labor organizations admit to expending a total of \$1,767,044.73 on behalf of senatorial candidates. Six senatorial candidates received over \$100,000 from various labor groups with two of these getting over \$150,000. Another eight got between \$50,000 and \$100,000 while 19 others got between \$10,000 and \$50,000. One estimate places total union spending for all campaigns at over \$10,700,000. In 1968, 46 labor union committees reported expenditures of \$7,631,868 to the Clerk of the House of Representatives for a percentage of 12.2 percent of total outlays.

These vast expenditures are made in the face of the current law. As we all know, section 610 of title 18 of the United States Code proscribes the expenditure of money by a labor organization "in connection with any election at which Presidential and Vice Presidential electors, or Senator or Representative, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select political candidates for any of the foregoing offices."

Violation of this section by labor organizations are punishable by a fine of not more than \$5,000. Officers of the organization who consent to the expenditure shall be fined up to \$1,000 or imprisoned for up to 1 year.

Section 610 defines a labor organization as "any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Because of this definition, labor orga-

nizations are able to avoid direct violations of this law by setting up the so-called political education committees to receive union funds and then distribute them to various candidates. This is frequently accomplished with only the thinnest veil of disguise. In addition, the law does not circumscribe the use of union dues money for State and local elections.

Mr. President, I do not really begrudge this use of "political education" committees by labor organizations to circumvent the section 610 provisions. Many other interest groups utilize the same gimmick. What I do object to—and this is the crux of my amendment—is the funding of these "political education" committees—and through them various candidates—with funds collected under some form of compulsory union membership or fee-paying agreement.

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

Mr. DOMINICK. I would be happy to yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I voice my concern along with that expressed by the distinguished Senator from Colorado.

I would like to note that just a few months ago a group of McDonnell Douglas Corp. employees in California achieved a notable legal victory. In 1967 they filed a lawsuit challenging the use of their compulsory "agency shop" fees for political purposes. Their complaint was dismissed by the trial court, but last year their appeal was upheld by the U.S. Court of Appeals for the Ninth Circuit. In a commonsense opinion reversing the trial court, the Court of Appeals held as follows:

The diversion of the employees' money from use for the purposes for which it was exacted damages them doubly. Its utilization to support candidates and causes the plaintiffs oppose renders them captive to the ideas, associations and causes espoused by others. At the same time it depletes their own funds and resources to the extent of the expropriation and renders them unable by these amounts to express their own convictions, their own ideas and support their own causes." (*Seay v. McDonnell-Douglas*, 427 F. 2, 996, CA9 (1970)).

Mr. President, rejection of the pending amendment will unfailingly serve to encourage the continued use of forced union dues and fees for partisan political purposes. If we defeat the amendment, our constituents will conclude that the Senate is unconcerned about the intolerable plight of conscripted union members. I appeal to my colleagues to approve the Dominick amendment.

I thank the Senator from Colorado very much.

Mr. DOMINICK. Mr. President, I thank my friend, the Senator from Wyoming, who has done a lot of very able work in this field. I think the McDonnell Douglas case is about as much on the nose of what I am driving at as anything I know of. I am delighted that the Senator brought it up.

It will be noted that my amendment provides that where there are compulsory union dues or assessments as conditions of employment, they cannot use any portion of those moneys for political purposes.

That does not touch the labor unions' ability to do a lot of other things. They can conduct lobbying and exert legislative influence and anything they want to along those lines that is legal. However, they cannot support political candidates.

Mr. President, I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I thank the Senator for yielding. I am pleased to associate myself with the arguments made on behalf of this amendment and to give strong support to his amendment.

Frankly, I do not see how any Senator can maintain he is for campaign spending disclosure reform if he is against this amendment.

The amendment of the Senator from Colorado would block the biggest loophole that is left in the bill as reported. We will be only fooling the public. I will vote for the bill as will other Senators, even if the amendment is rejected because, realistically, we have no choice. But we will not reform the situation without the amendment of the Senator from Colorado.

Mr. DOMINICK. I deeply appreciate those remarks.

Mr. GRIFFIN. If the Senator will allow me, I wish to point out that under the law at present, a labor organization can collect dues from workers who are required to belong to the union in order to hold their jobs and use those dues for political purposes in many different ways.

It is true that the law provides that a labor organization cannot contribute money directly to a candidate for Federal office, but that does not preclude a labor organization from supporting a candidate for Federal office in many other ways, and, of course, much of the money collected as union dues is used in other ways to support the candidacy.

Of course, the Corrupt Practices Act does not prevent the use of union dues collected under union shop agreements from being used directly to support the candidacy of candidates running for other than Federal office, for example, for governor in most States, or people running for judgeships, prosecuting attorneys, and many other offices. The Federal law does not apply.

During the last election in Michigan there was a strike against the General Motors Corp. As I understand it, and as was widely reported, union members were given an option: They could either walk the picket line and receive their strike benefits or they could get out and work in the campaign and receive their strike benefits.

There is nothing illegal in that so far as the present law is concerned, because that involved a State office and not a candidate for Federal office.

I will be interested to listen to the arguments against the amendment. The Senator's amendment in no way would infringe upon the right of a labor organization voluntarily to have a political committee and voluntarily to receive contributions to be used for political purposes.

Mr. DOMINICK. The Senator is totally correct.

Mr. GRIFFIN. The only restrictions are the use of union dues that are collected when a person is required to join a union in order to hold his job.

For many years we have been fighting the battle in the Senate as to whether section 14(b) of the Taft-Hartley law should be retained. Section 14(b) of the Taft-Hartley law leaves it up to each State to determine whether compulsory unionism should be legal.

A few years ago when I was serving in the other body this issue was coming up again. I introduced a bill to repeal section 14(b) of the Taft-Hartley Act, providing, however, that any union that required membership as a condition to work was restricted in three ways: Their union shop agreement would be void if, first, they discriminated on the basis of race, color, or creed in admission or membership; two, if they discriminated on the basis of religion; and, three, if dues collected under such agreement were used for any purpose other than collective bargaining and legitimate union business.

Mr. DOMINICK. I wish they had adopted it.

Mr. GRIFFIN. In Michigan I had no trouble explaining the validity of that kind of provision to workers. Every group I talked to said, "That is fine. We do not think our dues should be used for political purposes."

I do not see why we do not stand up for that in the Senate.

Mr. President, I hope the Senator's amendment is agreed to.

Mr. DOMINICK. Mr. President, I appreciate the Senator's remarks.

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

Mr. DOMINICK. Mr. President, I yield myself 15 additional minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I know the tremendous expertise which the Senator from Michigan has in this field. He is one of the authors of the Landrum-Griffin bill.

In this colloquy I wish to say that I introduced similar legislation when I first entered the Senate. We never had hearings on that legislation. I have introduced it in every Congress since and still there have been no hearings.

During a recent election period, when I was not one of those running for election, two union members came to my office in Colorado. They were complaining about pension-welfare funds of their unions.

In the process of that meeting they started out by saying, "Why can't we do something about determining where our dues go?" I said, "I have a bill in to that effect. The bill provides that they would not be able to use dues for political purposes on behalf of a political candidate." Both of these men said, "Holy smoke. Get us a copy of that bill and we will get you 2,000 signatures." I gave them a copy of the bill and they came back with 5,000 signatures.

Mr. President, union members and their families object strenuously to having dues collected expended for political candidates they do not support.

Mr. GRIFFIN. I wonder if those who are strong advocates, as I am, of civil rights do not see the relationship of this particular amendment to civil rights because certainly there is very much in-

volved in the civil rights of an individual who wants to work. In effect, by using his dues, which are collected under compulsory agreements, for political purposes, the union is thereby decreasing or infringing upon his franchise and interfering with his full rights as a citizen of the United States.

The worker may be going out and voting against a candidate and his dues are being used against his point of view.

Mr. GRAVEL. Mr. President, will the Senator yield for a question on that point?

Mr. DOMINICK. I yield.

Mr. GRAVEL. I do not particularly understand this feature where dues are actually used. Can the Senator give me an example of where in the country that money is collected and turned over for that purpose?

Mr. GRIFFIN. Mr. President, will the Senator from Colorado yield to me?

Mr. DOMINICK. I yield.

Mr. GRIFFIN. If the Senator's point is that dues are not being used, he could certainly join in this amendment and support it. Will the Senator support the amendment?

Mr. GRAVEL. I would be happy to but I do not think it is broad enough.

Mr. GRIFFIN. I thank the Senator very much.

Mr. GRAVEL. If the Senator wants to shackle labor unions I think we should do it to corporations because I can give the Senator chapter and verse how corporations shell out money to executives and they turn around and give it to politicians. If the Senator wants to attack organizations let us amend this amendment, and if the Senator will support that I will support this—to include all corporate funds, so that anyone getting paid from a corporation cannot donate to a political candidate.

Mr. GRIFFIN. This amendment does not state that someone working for a labor organization cannot voluntarily, if he wishes, support a candidate for office.

Mr. GRAVEL. What is the Senator's definition of "other moneys collected"? If the head of a labor organization wants to form an organization to collect money under this amendment, he could not do it. You are actually making second-class citizens out of people who belong to labor unions but still do not do that to corporate people, also.

Mr. DOMINICK. Is the Senator asking a question?

Mr. GRAVEL. Yes.

Mr. DOMINICK. Otherwise, I would insist on my right to the floor.

The point I am making is with respect to dues that are a condition of employment in a union shop, or where you have assessments which are a condition of continuing employment. That happens in a union shop. It happens in other types of labor agreements where the worker is required, as a condition of employment, to pay in those dues, and in most instances the corporation itself is the one that checks off those dues given to the labor union, which then gives them to COPE or other organizations, and that money is used in behalf of a political candidate.

It may be that some other organizations do the same thing, and the Senator

from New York has an amendment which may enlarge the scope of this amendment, but before I yield on that, I will finish what I have by way of a statement and then I shall be glad to answer questions, as I said I would.

The Senator from Iowa said he had a question, and I yield to him.

Mr. MILLER. I had a question I would like to ask.

Reading from the amendment, it states:

No part of the dues, assessments, or other moneys collected by a labor organization...

Mr. DOMINICK. Yes.

Mr. MILLER. If I understood the colloquy between the Senator from Colorado and the Senator from Michigan, this does not stop COPE from operating.

Mr. DOMINICK. Not a bit.

Mr. MILLER. COPE can go out and collect dues from individual members.

Mr. DOMINICK. Yes.

Mr. MILLER. Because it is not a labor organization.

Mr. DOMINICK. That is right, but it can only do it on a voluntary basis.

Mr. MILLER. That is right. I think it is important, because some people confuse COPE with a labor organization. It is not; it is a committee which has to do with political activities, but it does not have to do with membership of the people who work in plants.

Mr. DOMINICK. The Senator from Iowa is totally correct.

Mr. MILLER. If that is so—and I believe the Senator from Michigan said this would not prevent committees from being established for that purpose—

Mr. DOMINICK. That is correct.

Mr. MILLER. Then the question is, if committees can be established for that purpose—if COPE, for example, can still collect contributions—are those committees covered by the clean elections bill?

Mr. DOMINICK. I believe that they are to this extent: What I am saying here is that the committee on Political Education—COPE—can form very useful purposes for the union people. They can lobby down here for and against a bill. They can go out with the money they receive from voluntary contributions and support a candidate or oppose another candidate. The only thing I am trying to get at is to prevent the dissolution of an involuntary subrogation of the dues. The rest of it I am not even touching.

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

Mr. DOMINICK. I yield.

Mr. MILLER. I know what the Senator is trying to get at, but as long as the Senator from Michigan brought this up, I think the Senate ought to understand one thing clearly: Whether or not the committees the Senator from Michigan referred to, which would include COPE, are required to comply with the reporting requirements and the other provisions in the bill. I do not know, because I am not on the committee that considered the bill, and I do not find anything in the committee report which makes that clear; but, as a matter of legislative history, I think we ought to have it understood one way or the other.

Mr. DOMINICK. I would say, in reply

to my friend from Iowa, that I would interpret it as covering those groups because they are organizations and associations which would be contributing to or on behalf of a candidate, and therefore would presumably have to file.

Would the Senator from Rhode Island agree with that?

Mr. PASTORE. That is right. That is absolutely correct; and under the law, union dues cannot be used for political purposes. That is the law. Are we talking about a voluntary checkoff?

Mr. DOMINICK. No; we are talking about involuntary dues or dues paid as a condition of employment.

Mr. PASTORE. Do we have proof that that is happening?

Mr. DOMINICK. All the time.

Mr. PASTORE. What does the Senator mean, all the time? Can he give us the cases? Let us not issue an indictment here—

Mr. DOMINICK. I gave the Senator the cases of the fellows who came into our office and said this is happening to them with respect to their dues.

Mr. GRIFFIN. Mr. President, if the Senator will yield, I do not want the statement of the floor manager, for whom I have high regard and affection, to go unchallenged. The corrupt practices law does not say a union cannot use dues for political purposes. It says only that a union cannot use dues to contribute to a candidate for public office. That leaves a lot of room. They can do anything else with the dues except contribute them to the candidate for public office. They can spend money for television programs. They can spend money for advertising. They can bid workers to go out and register voters. They can go out and get voters to vote for a political candidate. They can contribute to Americans for Democratic Action, and that organization can contribute money to a candidate. So there are many ways the law can be avoided. The Senator's amendment closes the loopholes of the abuses. If there is agreement on this, I do not see any reason for objection to the amendment.

Mr. DOMINICK. Mr. President, I will yield myself more time in order that questions may be asked, but I would like to finish my statement.

Mr. PASTORE. All right. We have plenty of time.

Mr. DOMINICK. In the United States today, there are approximately 20 million workers covered by collective-bargaining agreements and of these nearly 80 percent are covered by some form of compulsory union membership agreement. Looking at the largest union agreements, Department of Labor figures show that in 1970 there were 252 collective-bargaining agreements which covered 5,000 or more workers. These 252 agreements covered 4,103,075 workers. Two hundred and eighteen of these agreements covering over 3,766,000 workers contained clauses which required, in one form or another, membership in a labor organization or the payment of an "agency shop" fee as a condition of employment.

What this means is that in our largest collective-bargaining agreements over 90 percent of the employees were subject

to being compelled to pay some money to a labor organization as a condition of keeping their jobs and livelihood.

Much of this money and the rest of the \$1 billion of dues, initiation fees and other funds collected by labor organizations annually are used for supporting political candidates.

It is particularly upsetting to have in a supposedly democratic society a situation where union leaders use compulsorily collected dues to support candidates chosen by the union leaders rather than by each individual member.

I am not opposed to nor am I attempting to frustrate the free political expression of union members or their bargaining representatives. Nor am I opposed to the compulsory collection of fees for valid union functions. I am merely trying to insure that the critical right of financial support for political candidates will rest in the hands of individual union members rather than in union bosses.

Mr. President, I believe that my amendment, which has been very carefully worded, achieves this objective. I also believe that my amendment is sound for what it does not do as well as for what it does.

My amendment protects against the abuse of a certain kind of funds—money collected by a labor organization from individuals covered by an agreement requiring membership in such an organization or the payment of dues, fees, or other moneys as a condition of employment. These funds are not to be used by anyone for candidate support.

Why these funds? Because they are required as a condition of employment. A man must pay these dues and fees or lose his job. I also include within my amendment mandatory assessments required as a condition of maintaining membership. What good is it to say to a man that even though he will not lose his job, he is required to pay a compulsory assessment for political purposes or face a fine or expulsion from the union? My amendment is intended to apply to all funds not paid voluntarily for political purposes.

Mr. CASE. Mr. President, will the Senator yield for a question?

Mr. DOMINICK. I yield.

Mr. CASE. I accept the Senator's interpretation of his amendment, of course; but I do think there is a question as to whether the language of the amendment fits that interpretation. Is it the Senator's intention that the amendment applies to any moneys which are collected from union members where there is a provision for checkoff of dues?

Mr. DOMINICK. I do not see how the Senator gets that impression, because other money is collected by the labor organization.

Mr. CASE. Coming from any person?

Mr. DOMINICK. Coming from any person.

Mr. CASE. In other words, this cover is intended to apply not to the person but to the moneys collected? Is that correct?

Mr. DOMINICK. From any person covered by the agreement.

Mr. CASE. Suppose there were a union having a provision for a checkoff of dues. Suppose the union later on said to all

its members, "We want each of you to contribute \$10 to us toward this candidate," and that that money was not checked off. Would the Senator's amendment apply or not?

Mr. DOMINICK. Let me say that I think this would be a violation of the law, as it is now written.

Mr. CASE. I did not mean to get into that question, because that is one that the Senator can argue with Senators on the other side about. What I wanted really to determine is the Senator's interpretation of his own language. Does he maintain that a voluntary contribution requested by a union from a member in a shop which has a checkoff of dues would be covered by the amendment?

Mr. DOMINICK. If it is a legitimate, voluntary contribution, I have no objection whatsoever. Just like any other citizen, they are entitled to make a contribution to any candidate they want to.

Mr. CASE. The Senator's interpretation is that his amendment would not cover such a contribution?

Mr. DOMINICK. Only dues, assessments, and so on, taken from them as a condition for maintaining employment.

Mr. CASE. In other words, a voluntary contribution the Senator would not interpret to be covered by his amendment.

Mr. DOMINICK. The Senator is correct.

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

Mr. DOMINICK. I yield to the Senator from Iowa.

Mr. MILLER. Another footnote to the answer, I think, is this: It is my impression that generally speaking a labor union does not do what the Senator from New Jersey suggests in his example. That would be done by a political committee, not by the union itself, such as COPE or DRIVE or some other political committee, this committee, consisting perhaps of officers of the union, but not the same entity as the union, and not putting money in the union bank account, for example.

Mr. CASE. That is my understanding also, but I wanted to be sure that the language, which seems to me to cover any connection, voluntary or not, was not intended to cover such situations, unless it was the dues themselves, or other moneys collected under a checkoff agreement involuntarily contributed by the union member.

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

Mr. DOMINICK. I yield.

Mr. MILLER. I think we had better be careful on this point, because if I detect properly the thrust of the amendment of the Senator from Colorado, he does not want to have what may appear to be a voluntary contribution become an enforced contribution, such as through a general checkoff, and I think that is what the complaints have been about.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. DOMINICK. I yield myself an additional 15 minutes.

Mr. MILLER. As I say, generally, to my knowledge, a union does not do this. They do not go around to the individual and say, "Now, we want to have a con-

tribution from you." The local committee on political education would do that, and in fact in some cases goes to management and obtains an agreement from management that management will check off a contribution to the committee from each individual union member's check.

That is not done by the labor organization itself. But I feel that if we do not have this clear, it might be claimed that everything is nice and voluntary, but because of the union's tie-in with the management on the agreement, it might turn out to be more compulsory than voluntary in some cases.

Mr. DOMINICK. The Senator is correct. That could happen. What I am trying to do is say that they should not take moneys which are being paid in for the purposes of the union membership, their pensions, their rights, their strike fund, their lobbying activities, and so on, and use them in a political sense, unless they voluntarily say they want to so use them, and I would think it would be up, then, to the union or the organization portion of the labor union to show that the act was voluntary.

Mr. GRAVEL. Mr. President, will the Senator yield on that point?

Mr. DOMINICK. I yield.

Mr. GRAVEL. I do not read that language that way. I do not arrive at the same interpretation the Senator does. I think DRIVE would be wide enough, I think COPE would be wide enough, that I think the whole labor movement would not be able to spend a dime on politics or a candidate, with this language.

As I read the language—

No part of the dues, assessments, or other moneys—

Other moneys means just that, other moneys, anything in the way of money—collected by a labor organization from any person covered by an agreement—

That means anybody belonging to the Teamsters; for example, you cannot get any money from, either on a volunteer or nonvolunteer basis. That is just what the language says. The Senator had another interpretation, but his language is specific.

I do not know how the Senator can actually make the interpretation that he has provided to this body, when his own language speaks volumes to the contrary. Maybe he construes this language differently, and I would like to hear again how he construes it, but the way I read it, any person covered by an agreement means any member of the union, and "other moneys," tying that together, that is wide open. "Other moneys" means just anything.

Mr. DOMINICK. "From any person covered by an agreement requiring membership in such organization or the payment of dues, fees, or other moneys as a condition of employment."

Mr. GRAVEL. Do not union agreements require membership?

Mr. DOMINICK. Those moneys cannot be used that way, when collected for a political candidate or a political committee. I do not see anything wrong with that.

Mr. MILLER. Mr. President, may I say to the Senator from Alaska, I do not be-

lieve there is any union member I have known in any AFL or CIO affiliate to be a member of COPE.

Mr. GRAVEL. The language is not concerned with COPE. It says "any person covered by an agreement."

Mr. MILLER. It refers to collections by a labor organization, and, as I pointed out, the collection is not normally by the union, but by COPE or some similar committee.

Mr. GRAVEL. The Senator is not addressing himself to the wording of the amendment, which is that any employee of such a company cannot give any money, voluntary or not, to any political cause whether or not the labor union itself is associated therewith.

Mr. MILLER. The Senator has not read the complete sentence: "An agreement requiring membership in such organization," and "such" refers to a labor organization. My point is that COPE is not a labor organization, and there is no requirement of dues being paid by a union member to such organization.

Mr. GRAVEL. How many members of the union movement in this country today belong to organizations that require membership, that have as part of their contract, "If you are going to go to work, you must become a member of the union"? That is what we are talking about.

Mr. MILLER. The Senator's question is not quite responsive, because he should read on and see that the reference is to an organization requiring membership as a condition of employment. I do not know of any labor union members who are employed by COPE as such. That is not what the amendment of the Senator from Colorado is talking about.

Mr. GRAVEL. We are not talking about COPE. We are talking about the individual member of the union. If I am a union member, and I have to be a union member to have a job, then by this language, I cannot, then, donate to any political candidate.

Mr. MILLER. Yes, you can, if you donate through COPE. That was the point of my colloquy, through COPE or DRIVE. It does not relate to involuntary collections required of union members.

Mr. DOMINICK. Mr. President, I am not sure whether the Senator from Alaska is trying to kill the amendment or clarify it. If he is trying to clarify it, I would be happy to put in the word "such" before the word "dues" in line 1 on page 2.

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

Mr. DOMINICK. I yield.

Mr. PASTORE. This amendment, as I understand it, is subject to a point of order, and I shall raise it.

Mr. DOMINICK. The Senator has not raised his point of order yet, and when he does, I shall wish to discuss that, too.

Mr. PASTORE. I know. I just thought before we overexercised ourselves on modification of amendments, I wanted to put the Senator on notice of what I intended to do.

Mr. DOMINICK. I thought the Senator from Rhode Island probably would, but I do not believe it is necessarily a good point of order. But, Mr. President,

in order to make the amendment as clear as possible, I modify my amendment by inserting the word "such" before the word "dues" on line 1 of page 2.

The PRESIDING OFFICER. The amendment is so modified.

Mr. DOMINICK. Mr. President, I had been pointing out, when we got into this fruitful discussion—it certainly clarifies the purpose I am seeking—that if a member wishes to pay money voluntarily to a candidate or to a labor organization fund for a candidate or even to a fund which the union will determine how it is to be spent, I have no objections. I might point out that I do object to contributions that are not truly voluntary. Coercion and compulsion are foreign to the free exercise of political rights and should be fought in every situation.

For what purposes it is improper to use this money? Under my amendment, this money cannot be made available to or for the benefit of any candidate or political committee. This would circumscribe any activity which supplies assistance to the candidate. For example, paid workers, telephones, posters, radio or TV time, printing, or transportation.

My amendment is not intended to bar labor organizations from pursuing legitimate union objectives. For example, a union may express views on legislation. Recent examples of legislative activity by unions include the Occupational Health and Safety Act, the Emergency Employment Act, the Lockheed guaranty, and the minimum wage legislation. These and many others are legitimate matters of concern of working men and women throughout the country and their representatives should be able to work to achieve their best interests.

A labor organization should be able to expend its funds on behalf of its position in a collective bargaining dispute—for example, an advertisement informing the public of its position in a strike situation. Furthermore, nonpartisan political activity such as voter registration or voter education on campaign issues are clearly activities permitted by my amendment. My amendment would not bar a labor organization from endorsing a particular candidate in its normal union publications. This, I believe, is a legitimate exercise of free speech.

However, a contribution, either direct or indirect, seems to me to go beyond the expression of opinion. It carries with it consequences far beyond the attempt to persuade its members to back a particular candidate by means of the free expression support.

Mr. President, I am trying to achieve a balance between the interests of individual workers and the interests of their labor organizations. What is at stake here is the question of who shall exercise the right of choice in political campaigns—the individual worker or the union bosses.

I do not believe that we can fail to protect the right of the individual American worker even against the unions who are in theory supposed to be their protectors. The law must be zealous in protecting the right of the individuals.

Let me make a personal observation on this point for the Senator from Alaska. During the last election in which I ran,

in 1968, I was called by the head of our local AFL-CIO, a very fine man, whom I have known, who was a State senator when I was in the State legislature. I was not in the office when he called. I called him back promptly, and he said:

Why do you call me back when I call? After all, you know I'm not going to support you.

I replied:

I know that, but I'm representing you, too.

He said:

We just took a poll among our union members, and you'll be surprised how much support you have.

Then he went on to give me the results of the poll he had taken among his own members. It developed that 38 to 40 percent of the union members—despite all the activities of the union leaders—were going to vote for me, and they did.

In the meantime, however, they had been collecting money all over the place, and they were spending liberally on behalf of my opponent.

Among other things, some of the union members did not like this, and they came up and said so. They said:

Our dues are being used against you, but we're going to vote for you, anyhow.

It seems to me that this was a waste, and it does not reflect what they want to do.

It seems to me to be a fundamental right to support a candidate with your own efforts and your own money and not have someone else determine how it is going to be done.

So this is the balance I am trying to achieve, to get away from the political campaign and keep the dues within the area of legitimate interest.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMINICK. I yield myself 5 additional minutes.

In most democratic situations, a conflict between individual choice and organizational choice can usually be resolved by the individual leaving the group if he fails to secure support for his position. This preserves the institutional integrity and insures the individual's freedom of choice. But when the union member is prevented by law from leaving the organization except at the price of losing his job, the individual's freedom of choice is at least restricted, and to use his dues money for candidates not of his choice seems to me to be a clear violation of his political and individual privileges.

I urge my colleagues to preserve the rights of the individual worker against the institutional privilege of the unions. To do otherwise is to deny true freedom to the men and women of America who make her strong through their daily toll.

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

Mr. DOMINICK. I am happy to yield.

Mr. ALLOTT. Mr. President, I think my colleague has performed a very great service. I am in favor of this elections bill. It is long, long overdue. But when we put a maximum on the amount that a candidate can spend, when we put a maximum on the amounts that people may

give, when we provide for complete reporting not only of the amounts given but also how they are spent, then we are really befuddling the people if we say that we have taken care of the job and we do not include this amendment. It is a farce of the worst kind to have the people in the categories to which Senator DOMINICK has referred—those who see their money taken and who have to be a member of a union as a condition for the retention or holding of their jobs, and also have to pay dues—pay money into unions, with the union fund used as a pass-through to other false fronts for the support of individual candidates.

This is not an antiunion measure. I know that I could never have been elected in Colorado without the support of a great many of the dedicated union members in Colorado, and I think this is probably true with my colleague. But they recognize the fact that their funds are being used by their unions in support of candidates who do not represent their personal choice in that State.

If we do not adopt this amendment, we will be going to the people with a complete farce; because there will not be full reporting of campaign gifts or their resources unless this is done.

I congratulate my colleague. I think this amendment is a necessity, if we are going to be frank and honest with the people. If we are really going to lay out a bill that is a clean elections bill, it should contain something like this.

Mr. DOMINICK. I sincerely thank my colleague. I know what support he has in the State from the union members, and I think they are going to cheer for this amendment if it is adopted. I do not think they are going to object to it in the slightest. The leaders will. They will scream as though their ox had been gored. In fact, it will have been gored a little, because they will not be able to collect the dues and spend them for people with whom the union members do not agree.

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

Mr. DOMINICK. I yield.

Mr. GOLDWATER. I want to join Senator ALLOTT in thanking Senator DOMINICK for what I consider to be a job that should have been taken care of long ago.

I should like to point something out that I feel is a matter of fairness. A corporation cannot give money to a political campaign, and the basic reason why that law was passed was that they could not represent the total views of their stockholders. The stockholders might be opposed to the candidate they would support. So corporations are barred from giving money to political campaigns. As a matter of fairness, I think we should apply the same rules to the unions. In fact, the president of a union has his right to support whoever he would like to; but I do not think he, any more than the president of a corporation, can presume to judge the desires of all his members.

I would certainly add my voice to those who urge the adoption of this amendment, not as an antiunion measure but

as a measure of fairness to all working people.

Mr. DOMINICK. I think the difference we have in this particular situation, as I know the Senator from Arizona is aware, is that the labor union itself cannot give to a political candidate or a committee, but they get around it through this COPE situation. A corporation does the same, through DRIVE. They are a political action group too. The difference is that in the union situation, the dues that are collected are being used for that, and then at that point these are conditions of employment, to have to pay those dues, or an assessment, which comes on, then, as involuntary instead of voluntary.

Mr. President, I reserve the remainder of my time. However, the distinguished Senator from New York (Mr. BUCKLEY) wanted some time to offer an amendment to my amendment. Now, what do we want to do, talk on this amendment first before we get to the Senator from New York? I am asking for information.

Mr. PASTORE. We should resolve the question of whether this is germane. I do not care how the Senator does it, if he wants to propose the amendment first. I do not think the amendment is in order, is it, Mr. President, until they have consumed all their time?

The PRESIDING OFFICER (Mr. BROCK). The Senator is correct, until all time has expired.

Mr. PASTORE. Then that amendment is not in order yet. We should resolve the question of germaneness.

Mr. DOMINICK. Mr. President, do I correctly understand that my amendment cannot be amended until the remainder of my time has expired?

Mr. PASTORE. And my time, too.

Mr. DOMINICK. And that of the Senator from Rhode Island as well?

The PRESIDING OFFICER. The Senator's amendment cannot be amended until all time has expired or has been yielded back, except under unanimous consent.

Mr. DOMINICK. The Senator from Colorado could, however, modify his own amendment; is that not correct?

The PRESIDING OFFICER. That is correct. The Senator has a right to modify his amendment, or by unanimous consent.

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

The PRESIDING OFFICER. Thirty-nine minutes.

Mr. DOMINICK. I thank the Chair. Mr. President, I yield 10 minutes to the distinguished Senator from New York (Mr. BUCKLEY).

The PRESIDING OFFICER. The Senator from New York is recognized for 10 minutes.

Mr. BUCKLEY. Mr. President, I want to thank the distinguished Senator from Colorado (Mr. DOMINICK) for making this time available to me. I should like to talk about the subject matter of the amendment which I shall be proposing to his amendment, as I believe it meets some of the concerns expressed by the distinguished Senator from Alaska (Mr. GRAVEL).

We all recognize that the abuses which have been so clearly described by the Senator from Colorado and the Senator from Michigan are not confined to the labor union situation. There are some situations, for example, where in county governments, obtaining a county job requires that there be a kickback of such and such a percent of any salary to the county political caucus. Also, there are a number of trade associations which impose similar types of conditions to obtaining employment or the maintenance of employment.

Therefore, the amendment which I shall be proposing would substitute for the language of amendment No. 315 dealing explicitly with labor organizations, the following:

No part of dues, assessments, or other moneys collected by an organization from any person as a condition of employment, or of maintenance of employment, shall be made available to or for the benefit of any candidate or political committee.

I believe that that language would broaden the scope of this particular provision and would meet all the abuses of this order.

Mr. DOMINICK. Mr. President, I think that the Senator from New York has made a good point, relating to any organization where moneys are taken as a condition of employment and then are used for the benefit of any candidate or political committee other than a labor union under a collective-bargaining agreement, which is now a union shop or which requires this as a part of collective bargaining.

Mr. BUCKLEY. There is the well-publicized situation in the State of Indiana in which it is alleged at least that a condition of getting a State job is that a percent of the pay check will be remitted to the political organization. There is no proof of the facts in this particular instance, but certainly we are all aware that it is not an uncommon practice.

Mr. DOMINICK. The Senator's amendment, as I understand it, would then affect subsection (a) and the wording of it, and if we took this as a modification of my amendment and I assume the Senator wants to be a cosponsor of it—

Mr. BUCKLEY. I would feel pleased and privileged.

Mr. DOMINICK. In order to get around the parliamentary situation, Mr. President, I ask unanimous consent that my amendment be modified to include the provisions of amendment No. 367 of the Senator from New York (Mr. BUCKLEY), and that he be added as a cosponsor of my amendment No. 315.

The PRESIDING OFFICER. The amendment is so modified; and, without objection, the Senator from New York (Mr. BUCKLEY) will be added as a cosponsor of Amendment No. 367, as modified.

Mr. DOMINICK. I thank the Senator from New York. I think he has enlarged the scope so that it looks a little less vindictive, even though it accomplishes the same purpose. I think that is great.

Mr. MILLER. Mr. President, will the Senator from Colorado yield me a little time?

Mr. DOMINICK. Mr. President, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. MILLER. Mr. President, I believe that a further amendment to the pending amendment would be helpful so that everyone understands exactly what is intended and what is not intended. I recognize that it is not too easy to fathom all the ramifications of the language of the bill. The Senator from Colorado has done his utmost to make certain things clear, but, try though we may, I guess it is difficult, sometimes, to reduce to writing what we intend.

I would propose to my friend from Colorado that on page 2, line 3, we add a further statement which should satisfy anyone who has any qualms about what is intended here. I would particularly like to have the Senator from Alaska (Mr. GRAVEL) follow the proposed amendment, so that if it does not satisfy what I think he intends, and what the Senator from Iowa intends, then we may have some further discussion.

What I would propose would be to add this sentence at the end of line 3 on page 2:

Nothing herein shall prohibit the voluntary contribution by individual members of any organization to or for the benefit of any candidate or political committee, as long as such contribution is unrelated to dues, fees, or other monies required as a condition of membership in such organization, or is a condition of employment.

Mr. President, I do not know how we could make that any clearer. I think that it would help the amendment. I would guess it would satisfy some of the concerns some of us have expressed. I believe it accords with the intentions of the Senator from Colorado if I follow his comments correctly.

For example, a contribution to COPE by any individual union member is a voluntary contribution. It is unrelated to his dues, fees, or other moneys required as a condition of membership in a labor organization or required as a condition of employment. We said, no problem. That is all right. Well, let us spell it out in the amendment so that there will not be any question about it.

I would suggest to my good friend from Colorado, that he might want to consider modifying his amendment to reflect this language.

Mr. GRAVEL. Mr. President, if those comments were meant for me to answer, I would say to the distinguished Senator from Iowa that that would not be an adequate modification. For example, I do not think it would be an adequate modification because we are starting out with this piece of legislation which dodges the issue.

This is just sheer antilabor legislation. One can call it anything he want to, but this is an effort, as I view it, to gut the ability of organized labor in this country to participate in the democratic process.

If we really want to make a correction, we could amplify this legislation to gut the ability of corporate enterprises in this country to partake in the demo-

cratic process. That could be done. I see no difference in a union member putting up money that will go for political purposes and a corporate executive putting up money that will go for political purposes.

Mr. DOMINICK. Mr. President, whose time is the Senator speaking on?

Mr. PASTORE. He can have my time.

Mr. GRAVEL. As I say, I see no difference between a union member putting up money to go to political purposes and an executive of DuPont who gives a candidate \$100,000. It is a lot more difficult to have labor pony up the money because labor has to get it from a lot of people. The corporate side deals with smaller numbers.

If we want to correct the situation and limit how we get funds into the political process, let us do it right. However, when the Senator comes forward with legislation designed to gut the labor aspects of the matter, I think it is totally unfair. I think the fact that he stands up and says that this amendment does not block labor membership from participating in the political process makes it no different. If it looks like a duck, walks like a duck, and quacks like a duck, it is a duck.

This amendment is an effort to keep the laboring man from participating in the democratic process.

Mr. DOMINICK. Mr. President, I yield myself 3 minutes.

I am happy to accept the amendment of the Senator from Iowa. I modify my amendment accordingly and ask him if he would be a cosponsor.

The PRESIDING OFFICER. The amendment will be so modified. Will the Senator send the modification to the desk?

Mr. DOMINICK. Mr. President, I am not sure the Senator from Alaska listened to the amendment. We put this in to try to persuade those who have not heard the debate that we are not after labor organizations. What we did was to include any organizations.

Mr. GRIFFIN. Mr. President, will the Senator yield for purposes of clarification?

Mr. DOMINICK. I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, if the amendment as modified were adopted, would any person who worked for a labor organization or who worked for a corporation be restricted from giving a voluntary contribution to a candidate or a political committee?

Mr. DOMINICK. Not in the slightest.

Mr. GRIFFIN. Mr. President, would anyone be compelled to be either a stockholder in a corporation or to contribute to a candidate under the Senator's amendment?

Mr. DOMINICK. Not in the slightest.

Mr. GRIFFIN. This preserves the principle, as I view it, that there is a civil right involved in each individual citizen being able to support a candidate and a political party of his choice. And that support would be a voluntary choice. It should not involve coercion from either management or labor.

Mr. DOMINICK. The Senator is totally correct. I know how hard the Senator worked to get that accomplished in his original efforts.

Mr. GRIFFIN. Mr. President, as I said before, I do not understand how anyone who is really for reform in campaign spending can fail to be for the amendment, and I do not see how anyone who is really for civil rights would be against the amendment.

Mr. President, I hope the amendment will be adopted. And I hope that it will not be ruled to be nongermane. This is as germane as anything we could get in the bill.

Mr. PASTORE. Mr. President, we have seen a very, very dramatic exhibition here today of what is the best way not to legislate for the benefit of America. Here we are. This is an amendment that almost no one had heard of until it came up here a short time ago. It is tantamount to an indictment of the labor unions of this country.

Here we are. We are going to begin to punish someone and no evidence has yet been produced. We have not heard of the culprits yet. Here we are. We are tampering with the labor unions of this country on the floor of the Senate in a summary way with an amendment that has already been modified twice and no one knows what is in the modification. Only a handful of the membership of the Senate is on the Senate floor. And they are saying that if we have to have a limitation on campaign spending, we have to pass this amendment.

Mr. President, I have heard this story before. As a matter of fact, this amendment came up last time in another form. This is only a reshaping of it with the dramatic claim that two or three people have called somewhere or that someone made a complaint. We are now going to punish the labor unions of the country.

The amendment is not germane. The bill has nothing to do with labor unions.

If the Senator from Colorado is willing to yield back his time, I am ready to yield back my time and raise the question of germaneness.

Mr. DOMINICK. Mr. President, I would be happy to do that provided I have time to speak on the item of germaneness. I do not want to yield back the remainder of my time and not have any time remaining.

Mr. PASTORE. I did not hear the Senator.

Mr. DOMINICK. I would like to find out why the Senator says it is not germane, so that I may answer the Senator.

Mr. PASTORE. The Senator may answer it now. I raise the question now and the question will be decided by the Chair.

Mr. DOMINICK. Mr. President, do we still have time to talk on the matter of germaneness?

Mr. PASTORE. How much time does the Senator want?

Mr. DOMINICK. I will not take too long. I do not have much time remaining anyhow.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMINICK. Mr. President, do we urge the question of germaneness within the time on the amendment, or do we argue it after we yield back the time,

and if so, how do I get time in which to argue it?

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Mr. President, is the ruling of the Chair subject to debate once a point of order is raised?

The PRESIDING OFFICER. The ruling of the Chair is not subject to debate. It can be appealed and at that point it can be debated.

Mr. DOMINICK. Mr. President, I want to find out why the Senator says it is not germane and have a chance to answer the Senator's statement.

Mr. PASTORE. I have already stated it is not germane because the bill has nothing to do with unions.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. Mr. President, is there any limitation of time available in which to argue the point of order?

Mr. PASTORE. Just on appeal.

The PRESIDING OFFICER. A point of order having been made, the Chair then rules and at that point an appeal can be taken from the Chair's ruling and time can be yielded from the time on the bill for debate thereof.

Mr. GRIFFIN. No limitation, except as may be imposed by the Chair.

Mr. DOMINICK. Mr. President, may I find out why the Senator thinks the amendment is not germane?

Mr. PASTORE. It is not germane because this bill has nothing to do with unions or with the conditions of unions.

Mr. DOMINICK. Mr. President, we are dealing in the amendment, as modified, with any organization which collects money and uses it for political purposes, including money which was collected as a condition of employment.

The PRESIDING OFFICER. Does the Senator yield himself a specific period of time?

Mr. DOMINICK. That is what I asked for to begin with.

The PRESIDING OFFICER. The Senator is presently within the time on his amendment.

Mr. DOMINICK. If I yield my time back, do we have unlimited time? What do we do then?

The PRESIDING OFFICER. If the Senator yields back his time on a point of order the Senator will be given the opportunity to address himself to the point of order. Up to that time, the time will come out of both sides.

Mr. DOMINICK. How much time do I have remaining on my amendment?

The PRESIDING OFFICER. The Senator has 28 minutes remaining.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes to start with, and I may go on from there.

In the first place, and I hope the Parliamentarian and the Presiding Officer will listen to this carefully, the amendment I have applies to any organization. So we are dealing with people who are using moneys for political candidates and political campaigns, which is what the bill is all about.

Second, we are amending titles XVIII and XIX of the code, which is what this bill deals with.

Third, to complete the picture, we are saying we have the need for making reforms in political spending. That is the purpose of the bill. If we are going to make those reforms in political spending, it seems to me perfectly proper that we may talk about not only contributions by Government contractors, and I refer to pages 16 and 17 of S. 382, as proposed by the Senator from Rhode Island, but also about other organizations contributing funds in political campaigns.

Fourth, I say that this is an extremely important point. The unanimous-consent agreement, according to the Parliamentarian, was arrived at July 21. My amendment was filed July 21. It had been my thought that if a Senator had an amendment on file when a unanimous-consent agreement was entered into that amendment would be germane.

If it is not considered germane, I want to put the Senate on notice that I will not agree to any more unanimous-consent agreements until we get that problem straightened out because I do not see how we can deal with a bill that is as important as this bill is to everyone in the United States and say that we will not consider this because there is a unanimous-consent agreement and the amendment would not be germane.

Mr. PASTORE. The Senator from Rhode Island is perfectly willing to move to lay the amendment on the table when the Senator's time has expired.

Mr. DOMINICK. That is better than saying that it is not germane. I hope the motion to table is not agreed to. I hope the Senator does not have the votes.

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

Mr. DOMINICK. I yield.

Mr. PASTORE. The Senator is threatening me on whether in the future, at some time in the future on some other bill, which might even involve the Ten Commandments, he will not agree to limited debate.

Mr. DOMINICK. Not until the germaneness question is settled. I do not want to get hung up on a unanimous-consent agreement in connection with something that I consider to be an important amendment simply because we have a unanimous-consent agreement.

We had this argument before. I believe the Senator from New Hampshire had a big discussion on this point last year.

I think the idea of going forward and saying you cannot take up something as important as this because there is unanimous-consent agreement is a nullification of the right of the Senate to decide what is needed by the public.

Mr. GRIFFIN. Mr. President, will the Senator yield to me so that I may speak on the point of order?

Mr. DOMINICK. Mr. President, I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, I ask that the clerk read the Dominick amendment, as modified.

The PRESIDING OFFICER. The clerk will read the amendment as modified.

The amendment as modified was read as follows:

On page 17, after line 3, insert paragraph 615, Use of Organization Funds for Political Purposes

(a) No part of the dues, assessments, or other moneys collected by any organization from any person as a condition of employment shall be made available to or for the benefit of any candidate or political committee.

On page 2 and the material following line 8, strike the word "labor".

On page 2, after line 3, add the following: "Nothing herein shall prohibit the voluntary contribution by an individual member of any organization to or for the benefit of any candidate or political committee as long as such contribution is unrelated to dues, fees, or other moneys required as a condition of membership in such organization or as a condition of employment."

Mr. GRIFFIN. Mr. President, I wanted the amendment, as modified, read so that everyone would have it clearly in mind.

Mr. DOMINICK. Mr. President, will the Senator from Michigan yield to me for 1 minute?

Mr. GRIFFIN. I yield.

Mr. DOMINICK. On page 2, line 8, strike out the word "labor"—it is wrong.

In the amendment I did not put it in so it should not be in there at all.

The word "labor" the clerk referred to is in section 615.

Mr. GRIFFIN. Mr. President, I wish to ask the Senator from Colorado this question. Does the amendment now speak in terms of "organization" or "labor organization?"

Mr. DOMINICK. Organization.

Mr. GRIFFIN. That is the point I want to make clear.

The amendment speaks in terms of any organization. I want to direct the attention of the Chair and the Senate to page 18 of the Pastore substitute, which defines a political committee, line 20:

"(d) 'political committee' means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;"

The Senator's amendment refers to an organization, any organization, that makes expenditures, and it certainly is in line and it is germane insofar as the language on page 18, line 20, where reference to the definition of a political committee is made.

Certainly a labor organization is one kind of an organization which receives contributions and which makes expenditures, and this applies to an organization.

It seems to me it would clearly be germane under the bill.

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

Mr. GRIFFIN. If the Senator from Rhode Island is not going to make the point of order, then we can go on.

Mr. PASTORE. Mr. President, I come back to my original argument. We have changed it several times. Even the Parliamentarian has to study the amendment, it has been changed so many times on the floor, and even as late as 1 minute or so ago the Senator from Colorado, the sponsor of the amendment, said there is something in there that should not be in there.

I admit this is important and it in-

volves a great many people and a dignified organization.

I am perfectly willing at this moment if we can resolve this—I am going to move to lay it on the table and not raise the point of order at this point.

Mr. GRAVEL. Mr. President, I would like to address myself to that point raised by the Senator from Michigan.

The PRESIDING OFFICER. Who yields time?

Mr. GRAVEL. It is on germaneness.

Mr. PASTORE. Mr. President, I went up to the Parliamentarian and I asked him whether or not there is a likelihood of this being considered nongermane. He has to study the amendment because it has been changed three times. We have to wait for the report and decision.

If the Senator is ready to yield back his time, I will yield back my time and move to lay the amendment on the table and let the Senate express its will.

Mr. DOMINICK. I will be happy to do that. On the question of germaneness, I think I was right in the first place. We are dealing with Government contractors in title XVIII, and I do not see how the amendment is not germane.

Mr. PASTORE. I went to the desk and I asked the Parliamentarian whether or not in his opinion it would be subject to the opinion that it is not germane. He replied in the affirmative. I asked for the opinion; I did not create it.

Now, there have been several changes and a doubt has been raised. I am not going to press it, but I will move that it be laid on the table.

Mr. DOMINICK. Mr. President, I want to read the amendment, as amended, if the Senator will hold up his motion to table, so that everybody will know what it is.

It will read:

Use of organization funds for political purposes

(a) No part of the dues, assessments, or other moneys collected by any organization from any person as a condition of employment shall be made available to or for the benefit of any candidate or political committee.

There is the Miller voluntary contribution modification at this point, and then it goes on to subsection (b):

Any person who willfully violates this section shall be fined not more than \$5,000 or imprisoned for not more than one year, or both.

Mr. GRAVEL. Mr. President, will the Senator yield for a brief question?

Mr. DOMINICK. I am happy to yield.

Mr. GRAVEL. For my knowledge, will the Senator name an organization which would come under the definition of "organization" other than a labor organization or a union that would embrace the compulsory aspects of it? Would the Senator tell me what other organization this amendment would apply to other than a union?

Mr. DOMINICK. I asked the Senator from New York the same question. He said there were very strong rumors that this was a condition of employment in the Indiana State government. So I said, "Let us put that in there."

Mr. GRAVEL. Other than that, what organizations would be affected other than labor organizations?

Mr. DOMINICK. I do not know. There were some rumors—I think the Senator brought it up—that some corporations have such organizations, and they might say, "If you are going to continue in your position as an officer, you ought to contribute to X."

Mr. GRAVEL. Other than rumors, does the Senator's amendment affect any organizations other than labor organizations, and if so, what are the organizations?

Mr. DOMINICK. It will handle anybody who is in this kind of situation.

Mr. GRAVEL. Is there anybody other than a labor organization?

Mr. DOMINICK. I have given the Senator examples that I know of offhand. I do not know whether there are others.

Mr. GRAVEL. The example of Indiana?

Mr. DOMINICK. And in corporations the Senator referred to that might have that problem.

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

Mr. DOMINICK. I yield.

Mr. GRIFFIN. In the State of Michigan it is compulsory that lawyers belong to the bar association.

Mr. DOMINICK. That is true of Pennsylvania.

Mr. GRIFFIN. Would the Senator's amendment prohibit the use of dues by lawyers who are required to belong to bar associations from having their dues used for that purpose?

Mr. DOMINICK. Yes, it would.

Mr. GRIFFIN. That is fine. This is another example.

Mr. GRAVEL. The bar association is the oldest organization in the country.

Mr. PASTORE. Where the contributions can be used for that purpose.

Mr. KENNEDY. Mr. President, if the Senator will yield, does this include the American Medical Association?

Mr. DOMINICK. If it is a condition of practicing medicine.

Mr. KENNEDY. It engages in political action through AMPAC, and it is necessary for physicians to belong to the association in order to practice in certain hospitals and get certain privileges. They have to belong to certain kinds of organizations. The AMA has a political organization called AMPAC.

Mr. DOMINICK. If the contributions are voluntary, which I understand they are, they would not be covered. If they are not, then they would be covered.

Mr. KENNEDY. What about the National Rifle Association?

Mr. DOMINICK. The same with them.

Mr. KENNEDY. Is the Senator going to include the National Rifle Association as well?

Mr. DOMINICK. As far as I know, the National Rifle Association is purely voluntary.

Mr. KENNEDY. What about their political action group? Is the Senator going to look beyond and behind these various groups? Is the Senator going to look beyond AMPAC? Is the Senator going to look into what doctors have to do in order to practice? Is the Senator going to look beyond the NRA and make it applicable to them? If the Senator does, perhaps he will get a supporter here.

Mr. DOMINICK. The Senator was not

present on the floor when we discussed this matter earlier. We are trying to get at organizations which collect dues or impose assessments as a condition of employment and then to say that those dues cannot be used for political purposes—in other words, for a candidate or a political committee. Anyone who is able can contribute to anybody he wants to voluntarily. Anybody in one of those unions or organizations can form a political action committee and collect voluntarily from the members. The point is that dues which are collected involuntarily should not be used for political purposes.

Mr. KENNEDY. Mr. President, who has control of the time?

Mr. PASTORE. Mr. President, how much time does the Senator from Massachusetts want?

Mr. KENNEDY. Three minutes.

Mr. PASTORE. I yield 3 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Would the Senator be willing to look behind these organizations, to ascertain whether those contributions are in fact voluntary, and if so, is the Senator going to look beyond those assessments or dues to find out if they are in fact voluntary?

Mr. DOMINICK. In a State like Pennsylvania, where a lawyer has to belong to the bar association in order to practice, it is obvious that those dues are not for voluntary purposes, and they would be prohibited from using those dues for political purposes. The same thing is true of the State of Michigan. As far as the American Medical Association is concerned, if it collected dues as a condition of practice in a particular State, the money collected for that purpose would not be eligible to be used on behalf of a candidate.

Mr. KENNEDY. Not just in terms of practice, but is the Senator aware that in certain places the extension of hospital rights is made available only to those who belong to certain organizations? Otherwise, that doctor does not get that opportunity.

I think the amendment, as the Senator from Rhode Island said, raises many questions. I commend the Senator for bringing the whole issue up. If it could be as expansive and reach the various kinds of issues the Senator was attempting to do, I would support it, but as interpreted here, I just am not sure that it does not isolate certain groups, labor organizations in particular, and therefore I shall vote against it.

I thank the Senator for yielding.

Mr. PASTORE. Mr. President, let us face this question. Labor organizations have been charged with certain things, and the amendment covers them. I say to my colleagues, frankly, that none of us is for abuse. If there are abuses, they should be eliminated, but this question should be studied in depth. It involves many organizations. I am afraid that if we do something summarily, as I said, we may learn to live to regret it. I think it is the wrong thing for the wrong people. I think the whole question ought to be studied.

The Senator referred to dues. Every doctor pays dues to the American Medical Association. That association has a lobby down here. I am not finding fault

with that, but it has a lobby. Does this amendment include that kind of activity? Is the Senator going to close them down? The National Teachers Association has an organization here. Is the Senator going to shut them down? This matter has many ramifications.

Mr. DOMINICK. We are not shutting down any of them. We are talking about involuntary collection of dues.

Mr. PASTORE. But the Senator is tying it in to the right to practice and the right to work and an employment condition. All this subject has to be studied. I think it is time that this amendment be laid on the table. If it should be investigated, I think it should be done properly, by the appropriate committee, but it ought not be done here on the floor this afternoon.

I am ready to yield back my time.

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

Mr. DOMINICK. I yield.

Mr. ALLOTT. Mr. President, I am surprised the bill has gotten this far without having this question considered, because it is a question which has been in the forefront of people's minds for a good many years. This question was raised when I was on the Labor and Public Welfare Committee, and that was 15 or 16 years ago. I do not quite understand how this bill has gotten this far without having this matter considered.

The question, however, with reference to doctors or teachers is not a question of what they do with their money. The question is whether or not the payment of dues is a part of involuntary payment they must make as a condition of their employment.

That is the point here. That is the only point.

Mr. DOMINICK. The Senator is absolutely correct.

Mr. GRAVEL. Mr. President, if the Senator will yield on that point, it is against the law to use union dues for political purposes. However, the amendment does not address itself to that point. It addresses itself to the qualification of the individual as a union member. What it really hinges on is the uniqueness of the development of our labor society through compulsory membership, in order to survive. The Senator could refine that, and include the corporate society to arrive at the same end, so that they could not use their money.

This amendment would compromise the uniqueness of labor organizations. It might grab a few other organizations in the process, but surgically, it is aimed at gutting the labor people's ability to participate in the democratic process.

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

Mr. DOMINICK. Mr. President, I cannot let that stand as a summary of the amendment, because what the amendment is doing is preserving the right of the union member to select his own candidates whom he wants to support. That is why the people came into my office. That is why they got the petitions from all over the State in nothing flat, with signatures from 5,000 people all over the State in 2 weeks.

Mr. GRIFFIN. Mr. President, if the Senator will yield to me, I do not want the record of this debate to leave the impression that this question was not considered, that it comes to this floor as a matter of first impression. I, for one, serve on both the Commerce Committee and the Rules Committee, through which this bill has gone, and this matter was considered in the Commerce Committee and—

Mr. PASTORE. Mr. President, will the Senator yield? What matter was considered?

Mr. GRIFFIN. The subject was considered.

Mr. PASTORE. The subject was labor unions, and now the Senator is changing it. That is what I am talking about.

Mr. GRIFFIN. The Senator from Rhode Island would have been for it if we had left it at labor unions?

Mr. PASTORE. No; but do the Senators not see how they have vacillated on the Senate floor? They started out by attacking labor unions, then they tried to mollify it by saying any organization. Why do they retreat? If you mean labor unions, stand up and say labor unions.

Mr. GRIFFIN. I am not retreating, but I am saying to the Senate that this is not a matter of first impression. This matter was considered by the Commerce Committee, and the amendment was voted down by the committee.

Mr. DOMINICK. And, I am frank to say, one of the real problems we have is with the labor unions.

Mr. PASTORE. That is right.

Mr. MILLER. Mr. President, I would like to ask the clerk to read the modifications of the Dominick amendment which followed my colloquy with the Senator from Colorado.

The PRESIDING OFFICER. Is the Senator requesting his addition, as suggested to the Senator from Colorado?

Mr. MILLER. That is correct.

The PRESIDING OFFICER. The modification will be stated.

The assistant legislative clerk proceeded to read the modification.

Mr. MILLER. Mr. President, before the clerk reads it, I would like to ask that the Senator from Alaska give his undivided attention to what is going to be read.

Mr. GRAVEL. I shall be happy to.

The assistant legislative clerk read as follows:

Nothing herein shall prohibit a voluntary contribution by an individual member of any organization to or for the benefit of any candidate or political committee as long as such contribution is unrelated to dues, fees, or other moneys required as a condition of membership in such organization, or as a condition of employment.

Mr. MILLER. Mr. President, I point out to the Senator from Alaska that while I do not qualify as an expert, I do think I know something about the situation, and I can assure the Senator from Alaska that most of the COPE organizations and DRIVE organizations that I know of would not be inhibited one iota by that language. That language is designed to protect them. How the Senator can say that this amendment, with that modification, would gut the political activi-

ties of labor union members, is completely beyond me. I think his interpretation may not have rested upon his knowledge of what has just been read, but I suggested to the Senator from Colorado that that be put into the amendment for that very reason.

Mr. EAGLETON. The time for an overhaul of our campaign financing procedures is long overdue. I am pleased that the Senate is now well on its way to passing such a measure.

Before I turn to Senator DOMINICK's amendment, I want to acknowledge the hard work of many of my colleagues and bipartisan organizations, such as the Committee for an Effective Congress. Without that hard work and dedication, for the past few years we would not be acting on the proposal this afternoon.

The Dominick amendment to S. 382 can only be understood by relating its prohibitions to the present law on the books—18 U.S.C. § 610 prohibits unions from utilizing all dues moneys, whether they are collected from employees working in a right to work State or under a union security agreement, to make "a contribution or expenditure in connection with any Federal election." Moreover, in two cases involving the Railway Labor Act—*Street*, 367 U.S. 740 and *Allen*, 373 U.S. 113—the Supreme Court has held that as to political matters union members who do not agree with the organization's position have a right to block the use of their dues moneys in a manner inconsistent with their views. Thus, as to elections, unions are limited to using their dues moneys to communicate with their members and for nonpartisan registration drives. These limited permissions are clearly consistent with the public interest and are basic to a meaningful enjoyment by labor union members of the constituted right of association. Indeed the Supreme Court's opinion in *U.S. v. CIO*, 335 U.S. 106, indicates that a union's right to engage in such educational nonpartisan activities is constitutionally protected:

If [18 USC § 610] were construed to prohibit the publication, by corporations and unions in the regular course of conducting their affairs, of periodicals advising their members, stockholders or customers of danger or advantage to their interests from the adoption of measures or the election to office of men, espousing such measures, the gravest doubt would arise in our minds as to its constitutionality.

The upshot of the matter is that Congress has already regulated in political activity to fullest extent permitted by the Constitution and that these regulations, and the court decision referred to above fully protect the rights of members who disagree with the political positions of the majority of their fellow members.

The plain lack of merit of the Dominick amendment in both constitutional and policy terms makes it plain that it is not an attempt to perfect the political process, which is the aim of the balance of S. 382, but is simply an attempt to harass the labor movement by those who wish to weaken it. This amendment is simply a device to overturn the balance Congress struck between opposing view-

points on the union security issue in 1947.

Mr. PASTORE. Mr. President, does the Senator from Colorado yield back his time? If so, I am willing to yield back mine.

Mr. DOMINICK. I yield back the remainder of my time.

Mr. PASTORE. I yield back the remainder of my time, and I move to lay the amendment on the table.

Mr. GRIFFIN. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Brock). The question is on agreeing to the motion to lay on the table the amendment of the Senator from Colorado (Mr. DOMINICK) as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Illinois (Mr. STEVENSON), are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Carolina (Mr. THURMOND) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea." The result was announced—yeas 56, nays 38, as follows:

[No. 193 Leg.]

YEAS—56

|              |           |           |
|--------------|-----------|-----------|
| Aiken        | Gravel    | Montoya   |
| Allen        | Hart      | Moss      |
| Anderson     | Hartke    | Muskie    |
| Bentsen      | Hollings  | Nelson    |
| Bible        | Hughes    | Pastore   |
| Boggs        | Humphrey  | Pearson   |
| Brooke       | Inouye    | Pell      |
| Burdick      | Jackson   | Proxmire  |
| Byrd, W. Va. | Javits    | Randolph  |
| Cannon       | Kennedy   | Ribicoff  |
| Case         | Long      | Schweiker |
| Chiles       | Magnuson  | Scott     |
| Church       | Mansfield | Sparkman  |
| Cook         | Mathias   | Stevens   |
| Cranston     | McClellan | Symington |
| Eagleton     | McGee     | Talmadge  |
| Ellender     | McGovern  | Tunney    |
| Fulbright    | McIntyre  | Williams  |
| Gambrell     | Mondale   |           |

NAYS—38

|           |               |          |
|-----------|---------------|----------|
| Allott    | Eastland      | Miller   |
| Baker     | Ervin         | Packwood |
| Beall     | Fannin        | Prouty   |
| Bellmon   | Fong          | Roth     |
| Bennett   | Goldwater     | Saxbe    |
| Brock     | Griffin       | Smith    |
| Buckley   | Gurney        | Spong    |
| Byrd, Va. | Hansen        | Stennis  |
| Cooper    | Hatfield      | Taft     |
| Cotton    | Hruska        | Tower    |
| Curtis    | Jordan, N.C.  | Weicker  |
| Dole      | Jordan, Idaho | Young    |
| Dominick  | Metcalf       |          |

NOT VOTING—6

|        |       |           |
|--------|-------|-----------|
| Bayh   | Mundt | Stevenson |
| Harris | Percy | Thurmond  |

So the motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, I move that the vote by which the motion to table was agreed to be reconsidered.

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

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, while all Senators are present in the Chamber, I should like to ask how many more amendments there are to the pending bill.

Frankly, my position is that I should like very much to finish the bill tonight, if possible; but, on the other hand, if it means going until 8 o'clock this evening or later, then we cannot finish this bill and I would as soon that we stopped now.

SEVERAL SENATORS. Louder—louder—we cannot hear.

Mr. PASTORE. I will speak louder. I have been on my feet since 9 a.m. this morning. So I wish to ask the Senators now present, how many more amendments do we have?

Mr. PROUTY. I have one which will take only a few minutes.

Mr. PASTORE. Will the Senator ask for the yeas and nays?

Mr. PROUTY. No.

Mr. BAKER. Mr. President, I have one amendment, and I shall not ask for the yeas and nays.

Mr. CURTIS. Mr. President, I have an amendment. If acceptable, I would like to have the yeas and nays on the amendment, in two parts. I am going to ask that it be considered as one amendment.

Mr. PACKWOOD. I have eight amendments.

Mr. PASTORE. Is the Senator going to ask for the yeas and nays?

Mr. PACKWOOD. Yes.

Mr. PASTORE. On all eight?

Mr. PACKWOOD. That is right.

Mr. DOMINICK. Mr. President, I have one amendment but will not ask for the yeas and nays.

Mr. HART. Mr. President, I have one amendment. I shall be very brief.

Mr. HUMPHREY. Mr. President, I have an amendment—

Mr. PASTORE. Is the Senator going to ask for the yeas and nays?

Mr. HUMPHREY. I am not going to ask for the yeas and nays. I am going to refer to it later on. I want to discuss it with the Senator first.

Mr. ALLEN. Mr. President, I have one amendment, with no yeas and nays.

Mr. PASTORE. There you are, Mister Majority Leader. There are seven or eight amendments with the yeas and nays to be asked for and two others. Multiply that by 20 minutes and we will be here until midnight.

Mr. MANSFIELD. I believe the Senator from Oregon indicated that he would not ask for the yeas and nays on his eight amendments?

Mr. PACKWOOD. Mr. President, I would like to defer to the distinguished majority leader but I have waited for 2 days now to offer these amendments. I would like to have a yea and nay vote on them; yes. I thought I had a yea and nay on four earlier today, but I do not.

Mr. MANSFIELD. On that basis then, I think we should mark an end to consid-

eration of the pending bill at this time. It has been a long day since 9 a.m. this morning for the manager of the bill and other interested Senators.

So, I ask unanimous consent, first—I believe we will come in around 8 o'clock tomorrow morning, because we have a number of speakers—

Mr. BYRD of West Virginia. 8:45 a.m.

Mr. MANSFIELD. 8:45 a.m., yes. If any other Senator wishes to speak, we will come in earlier—gladly.

Then we will, first thing after we get through with the speeches, the special orders, we will take up the military construction appropriation bill under a time limitation.

VOTER REGISTRATION

Mr. HUMPHREY. Mr. President, I call to the attention of the Senate my amendment No. 266 to S. 382 and ask that it be printed in the RECORD at the conclusion of my remarks.

Mr. President, the Federal Elections Campaign Act of 1971 which is now before the Senate provides Congress with a vehicle to alter and reform a process vital to American democracy.

The American political campaign has become such a complex and intricate operation that I fear we often lose sight of its main goal of electing fairly those persons the people believe worthy of the public trust.

I believe that fundamental reform of the campaign process is not only necessary but desperately needed now if the political arena is not to become the property of the wealthy. Equal opportunity for all—which so many of us seek to make a daily reality—must be extended to the political process.

If participation in politics becomes a luxury only to be afforded by a few, then millions of Americans will lose not only their right to enter the political world, but their right to judge the capability of a candidate on standards other than his ability to accumulate money in order to purchase television time and advertising space.

Fair campaigns at the State or Federal level will only become a reality if the Congress moves now to institute the provisions of the Federal Elections Campaign Act. At stake is the quality of American political leadership as it struggles to solve the problems which endanger American democracy.

But, Mr. President, I do not believe revision and reform of campaign practices can alone meet our urgent need for a more responsive and democratic system of government. The campaign legislation which is now before the Senate does not touch upon an integral part of the political process in need of reform: The system by which Americans register to vote.

Mr. President, campaign reforms are of little value if we fail to remove barriers to voting and to voter registration. Reform of the campaign process without reform of the entire electoral process is only a halfway house toward complete reform of our political processes.

In every State registration is a prerequisite for voting. It is a necessary requirement to prevent election abuses.

But, I believe that Congress should do all it can to remove the obstacles to voter registration. Let us take a look at some statistics:

In 1968 approximately 37 million Americans did not register to vote. At the present time there are 11.5 million Americans who are between 18 and 21 years of age and who can now register. This means that there is a pool of 48.5 million persons who could now register to vote in State and Federal elections.

The Democratic National Committee's "Freedom To Vote Task Force" reported that a Gallup poll study of registration found that residency and other registration qualifications—not disinterest on part of the voter—provide the greatest barrier to voting.

Past election data indicate that once people overcome the burden of registering to vote they go to the polls in great numbers. Figures from the election of 1968 show that there were 120 million

Americans of voting age. Of that figure, only 60.9 percent voted. However 89.4 percent of those who took the trouble to register voted.

Mr. President, I ask unanimous consent that a State-by-State compilation of voter registration and turnout in 1968 prepared by the "Freedom To Vote Task Force" be printed in the RECORD.

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

TABLE 1.—REGISTRATION AND TURNOUT IN THE 1968 PRESIDENTIAL ELECTION, BY STATE<sup>1</sup>

| State                    | 1968 voting age population | Total registration | Actual turnout | Percent turnout of registered voters | Percent turnout of voting age population | State                     | 1968 voting age population | Total registration | Actual turnout | Percent turnout of registered voters | Percent turnout of voting age population |
|--------------------------|----------------------------|--------------------|----------------|--------------------------------------|------------------------------------------|---------------------------|----------------------------|--------------------|----------------|--------------------------------------|------------------------------------------|
| Alabama                  | 2,037,060                  | 1,389,198          | 1,044,177      | 75.2                                 | 51.3                                     | Nebraska                  | 891,000                    | 637,719            | 536,851        | 84.2                                 | 60.3                                     |
| Alaska <sup>2</sup>      | 151,000                    | NA                 | 83,035         | NA                                   | 55.0                                     | Nevada                    | 285,000                    | 188,811            | 154,218        | 81.7                                 | 54.1                                     |
| Arizona                  | 1,003,000                  | 614,718            | 486,936        | 79.2                                 | 48.5                                     | New Hampshire             | 418,000                    | 387,660            | 297,190        | 78.5                                 | 71.1                                     |
| Arkansas                 | 1,188,000                  | 845,759            | 609,590        | 72.1                                 | 51.3                                     | New Jersey                | 4,402,000                  | 3,319,752          | 2,875,395      | 86.6                                 | 65.3                                     |
| California               | 12,052,000                 | 8,587,673          | 7,251,587      | 84.4                                 | 60.2                                     | New Mexico                | 562,000                    | 445,304            | 327,281        | 73.5                                 | 58.2                                     |
| Colorado                 | 1,211,000                  | 966,700            | 806,983        | 83.5                                 | 66.6                                     | New York                  | 11,773,000                 | 8,113,216          | 6,691,690      | 85.5                                 | 59.1                                     |
| Connecticut              | 1,813,000                  | 1,341,519          | 1,256,232      | 93.6                                 | 69.3                                     | North Carolina            | 2,919,000                  | 1,858,987          | 1,587,493      | 85.4                                 | 54.4                                     |
| Delaware                 | 306,000                    | 248,915            | 214,367        | 86.1                                 | 70.1                                     | North Dakota <sup>2</sup> | 370,000                    | NA                 | 247,882        | NA                                   | 67.0                                     |
| District of Columbia     | 515,000                    | 201,937            | 170,578        | 84.5                                 | 33.1                                     | Ohio <sup>4</sup>         | 6,235,000                  | 3,907,000          | 3,959,698      | 101.3                                | 63.5                                     |
| Florida                  | 3,924,000                  | 2,765,316          | 2,187,805      | 79.1                                 | 55.8                                     | Oklahoma                  | 1,546,000                  | 1,163,328          | 943,086        | 81.1                                 | 61.0                                     |
| Georgia                  | 2,824,000                  | 1,850,000          | 1,250,100      | 57.6                                 | 44.1                                     | Oregon                    | 1,193,000                  | 971,851            | 819,622        | 84.3                                 | 68.7                                     |
| Hawaii                   | 708,000                    | 274,104            | 236,218        | 86.2                                 | 56.1                                     | Pennsylvania              | 7,234,000                  | 5,599,364          | 4,747,928      | 84.8                                 | 65.6                                     |
| Idaho                    | 708,000                    | 366,532            | 291,183        | 79.4                                 | 41.1                                     | Rhode Island              | 561,000                    | 471,112            | 384,938        | 81.7                                 | 68.6                                     |
| Illinois                 | 6,580,000                  | 5,676,131          | 4,619,749      | 81.4                                 | 70.2                                     | South Carolina            | 1,455,000                  | 853,014            | 666,978        | 78.2                                 | 45.8                                     |
| Indiana                  | 2,947,000                  | 2,653,219          | 2,123,597      | 80.0                                 | 72.1                                     | South Dakota              | 408,000                    | 348,254            | 281,264        | 80.0                                 | 68.9                                     |
| Iowa <sup>2</sup>        | 1,653,000                  | NA                 | 1,167,931      | NA                                   | 70.7                                     | Tennessee                 | 2,361,000                  | 1,840,077          | 1,248,617      | 67.9                                 | 52.9                                     |
| Kansas <sup>2</sup>      | 1,339,000                  | NA                 | 872,983        | NA                                   | 65.2                                     | Texas                     | 6,289,000                  | 4,073,576          | 3,079,576      | 75.6                                 | 49.0                                     |
| Kentucky                 | 2,062,000                  | 1,471,343          | 1,055,893      | 71.8                                 | 51.2                                     | Utah <sup>2</sup>         | 562,000                    | 475,000            | 422,568        | 89.0                                 | 75.2                                     |
| Louisiana                | 2,032,000                  | 1,449,231          | 1,097,450      | 75.7                                 | 54.0                                     | Vermont                   | 244,000                    | 208,221            | 161,403        | 77.5                                 | 66.1                                     |
| Maine                    | 596,000                    | 509,888            | 392,936        | 77.1                                 | 65.9                                     | Virginia                  | 2,690,000                  | 1,510,592          | 1,359,928      | 90.0                                 | 50.6                                     |
| Maryland                 | 2,168,000                  | 1,595,779          | 1,235,039      | 77.4                                 | 57.0                                     | Washington                | 1,838,000                  | 1,649,734          | 1,304,281      | 79.1                                 | 71.0                                     |
| Massachusetts            | 3,378,000                  | 2,591,051          | 2,331,752      | 90.0                                 | 69.0                                     | West Virginia             | 1,073,000                  | 993,024            | 754,206        | 76.0                                 | 70.3                                     |
| Michigan                 | 4,853,000                  | 3,950,000          | 3,306,250      | 83.7                                 | 68.1                                     | Wisconsin <sup>2</sup>    | 2,484,000                  | 2,425,000          | 1,691,538      | 69.8                                 | 68.1                                     |
| Minnesota                | 2,097,000                  | NA                 | 1,588,510      | NA                                   | 75.8                                     | Wyoming                   | 202,000                    | 142,739            | 127,205        | 89.1                                 | 63.0                                     |
| Mississippi <sup>2</sup> | 1,308,000                  | 775,000            | 654,509        | 84.5                                 | 50.0                                     | Totals                    | 120,353,000                | 82,029,426         | 73,359,762     | 89.4                                 | 60.9                                     |
| Missouri <sup>2</sup>    | 2,770,000                  | NA                 | 1,809,502      | NA                                   | 65.3                                     |                           |                            |                    |                |                                      |                                          |
| Montana                  | 412,000                    | 331,078            | 274,404        | 82.9                                 | 66.6                                     |                           |                            |                    |                |                                      |                                          |

<sup>1</sup> These figures are from State and U.S. Census sources. The Task Force figures and those compiled by the Republican National Committee are in substantial agreement. The figures used are the same as those in the Republican National Committee's report on the 1968 election.

<sup>2</sup> States which have no Statewide registration, or where registration is not required.

<sup>3</sup> Approximate figures, furnished by Secretary of State.

<sup>4</sup> Ohio does not require total registration, therefore the voter turnout figure exceeds the registration figure. Figure not included in total percentage.

NA—Not available.

Mr. HUMPHREY. Mr. President, voter turnout in the United States compares poorly with other democratic countries. In 1968, 75 percent of Canadian citizens voted. For the same year, voter turnout in Sweden was 89 percent. The French registered an 80 percent voter participation level in 1968 while nearly 90 percent of the Danes voted that year.

In analyzing a Census Bureau report of the 1968 election, the "Freedom to Vote Task Force" said that—

The highest proportion of those not registered and/or not voting fall among blacks, those who did not finish high school, manual and service workers and those of lower incomes.

While 84 percent of those having family incomes of \$15,000 and over voted in 1968, only 53.5 percent of those with family incomes under \$3,000 voted.

I submit that failure to register often results from lack of understanding of requirements and complexities in the registration process.

At the moment when we are considering a significant campaign reform bill and when the Census Bureau tells us that there could be as many as 25 million voters under age 25 who will be entering a polling booth for the first time in 1972, we must also remove the barriers to voting in Federal elections. State registration procedures often become such a burden that the potential voter does not have time to comply with

them or does not learn of them soon enough to register.

In Texas, annual voter registration is required, although this regulation is now being appealed in Federal court.

In Rhode Island, registration closes a full 60 days before the election.

Ten States including the most populous, California, require voting in every general election to retain registration.

I do not believe that Congress intended that State registration procedures discourage Americans from voting.

Mr. President, I am today calling up a Federal voter registration amendment to S. 382, the Federal Elections Campaign Act of 1971.

My amendment would enable all citizens of the United States to register to vote in Federal elections at the same time they file their income tax returns.

The amendment directs the Secretary of the Treasury to mail all taxpayers two voter registration forms with the 1040 form which they could complete to obtain a Federal certificate of registration. The taxpayer and his dependents over 18 would be able to use this convenient registration procedure. It would be optional, however. There is no compulsion involved. And the existing State registration procedures also would remain available.

Mr. President, in tax year 1969, for which forms were filed in 1970, the Internal Revenue Service received 75,856,

703 returns accounting for 196,750,468 individuals or exemptions. The IRS reaches 95 percent of the American people.

I believe that it is an excellent organization to carry out a registration function. The IRS has a reputation for the responsibility, efficiency, and confidentiality, all of which are necessary if this national voter registration system is to work.

The association of the Internal Revenue Service with the registration process is in the best tradition of taxation with representation.

I realize that many people do not file an income tax form but are eligible to vote. For these people, State registration channels remain open, and the amendment specifies that registration forms also may be obtained at local post offices to be mailed to the appropriate regional IRS office. The amendment also directs the Treasury Secretary to advertise in Spanish, as well as English, to all nontaxpayers advising them of their right to register.

I would hope that these provisions for nontaxpayers would begin to bring into the political process those who have been excluded because of the inconvenience of the registration procedures.

Registration has often proven difficult for the poor, the elderly, and the handicapped, because of lack of transportation to get to the designated place, infirmities,

or other reasons. With my amendment, all that is needed is a postage stamp.

I would like to emphasize that the Federal voter registration amendment does not eliminate or change State registration laws. Persons will be certified for Federal registration through the IRS only if they are also eligible to register through a State's own registration system. An individual's registration will be effective as long as registration is in effect under the applicable State law. Constitutional residency requirements also remain in effect.

My amendment does not interfere with the rights of the various States to make their own election and registration laws. It is designed to remove hindrances to registration.

No national registry of persons will be compiled or maintained in order to protect individuals and preserve their privacy. There are adequate penalties in the amendment to safeguard this program from fraud or any attempt to deny a person his right to register.

Mr. President, the responsibility lies with the Congress to enact legislation which will offer the greatest number of people the opportunity to vote. We cannot pass laws which will interest the disinterested. But the Congress can and should enact legislation which can enlarge the electorate. This is in the intent of my amendment.

There can be no more serious defect in our democratic process than the one which denies a man his vote.

Mr. President, in order for my colleagues to understand how amendment No. 266 typically could work in practice, I would like to show how an average voter would go about registering to vote under the procedures outlined in the amendment.

John Jones is a 20-year-old auto mechanic in Duluth, Minn. He is married. Neither he nor his wife who is also 20 years old and who is not employed have ever registered to vote in Minnesota or any other State.

When Mr. Jones receives his Federal income tax forms from the Internal Revenue Service, he will also receive two identical, simple enclosures which he and his wife have the option to complete in order to register to vote in any general, special or primary election for President, Vice President, presidential elector, Senator, or Representative. Mr. and Mrs. Jones would then supply the IRS with the basic data on age, residence, and other details required by election laws.

Mr. and Mrs. Jones will have to sign a statement at the bottom of the form attesting to the truth and accuracy of the information they supply. There are penalties for fraud and misrepresentation.

Mr. and Mrs. Jones are not familiar with the voter registration laws of the State of Minnesota. When they mail the form to the IRS they are not sure whether or not they meet the State's registration requirements.

Mr. Jones mails the registration applications with his tax return to the IRS.

Upon receiving the Joneses' applications, the IRS begins to process them in order to determine if they indeed qualify for a Federal registration certificate ac-

ording to the registration laws of the State of Minnesota.

The computerized examination of the applications submitted by Mr. Jones and his wife reveals that they meet all of the registration and voting qualifications of the State. The IRS issues them separate Federal certificates of registration.

The Internal Revenue Service will also provide the Minnesota commissioner of registration with a record of the Joneses' Federal registration and any other information which the commissioner may need to maintain an accurate Federal voter registration list.

On election day, Mr. and Mrs. Jones will present themselves at their local polling place. Upon presentation of their Federal registration certificate, they may vote for candidates seeking Federal office.

Under the procedures of amendment No. 266, a State has the option of allowing persons holding a Federal registration certificate to also vote for candidates seeking State offices, if the State makes provisions for this by law.

If Mr. and Mrs. Jones had not been taxpayers and thus had not received an application for a registration certificate, they could have obtained a similar form at their local post office, to be mailed to the IRS for processing.

My proposal has but one objective; namely, to facilitate and increase registration—to remove unnecessary obstacles and to maximize voter participation.

It is a great disappointment to me that the Senate will not be able to consider my voter registration amendment at this time. I trust that when the amendment is reintroduced at a later date we will have the opportunity to discuss it thoroughly.

I believe that this amendment shows great promise in solving one of the most perplexing obstacles to electoral participation—registration.

Mr. President, political scientists have long argued that the mechanics of registering to vote have deterred some citizens from exercising their franchise. In our Nation, between about 60 to 70 percent of the electorate vote in presidential elections. For local elections and for primaries, the figure is even less.

People get sick, they work late hours, or they just forget to go to their county courthouse and register to vote.

The registration problem will likely become even more serious, now that the 26th amendment, giving 18-year-olds the right to vote, has been adopted. And, with this influx of new voters, a move I emphatically endorse and have fought for, the reason to uncomplicate the registration mechanism is even more compelling.

The Humphrey amendment would eliminate the necessity for a person to travel beyond his own home in order to register. Simply put, my amendment would have the Internal Revenue Service issue certifications of registration to qualified voters of the States. These certifications would serve as proof of registration, making the person able to vote in Federal and State elections.

And, all of the paperwork would happen the same time that the family income tax returns were prepared.

I believe that this method is concise and easy to understand. I have also been assured by the Internal Revenue Service that their agency, through their computers, could handle any extra workload placed on them by this registration procedure.

Mr. President, when this amendment comes up again, I ask all Senators to join forces and make the act of voting as free from complications as possible.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to 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. 6531) entitled "An Act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes."

#### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 485. An act to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations.

S. 751. An act to authorize the disposal of industrial diamond crushing bort from the national stockpile and the supplemental stockpile.

S. 752. An act to authorize the disposal of vegetable tannin extracts from the national stockpile.

S. 753. An act to authorize the disposal of thorium from the supplemental stockpile.

S. 755. An act to authorize the disposal of shellac from the national stockpile.

S. 756. An act to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile.

S. 757. An act to authorize the disposal of iridium from the national stockpile.

S. 758. An act to authorize the disposal of mica from the national stockpile and the supplemental stockpile.

S. 759. An act to authorize the disposal of metallurgical grade manganese from the national stockpile and the supplemental stockpile.

S. 760. An act to authorize the disposal of manganese, battery grade, synthetic dioxide from the national stockpile.

S. 761. An act to authorize the disposal of diamond tools from the national stockpile.

S. 762. An act to authorize the disposal of chromium from the national stockpile and the supplemental stockpile.

S. 763. An act to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile.

S. 765. An act to authorize the disposal of antimony from the national stockpile and the supplemental stockpile.

S. 767. An act to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile.

S. 768. An act to authorize the disposal of chemical grade chrome from the national stockpile and the supplemental stockpile.

S. 769. An act to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile.



SENATE  
FLOOR DEBATE  
ON  
S.382  
**AUGUST 5, 1971**

(1) Case amendment No. 378, authorizing \$1.4 million for allowing Fort Monmouth, N.J., and Camp Wood to join sanitary sewer system of Northeast Monmouth Regional Sewer Authority;

(2) Byrd of Virginia amendment barring sale or lease of lands at Camp Pendleton, Calif., unless authorized by law; and

(3) Gravel amendment to provide \$2 million for participation by Fort Wainwright, Alaska, in the sanitary sewer system of Fairbanks; and

Rejected:

(1) By 32 yeas to 58 nays, Hughes amendment declaring sense of the Congress that the Navy should continue to phase out weapons training activities on Culebra Island, with such activities to be terminated not later than May 31, 1975; and

(2) By 31 yeas to 59 nays, Nelson amendment barring use of funds for construction of nine specific projects throughout the country until after environmental impact statements have been made with respect to such projects.

Senate insisted on its amendments, requested conference with the House, and appointed as conferees Senators Stennis, Symington, Jackson, Ervin, Cannon, Byrd of Virginia, Thurmond, Tower, and Dominick.

Pages 30011-30040

**Federal election campaign practices:** By 88 yeas to 2 nays, Senate passed S. 382, to promote fair practices in the conduct of election campaigns for Federal political offices, after adopting Pastore amendment (No. 308) in the nature of a substitute bill, as amended, and to which amendment additional action on amendments thereto was taken as follows:

Adopted:

(1) Modified Packwood amendment No. 375, to provide that political contributions of \$5,000 or more received after the last report is filed prior to election shall be reported within 48 hours after its receipt;

(2) Packwood amendment No. 370, requiring campaign contribution reports filed with clerks of district courts to be made available for inspection on the date received;

(3) Modified Baker amendment No. 350, requiring political committees to list in advertisements soliciting funds information as to their compliance with Federal election laws and as to the availability from GPO of reports and statements of such committee;

(4) Baker amendment making effective date of the bill December 31, 1971, or 60 days following enactment thereof;

(5) Bellmon amendment No. 381, prohibiting sale or use of information copied from reports and statements of political committees for purpose of soliciting contributions or for any commercial purpose;

(6) Modified Bellmon amendment No. 296, to re-

quire the furnishing to candidates and political committee treasurers forms for filing necessary reports;

(7) Bellmon amendment No. 297, requiring furnishing of a manual of uniform procedures to persons required to file reports;

(8) Buckley amendment No. 365, excluding from the term "contribution" the value of services rendered by volunteers; and

(9) Hart amendment to provide for public inspection of campaign financing reports received by the Federal Elections Commission at any hour after 2 days following receipt thereof; and

Rejected:

(1) Packwood amendment No. 371, requiring completion of reports 2 days prior to filing thereof instead of 5 days (rejected by adoption, by 73 yeas to 10 nays, of tabling motion);

(2) Packwood amendment No. 374, requiring disclosure of the names of individuals who act as a guarantor or surety of any extension of credit in connection with any debt incurred by political committee in behalf of a candidate (rejected by adoption, by 53 yeas to 30 nays, of tabling motion);

(3) Packwood amendment No. 373, requiring disclosure of services by committees and other organizations promoting "get-out-the-vote" campaigns (rejected by adoption, by 60 yeas to 28 nays, of tabling motion);

(4) Packwood amendment No. 355, barring extension of further credit to political committees by certain industries if previous such debts have not been paid within 2 years (rejected by adoption, by 46 yeas to 42 nays, of tabling motion);

(5) By 31 yeas to 60 nays, Allen amendment No. 306, allowing an additional 10 cents multiplied by the estimate of population of voting age, or \$60,000, for campaign expenses other than for broadcasting and non-broadcasting media purposes; and

(6) By 31 yeas to 55 nays, with two voting present, Curtis amendment No. 382, striking section requiring broadcast and nonbroadcast communications media to charge the lowest unit charge for the same amount of time or space.

Pages 30041-30046, 30049-30083

**Economic disaster relief:** By 71 yeas to 9 nays, Senate passed S. 2393, making areas suffering from economic disasters eligible for emergency Federal aid, after taking action on proposed amendments thereto as follows:

Adopted:

(1) Proxmire amendment establishing a \$1 million ceiling on any loan made for purposes of the bill;

(2) Church amendment to include in the definition of the term "major disaster" areas of insect infestation;

(3) Cooper amendment including in the definition of the term "major disaster" unemployment attributable to the loss or curtailment of significant sources of employment or employment opportunity;

(4) Bellmon amendment authorizing the transfer of Federal public works funds within a State for purposes of aiding drought-stricken areas;

(5) Baker amendment No. 388, providing for the expiration of the provisions of the bill on June 30, 1973;

(6) Modified Buckley amendment No. 386 of a clarifying nature regarding the providing of medical services to persons adversely affected by a disaster;

(7) Dole amendment No. 391, providing that assistance shall be provided for a period not to exceed 12 months; and

(8) Dole amendment No. 392, to authorize payment of relocation costs for an individual and his family relocating in order to gain employment; and

Rejected: By 28 yeas to 52 nays, Buckley amendment including in definition of term "disaster areas" an area suffering from the sudden increase in unemployment due to the loss or closing of a major source of employment.

By 53 yeas to 29 nays, Senate sustained the Chair when it ruled out of order as nongermane Humphrey amendment providing additional 26 weeks of unemployment compensation to those whose unemployment compensation eligibility have expired. Pages 30084, 30106-30139

**Calendar Call:** On call of calendar Senate passed six bills, as follows:

**Without amendment and cleared for President:**

**Unclaimed postal savings:** H.R. 135, relating to disposition of assets of unclaimed postal savings system deposits.

**With amendment and cleared for House:**

**Interior Department:** S. 291, to establish within the Department of the Interior the position of Assistant Secretary for Indian Affairs;

**Water resources—feasibility studies:** S. 2248, to authorize feasibility studies of Central Valley project, Delta Division, Montezuma Hills unit, Solano County, Calif., and Gallup project, McKinley, Valencia, and San Juan Counties, N. Mex.;

**Archeological data:** S. 1245, relating to the preservation of historical monuments and historical archeological data;

**Star route contracts:** S. 1989, to provide for renewal of star route contracts; and

**Air taxi mail:** S. 996, to provide for reimbursement of certain individuals for transportation of air mail during period July 1, 1967 through December 31, 1968.

Pages 29887-29889

**Coast Guard Procurement Authorizations:** Senate agreed to the conference report on H.R. 5208, to authorize funds for procurement of vessels and other Coast Guard facilities for fiscal year 1972, and sent the bill to the House for further action.

Page 30041

**Senate Authorizations:** All committees were author-

ized to file reports on August 9 and September 7 during the coming adjournment of the Senate.

Also, the Secretary of the Senate was authorized to receive messages from the President and House of Representatives, and Vice President, President pro tempore or Acting President pro tempore were authorized to sign duly enrolled bills and joint resolutions during the adjournment of the Senate from August 6 until September 8, 1971.

Page 30037

**Military Draft:** Senate took up conference report on H.R. 6531, to extend for 2 years the military draft, and to provide pay increases for military personnel, and by unanimous consent, agreed that consideration of this matter will be resumed at the conclusion of morning business on Monday, September 13, and that it will remain the pending business of the Senate until disposed of.

Pages 30099-30105

**Education Amendments:** Senate continued briefly consideration of S. 659, omnibus education amendments of 1971, and will resume its consideration tomorrow.

Pages 30083-30084, 30159

**President's Messages—Annual Reports:** Senate received the following messages from the President:

Transmitting Annual Report on International Educational and Cultural Exchange Program conducted in fiscal year 1970 by the Department of State—referred to Committee on Foreign Relations; and

Transmitting Seventh Annual Report on Status of the National Wilderness Preservation System—referred to Committee on Interior and Insular Affairs.

Pages 30048-30049, 30083

**Treaties Reported:** The following two treaties were reported:

Convention for the Suppression of Unlawful Seizure of Aircraft (Ex. A, 92d Cong., first sess.) (Ex. Rept. 92-8); and

Two conventions and amendments designed to more effectively prevent the pollution of the sea by oil (Ex. G, 91st Cong., second sess.) (Ex. Rept. 92-9).

Pages 29892, 30143

**Confirmations:** Senate confirmed the nomination of Peter G. Nash, of New York, to be General Counsel, National Labor Relations Board; and

Three Air Force nominations in the rank of general; and sundry other nominations in the Air Force.

Page 30162

**Nominations:** Senate received the nomination of Henry M. Ramirez, of California, to be Chairman of the Cabinet Committee on Opportunities for Spanish-Speaking People; and

Two Navy nominations in the rank of admiral; three Air Force in the rank of general; one Army in the rank of general; numerous Coast Guard nominations.

interest themselves in international economic affairs, have been disappointed by the extent to which the United Kingdom and other applicants for Common Market membership have been so prepared to embrace the CAP system as it stands.

Unless the CAP system is reformed, the enlargement of the European Community can be expected to have a further disillusioning effect on the United States attitude toward the new Europe.

I urge you to put your minds to work on devising new ways and means for assisting low-income farmers in Western Europe. If you assist them, perhaps by direct payments and also reduced internal prices, as the Vedel Commission in France has recommended, you will in the end ease the cost of the CAP and thus benefit yourselves as well as low-cost agricultural suppliers elsewhere in the world.

European and "outside" interests have much in common. I am not saying to you and your friends across the Channel: "Tear up the CAP. Start again." What I am saying is that you should rearrange the CAP's measures and practices in order to curb its more costly and more distorting aspects.

There is an opportunity, with the adjustments which must follow the Community's enlargement, for gradual changes to be made over the next few years in the CAP system, attuning it more to the objectives of an open world economy.

If the enlarged Community could be induced to look in that direction, the United States also would have to look to its farm support policies, as would other industrialized countries, like Japan, and agricultural exporters such as Australia and Canada. The task would be challenging. But setting agricultural policies in the right direction would serve all our interests.

Look at the benefits! We would be working toward a world of economic peace and minimizing the threat of trade wars. We would be working toward a rationalization of world food production to provide a basis for feeding the world at reasonable costs and avoiding large pockets of starvation and deprivation.

Instead of trade restrictions, we must move toward increasing consumption, improving nutrition, developing new uses and increasing efficiency to reduce production costs.

The European Community, as the world's largest trading entity, should see the need to do this. I am hopeful that the coincidence of your fundamental interests and those of others, including the United States, may make such an endeavor possible.

The time has come to begin building a new multilateral economic system, one based on the old system, but going well beyond it. Perhaps the high-level OECD study group on world trade can provide that beginning. I hope so.

I am also hopeful that the enlarged European Community will at last begin to confront the fundamental problems which beset the world economy. But it will require a major effort in Britain and in the other member countries of the enlarged Community to alter the course of recent policies. The Common Market is no weak and fragile competitor and it will be less so once Britain and the other applicants have joined.

Regional trading blocs or economic spheres of influence do not provide an answer to the problems of the world economy. If only for political reasons the weaker developing countries cannot survive as client-states under the economic dominance of one of the world's major commercial powers.

New trade negotiations are required. The international trading system has to be developed a stage further to provide rules for agriculture as well as industrial trade. Ways have to be found for coping with non-

tariff barriers to trade which in the United States have evoked the slogan that "foreign trade is not fair trade."

What we need is a global strategy for the further liberalization of international trade on a programmed basis capable of securing benefits while avoiding painful dislocations.

The industrialized countries of the world have become too interdependent economically to turn back without great loss to themselves. Instead, they must move forward recognizing that the easy solutions lie behind us and the hardest problems lie ahead. The tough issues, such as agriculture are the ones that remain to be tackled. We all would benefit if agricultural policies could be set in new trade liberalizing directions.

#### UNSECURED CREDIT TO POLITICAL CANDIDATES

Mr. SCOTT. Mr. President, an editorial in the Portland, Oreg., Capitol Journal comments on my proposal to prohibit the granting of unsecured credit to political candidates by federally regulated industries. I ask unanimous consent that the editorial be printed in the RECORD.

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

##### STOP CAMPAIGN "CONTRIBUTIONS"

Sen. Hugh Scott is absolutely right when he says legislation is needed to stop political candidates from forcing businesses to contribute to them illegally. And that's about the only interpretation—unkind as it may be—for some of the practices used by virtually all presidential candidates.

Scott, the Senate GOP leader, put on the record last week a mass of documents showing huge bills run up by candidates with airlines, telephone companies, and other firms—all of which are regulated to one degree or another by the federal government.

"This business of trying to run political campaigns on the cuff is distinctly unfair," said Scott, "and places a burden which not only should not be on the companies but is actually forcing them into making involuntary and illegal contributions."

U.S. airlines, for example, have more than \$2.1 million in unpaid debts run up by Democratic and Republican committees and individual candidates. According to Scott's figures, President Nixon owes \$69,376 to American Airlines. That airline—with total unpaid debts of more than \$1.3 million—also is owed \$415,120 for the campaign of the late Robert F. Kennedy; \$138,762 for Hubert H. Humphrey's race; \$135,872 for ex-Sen. Eugene McCarthy's campaign, and \$151,871 run up by the Republican National Finance Committee. And some of the candidates also owe big unpaid accounts with other airlines, American Telephone and Telegraph, Western Union, and General Telephone.

Scott needled McCarthy, who he said apparently is going to run for president again, as one "who doesn't run a shirtsleeve campaign but one on the cuff." But McCarthy shouldn't be singled out when even the successful Republican presidential candidate still is in the hole.

Scott's disclosures dramatize the need for passage of a strict limitation on campaign expenditures, including a flat prohibition on putting expenses on the cuff with government-regulated businesses.

Under present law, corporations aren't permitted to contribute to political campaigns. But passage of the expenditure-limitation bill now pending in Congress still would allow the practice of involuntary "contributions." Scott proposes an amendment to correct that deficiency.

Both a cash spending limitation and a

prohibition on campaign credit are essential. Stopping credit without a limitation on over-all spending would work against the least affluent candidates. And they already suffer in the spending competition with their wealthier opponents. The answer is a total revamp of the system as Scott proposes.

#### RETIREMENT OF COL. JOSEPH E. O'LEARY

Mr. BIBLE. Mr. President, the Army and the Senate lost a valued friend last week when Col. Joseph E. O'Leary retired. In his post as chief of the Army's legislative liaison office, Joe served with dedication and ability—and with patient good humor—in a job that is demanding and, I am sure, often frustrating. He served the Army well, and in so doing he served the Senate with distinction.

Last week, in Friday's RECORD, the Senator from Alaska (Mr. GRAVEL) paid tribute to Colonel O'Leary. I should like to invite the Senate's attention to those remarks and to the biographical sketch of Colonel O'Leary that was included at that time.

We will miss Joe O'Leary but we wish him well in retirement. Knowing Joe, he will have an active and productive retirement.

#### SUCCESS DESPITE A HANDICAP

Mr. MATHIAS. Mr. President, Ray Senasack is a young man who has learned to cope without arms. He is a high school graduate and is planning to attend college in the fall. This summer he is working for the Maryland-National Capital Park and Planning Commission and his employer describes him as a valuable worker who neither needs nor wants special concessions.

Lee Flor, in an article published in the Evening Star, describes Ray's accomplishments. He was only 11 months old when he began to learn how to use artificial limbs. He is considered an "excellent example of how a child can adapt to his handicap."

Because I feel that we, as employers and individuals, can learn a lesson in life from Ray's perseverance, I ask, unanimous consent that the article be printed in the RECORD.

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

[From the Washington Evening Star, July 6, 1971]

##### HE DIDN'T GIVE UP

(By Lee Flor)

Ray Senasack has no arms—he was born that way. But during his 19 years, he's had something in extreme depth to make up for it . . . spirit.

Ray is now in that transitional period between being a teen-ager, and becoming an adult. He was just graduated from high school and is looking forward to college in the fall.

This summer, he has his first full-time job, as a groundskeeper at the Maryland-National Capital Park and Planning Commission's Northwest Park Golf Course, close to Ray's home near Wheaton, Md.

Ed Burriss, his foreman, said that Ray is doing every job that has to be done—running the mowers used in special trimming, and operating larger machines needed for carrying tools.

S. 762. An act to authorize the disposal of chromium from the national stockpile and the supplemental stockpile;

S. 763. An act to authorize the disposal of amosite asbestos from the national stockpile and the supplemental stockpile;

S. 765. An act to authorize the disposal of antimony from the national stockpile and the supplemental stockpile;

S. 767. An act to authorize the disposal of rare-earth materials from the national stockpile and the supplemental stockpile;

S. 768. An act to authorize the disposal of chemical grade chromite from the national stockpile and the supplemental stockpile;

S. 769. An act to authorize the disposal of industrial diamond stones from the national stockpile and the supplemental stockpile;

S. 770. An act to authorize the disposal of columbium from the national stockpile and the supplemental stockpile;

S. 771. An act to authorize the disposal of selenium from the national stockpile and the supplemental stockpile;

S. 772. An act to authorize the disposal of celestite from the national stockpile and the supplemental stockpile;

S. 774. An act to authorize the disposal of vanadium from the national stockpile;

S. 775. An act to authorize the disposal of magnesium from the national stockpile;

S. 776. An act to authorize the disposal of abaca from the national stockpile;

S. 777. An act to authorize the disposal of sisal from the national stockpile;

S. 778. An act to authorize the disposal of kyanite-mullite from the national stockpile; and

S.J. Res. 105. Joint resolution authorizing the President to issue a proclamation designating 1971 as the "Year of World Minority Language Groups".

#### COAST GUARD AUTHORIZATIONS— CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

#### CONFERENCE REPORT (H. REPT. NO. 92-451)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 5, 6, and 7, and agree to the same. Amendment numbered 1:

That the House recede from its disagree-

ment to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: \$41,574,000.

And the Senate agree to the same.

WARREN G. MAGNUSON,  
RUSSELL B. LONG,  
ERNEST F. HOLLINGS,  
ROBERT P. GRIFFIN,  
MARK O. HATFIELD,

*Managers on the Part of the Senate.*

EDWARD A. GARMATZ,  
LEONOR K. SULLIVAN,  
ALTON LENNON,  
THOMAS M. PELLY,  
HASTINGS KEITH,

*Managers on the Part of the House.*

Mr. MAGNUSON. Mr. President, the bill is similar in all respects to the bill passed by the Senate on July 22, with one exception. The Senate conferees agreed to the restoration of the authorization of one administrative aircraft, and authorized \$3.25 million for that purpose. I move that the conference report be agreed to.

The motion was agreed to.

#### FEDERAL ELECTION CAMPAIGN ACT OF 1971

The PRESIDING OFFICER (Mr. BENTSEN). Under the previous order the Chair lays before the Senate S. 382, which the clerk will report.

The assistant legislative clerk read as follows:

Calendar No. 223 (S. 382), a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 308, as amended.

Mr. PASTORE. Mr. President, I yield 2 minutes to the assistant majority leader on the bill.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, after consulting with the distinguished manager of the bill and the distinguished Senator from Oregon (Mr. PACKWOOD), I make the following unanimous-consent request: That the eight amendments which are to be offered by the Senator from Oregon (Mr. PACKWOOD), namely, amendments Nos. 371, 375, 370, 374, 373, 353, 355, and 372 be considered in that order and that on each amendment the time be limited to 10 minutes, the time to be equally divided between the mover of the amendment and the manager of the bill;

Ordered further that after the rollcall vote which will occur on the first of the eight amendments, namely amendment No. 371, the time on each rollcall vote be limited to 10 minutes, rather than the usual 20 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, I yield whatever time the Senator from Massachusetts needs.

Mr. KENNEDY. Will the Senator yield 7 minutes?

Mr. PASTORE. I yield 7 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, about a week ago when this legislation came before the Senate I offered an amendment to S. 382 called the universal voter registration amendment.

Even though this legislation concerns itself primarily with the financing of campaigns, one of the essential elements in election reform is eliminating the many barriers that have been placed in the way of qualified Americans to participate in the electoral process. One of the most significant barriers is the complex of registration laws which exist in the several States. They impede the right to vote in practically every community and State. There has been significant progress in broadening the franchise in other respects in recent years—such as through the reapportionment decisions of the Supreme Court and the voting rights acts passed by Congress. Now, registration remains as one of the principal hindrances against participation in the democratic process.

Therefore, I submitted an amendment to the bill to provide for universal registration and to simplify the process of registering to vote in Federal elections. The amendment would establish an independent agency within the Census Bureau. By using a simple post card mailed to the Census Bureau, any individual would be able to register to vote in Federal elections. Using its computers, the Census Bureau would compile voter registration lists and provide this to the States and local precincts.

This reform could be a significant and useful step in eliminating the barriers imposed by registration against the right to vote.

Mr. President, in the Record of July 26, 1971, I outlined the constitutional authority for this amendment. In light of the recent decisions by the Supreme Court, and article I, section 4 of the Constitution, I believe that Congress has ample authority to act by statute in this area.

All the studies that have been addressed to this subject have tried to find ways to increase participation in our elections. All the studies that the morass of registration laws in the various States serve as a major hindrance.

I had intended to offer this proposal as an amendment to the pending legislation. I know that in this area, the Senator from Minnesota (Mr. HUMPHREY) has a proposal which is similar in approach, but which utilizes the Internal Revenue Service as a means for providing additional registration. The Senator from New Mexico (Mr. MONROYA) has also been extremely interested in this subject, as has the Senator from Hawaii (Mr. INOUE). The Senator from Missouri (Mr. EAGLETON) was the sponsor of an amendment in this area to the draft bill, which was accepted by the Senate.

So there are a number of different proposals that have come before us. Yet, we have not had action on this type of program.

I have taken the opportunity to talk with the chairman of the Post Office and Civil Service Committee, the Senator from Wyoming (Mr. McGEE), and he has indicated a strong interest in this proposal, as well as the others sponsored by my colleagues. He has indicated that in September he would hold hearings on these measures.

Therefore, given that indication by the Senator from Wyoming (Mr. McGEE), and having consulted with the manager of the bill, I do not intend to call up my amendment to this act. But I would certainly hope that the manager of the bill, who has spent such an enormous amount of time on the entire process of electoral reform, would give this measure his independent study and judgment. Hopefully, when the matter comes to the floor, as I hope it will, he will be able to support such a measure.

Mr. GRAVEL. Mr. President, I call up my amendment No. 362.

Mr. PASTORE. Mr. President, may I ask the Senator to repeat the number of that amendment?

Mr. GRAVEL. No. 362.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment (No. 362) as follows:

**TITLE V—PRESIDENTIAL ELECTION CAMPAIGNS**

SEC. 501. The Presidential Election Campaign Fund Act of 1966 is amended to read as follows:

**"TITLE III—FINANCING OF PROFESSIONAL ELECTIONS CAMPAIGNS**

**"SHORT TITLE**

"Sec. 301. This title may be cited as the 'Presidential Election Campaign Fund Act of 1966'.

**"DEFINITIONS**

"Sec. 302. For the purposes of this title—

"(1) The term 'authorized committee' means, with respect to the eligible candidates of a political party, any political committee which is authorized in writing by such candidates to incur expenses to further the election of such candidates. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidates with the commission. Any withdrawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

"(2) The term 'candidate' means, with respect to any presidential election, an individual who (A) has been nominated for elections to the office of President of the United States or the office of Vice President of the United States by a major party, or (B) has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to either such office in ten or more States. For purposes of paragraphs (6) and (7) of this section and purposes of sections 304(a) (1) and (2), the term 'candidate' means, with respect to any preceding presidential election, an individual who received popular votes for the office of President in such election.

"(3) The term 'Commission' means the Federal Elections Commission.

"(4) The term 'eligible candidates' means the candidates of a political party for President and Vice President of the United States who have met all applicable conditions for eligibility to receive payments under this title set forth in section 303.

"(5) The term 'fund' means the Presidential Election Campaign Fund established by section 306(a).

"(6) The term 'major party' means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 25 per centum or more of the total number of popular votes received by all candidates for such office.

"(7) The term 'minor party' means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 10 per centum or more but less than 25 per centum of the total number of popular votes received by all candidates for such office.

"(8) The term 'political committee' means any committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal, State, or local elective public office.

"(9) The term 'presidential election' means the election of presidential and vice-presidential electors.

"(10) The term 'qualified campaign expense' means an expense—

"(A) incurred (i) by the candidate of a political party for the office of President to further his election to such office or to further the election of the candidate of such political party for the office of Vice President, or both, (ii) by the candidate of a political party for the office of Vice President to further his election to such office or to further the election of the candidate of such political party for the office of President, or both, or (iii) by an authorized committee of the candidates of a political party for the offices of President and Vice President to further the election of either or both of such candidates to such offices,

"(B) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of such candidate or such committee. If an authorized committee of the eligible candidates of a political party also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or individuals shall be considered as incurred to further the election of such eligible candidates in such proportion as the Commission prescribes by rules or regulations.

"(11) The term 'Secretary' means the Secretary of the Treasury.

**"CONDITIONS FOR ELIGIBILITY FOR PAYMENTS**

"Sec. 303. In order to be eligible to receive any payments under section 306, the candidates of a political party in a presidential election shall, in writing—

"(1) agree to obtain and furnish to the Commission such evidence as it may request of the qualified campaign expenses with respect to which payment is sought.

"(2) agree to keep and furnish to the Commission such records, books, and other information as it may request.

"(3) agree to permit an audit and examination by the Commission under section 307 and to pay any amounts required to be paid under such section, and

"(4) agree to furnish to the Commission statements of qualified campaign expenses and proposed qualified campaign expenses required under section 308.

**"ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS**

"SEC. 304. (a) Subject to the provisions of this title—

"(1) The eligible candidates of a major party in a presidential election shall be entitled to payments under section 306 equal in the aggregate to 10 cents multiplied by the total number of popular votes received by all candidates of a major party for the office of President in the preceding presidential election.

"(2) The eligible candidates of a minor party in a presidential election shall be entitled to payments under section 306 equal in the aggregate to 20 cents multiplied by the number of popular votes received by the candidate for President of such party, as such candidate, in the preceding presidential election.

"(3) The eligible candidates of a political party (other than a major or minor party) in a presidential election whose candidate for President in such election receives, as such candidate, 10 per centum or more of the total number of popular votes cast for the office of President in such election shall be entitled to payments under section 306 equal in the aggregate to 20 cents multiplied by the number of popular votes received by such candidate, as such candidate in such election.

"(4) In addition to any amounts payable to a candidate under the provisions of paragraph (1) or (2) of this subsection, there shall be payable an additional amount to any such candidate if, in the election in which he is a candidate receiving money under the provisions of such paragraph (referred to hereafter in this subsection as 'this election'), there are cast for all such candidates (in the case of a candidate to whom paragraph (1) is applicable), or for such candidate (in the case of a candidate to whom paragraph (2) is applicable) more votes than were cast in the preceding election on which the determination of the amount so payable was based. Such additional amount shall be 10 cents multiplied by the excess of the number of votes cast for all such candidates (in the case of a candidate to whom paragraph (1) is applicable), and 20 cents multiplied by the excess of the number of votes cast for such candidate (in the case of a candidate to whom paragraph (2) is applicable) in this election over the number of votes so cast in the preceding election upon which the determination of the amount payable was based.

"(b) The aggregate payments to which the eligible candidates of a political party shall be entitled under subsections (a) (2) and (3) with respect to a presidential election shall not exceed an amount equal to the aggregate payments to which the eligible candidates of a major party are entitled under subsection (a) (1).

"(c) The eligible candidates of a political party shall be entitled to payments under subsection (a) only—

"(1) to defray qualified campaign expenses incurred by such eligible candidates or their authorized committees, or

"(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

**"CERTIFICATION BY COMMISSION**

"Sec. 305. (a) On the basis of the evidence, books, records, and information furnished by the eligible candidates of a political party and prior to examination and audit under section 307, the Commission shall certify from time to time to the Secretary for payment to such candidates under section 306 the payments to which such candidates are entitled under section 304.

"(b) Certifications by the Commission under subsection (a), and all determinations made by him in making such certifications, shall, except as provided in section 307, be final and conclusive, and shall not be subject to review in any court.

#### "PAYMENTS TO ELIGIBLE CANDIDATES

"Sec. 306. (a) There is hereby established on the books of the Treasury of the United States a special fund to be known as the 'Presidential Election Campaign Fund'. There are hereby authorized to be appropriated to the fund, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary to make payments under subsection (b).

"(b) Upon receipt of a certification from the Commission under section 305 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the fund the amount certified by the Commission.

"(c) If, after a presidential election and after all eligible candidates have been paid the amounts to which they are entitled under section 304, there are moneys remaining in the fund, the Secretary shall transfer the moneys so remaining to the general fund of the Treasury.

#### "EXAMINATIONS AND AUDITS; REPAYMENTS

"Sec. 307. (a) After each presidential election, the Commission shall conduct a thorough examination and audit of the qualified campaign expenses of the eligible candidates of each political party.

"(b) (1) If the Commission determines that any portion of the payments made to any candidate of a political party under section 306 was in excess of the aggregate payments to which such candidate was entitled under section 304, he shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to such portion.

"(2) If the Commission determines that any amount of any payment made to any candidate of a political party under section 306 was used for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses,

it shall notify such candidate of the amount so used, and such candidate shall pay to the Secretary an amount equal to such amount.

"(3) No payment shall be required from any candidate of a political party under this subsection to the extent that such payment, when added to other payments required from such candidate under this subsection, exceeds the amount of payments received by such candidate under section 306.

"(c) No notification shall be made by the Commission under subsection (b) with respect to a presidential election more than three years after the date of such election.

"(d) All payments received by the Secretary under subsection (b) shall be deposited by him in the Treasury to the credit of the fund.

#### "INFORMATION ON PROPOSED EXPENSES

"Sec. 308. (a) The eligible candidates of a political party in a presidential election shall, from time to time as the Commission may require, furnish to the Commission a detailed statement, in such form as it may prescribe, of—

"(1) the qualified campaign expenses incurred by them and their authorized committees prior to the date of such statement (whether or not evidence of such expenses has been furnished for purposes of section 305), and

"(2) the qualified campaign expenses which they and their authorized committees

propose to incur on or after the date of such statement.

The Commission shall require a statement under this subsection from the eligible candidates of each political party at least once each week during the second, third, and fourth weeks preceding the day of the presidential election and at least twice during the week preceding such day.

"(b) The Commission shall, as soon as possible after it receives each statement under subsection (a), prepare a summary of such statement and publish such summary, together with any other data or information which it deems advisable, in the Federal Register.

#### "REPORTS TO CONGRESS; REGULATIONS

"Sec. 309. (a) The Commission shall, as soon as practicable after each presidential election, but not later than the first day of December of the year in which such election was held, submit a full report to the Congress setting forth—

"(1) the amounts certified by it under section 305 for payment to the eligible candidates of each political party;

"(2) the qualified campaign expenses (shown in such detail as the Commission determines necessary) incurred by such candidates and their authorized committees; and

"(3) the amount of payments, if any, required from such candidates under section 307, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission is authorized to prescribe such rules and regulations, to conduct such examinations and audits (in addition to the examinations and audits required by section 307(a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

#### "CRIMINAL PENALTIES

"Sec. 310. (a) (1) It shall be unlawful for any person who receives any payment under section 306, or to whom any portion of any payment received under such section is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

"(A) to defray the qualified campaign expenses with respect to which such payment was made, or

"(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses.

"(2) Any person who violates paragraph (1) shall be fined not more than \$10,000, or imprisoned not more than five years, or both.

"(b) (1) It shall be unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by it under this title; or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates paragraph (1) shall be fined not more than \$10,000, or imprisoned not more than five years, or both.

"(c) (1) It shall be unlawful for any person knowingly and willfully to give or accept any rebate or any illegal payment in connection with any qualified campaign expense.

"(2) Any person who violates paragraph (1) shall be fined not more than \$10,000, or imprisoned not more than five years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any rebate or illegal payment in connection with any qualified campaign expense shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 per centum of the rebate or payment received.

"(d) (1) It shall be unlawful for any political committee which is not an authorized committee with respect to an eligible candidate of a political party in a presidential election knowingly and willfully to incur expenditures to further the election of such candidate which would constitute qualified campaign expenses if incurred by an authorized committee of such candidate, or to make contributions to such candidate or any of his authorized committees to be used, directly or indirectly, to defray qualified campaign expenses, in an aggregate amount exceeding \$100, unless such committee makes public, in a manner appropriate to its campaign activities under regulations prescribed by the Commission, that it has not been authorized by such candidate, and that such candidate cannot be held to assume any responsibility whatever for the activities of the committee.

"(2) Any political committee which violates paragraph (1) shall be fined not more than \$5,000, and any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

#### "EFFECTIVE DATE

"Sec. 311. This title shall take effect on January 1, 1972, except that section 309(b), and so much of any other section as authorizes or directs the Commission to prescribe rules and regulations, shall take effect on the date of the enactment of this Act."

#### ELIMINATION OF DESIGNATION OF INCOME TAX PAYMENTS TO PRESIDENTIAL ELECTION CAMPAIGN FUND

SEC. 502. (a) Subchapter A of chapter 61 of the Internal Revenue Code of 1954 is amended—

(1) by striking out part VIII (relating to designation of income tax payments to the Presidential Election Campaign Fund); and

(2) by striking out the item relating to such part VIII in the table of parts of such subchapter.

(b) The amendments made by subsection (a) shall apply with respect to income tax liability for taxable years beginning after December 31, 1966.

#### COMPLIANCE WITH GUIDELINE REQUIREMENT

SEC. 503. The amendment of the Presidential Election Campaign Fund Act of 1966 made by section 101 of this Act is intended to comply with section 5 of the Act entitled "An Act to restore the investment credit and the allowance of accelerated depreciation in the case of certain real property," approved June 13, 1967 (Public Law 90-26), and to provide guidelines governing the distribution of funds which become available under the Presidential Election Campaign Fund Act of 1966.

#### TITLE VI—CONGRESSIONAL ELECTION CAMPAIGNS

Sec. 601. This title may be cited as the "Congressional Election Campaign Fund Act of 1971".

#### DEFINITIONS

SEC. 602. For purposes of this title—

(1) The term "authorized committee" means, with respect to the eligible candidates of a political party, any political committee which is authorized in writing by such candidates to incur expenses to further the election of such candidates. Such authorization shall be addressed to the chairman of such political committee, and a copy of such authorization shall be filed by such candidates with the Commission. Any with-

drawal of any authorization shall also be in writing and shall be addressed and filed in the same manner as the authorization.

(2) The term "candidate" means, with respect to any congressional election, an individual who (A) has been nominated for election to an office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States by a major party, or (B) has qualified under the laws of a State to have his name on the election ballot as the candidate of a political party for election to such office. For purposes of paragraphs (6) and (7) of this section and purposes of sections 604 (a) (1) and (2), the term "candidate" means, with respect to any preceding congressional election, an individual who received votes for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States in such election.

(3) The term "Commission" means the Federal Elections Commission.

(4) The term "eligible candidate" means the candidate of a political party for Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States who has met all the applicable conditions for eligibility to receive payments under this subtitle set forth in section 623.

(5) The term "fund" means the Congressional Election Campaign Fund established by section 606(a).

(6) The term "major party" means, with respect to any congressional election, a political party whose candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States in the preceding congressional election received, as the candidate of such party, 25 per centum or more of the total number of votes received by all candidates for such office.

(7) The term "minor party" means, with respect to any congressional election, a political party whose candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States in the preceding congressional election received, as the candidate of such party, 10 per centum or more but less than 25 per centum of the total number of votes received by all candidates for such office.

(8) The term "political committee" means any committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal, State, or local elective public office.

(9) The term "congressional election" means an election for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

(10) The term "qualified campaign expense" means an expense—

(A) incurred (i) by the candidate of a political party for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States to further his election to such office, or (ii) by an authorized committee of the candidate of a political party for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States to further the election of such candidate to such office.

(B) neither the incurring nor payment of which constitutes a violation of any law of the United States or of the State in which such expense is incurred or paid.

An expense shall be considered as incurred by a candidate or an authorized committee if it is incurred by a person authorized by such candidate or such committee, as the case may be, to incur such expense on behalf of

such candidate or such committee. If an authorized committee of the eligible candidates of a political party also incurs expenses to further the election of one or more other individuals to Federal, State, or local elective public office, expenses incurred by such committee which are not specifically to further the election of such other individual or individuals shall be considered as incurred to further the election of such eligible candidates in such proportion as the Commission prescribes by rules or regulations.

(11) The term "Secretary" means the Secretary of the Treasury.

#### CONDITIONS FOR ELIGIBILITY FOR PAYMENTS

SEC. 603. In order to be eligible to receive any payments under section 606, the candidates of a political party in a congressional election shall, in writing—

(1) agree to obtain and furnish to the Commission such evidence as he may request of the qualified campaign expenses with respect to which payment is sought,

(2) agree to keep and furnish to the Commission such records, books, and other information as it may request,

(3) agree to permit an audit and examination by the Commission under section 607 and to pay any amounts required to be paid under such section, and

(4) agree to furnish to the Commission statements of qualified campaign expenses and proposed qualified campaign expenses required under section 601.

#### ENTITLEMENT OF ELIGIBLE CANDIDATES TO PAYMENTS

SEC. 604. (a) Subject to the provisions of this title—

(1) An eligible candidate of a major party in a congressional election shall be entitled to payments under section 606 equal in the aggregate to 10 cents multiplied by the total number of votes received by all candidates of a major party for the office which such candidate seeks in the next preceding election for such office.

(2) An eligible candidate of a minor party in a congressional election shall be entitled to payments under section 606 equal in the aggregate to 20 cents multiplied by the number of votes received by the candidate of such party for the same office in the next preceding congressional election.

(3) An eligible candidate of a political party (other than a major or minor party) in a congressional election who receives, as such candidate, 10 per centum or more of the total number of votes cast for the office sought by such candidate in such election shall be entitled to payments under section 606 equal in the aggregate to 20 cents multiplied by the number of votes received by such candidate in such election.

(4) In addition to any amounts payable to a candidate under the provisions of paragraph (1) or (2) of this subsection, there shall be payable an additional amount to any such candidate if, in the election in which he is a candidate receiving money under the provisions of such paragraph (referred to hereafter in this section as "this election"), there are cast for all such candidates (in the case of a candidate to whom paragraph (1) is applicable), or for such candidate (in the case of a candidate to whom paragraph (2) is applicable), more votes than were cast in the preceding election on which the determination of the amount so payable was based. Such additional amount shall be 10 cents multiplied by the excess of the number of votes cast for all such candidates (in the case of a candidate to whom paragraph (1) is applicable), and 20 cents multiplied by the excess of a number of votes cast for such candidate (in the case of a candidate to whom paragraph (2) is applicable) in this election over the number of votes so cast in the preceding election upon which the determination of the amount payable was based.

(b) The aggregate payments to which the eligible candidates of a political party shall be entitled under subsections (a) (2) and (3) with respect to a congressional election shall not exceed an amount equal to the aggregate payments to which the eligible candidates of a major party are entitled under subsection (a) (1).

(c) The eligible candidates of a political party shall be entitled to payments under subsection (a) only—

(1) to defray qualified campaign expenses incurred by such eligible candidates or their authorized committees, or

(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or otherwise to restore funds (other than contributions to defray qualified campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

#### CERTIFICATION BY COMMISSION

SEC. 605. (a) On the basis of the evidence, books, records, and information furnished by the eligible candidates of a political party and prior to examination and audit under section 607, the Commission shall certify from time to time to the Secretary for payment to such candidates under section 606, the payments to which such candidates are entitled under section 604.

(b) Certifications by the Commission under subsection (a), and all determinations made by it in making such certifications, shall, except as provided in section 607, be final and conclusive, and shall not be subject to review in any court.

#### PAYMENT TO ELIGIBLE CANDIDATES

SEC. 606. (a) (1) There is hereby established on the books of the Treasury of the United States a special fund to be known as the "Congressional Election Campaign Fund". There are hereby authorized to be appropriated to the fund, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary to make payments under subsection (b).

(2) If, after a congressional election and after all eligible candidates have been paid the amounts to which they are entitled under section 604, there are moneys remaining in the fund, the Secretary shall transfer the moneys so remaining to the general fund of the Treasury.

(b) Upon receipt of a certification from the Commission under section 605 for payment to the eligible candidates of a political party, the Secretary shall pay to such candidates out of the fund the amount certified by the Commission.

#### EXAMINATIONS AND AUDITS; REPAYMENTS

SEC. 607. (a) After each congressional election, the Commission shall conduct a thorough examination and audit of the qualified campaign expenses of the eligible candidates of each political party.

(b) (1) If the Commission determines that any portion of the payments made to any eligible candidate of a political party under section 606 was in excess of the aggregate payments to which such candidate was entitled under section 604, it shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to such portion.

(2) If the Commission determines that any amount of any payment made to any eligible candidates of a political party under section 606 was used for any purpose other than—

(A) to defray the qualified campaign expenses with respect to which such payment was made, or

(B) to repay loans the proceeds of which were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray such qualified campaign expenses, it shall notify such candidate of the amount

so used, and such candidate shall pay to the Secretary an amount equal to such amount.

(3) No payment shall be required from any eligible candidate of a political party under this subsection to the extent that such payment, when added to other payments required from such candidate under this subsection, exceeds the amount of payments received by such candidate under section 606.

(c) No notification shall be made by the Commission under subsection (b) with respect to a congressional election more than three years after the date of such election.

(d) All payments received by the Secretary under subsection (b) shall be deposited by him in the Treasury to the credit of the fund.

#### INFORMATION ON PROPOSED EXPENSES

Sec. 608. (a) The eligible candidates of a political party in a congressional election shall, from time to time as the Commission may require, furnish to it a detailed statement, in such form as he may prescribe, of—

(1) the qualified campaign expenses incurred by them and their authorized committees prior to the date of such statement (whether or not evidence of such expenses has been furnished for purposes of section 605), and

(2) the qualified campaign expenses which they and their authorized committees propose to incur on or after the date of such statement.

The Commission shall require a statement under this subsection from the eligible candidates of each political party at least once each week during the second, third, and fourth weeks preceding the day of the congressional election and at least twice during the week preceding such day.

(b) The Commission shall, as soon as possible after it receives each statement under subsection (a), (1) prepare a summary of such statement and (2) publish such summary, together with any other data or information which it deems advisable, in the Federal Register.

#### REPORTS TO CONGRESS; REGULATIONS

Sec. 209. (a) The Commission shall, as soon as practicable after each congressional election, submit a full report to the Congress setting forth—

(1) the amounts certified by it under section 605 for payment to the eligible candidates of each political party;

(2) the qualified campaign expenses (shown in such detail as the Commission determines necessary) incurred by such candidates and their authorized committees; and

(3) the amount of payments, if any, required from such candidates under section 207, and the reasons for each payment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

(b) The Commission is authorized to prescribe such rules and regulations, to conduct such examinations and audits (in addition to the examinations and audits required by section 207(a)), to conduct such investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

#### CRIMINAL PENALTIES

Sec. 210. (a) (1) It shall be unlawful for any person who receives any payment under section 208, or to whom any portion of any payment received under such section is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than—

(A) to defray the qualified campaign expenses with respect to which such payment was made, or

(B) to repay loans the proceeds of which

were used, or otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended) which were used, to defray qualified campaign expenses.

(2) Any person who violates paragraph (1) shall be fined not more than \$10,000, or imprisoned not more than five years, or both.

(b) (1) It shall be unlawful for any person knowingly and willfully—

(A) to furnish any false, fictitious, or fraudulent evidence, books, or information to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by it under this title; or

(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

(2) Any person who violates paragraph (1) shall be fined not more than \$10,000, or imprisoned not more than five years, or both.

(c) (1) It shall be unlawful for any person knowingly and willfully to give or accept any rebate or any illegal payment in connection with any qualified campaign expense.

(2) Any person who violates paragraph (1) shall be fined not more than \$10,000, or imprisoned not more than five years, or both.

(3) In addition to the penalty provided by paragraph (2), any person who accepts any rebate or illegal payment in connection with any qualified campaign expense shall pay to the Secretary, for deposit in the general fund of the Treasury, an amount equal to 125 per centum of the rebate or payment received.

(d) (1) It shall be unlawful for any political committee which is not an authorized committee with respect to an eligible candidate of a political party in a congressional election knowingly and willfully to incur expenditures to further the election of such candidate which would constitute qualified campaign expenses if incurred by an authorized committee of such candidate, or to make contributions to such candidate or any of his authorized committees to be used, directly or indirectly, to defray qualified campaign expenses, in an aggregate amount exceeding \$100 unless such committee makes public, in a manner appropriate to its campaign activities under regulations prescribed by the Commission, that it has not been authorized by such candidate, and that such candidate cannot be held to assume any responsibility whatever for the activities of the committee.

(2) Any political committee which violates paragraph (1) shall be fined not more than \$5,000, and any officer or member of such committee who knowingly and willfully consents to such violation shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

#### APPLICATION OF STATE LAWS LIMITING CAMPAIGN EXPENDITURES

Sec. 611. The incurring of qualified campaign expenses by an eligible candidate and his authorized committee in a congressional election in a State in an aggregate amount not exceeding the aggregate payments to which an eligible candidate of a major party in such election is entitled under section 604(a) (1) shall not constitute a violation of any State law which prescribes a limit on the amount by or on behalf of a candidate for an office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States in such election.

#### EFFECTIVE DATE

Sec. 612. This title shall take effect on January 1, 1972, except that section 609(b),

and so much of any other section as authorizes or directs the Commission to prescribe rules and regulations, shall take effect on the date of the enactment of this Act.

Mr. GRAVEL. Mr. President, I yield myself as much time as necessary. I do not think the consideration of this amendment will take too much time.

May I inquire of the Chair what is the controlled time on amendments at this time?

Mr. PASTORE. Under the unanimous-consent agreement, it is 15 minutes to the side.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAVEL. I doubt that it will take all that time for my presentation.

The problem that this bill addresses itself to is the difficulty a candidate has trying to raise money. There has been some attempt to meet this problem by providing for tax deductions and tax credits.

From my experience in campaigns, and I am sure many others will give testimony to it, the very simple fact is that the way to raise money is not, by and large, from the general public. I have involved myself more than once in a campaign where we would advertise for people to send in dollar contributions. The Democratic Party has had "Dollars for Democrats." I am sure the Republican Party has had the same, the purpose being to raise money from a broad spectrum of people. My experience has been that one spends more money than he gets back in these efforts.

The benefit of a broad financial base for a candidate or a person holding office is obvious, because he would have greater concern with the public good. How can we arrive at that objective? It is hoped that tax deductions and tax credits would result in that goal, but I doubt that that is the case. I doubt that it will result in greater contributions from the general public into the campaigns. So we will find that, basically, the money comes from the fat cats, those willing to put up large sums. Those are the realities of the situation.

How can we try to circumvent that problem of human nature? There is only one way to do it, and that way is the one my amendment proposes. In my view, Federal subsidies are the most direct way of solving the financial problems involved in all Federal elections.

The amendment I have proposed would create, by direct appropriations, subsidies for both presidential and congressional election campaigns. Candidates of major parties would be paid from the funds 10-cents times the number of votes received by all major party candidates for the office in question during the preceding election. Minor party candidates would receive payments at the rate of 20 cents multiplied by the number of votes for the candidate of their party for the office in question during the preceding election.

This amount would then be increased at the 10 cents or 20 cents per vote rate for any additional votes received in the current election. New parties would be paid 20 cents per vote entirely on their showing in the current election.

Based on the vote in 1968, I calculate that, were the legislation I am proposing enacted, the Democratic and Republican presidential and vice presidential candidates in 1972 would each be paid from the fund approximately \$6.3 million.

It is easily seen that this will not pay for the costs of presidential campaigns, but it does build a floor upon which a person can develop responsibility to the general public, to the broad constituency of the Nation, rather than to persons who donate to his own campaign.

Similarly, the American Independent Party—which was the party of George Wallace in 1968, and which is a minor party—based on the showing of its 1968 presidential candidate, would receive in 1972 \$1.9 million.

No payments from the presidential election campaign fund would be made in 1972 to such groups as the Socialist Labor Party, the Peace and Freedom Party, the Communist Party, or the Prohibition Party.

Finally, based on the 1968 returns, senatorial candidates of the Democratic and Republican Parties in 34 States—this would be all the Democratic Senators who ran for office in 1968—would have had appropriated from the Treasury \$10 million.

The rough figure—and this is merely a very rough figure—for all the candidates running for Federal office in that year would amount to an appropriation of about \$60 million. This, of course, is a very small sum compared with the amounts spent as a result of the decisions made by people who are elected to public office.

This approach to campaign financing will bring an end to the present method of financing through either personal fortunes or from massive contributions from one or another special interest group.

Although these public subsidies would not eliminate spending differences among candidates, they would make the differences less critical by providing floors sufficient to make every election a real contest.

Campaigns should be financed in a way that will build support for our political institutions and respect for the political process. This obviously is not the case at present.

One of the most serious consequences of the present pattern of campaign funding is the loss to the American public of many talented men and women who are repelled from seeking public office since they are unprepared to go through the demeaning exercise of raising campaign funds as a preliminary to entering public offices.

The ideal campaign finance system is one based on relatively small voluntary contributions from large numbers of citizens. The most effective way to achieve this is to have every taxpaying citizen contribute a few cents a year—it would require less than 50 cents per person—toward financing elections.

Honest and informative election campaigns are the linchpin of American representative government. There are few things which Congress could do that would more effectively strengthen our

political processes and build respect for our political institutions than to enact this amendment to provide public financing of all Federal election campaigns.

For those who might think that this is something new, I might add that this was a suggestion seriously proposed by Theodore Roosevelt in 1907. It was also the product of an election commission that came forward with this recommendation in 1938. And, of course, Congress in 1966 passed a bill to provide a similar method of financing directly from the Federal Treasury with the checkoff method, which, however, was never implemented.

I would hope that the manager of the bill might consider accepting this amendment. I think it goes to a much broader question that would obviously have to be decided upon by the Senate itself. At this time, I yield the floor.

Mr. PASTORE. Mr. President, I cannot say, in full honesty, that there is not some merit for consideration in this legislation, and certainly at some time or other Congress will have to study this problem in depth. This is not the place for it today, and I think the Senator from Alaska will concede that.

This is a matter that has been talked about by various Members of Congress, particularly Senators. It is a matter that will be studied as I understand it, in depth; and I hope the Senator will withdraw his amendment, rather than compel me to move to lay it on the table, and thereby tarnish whatever influence or effect it might have. I do not want to do anything to hurt the integrity of the Senator's amendment, and I hope he will withdraw it.

Mr. GRAVEL. Mr. President, I would be willing to withdraw the amendment at this time, if I might add this: I have not been successful, up to this point, in securing this in-depth study to which the Senator refers. Will the Senator add his voice to my voice in calling for a hearing on this type of proposal, or a study in depth? With that assurance, I would be prepared to withdraw the amendment, because I think the Senator's considerable influence, combined with my lesser influence, might help bring it about.

Mr. PASTORE. Mr. President, does the Senator from Alaska withdraw his amendment?

Mr. GRAVEL. I assume I do not have the full influence of the Senator from Rhode Island in pressing toward this goal?

Mr. PASTORE. The Senator from Rhode Island has learned a long time ago that it is folly to promise today something you may be called upon to perform a year from today. So let us cross that bridge when we come to it.

Mr. GRAVEL. May I, then, inquire of my colleague from Rhode Island how would he suggest that I get a hearing on this proposal? I have introduced legislation, and it has gone to the committee, but nothing has happened.

Mr. PASTORE. By going to the committee that has jurisdiction and using all the persuasive force at the command of my colleagues from Alaska, of which he has an abundance.

Mr. GRAVEL. Well, Mr. President, I

rest on that, and I can assure my colleague that if my persuasive force is—

Mr. PASTORE. No more of that tribute. Just stop when you are ahead.

Mr. GRAVEL. I withdraw the amendment at this time, and will not press my luck, but I want to put the Senate on notice that I shall be pleased to press my luck at some later time, and even go over the hill on this issue, because I do feel very strongly about it.

Mr. PASTORE. I yield 5 minutes on the bill to the Senator from Indiana.

#### EQUAL RIGHTS FOR MEN AND WOMEN

Mr. BAYH. Mr. President, I send to the desk a joint resolution, on behalf of myself, the Senator from Kentucky (Mr. COOK), the Senator from Florida (Mr. GURNEY), and the Senator from California (Mr. TUNNEY).

The PRESIDING OFFICER (Mr. BENTSEN). Is the Senator asking for the immediate consideration of the joint resolution?

Mr. BAYH. No; I am asking that it be read.

The PRESIDING OFFICER. The joint resolution will be stated.

The legislative clerk proceeded to read the joint resolution.

Mr. BAYH. I ask unanimous consent that the joint resolution be considered as having been read.

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

The joint resolution reads as follows: Proposing an amendment to the Constitution of the United States relative to equal rights for men and women

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:*

#### "ARTICLE—

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"SEC. 3. This amendment shall take effect two years after the date of ratification."

Mr. BAYH. I ask unanimous consent that the joint resolution be considered as read the second time.

The PRESIDING OFFICER. Is there objection?

Mr. HRUSKA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HRUSKA. What is the request of the Senator from Indiana with reference to the bill?

The PRESIDING OFFICER. It is a joint resolution which the Senator from Indiana has just introduced. His request is that it be considered as read the second time.

Mr. HRUSKA. Would that mean im-

I commend this report to the thoughtful attention of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, August 5, 1971.

**EXECUTIVE MESSAGES REFERRED**

As in executive session, the Presiding Officer (Mr. McIntyre) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

**MESSAGE FROM THE HOUSE**

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 4263) to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order.

The message also announced that the House had passed a bill (H.R. 6915) to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, in which it requested the concurrence of the Senate.

**HOUSE BILL REFERRED**

The bill (H.R. 6915) to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, was read twice by its title and referred to the Committee on Agriculture and Forestry.

**FEDERAL ELECTION CAMPAIGN ACT OF 1971**

The Senate continued with the consideration of the bill—S. 382—to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

The PRESIDING OFFICER. Who yields time?

**AMENDMENT NO. 371**

Mr. PACKWOOD. Mr. President, I call up my amendment No. 371.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 25, line 8, strike "five days" and insert in lieu thereof "two days".

Mr. PACKWOOD. Mr. President, in some of the amendments I am going to offer under the controlled time agreement, I am trying to fashion in this bill something similar to what we have had in Oregon for decades on reporting. The present bill provides for preelection reporting and that report must be filed 5 days before the election, and there is an additional 5 days before that, which is the period when the books are closed. In essence, it is 10 days before the election when the books finally are closed. This amendment would remove the first 5-day period and substitute 2 days. So that a person would be required to report prior to election all his receipts, expenditures,

and everything else that the bill requires up until 2 days prior to the day he must file his report, which is 5 days ahead of the election. That is the gist of the amendment and I have no other comments on it.

Mr. CANNON. I am opposed to the amendment. It is completely unrealistic. Here is the type of situation we would get into. The proposal in the bill would require filing 5 days before election. That was done for a purpose; namely, so that the opponents and the general public can be notified as to what a person has received in contributions and what he has spent.

Suppose we live in Texas or California or some other distant place and we file 5 days before and we send it by mail. That means it will not get to the election commission, probably, until 3 days later. So if we reduce that time to 2 days, we are really preventing the public, which has a right to know about it, what was in the report, because it will have to be received, be available for inspection, then copied and publicized, which would probably be the day after the election is held.

That is the good reason why we decided on a 5-day period. In addition, we have given the commission authority to adjust that by rules. The commission will oversee the matter and if it determines that a reporting can be made later, certainly they will require a later date.

Therefore, I am adamantly opposed to the pending amendment.

Mr. PACKWOOD. Mr. President, in rebuttal, let me say that this is not that complicated an amendment. Anyone who wants to make a reporting, if they want to make sure it gets in on time, will do so by special delivery—airmail, or even deliver it in person so that they will not run the risk of the report coming in late, not being received, on time, or taking whatever chance he may have on not having filed at all.

The pending amendment tries to get as close to the election day as possible. Anyone looking for a postelection or a preelection report knows that the bulk of the money comes in after. So that I want to get as close as possible to the election day and still not glut all the money slipping into the campaign 10 days before election.

Mr. PASTORE. Mr. President, how much time remains to me?

The PRESIDING OFFICER (Mr. McIntyre). Each side has 3 minutes remaining.

Mr. PASTORE. Mr. President, I move to table the amendment of the Senator from Oregon.

Mr. PACKWOOD. Mr. President, I ask for the yeas and nays.

There was not a sufficient second.

Mr. PACKWOOD. Mr. President, did we have a unanimous-consent agreement for voting just on passage, or on tabling?

The PRESIDING OFFICER (Mr. McIntyre). The Parliamentarian advises the Chair that the unanimous-consent agreement was on time on amendments and not on time on the yeas and nays.

Mr. PACKWOOD. I thought we had included the yeas and nays for voting

on this. I would ask unanimous consent, so that we can avoid that, for a quorum call on every one of my amendments. I would ask unanimous consent for the yeas and nays on the amendments I am going to offer.

Mr. BYRD of West Virginia. Mr. President, I would have to object to that request because the Constitution requires a fifth of the Senators present to second the request. I think this would be a bad precedent, to ask for the yeas and nays by unanimous consent. I see that we have enough Senators in the Chamber now.

Mr. PACKWOOD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. McIntyre). The question is on agreeing to the motion of the Senator from Rhode Island to table amendment No. 371 of the Senator from Oregon (Mr. Packwood).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. MAGNUSON), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE) and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kansas (Mr. PEARSON) is necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Vermont (Mr. PROUTY), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) and the Senator from Texas (Mr. TOWER) would each vote "yea."

Also, the Senator from Wyoming (Mr. HANSEN), the Senator from New York (Mr. JAVITS), and the Senator from Ohio (Mr. TAFT) are detained on official business.

The result was announced—yeas 73, nays 10, as follows:

[No. 197 Leg.]

YEAS—73

|              |           |               |
|--------------|-----------|---------------|
| Alken        | Cannon    | Hart          |
| Allen        | Chiles    | Hatfield      |
| Allott       | Church    | Hollings      |
| Anderson     | Cook      | Hruska        |
| Baker        | Cotton    | Hughes        |
| Bayh         | Cranston  | Humphrey      |
| Beall        | Dominick  | Inouye        |
| Bellmon      | Eagleton  | Jackson       |
| Bennett      | Eastland  | Jordan, N.C.  |
| Bentsen      | Ellender  | Jordan, Idaho |
| Bible        | Ervin     | Kennedy       |
| Boggs        | Fannin    | Long          |
| Buckley      | Fong      | Mansfield     |
| Burdick      | Fulbright | Mathias       |
| Byrd, Va.    | Gravel    | McClellan     |
| Byrd, W. Va. | Gurney    | McGee         |

|          |          |           |
|----------|----------|-----------|
| McGovern | Pell     | Spong     |
| McIntyre | Proxmire | Stennis   |
| Miller   | Randolph | Stevens   |
| Mondale  | Ribicoff | Symington |
| Montoya  | Roth     | Talmadge  |
| Moss     | Saxbe    | Thurmond  |
| Muskie   | Scott    | Tunney    |
| Nelson   | Smith    |           |
| Pastore  | Sparkman |           |

## NAYS—10

|        |          |           |
|--------|----------|-----------|
| Brooke | Dole     | Schweiker |
| Case   | Griffin  | Young     |
| Cooper | Metcalfe |           |
| Curtis | Packwood |           |

## NOT VOTING—17

|           |          |           |
|-----------|----------|-----------|
| Brock     | Javits   | Stevenson |
| Gambrell  | Magnuson | Taft      |
| Goldwater | Mundt    | Tower     |
| Hansen    | Pearson  | Welcker   |
| Harris    | Percy    | Williams  |
| Hartke    | Prouty   |           |

So the motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, will the Senator yield to me for 2 minutes on the bill?

Mr. PASTORE. Mr. President, I yield to the Senator whatever time he requires.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, the distinguished minority leader and I have had a conference about the time limitation which has been agreed to. It is our understanding that on the next six or seven Packwood amendments an agreement has been reached.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate? This is a very important matter.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. An agreement has been reached whereby each amendment will be considered for not to exceed 10 minutes, with the usual division of time; and the Senate also has been notified that very likely there will be a rollcall vote on each amendment.

At the request of my distinguished colleague, the minority leader, we felt that the Senate should receive more notification than it has and it is for this purpose that we ask at this time to explain the situation which has developed and to assure the Senate that what the acting majority leader did he did in good faith and not for the purpose of circumventing any action. Unfortunately we forgot to confer with the distinguished minority leader before the request was made.

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield, I fully understand that, and I have no objection to that procedure in the next to the last day before the recess.

Unfortunately, we do not have in the Senate special provisions that they have in the other body which are usually invoked near the end of a session, such as the two-thirds rule. We over here rather need some way of expediting business, as we will need just before Christmas, perhaps, or a little earlier, near the end of the session. We do not have it. But this is sort of a temporary rule of pragmatism, as I understand it.

The reason I asked for the opportunity to discuss it is that it happened under such short notice that some Senators may be downtown or we may not have an opportunity for them to be alerted.

I would go along with this understanding on these amendments, but I hope if we are going to change the time allowed for voting in the future, we do it on preferably a day's notice. I am not referring to today or tomorrow, or whatever we do today or tomorrow, because things may happen suddenly and unexpectedly.

When we come back, it would be better if we were to give the Senate a day's notice if we are going to change the length of time for voting on rollcalls.

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

Mr. MANSFIELD. I yield.

Mr. PASTORE. Mr. President, so that the record may be clear, I realize the need for the leadership to be advised.

Mr. SCOTT. I have no objection to that.

Mr. PASTORE. But we had agreed that the first amendment would go according to the rule, and, then, we would make an announcement at that time. There was no desire here to take away the right of anyone to be advised.

I realize now that it is important that the steps which have been suggested be followed.

Mr. SCOTT. It is all right. I am never more than 100 feet away from the Chamber and I am aware that crises follow crises.

I think it may be a good way to do it to expedite matters if we are to finish tomorrow.

Mr. MANSFIELD. Mr. President, I am in accord with what the Senator from Rhode Island said. I wish to point out that there was the usual 20-minute time limitation for the first amendment and from now on, after that, on the remainder of the Packwood amendments, there will be 10 minutes, so the Senate will be on notice.

I think the telephone circuits have been busy notifying all Senators to that effect.

As long as we have such good attendance I wish to point out that in addition to this we have pending the so-called education bill, we have the Disaster Relief Act, which we will take up tonight if we have to stay in session until 12 o'clock, and we have some other proposals which will be taken up, hopefully, without too much difficulty.

In addition, tomorrow, if we do not complete all of these legislative issues today, and I do not think we will, we will have the conference report on Labor-HEW, a continuing resolution on appropriations, the \$1 billion appropriation for public works, I believe. There will be other conference reports; perhaps the Selective Service Act conference report.

So we have a very busy schedule, and while I am delighted that we are going to recess at the conclusion of business tomorrow, because I know every other Member of the Senate is just as tired as I am, it is like facing the final 2 weeks of the session. When things pile up, we must do the best we can.

I must express, on behalf of my colleagues and myself, my sincere thanks to the distinguished Republican leader and his colleagues for the understanding, help, and cooperation which they have shown not only on this occasion but all during the session.

Mr. SCOTT. Mr. President, I thank the distinguished majority leader. We have found that we have been most courteously and considerately and fairly treated and appreciated, and, as far as the leadership on both sides is concerned, I am sure we are doing everything we can to expedite these matters. I think what the majority leader has said would cover the concern expressed by the distinguished Senator from Washington (Mr. MAGNUSON) last night, for example.

I would like to clarify two matters on procedure: First, I assume the 5-minute warning will now occur at the end of the first 5 minutes on these particular votes.

Mr. MANSFIELD. That is correct.

Mr. SCOTT. Second, I would like to know whether, after the votes on the Packwood amendments, we revert to the 20-minute system for votes, rather than 10 minutes.

Mr. MANSFIELD. Twenty minutes, unless there is unanimous consent.

Mr. SCOTT. Unless there is unanimous consent, but Senators should be alerted that, because of the press of business, there may again be some unanimous-consent requests, after the majority and minority leadership have been alerted, today or tomorrow, again to shorten the rollcall system. But we do revert to 20 minutes after the votes on the Packwood amendments?

Mr. MANSFIELD. That is correct.

I yield to the distinguished deputy majority leader.

Mr. BYRD of West Virginia. Mr. President, may I say to the majority and minority leaders that I will take the blame, if I may use that word, for this unanimous-consent request having been obtained without its first having been cleared with the minority leader. When I am on the floor representing the majority leader, I automatically clear matters with the minority leader or the assistant minority leader. In this instance, through an inadvertence on my part, I cleared it with the distinguished Senator from Oregon (Mr. Packwood). The distinguished senior Senator from Kentucky asked me if it had been cleared with the Senator from Oregon. I told him it had. I overlooked clearing this with the minority leader. I want the Senate to know it was an inadvertence and that I will be more careful in the future.

Mr. SCOTT. Mr. President, the minority leader wants to make it clear it is sure there was no offense intended. There is no objection on my part to what we are doing. I am solely anxious that all Senators are advised, because if Senators are caught short by changing the agreement on the rules because of the fact that some of them may necessarily be downtown, I am sure they are not going to blame the Senators who made the unanimous-consent request; they are going to ask the majority and minority leaders, "What happened?" So we want to know always so that Senators may be advised. I assure the Senator from West Virginia that I had no personal concern about it.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. MANSFIELD. I want to thank the Senator from Oregon for being so cooperative.

Mr. SCOTT. So do I.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the remaining Packwood amendments at this time.

Mr. CANNON. Mr. President, I object. Mr. BYRD of West Virginia. This will save time.

Mr. CANNON. We may be able to accept some of these amendments, and I do not want to go through the process of vitiating the yeas and nays.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 375

Mr. PACKWOOD. Mr. President, I call up my amendment No. 375.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read the amendment (No. 375) as follows:

On page 25, line 9, before the period insert the following: "except that any contribution of \$5,000 or more received after the last report is filed prior to the election, shall be reported within twenty-four hours after its receipt."

Mr. PACKWOOD. Mr. President, under the bill as it is written, the last pre-election report is filed on the Thursday before the Tuesday election. There is a 5-day hiatus between the last report and the election.

I would again call the attention of Senators to the fact that, as provided, in the bill, that is done as a preelection report in an election reporting procedure. They will find the money reported as spent in the campaign in a report filed 10 to 15 days after election is almost double what had been filed as having been spent in the preelection report. This amendment is designed to avoid that situation.

The Committee for Good Government spends \$100,000 to \$150,000, and it is in the report. It simply reports at that level. Then on the Saturday before the election it slips \$100,000 or \$150,000 into a senatorial or presidential campaign, perfectly legally, and the money is never reported until after the election. So the voters have been given an illusory report as to what the campaign is costing.

My amendment takes care of that situation by providing that any contribution of \$5,000 or more received after the report filed the last Thursday before the election will be reported within 24 hours after its receipt to the voters, so the voters have some idea of how much money is being spent in the campaign 3 or 4 days before the election—and put in to the campaign at that time, I may add, in most cases, to avoid the report being made which has to be filled in the last preelection report.

Mr. CANNON. Mr. President, there is much merit in the objective the Senator is trying to achieve. However, as a practical matter, I think it is quite impossible for committees—and these are in the main committees—to actually accomplish a report within 24 hours. The administrative process is rather difficult.

I would be willing to accept the amendment if the Senator would modify his amendment to provide for a period of 48 hours rather than 24 hours. That would be reasonable, and it would still mean the information would be available on the

first working day after the report was made known. In other words, on the Monday before the election that information would be publicly available.

So if the Senator would be willing to modify his amendment to "forty-eight" instead of "twenty-four" hours, I would accept it.

Mr. PACKWOOD. I accept that modification.

Mr. LONG. Mr. President, I regret that the Senator is accepting the amendment. I am going to vote against it. I feel that, at a minimum, it is easy enough for anybody to avoid reporting if a person wanted to avoid it. All he had to do would be to break the contributions down into smaller amounts and claim that his children had contributed parts of it, as well as himself, so that it would come below the \$5,000 limit for any one. So it would be easy to break the contributions down and get around the requirement, anyway. It seems to the Senator from Louisiana that might create problems in trying to get these reports when the bill, I believe, has been very carefully drafted the way it is now.

Mr. CANNON. I will say to the Senator that the last report required under the bill is 5 days before the election. That is a detailed report. All that would be required here would be to report any contributions that came in after the last report 5 days before the election, and those contributions would have to be reported within 48 hours, and it would relate only to contributions of \$5,000 or more. That comes 3 days after the last report was made, so there is no difficulty there.

I think if people are going to try to avoid this requirement by making \$1,000 contributions, they will be picked up in the other reporting system; but it is true that it would not be picked up prior to the election.

Mr. PACKWOOD. Mr. President, I would agree with the Senator from Nevada. There is nothing we can do about people who break up the contributions into less than \$5,000. We are merely trying to take care of this other situation.

Mr. PASTORE. Mr. President, as a practical proposition, everything required under the 5-day reporting deadline, insofar as it can be, is reported before the election.

Of course, after the election you have to make another report as well. What we are trying to do is avoid a deliberate dumping here; that is about all. I do not think that practice is very much indulged in. Any candidate who runs for a very important office, like a Federal office, usually the money is in long before the 5-day filing period. It is the deliberate act of dumping at the last moment that presents the problem, and that is all this is intended to cover.

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

Mr. PASTORE. I yield.

Mr. LONG. As one who worked with the Senator and supported his bill in the committee, I would hope, in the final stages of consideration, that we will not permit the bill to be loaded down with a bunch of things that the committee did not see fit to agree to, or the committee might not have agreed to if they had been

considered in executive session. We are near enough to a final vote that I do not think the Senator is forced to accept an amendment that he thinks ought not to be in the bill, and I hope he will not.

Mr. CANNON. I can assure the Senator that there will be a lot of tabling motions this afternoon, because we do not intend to load the bill down with a lot of nit-picking amendments that we do not think are desirable.

Mr. PASTORE. Mr. President, if the Senator will modify his amendment to read "48 hours" I am willing to accept it.

Mr. PACKWOOD. I so modify the amendment.

Mr. PASTORE. I yield back the remainder of my time.

Mr. PACKWOOD. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. McIntyre). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator (Mr. PACKWOOD), as modified.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 370

Mr. PACKWOOD. Mr. President, I call up my amendment No. 374.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the next amendment to be considered is amendment No. 370.

Mr. PACKWOOD. No. 370.

The PRESIDING OFFICER. Does the Senator ask unanimous consent to call up amendment No. 374?

Mr. PACKWOOD. I am sorry; take 370 next.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 35, line 3, strike "the second day following".

Mr. PACKWOOD. Mr. President, this amendment is a simple amendment. At the moment, the bill requires that, in addition to the report that is filed in Washington, reports in all Federal campaigns are to be filed with the clerk of the district court in the district where the contest is. The bill requires that they will be filed on Thursday before the election. The law further requires that the district clerk shall make these reports available for inspection no later than the second day following, and the second day would be Friday. The law says that they shall be made available during regular business hours. That means that if the clerk chooses, he may not make the report available until 5 o'clock on Friday, and then say, as his office is closing at 5 o'clock, under regular business hours, it will take so long to read that no one will have a chance to look at the report until Monday, the day before the election.

That means that for all practical purposes, very little of the news media will play the news; it will miss all the morning newspapers, and it will not be played until the day of the election.

This is not a burden on the Federal district court clerk. At the most, under normal circumstances, the clerk will have reports filed by the Republican and

Democratic senatorial candidates, and by perhaps five to six Democratic and five to six Republican candidates for the House of Representatives. That is about as large as a normal district would be.

The clerk is not obligated to audit the reports, or make sure that they are in proper form. The clerk just receives them and makes them available for the newspapers. That is not a great task, so I see no reason why, when the report is received on Thursday, even if it is not filed until 5 o'clock Thursday night, the clerk or a secretary cannot stay an extra hour and make the reports available for the newspapers at 9 o'clock, or whatever the regular opening business hour of that office may be, on Friday, rather than running the risk that it may not be available until Monday.

**The PRESIDING OFFICER** Who yields time?

**Mr. CANNON.** Mr. President, I think the amendment may involve an extraordinary burden on the clerks of the courts, but I see no objection. If the clerks can physically make the information available on the day it is received, that is the whole purpose of filing with them, and while, as I say, it may involve an impossible burden on them, I am willing to accept the amendment.

**Mr. PACKWOOD.** I do not think it really makes much of a burden, because the clerk has no duty except to make the information available as the candidate has filed it, and if he has not kept his books properly, and has made a mess of it, that is not the clerk's responsibility. He is just a repository, and turns over the report to whoever wants to look at it.

**Mr. PASTORE.** Mr. President, will the Senator yield?

**Mr. PACKWOOD.** I yield.

**Mr. PASTORE.** This is getting right down to nit-picking. I do not think it makes much difference; it is six of one and half a dozen of the other. I do not see any harm, but I think we are getting ourselves into minutiae now.

**Mr. PACKWOOD.** I do not think it is minutiae if you have a clerk who will not let you see it until Monday, the day before the election.

**Mr. CANNON.** Mr. President, I yield back the remainder of my time.

**Mr. PACKWOOD.** I yield back the remainder of my time.

**The PRESIDING OFFICER** (Mr. McINTYRE). All remaining time having been yielded back, the question is on agreeing to the amendment (No. 370) offered by the Senator from Oregon.

The amendment was agreed to.

**Mr. PACKWOOD.** Mr. President, let me ask, since it appears that I may have my amendments out of order, under the unanimous consent agreement what is the next amendment in order?

**The PRESIDING OFFICER.** No. 374.

AMENDMENT NO. 374

**Mr. PACKWOOD.** I call up my amendment No. 374.

**The PRESIDING OFFICER.** The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

**Mr. PACKWOOD.** I ask unanimous

consent that further reading of the amendment be dispensed with.

**Mr. LONG.** I object.

**The PRESIDING OFFICER.** Objection is heard. The clerk will read the amendment.

The assistant legislative clerk read as follows:

On page 27, line 9, strike "and".

On page 27, between lines 9 and 10, insert the following:

"(13) the name and address of any individual who acts as a guarantor or surety of any extension of credit in connection with any debt incurred by such committee together with the name of the candidate on behalf of whom such debt was incurred; and".

On page 27, line 10, strike "(13)" and insert "(14)".

**Mr. PACKWOOD.** Mr. President, this, again, is an amendment designed to reveal in actuality who put up the money in a campaign.

If you want to open up a campaign, you need to rent an office, you need a line of credit with the local phone company, and perhaps with the airlines, and you find one of your major contributors who is willing to act as surety, and so you have another signature to give the telephone company or the airline company, and they extend you a line of credit, which is perfectly legal, but the public has no idea who is really supporting the candidate, because he is only acting as guarantor or suretor. He has not made a contribution yet, unless he has to make good on the suretyship.

This amendment would simply say that under those circumstances, the name of the guarantor or suretor must be disclosed.

**Mr. CANNON.** Mr. President, I am opposed to this amendment. This, again, is a nit-picking sort of thing. There is no sense in our trying to write out in a bill details that are going to destroy the basic objective.

The candidate and the committee have to report their sources of funds and contributions and expenditures, and as for us to say now that they have to report the name and address of any individual who acts as guarantor or surety, or extends credit, which is not required if you go to the bank in the ordinary course of business and borrow money with a guarantor or surety, I do not think we should impose that burden here.

I am willing to yield back the remainder of my time, and as soon as the time is used, will move to table the amendment.

**Mr. PASTORE.** Does the Senator yield back his time?

**Mr. PACKWOOD.** No, just a moment.

On page 26, lines 3 to 7, the bill provides that you do compel that the full names and mailing addresses of lenders or endorsers on any loans be furnished, and of course an endorser is a surety.

All I am asking is that we make the same extension to a situation when you go and get a line of credit from anyone else, who would not give you a line of credit if you did not have this endorser, suretor, or guarantor's name on some kind of note, because the political credit of a candidate is not so good, and I do

not see why that kind of extension should not be made, and the name of the guarantor should not be disclosed, when you have the provision that if a loan is made, both the lender and the endorser must be listed.

**Mr. CHILES.** Mr. President, will the Senator yield?

**Mr. PACKWOOD.** I yield.

**Mr. CHILES.** Sometimes does not the guarantor or the surety turn out to be a different person, depending on whether the candidate wins or loses the election?

**Mr. PACKWOOD.** It may turn out to be a different person, but if the suretor has his name on a line of credit, and the candidate cannot pay, the suretor would have to pay it.

**Mr. CHILES.** And the public would then know.

**Mr. PACKWOOD.** But I want the public to know before the election. I want them to know beforehand.

**Mr. CHILES.** But it could be different before and after.

**Mr. PASTORE.** Mr. President, does the Senator yield back the remainder of his time?

**Mr. CANNON.** I yield back the remainder of my time, and I move to lay the amendment on the table.

**Mr. PACKWOOD.** I yield back the remainder of my time. I ask for the yeas and nays.

The yeas and nays were ordered.

**The PRESIDING OFFICER** (Mr. McINTYRE). All remaining time having been yielded back, the question is on agreeing to the motion to lay on the table the amendment (No. 374) of the Senator from Oregon (Mr. PACKWOOD). On this question, the yeas and nays have been ordered, and the clerk will call the roll. The assistant legislative clerk called the roll.

**Mr. BYRD** of West Virginia. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS), are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE) and the Senator from Illinois (Mr. STEVENSON), are absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "yea."

**Mr. GRIFFIN.** I announce that the Senator from Utah (Mr. BENNETT) and the Senator from Kansas (Mr. PEARSON) are necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. MILLER), the Senator from Vermont (Mr. PROUTY) and the Senator from Connecticut (Mr. WEICKER) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

The result was announced—yeas 53, nays 30, as follows:

[No. 198 Leg.]  
YEAS—53

|              |               |           |
|--------------|---------------|-----------|
| Allen        | Hart          | Muskie    |
| Anderson     | Hatfield      | Nelson    |
| Baker        | Hollings      | Pastore   |
| Bible        | Hughes        | Pell      |
| Buckley      | Inouye        | Proxmire  |
| Burdick      | Jackson       | Randolph  |
| Byrd, Va.    | Jordan, N.C.  | Ribicoff  |
| Byrd, W. Va. | Jordan, Idaho | Saxbe     |
| Cannon       | Kennedy       | Sparkman  |
| Cotton       | Long          | Spong     |
| Dole         | Magnuson      | Stennis   |
| Eagleton     | Mansfield     | Stevens   |
| Eastland     | McClellan     | Symington |
| Ellender     | McGee         | Taft      |
| Ervin        | McGovern      | Talmadge  |
| Fannin       | Mondale       | Tower     |
| Fong         | Montoya       | Young     |
| Gravel       | Moss          |           |

NAYS—30

|         |          |           |
|---------|----------|-----------|
| Aiken   | Church   | Humphrey  |
| Allott  | Cook     | Mathias   |
| Bayh    | Cooper   | McIntyre  |
| Beall   | Cranston | Metcalf   |
| Bellmon | Curtis   | Packwood  |
| Bentsen | Dominick | Roth      |
| Boggs   | Griffin  | Schweiker |
| Brooke  | Gurney   | Scott     |
| Case    | Hansen   | Smith     |
| Chiles  | Hruska   | Thurmond  |

NOT VOTING—17

|           |         |           |
|-----------|---------|-----------|
| Bennett   | Hartke  | Prouty    |
| Brook     | Javits  | Stevenson |
| Fulbright | Miller  | Tunney    |
| Gambrell  | Mundt   | Weicker   |
| Goldwater | Pearson | Williams  |
| Harris    | Percy   |           |

So Mr. PASTORE's motion to table Mr. PACKWOOD's amendment (No. 374) was agreed to.

AMENDMENT NO. 373

Mr. PACKWOOD. Mr. President, I call up my amendment No. 373 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

On page 27, line 21, strike "Sec. 305." and insert in lieu thereof "Sec. 305. (a)".

On page 28, between lines 4 and 5, insert the following:

"(b) Any person who in any calendar year makes available any property (including money), facilities, or services of a value of \$500 or more to or for the benefit of a program operated by another person for the purpose of educating or registering voters or supporting a 'get-out-the-vote' campaign shall report, on the first reporting date under section 304(a) which occurs after such transfer, the amount or value of such transfer, the name and address of the person to whom such property was transferred, the location and a description of such program, and the name and address of the person making such transfer. Reports under this subsection shall be filed with the Comptroller General, and shall include such additional information as he may prescribe by regulation."

Mr. PACKWOOD. Mr. President, this is an amendment designed to reveal the funding of a get-out-the-vote campaign or a voter registration or a program for the purpose of educating voters.

The allegation is made that this is not really a campaign or at least a partisan campaign function, yet we all know and

perhaps have experienced it on occasion with get-out-the-vote drives that were specifically designed to get out the vote in one type of area. In every sense of the word, they were an appendage and designed specifically for the aid and support of a particular political party.

All I am asking in this amendment is that the sources of the financing for any program of educating or registering voters or any get-out-the-vote campaign drive be revealed. I am not suggesting that it be stopped.

The amendment would provide that anyone transferring \$500 in money or in other property to another for the purpose of carrying out voter registration, voter education, or a get-out-the-vote campaign drive must file a report of transfer of the money, to whom it was transferred, and the location and description of the program—or roughly a description of the program where the voter registration, get-out-the-vote drive will be taking place.

In closing, let me say that it is merely, in theory, an amendment designed to reveal, where a voter registration drive is undertaken, who it is financed by.

Mr. PASTORE. Mr. President, I am very much opposed to the amendment. Any good American who puts up his money to educate our people on how to register, how to exercise their rights of franchise, should be given the Carnegie Medal and not be indicted by this amendment.

Is the Senator from Oregon willing to yield his time back now?

Mr. PACKWOOD. No; I am not willing to yield my time back yet. We know what we are talking about. You know what you are talking about.

Mr. PASTORE. You are talking about unions?

Mr. PACKWOOD. I am talking about voter registration drives and get-out-the-vote campaigns which are predominantly democratic. All voter registration drives, some of which are legitimate and some of which are designed to aid a political party. You know it. I know it. The Senate knows it. If you want to hide that kind of financing, that is up to you, but that kind of partisan campaigning should be revealed for what it is, a partisan get-out-the-vote drive.

Mr. PASTORE. Mr. President, I want to say that this has nothing at all to do with campaigning for the election of candidates. It seems to me that education drives and get out the vote drives are important, but how Americans vote depend upon their own conscience. Americans do not vote by groups any more than the Senate functions by groups. We have divergences on the floor of the Senate. This idea that everyone's conscience in America is captive, I do not buy it. I think that the American people are intelligent enough to know their own kinds, and what is in their own consciences, no matter who they are.

Mr. PACKWOOD. I will wager that I could get out the figures on a certain voter district and take a look at the census figures, and the income figures, and give the Senator within 5 percent what the partisan vote of that district would be.

Mr. PASTORE. You mean like the chamber of commerce?

Mr. PACKWOOD. I do not understand the question.

Mr. PASTORE. The question is, you mean you know what the chamber of commerce vote is?

Mr. PACKWOOD. No, I did not say that.

Mr. PASTORE. Who is it that you are referring to?

Mr. PACKWOOD. Give me the census figures of a given city, in a demographic area income level and, depending upon where we have a get-out-the-vote campaign, I will wager I can come within 5 percent of guessing which political party will benefit within terms of the—

Mr. PASTORE. I think I can do that, too. I could tell you how some people will vote, no matter what. What does that prove?

Mr. PACKWOOD. What it proves is that, in theory, we give money to these nonpartisan campaigns, but, in theory, it is a voter registration drive in an area where you simply know, by the demography, the census figures, and the income figures, what kind of results you will get from putting nonpartisan money in that area.

Mr. PASTORE. I do not follow it at all. Are you through?

Mr. PACKWOOD. Yes.

Mr. PASTORE. Mr. President, I move to lay on the table amendment No. 373 of the Senator from Oregon.

Mr. President, I yield back my time.

Mr. PACKWOOD. Mr. President, I yield back my time.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. TAFT). All time has been yielded back on the amendment.

The question is on agreeing to the motion to table the amendment No. 373 of the Senator from Oregon (Mr. PACKWOOD).

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE) and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from Kansas (Mr. PEARSON) are necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Tennessee (Mr. BROCK) and the Senator from Vermont (Mr. PROUTY) are detained on official business.

If present and voting, the Senator from Illinois (Mr. Percy) would vote "nay."

The result was announced—yeas 60, nays 28, as follows:

[No. 199 Leg.]

YEAS—60

|              |               |           |
|--------------|---------------|-----------|
| Allen        | Gravel        | Mondale   |
| Anderson     | Hart          | Montoya   |
| Bentsen      | Hatfield      | Moss      |
| Bible        | Hollings      | Muskie    |
| Boggs        | Hughes        | Nelson    |
| Brooke       | Humphrey      | Pastore   |
| Burdick      | Inouye        | Pell      |
| Byrd, Va.    | Jackson       | Proxmire  |
| Byrd, W. Va. | Javits        | Randolph  |
| Cannon       | Jordan, N.C.  | Ribicoff  |
| Case         | Jordan, Idaho | Saxbe     |
| Church       | Kennedy       | Schweiker |
| Cooper       | Long          | Scott     |
| Cranston     | Magnuson      | Sparkman  |
| Eagleton     | Mansfield     | Spong     |
| Eastland     | Mathias       | Stennis   |
| Ellender     | McClellan     | Stevens   |
| Ervin        | McGee         | Symington |
| Fong         | McGovern      | Talmadge  |
| Fulbright    | McIntyre      | Young     |

NAYS—28

|         |           |          |
|---------|-----------|----------|
| Aiken   | Dole      | Packwood |
| Allott  | Dominick  | Roth     |
| Baker   | Fannin    | Smith    |
| Beall   | Goldwater | Taft     |
| Bellmon | Griffin   | Thurmond |
| Buckley | Gurney    | Tower    |
| Chiles  | Hansen    | Tunney   |
| Cook    | Hruska    | Weicker  |
| Cotton  | McGee     |          |
| Curtis  | Metcalfe  |          |
|         | Miller    |          |

NOT VOTING—12

|          |         |           |
|----------|---------|-----------|
| Bayh     | Harris  | Percy     |
| Bennett  | Hartke  | Protsy    |
| Brock    | Mundt   | Stevenson |
| Gambrell | Pearson | Williams  |

So the motion to lay on the table was agreed to.

AMENDMENT NO. 355

Mr. PACKWOOD. Mr. President, I call up my amendment No. 355 and ask unanimous consent to vacate the previous unanimous-consent order with relation to amendment No. 353.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. PACKWOOD. Mr. President, I ask unanimous consent to dispense with further reading of the amendment.

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

The amendment reads as follows:

On page 17, between lines 2 and 3, insert the following:

"Sec. 206. Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 614. Extension of credit to political committees by certain industries.

"(a) Any business regulated by the Civil Aeronautics Board, the Federal Communications Commission, or the Interstate Commerce Commission which has extended credit to any political committee and which has not received payment of the debt for which credit was extended within two years after the date on which such debt was created, and any such business which has not received payment of a debt owed to it by any political committee for two years, shall not extend further credit to such committee until such debt and all other debts owed to it by such committee have been paid in full.

"(b) Violation of the provisions of this section is punishable by a fine not to exceed \$1,000, imprisonment for not to exceed one year, or both."

On page 17, line 3, strike "Sec. 206." and insert in lieu thereof "Sec. 207."

On page 17, strike the matter between lines 10 and 11 and insert in lieu thereof the following:

"611. Contributions by Government contributors.;"

(4) adding at the end of such table the following new item:

"614. Extension of credit to political committees by certain industries."

Mr. PACKWOOD. Mr. President, this is another relatively simple amendment that has to do with the annual extension of credit by the CAB, the FCC, or the Interstate Commerce Commission.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a memorandum from the Library of Congress Congressional Research Service detailing the deficits incurred since the 1956 election campaigns by various committees, Republican and Democratic.

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

THE LIBRARY OF CONGRESS,

Washington, D.C., July 21, 1971.

To: The Honorable Robert W. Packwood, Attn. Stan Heisler.

From: Government and General Research Division, Frederick L. Scott, Acting Division Chief.

Research by: Fred Pauls.

Subject: Deficits Incurred in National Elections, 1956-68.

In response to your inquiry for figures detailing indebtedness incurred in political campaigns we submit this memorandum containing extracts on that subject from such published sources as exist. As all sources make clear, it is difficult to be precise in this matter. Prior to 1956, information is not available.

1956 ELECTION

The Subcommittee on Privileges and Elections of the Senate Committee on Rules and Administration conducted an exhaustive survey of campaign expenditures in the 1956 general election campaigns. In its final report it showed Republican national level committees with unpaid bills amounting to \$128,583. However, these same committees reported a cash balance of \$746,903, indicating that the Republican Party was in the black following the 1956 election. The Democrats, on the other hand, showed unpaid bills amounting to \$696,818 with a cash balance of \$136,353 and wound up in the red.

Alexander Heard in *The Costs of Democracy* (Chapel Hill, The University of Carolina Press, 1960, pp. 19-20, footnote) notes: "In 1956, for example, a debt of \$400,000 was run up by the Democratic national committee in the form of unpaid bills for telephone, telegraph, newspaper advertising, air transportation, printing, hotel accommodations, etc.

1960 ELECTION

Congressional Quarterly in its special report on 1960 political campaign contributions and expenditures notes: "The Democratic National Committee, however, was known to have had a deficit of \$3,820,000 in unpaid campaign expenses at the end of 1960, and the Republican National Committee a debt of \$750,000."

Herbert Alexander in "Financing the 1960 Election", a booklet issued by the Citizens' Research Foundation, notes: "The story of the unprecedented 1960 Democratic debt of \$3,820,000 started in 1956, and reveals much about Democratic financial problems. The unsuccessful campaign of Adlai E. Stevenson in 1956 left a deficit of over \$700,000. By national convention time in July 1960 the debt had been reduced to about \$70,000. Besides reducing the debt in the interim years, the

Democratic National Committee had to finance operating expenses when the party was out of presidential power, and to help win the congressional elections of 1958—at the rate of about \$1,000,000 per year." And, further, "In losing the 1960 election, the Republicans amassed a debt set at \$993,000 gross at the national level. After committee balances not needed for continuing expenses were applied, and payments due from the press for transportation costs in accompanying the "jet-stop" campaign were made, the net debt fell to \$700,000."

1964 ELECTION

Congressional Quarterly in its report on 1964 political campaign contributions and expenditures notes: "Major question still existed late in 1965 as to be actual deficit of the Democratic National Committee at the close of the 1964 election year. Various informal reports from sources close to the Democratic National Committee variously placed the figure at 'just over a million dollars' to as high as \$2.8 million. Congressional Quarterly chose to use \$1.2 million, reflecting a level just over the million-dollar mark. The actual level of spending by the Democratic National Committee, however, was probably substantially higher than actually reported. While the official figures plus the reported deficit at \$1.2 million total \$13.3 million, the figure of \$16 million in over-all spending was discussed by officials at the Democratic National Committee from time to time. The Democratic National Treasurer, Richard Maguire, refused to discuss committee spending or fund-raising activities with CQ or other members of the press. CQ wrote him asking for the exact 1964 deficit and over-all spending figures, but repeated inquiries elicited no reply."

Of the Republicans, CQ wrote: The Republicans' exceptionally successful 1964 fund-raising activities made it possible for national-level Republican committees to emerge from the elections with a substantial surplus. At the end of the calendar year 1964, with all but a few campaign debts paid, the Republican National Committee had a surplus of \$314,000; Citizens for Goldwater-Miller \$309,006; and the National TV Committee for Goldwater-Miller \$506,534."

Alexander in his "Financing the 1964 Election," another CRF publication, wrote: "The various published stories indicated the Republican surplus ranged anywhere from \$500,000 to \$1.8 million. The cash position of the National, Senatorial and Congressional committees as of January 1, 1965, was \$457,000. The Treasurer of RNFC claimed a year-end surplus of \$500,000, no doubt a rounding out of the cash position. Official reports filed in January indicated about \$1.4 million more income than outgo."

Of the Democrats he wrote: "A treasurer's report to the National Committee was promised by Chairman Bailey but never submitted. Accordingly, the full story of the 1964 campaign and its aftermath cannot be told in precise financial terms, as was the Republican campaign. For example, the 1964 deficit of about \$1 million was rumored by mid-1965 to have increased to about \$2 million, and later a \$1.7 million figure was widely used. There were contrary evidences of high level of post-election spending and of continuing debts and bickering about bills; many bills paid in September, 1965, were incurred during the campaign, including \$100,000 to the Democrat's advertising agency."

1968 ELECTION

Alexander in his book, *Financing the 1968 Election*, writes: "Whereas in early 1969, the Republicans claimed a cash surplus, by early 1970, the 1968 campaign deficit was said to have been \$1.3 million. Of this, \$400,000 was paid from 1969 income, \$200,000 was paid from proceeds of the January ball, and \$700,000 remained."

Of the Democrats he writes: "The Demo-

crats had been outspent more than two-to-one in the Presidential election, and the party had a debt of almost \$6.2 million."

"The financial position of the DNC worsened during 1969. Loan repayments of \$538,000 made in January and February reduced the general election debt to \$5.6 million." The Committee assumed additional debts from the 1968 campaign "so that the Democratic debt by the fall of 1969 totalled \$8.3 million."

We trust this information will be of assistance to you. If there are questions or further needs, please do not hesitate to call.

Mr. PACKWOOD. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Campaign Debt Settlements Raise Question of Legality," written by William Chapman and printed in the Washington Post of March 29, 1970. Mr. President, the article relates to the debts of the various candidates and political committees that had to be settled for less than the amount due.

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

CAMPAIGN DEBT SETTLEMENTS RAISE QUESTION OF LEGALITY

(By William Chapman)

When the managers of Sen. Eugene J. McCarthy's presidential campaign surveyed their financial damages late in 1968, they discovered a disconcerting set of figures.

The campaign debt was \$1.4 million. There was only \$460,000 available to pay it off.

About \$800,000 was owed to airlines, which had transported the candidate and his staff, and to telephone companies which had handled credit-card calls. The rest was due hotels, rental car companies, printers and other assorted creditors.

Having only about one-third of the cash needed to cover the debts, the McCarthy managers began what is politely known in the political financing trade as "negotiations." A few details still remain unsettled, but the following payments were negotiated:

Airlines and telephone companies were paid at the rate of 25 cents per dollar owed, with the airlines faring slightly better after traveling newsmen's fares were added in. Telephone systems around the country, for example, were owed about \$300,000 but collected only \$75,000.

Smaller company debts, principally hotels and car rentals, were paid at the rate of 50 cents on the dollar.

Only the smallest debts—those less than \$400—were paid in full.

In the aftermath of the 1968 campaign the question of unpaid election debts has raised a disturbing question:

Campaign costs are skyrocketing and so are unpaid campaign debts. If a corporation settles such debts for less than the full amount, is it in violation of the Corrupt Practices Act forbidding firms to use corporate funds to assist a political campaign? And if it is a regulated industry with legally fixed rates, like the telephone company and airlines, is settling at less than full cost counter to its official tariffs for other customers?

Some Democratic debts were massive. The Democratic National Committee still owes more than \$3 million to corporations from Hubert Humphrey's presidential campaign (plus about \$6 million in assorted other bills). A substantial part of the late Robert F. Kennedy's primary campaign debts were negotiated downward, with \$1 million inherited and still owed by the party. President Nixon's debts were paid practically in full, proving the old adage, "Winners pay their debts and losers negotiate theirs."

An authority on campaign spending, Her-

bert E. Alexander of the Citizens' Research Foundation, made this warning in a report on 1968 financing:

"When bills are settled, the corporation is in effect making a form of indirect contribution to the campaign, which some companies may do for goodwill purposes.

"But when regulated industries, such as telephones or airlines, do so, they are opening themselves to federal tightening of the laws, or to litigation brought by stockholders or even customers who must pay full rates."

Some dismiss the problem as irrelevant. You can't get blood out of a turnip, they say, so the company is just stuck with an unpleasant, but legal, bad debt.

The man who settled McCarthy's debts, Thomas McCoy, takes that view:

"We said to the telephone company, 'These are the bills and this is all the money we have left. We'll give you this much money now and if we raise more in the future we'll pay more on a pro-rata basis.' But they know perfectly well there wouldn't be anymore.

"They complained bitterly that it was unfair—and they were right, of course. It isn't proper to charge things and not pay for them. But I'd like to point out that the inability to pay bills isn't limited to political campaigns."

Much of the McCarthy campaign's telephone debt was run up by young volunteers who simply made free use of the office credit-card number. "I don't know anyone in the McCarthy campaign who was not wandering around with a credit card number scribbled on the back of an envelope," recalled McCoy.

Others knowledgeable about political financing take a view less casual than McCoy's. The House of Representatives clerk's office, which administers the Corrupt Practices Act, has begun to look into the practice. Television stations inflexibly require advance payments for all political advertising time to avoid the problem—and to guarantee full payment.

The Democratic National Committee has taken the position so far that all the debts must be repaid or else they could be considered illegal contributions, according to the new treasurer, Robert S. Strauss.

The creditor companies themselves are extremely reluctant to discuss the question. The Chesapeake & Potomac Telephone Co. in Washington—one system reportedly incurring a large debt from the McCarthy headquarters here—refused to comment. A spokesman said telephone bills are private information. He would not say how the company's lawyers felt about campaign debts.

American Airlines, which furnished most of McCarthy's transportation, has emerged with a better financial settlement. It was owed \$285,000, according to reliable reports, and has been paid about \$141,000, approximately half. It was paid 25 cents on the dollar from campaign funds, then reimbursed further with late arriving fees paid by newsmen who traveled on the candidate's chartered planes.

An American Airlines spokesman said the company eventually hopes for full repayment. "We got 50 per cent and we expect to get the other 50 per cent," he said.

If the remainder is not paid, would the company try to write it off as a business deduction? "No thought has been given to that because we still expect to get all the money," said the spokesman.

Actually, it is understood that neither the airlines nor the telephone companies have signed formal releases relieving the campaign committees of further repayment. One authority suggests that unsettled debts may just be kept on their books indefinitely as "uncollectibles."

There apparently is no statute or case law governing the issue. The Corrupt Practices Act says nothing about bad debts. Spokesmen for the agencies which regulate air-

lines and public utilities could not recall the question being raised.

An official of the Federal Communications Commission, however, noted that the various telephone systems are increasingly plagued with unpaid bills arising from volunteer-run political campaigns and an assortment of ad hoc protest groups.

Justice Department officials report no cases in which a company has been accused of making illegal contributions by settling for less than dollar value, but the question recently has been raised there.

According to several lawyers, the government probably could not prosecute a company unless a conspiracy could be proved. That is, the company and the candidate would have to agree in advance to write off a certain portion of the debt after the campaign. Only if such an agreement were proved could prosecution be brought under present law.

Said one authority: "When it's just a case of the campaign falling and falling apart and having no money—what have you got? You settle for the best terms you can get. It's not against the law to go bankrupt."

A more pertinent question arises, however, if the company attempts to write off the bad debt as a business loss. A section of the internal revenue code prohibits deductions for bad debts owed by a political party or by a political campaign committee.

In at least two cases, individual leaders tried to write off the losses incurred when they loaned money to campaigns that defaulted. Both of them lost in court.

At least one reliable authority, however, believes a corporation might write off the debt and win a court fight. David Ginsberg, former legal counsel for the Democratic National Committee, believes such a firm might win a court test by showing the bad debt was simply a loss incurred in the normal course of business operations.

Mr. PACKWOOD. Amendment No. 355 is very simple. It simply says that any business regulated by the ICC, the FCC, or the Interstate Commerce Commission which has extended credit to any political committee and which has not received payment of the debt for which credit was extended within 2 years after the date on which such debt was created, and any such business which has not received payment of a debt owed to it by any political committee for 2 years, shall not extend further credit to such committee until such debt and all other debts owed to it by such committee have been paid in full.

Mr. President, this has nothing to do with candidates borrowing for office. It has nothing to do with the extension of credit to any prospective candidate.

I do not think it is asking too much to require that organizations regulated by the Government and that have had to compromise debts in the past and have been put in the business of financing campaigns should be put in the position of not extending further credit to any political committee that has a debt that is 2 years or more in arrears. That is the effect. There would be no more credit to any organization that has not paid debts that are at least 2 years in arrears.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. Mr. President, we have already come up the hill and gone down the hill once this afternoon. We had a proposal that prohibited the issuance of regulations by regulatory agencies. We

finally accepted the amendment in the bill, leaving it up to the regulatory agencies to adopt the regulations that they saw fit, relating to the extension of credit.

If we are going to have regulatory agencies let them regulate and let us not tell them what to do. Let us not make ourselves a collection agency for a company which extends credit unwisely.

Mr. President, I am ready to yield back my time if the Senator from Oregon is ready to yield back his time, and we are ready to make a motion to table the amendment.

Mr. PACKWOOD. I am not quite ready to yield back my time.

Mr. President, the Senate goes back and forth between wanting a Congress to write laws and to delegate power to administrative agencies.

It seems to me, in all equity, that when a political party—and as shown by the material I have had printed in the RECORD Republicans and Democrats are equally guilty—runs up a perpetual deficit and does not pay its bills, the regulatory agency could stop extending credit to them.

The companies are in a tremendous bind. A party of significance comes to American Airlines or to the American Telephone Co., and those people are in a difficult position not to extend credit because they do not want to run the risk of political consequences if they do not extend credit.

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

Mr. PACKWOOD. I yield.

Mr. MILLER. Do I understand one of the purposes of the Senator's amendment is to prevent a pattern of abuse which could cause the customers of these various entities and companies, in effect, to pick up the tab?

Mr. PACKWOOD. The Senator is correct.

Mr. MILLER. For example, there are millions of telephone customers and if the telephone company extends a long line of credit it would seem that sooner or later all of those customers will have their rates increased to pick up the tab.

Mr. PACKWOOD. The Senator is correct. They are regulated industries and if they lose money on a political campaign those companies pick it up from somewhere else.

Mr. MILLER. I realize if we were dealing with one administrative agency that would be one thing because that administrative agency could properly establish guidelines. I understand the Senator's amendment covers three administrative agencies.

Mr. PACKWOOD. The Senator is correct.

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

Mr. MILLER. Mr. President, will the Senator from Rhode Island yield to me for 1 minute?

Mr. PASTORE. I yield 2 minutes to the Senator from Iowa.

Mr. MILLER. Mr. President, one of the problems we have had in Congress has been a lack of uniformity among the agencies on critical items. Here is an

ideal case where we can establish uniformity among these agencies. As it is, they can go out willy-nilly on their own and establish periods of 1 year, 2 years, or 3 years. The Senator's amendment would provide the uniformity that is needed.

Mr. PASTORE. Mr. President, I move to lay the amendment on the table.

Mr. PACKWOOD. I ask for the yeas and nays.

The PRESIDING OFFICER. All time is yielded back. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered. The question is on agreeing to the motion to lay on the table amendment No. 355. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE) and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. HENNETT) and the Senator from Kansas (Mr. PEARSON) are necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Tennessee (Mr. BROCK) and the Senator from Vermont (Mr. PROUTY) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

The result was announced—yeas 46, nays 42, as follows:

[No. 200 Leg.]

YEAS—46

|           |              |           |
|-----------|--------------|-----------|
| Allen     | Hollings     | Montoya   |
| Anderson  | Hughes       | Moss      |
| Bentsen   | Humphrey     | Muskie    |
| Bible     | Inouye       | Nelson    |
| Burdick   | Jackson      | Pastore   |
| Cannon    | Jordan, N.C. | Pell      |
| Church    | Kennedy      | Proxmire  |
| Cooper    | Long         | Ribicoff  |
| Cranston  | Magnuson     | Sparkman  |
| Eagleton  | Mansfield    | Spong     |
| Eastland  | McClellan    | Stennis   |
| Ellender  | McGee        | Symington |
| Ervin     | McGovern     | Talmadge  |
| Fulbright | McIntyre     | Tunney    |
| Gravel    | Metcalf      |           |
| Hart      | Moncalle     |           |

NAYS—42

|              |               |           |
|--------------|---------------|-----------|
| Aiken        | Curtis        | Miller    |
| Allott       | Dole          | Packwood  |
| Baker        | Dominick      | Randolph  |
| Beall        | Fannin        | Roth      |
| Bellmon      | Fong          | Saxbe     |
| Boggs        | Goldwater     | Schweiker |
| Brooke       | Griffin       | Scott     |
| Buckley      | Gurney        | Smith     |
| Byrd, Va.    | Hansen        | Stevens   |
| Byrd, W. Va. | Hatfield      | Taft      |
| Case         | Hruska        | Thurmond  |
| Chiles       | Javits        | Tower     |
| Cook         | Jordan, Idaho | Weicker   |
| Cotton       | Mathias       | Young     |

NOT VOTING—12

|           |         |           |
|-----------|---------|-----------|
| Bayh      | Harris  | Percy     |
| E Bennett | Hartke  | Prouty    |
| Frock     | Mundt   | Stevenson |
| Gambrell  | Pearson | Williams  |

So Mr. PASTORE's motion to lay on the table amendment No. 355 was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 350

Mr. BAKER. Mr. President, the distinguished junior Senator from Vermont (Mr. PROUTY) is unable to be here. However, he asked me to call up his amendment No. 350, which I ask the clerk to read. Before the clerk reads it, I ask that the amendment be modified to conform to the Pastore substitute and that the word "Commission" be substituted for the "Comptroller General."

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The clerk will read the amendment as modified.

The assistant legislative clerk proceeded to read the amendment as modified.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment, as modified, is as follows:

(f) (1) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"In compliance with Federal law a report has been (or will be) filed with the Commission of the United States showing a detailed account of our receipts and expenditures. A copy of that report is available at a charge from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402."

(2) (A) The Commission shall compile and furnish to the Public Printer, not later than the last day of March of each year, an annual report for each political committee which has filed a report with him under this title during the period from March 10 of the preceding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain—

(1) a copy of the statement of organization of the political committee required under section 303, together with any amendments thereto; and

(2) a copy of each report filed by such committee under section 304 from March 10 of the preceding year through January 31 of the year in which the annual report is so furnished to the Public Printer.

(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the Commission.

Mr. BAKER. Mr. President, the primary purpose of the Federal Election Campaign Act is to make sure that the American people have all the facts concerning the financing of campaigns readily available. Mr. Prouty's amendment would simply do two things:

First, it would require that political committee soliciting contributions place a simple notification on their letters that they have complied with the Federal Campaign Act of 1971 and filed a report of expenditures and contributions; and

Second, it would inform the potential contributor that they can purchase a copy of that report from the Government Printing Office.

The Rules Committee adopted this amendment by a vote of 6 to 3. The distinguished chairman (Mr. CANNON) of the Privileges and Elections Subcommittee has expressed some concern about the fact that the wording was a little too long. Therefore, Mr. PROUTY is quite willing to change the wording to make it briefer.

If Senator CANNON would agree, Mr. PROUTY would be willing to change the notification to read as follows:

A copy of our report filed with the Federal Elections Commission is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

Mr. President, the change can be accomplished by striking lines 4 through 7 on page 1; lines 1 through 3 on page 2; and substituting in lieu thereof:

A copy of our report filed with the Federal Elections Commission is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

I think it is vitally important, Mr. President, that all contributors of political committees be made aware of the fact that they can find out exactly how those committees use their money. I think once the people have this knowledge, Mr. President, there can be a greater degree of participatory democracy in all of these committees which have a tendency to set policy based upon the opinions of a very few people in Washington.

I wonder if the Senator from Nevada would be agreeable to the modification as suggested by the Senator from Vermont (Mr. PROUTY).

Mr. CANNON. Mr. President, this is simply a statement of facts as they exist in the law and which we would require elsewhere in the bill. My reservation about the original amendment was that if we are going to require this statement in every newspaper advertisement or letter of solicitation, and so on; it is going to be difficult and costly. Certainly, if it is in the nature of a newspaper advertisement or a solicitation of that type, that would be true.

However, with the modification made in the amendment, I am willing to accept it. I think it does no more than tell what the law is, so I see no particular harm in it, except it is going to cost the candidate more money.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

Mr. SCOTT. Mr. President, I support Senator PROUTY's amendment requiring a political committee, which solicits contributions, to state that it has filed the necessary disclosure reports and that the reports can be purchased from the Government Printing Office. This amendment was originally adopted by the Senate Committee on Rules and Administration, not only with my support, but with the support of the distinguished chairman, Senator JORDAN of North

Carolina. I regret that the Prouty amendment was not retained in the Pastore substitute.

Senator PROUTY is uniquely qualified to offer this amendment. He is a high-ranking member of the Senate Commerce Committee and served as one of the original members of its Consumer Affairs Subcommittee. Of course, Senator PROUTY is also the ranking Republican member of the Rules Committee. Coincidentally, the purpose of the Prouty amendment integrally related to the purposes of these two committees.

It is well known that the solicitation of campaign funds by direct mail is very effective. So effective, in fact, that many people hypnotically send in their dollars to causes with fancy names and to committees with exotic goals. Heretofore, the contributor never knew who these groups were supporting, let alone whether or not all of the contributions were indeed spent.

The Federal Elections Campaign Act of 1971 would require political committees to file periodic reports, listing in detail all contributions and expenditures. I support that provision of the bill. But does it go far enough? Does it really protect the consumer, in this case a campaign contributor? The report can be duly filed, but Mrs. Murphy in Moscow, Pa., may not know it. And if she does not know it, she obviously does not know which candidates the political committee may be supporting.

The Prouty amendment is a consumer protection amendment, nothing more, nothing less. It simply tells people that reports have been filed and are available. The amendment places no undue burdens on political committees. But let us understand one thing—these reports are already required by the bill. The Prouty amendment would simply make that point clear to the potential contributor. And the Government will not pick up the tab since the reports would have to be purchased in the same way as are other Government publications.

Senator PROUTY championed the Federal Fair Labeling Act as a member of the Commerce Subcommittee on Consumer Affairs. He is championing this new amendment, with the very same purpose, in his position on the Rules Committee. It is a good amendment, and I urge my colleagues to support it.

Mr. BAKER. Mr. President, I thank the Senator from Nevada for his willingness to accept the amendment. With that understanding, I yield back my time.

Mr. CANNON. I yield back my time. The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

Mr. BAKER. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read the amendment as follows:

On page 11, to strike out lines 1 to 9, inclusive, and add at the end of the bill a new section:

**"EFFECTIVE DATE**

"Sec. 402. Except as provided for in section 401 of this Act, the provisions of this Act shall become effective on December 31, 1971 or sixty days after the date of enactment of this Act, whichever is later."

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

It is my understanding that there has been a good deal of conversation about the necessity for a particular effective date and that this one is one that offers some appeal to a number of persons.

I wonder if there would be any disposition on the part of the Senator from Nevada to consider accepting this amendment?

Mr. CANNON. Mr. President, this amendment as modified should be acceptable now. I am willing to yield back the remainder of my time.

Mr. BAKER. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. TAFT). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

**AMENDMENT NO. 381**

Mr. BELLMON. Mr. President, I call up my amendment No. 381, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 30, line 20, immediately following the semicolon insert the following: "Provided, That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;"

Mr. BELLMON. Mr. President, the purpose of this amendment is to protect the privacy of the generally very public-spirited citizens who may make a contribution to a political campaign or a political party. We all know how much of a business the matter of selling lists and list brokering has become. These names would certainly be prime prospects for all kinds of solicitations, and I am of the opinion that unless this amendment is adopted, we will open up the citizens who are generous and public spirited enough to support our political activities to all kinds of harassment, and in that way tend to discourage them from helping out as we need to have them do.

I believe the amendment is acceptable to the Senator from Nevada, and I yield back the remainder of my time.

Mr. CANNON. Mr. President, this is certainly a laudable objective. I do not know how we are going to prevent it from being done. I think as long as we are going to make the lists available, some people are going to use them to make solicitations. But as far as it can be made effective, I am willing to accept the amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 381) of the Senator from Oklahoma.

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

Mr. BELLMON. I yield.

Mr. NELSON. I could not hear the Senator from Oklahoma, and I did not understand exactly what he is doing with the list under the amendment.

Mr. BELLMON. Mr. President, the amendment is self-explanatory. I shall read it again. It provides that "any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose."

In the State of Oklahoma, our own tax division sells the names of new car buyers to list brokers, for example, and I am sure similar practices are widespread elsewhere. This amendment is intended to protect, at least to some degree, the men and women who make contributions to candidates or political parties from being victimized by that practice.

Mr. NELSON. Do I understand that the only purpose is to prohibit the lists from being used for commercial purposes?

Mr. BELLMON. That is correct.

Mr. NELSON. The list is a public document, however.

Mr. BELLMON. That is correct.

Mr. NELSON. And newspapers may, if they wish, run lists of contributors and amounts.

Mr. BELLMON. That is right; but the list brokers, under this amendment, would be prohibited from selling the list or using it for commercial solicitation.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. All time is yielded back.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment (No. 381) of the Senator from Oklahoma (Mr. BELLMON).

The amendment was agreed to.

AMENDMENT NO. 296

Mr. BELLMON. Mr. President, I call up my amendment No. 296, and ask that it be modified to conform to the Pastore amendment.

The PRESIDING OFFICER. The amendment will be so modified. The clerk will state the amendment as modified.

The legislative clerk read as follows:

On page 30, line 4, immediately after "develop" insert "and furnish to the person required by the provisions of this Act,".

Mr. BELLMON. Mr. President, the purpose of this amendment is to make certain that the candidates, who are required to follow the terms of the act, know exactly what the act requires. We are passing a very complicated bill. Candidates very frequently have other things on their minds during their campaigns, and this amendment and amendment 297 are intended to require that candidates who will be required to file such reports be given the necessary information and documents at the time they file so that they can keep the necessary records and be in a position to conform with the requirements of the act.

Mr. CANNON. Mr. President, the amendment is acceptable.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. CANNON. I yield back the remainder of my time.

Mr. BELLMON. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment (No. 296) of the Senator from Oklahoma (Mr. BELLMON).

The amendment was agreed to.

AMENDMENT NO. 297

Mr. BELLMON. Mr. President, I call up my amendment No. 297, and ask that it be modified to conform to the Pastore amendment.

The PRESIDING OFFICER. The amendment will be so modified. The clerk will state the amendment.

The assistant legislative clerk read as follows:

On page 30, line 7, strike out everything through line 10, and in lieu thereof insert the following:

"(2) to prepare, publish, and furnish to the person required to file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;"

Mr. BELLMON. Mr. President, the purpose of this amendment is the same as that of amendment No. 296.

Mr. CANNON. Mr. President, I am willing to accept the amendment, and I yield back my time.

Mr. BELLMON. I yield back the remainder of my time.

The PRESIDING OFFICER. The remaining time having been yielded back, the question is on agreeing to the amendment (No. 297) of the Senator from Oklahoma (Mr. BELLMON).

The amendment was agreed to.

AMENDMENT NO. 300

Mr. BELLMON. Mr. President, I call up my amendment No. 300, and ask that it be modified to conform with the Pastore amendment.

The PRESIDING OFFICER. Will the Senator repeat the number of his amendment?

Mr. BELLMON. No. 300.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. BELLMON. Mr. President, this amendment is highly controversial. I do not intend to ask for a vote on it, but I want to call the attention of the Senate to the fact that—

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 12, line 22, strike out "\$1,000" and in lieu thereof insert "\$100".

Mr. BELLMON. This amendment, on page 12, line 22, would strike the figure "\$1,000" and insert in lieu thereof the figure "\$100".

Mr. President, I am convinced that the way the bill is presently drawn, we are leaving a loophole large enough to drive a truck through. In my own case, in my State, I believe any candidate who runs for Federal office will find it necessary to establish committees in every county, and the bill as written would make it possible for each of these committees to

obtain up to \$1,000 in behalf of the candidate without making the report which this act purports to require.

I can think of at least a half dozen committees in each of our 77 counties each obtaining \$900, and none of them ever filing a report, so that the candidate would be able to raise roughly a half million dollars in a statewide campaign, and file no report of any kind.

I strongly feel that this \$1,000 limitation is too high. Unless we close this loophole by lowering the figure to \$100, and in that way make the loophole only one-tenth as large, I believe very strongly that we are going to, in large measure, destroy the very purposes of the act.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 300 of the Senator from Oklahoma. Who yields time?

Mr. CANNON. Mr. President, do I understand that the Senator is going to withdraw the amendment? If he is, I do not want to talk about it. Otherwise, I oppose it.

Mr. BELLMON. Mr. President, I would appreciate any comment from the Senator from Nevada that he cares to make. If he can accept the amendment, I would like to have him consider it.

Mr. CANNON. Mr. President, I cannot accept the amendment. We have held hearings and gone into this matter in great detail. We have fixed a cutoff point at a committee that spends a thousand dollars or more, which is required to do the most detailed accounting and reporting, and to move this down to an expenditure of \$100, the most minute committee that might even take an ad in a newspaper would have to file a report. This is, I think, going far beyond what we are attempting to do by the bill. I hope we do not bog this measure down, as I said before, with such nit-picking amendments that we will end up with a bill so cumbersome it cannot be operated.

I yield back the remainder of my time. If the amendment is withdrawn, I shall move to lay it on the table.

The PRESIDING OFFICER. Who yields time?

Mr. BELLMON. Mr. President, I believe I stated I shall not press the amendment, but I would like to point out that this is a loophole which I feel is going to destroy the purposes of the act.

I withdraw the amendment.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 266

Mr. HUMPHREY. Mr. President, I send to the desk my amendment No. 266, and ask for its immediate consideration.

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

Mr. HUMPHREY. I yield.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. What is the time situation with respect to the remainder of the amendments? Does the 10-minute limitation apply?

Mr. PASTORE. No. It is 15 minutes. That was just with reference to the Packwood amendments.

The PRESIDING OFFICER. Thirty

minutes on each amendment, 15 minutes to each side.

The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

**TITLE V—REGISTRATION OF FEDERAL VOTERS**

**REGISTRATION FORMS**

SEC. 501. (a) The Secretary shall prepare, in consultation with the Attorney General and the election officials of the various States, a standard form which may be used to register to vote in Federal elections by any citizen who is qualified to register for voting in such elections. Two copies of such form shall be included with each income tax return mailed to a taxpayer by the Internal Revenue Service and additional copies of such form shall be available at any Internal Revenue Service office. The Secretary shall enter into arrangements with the Postmaster General under which additional copies of such form shall be available in each post office. The Secretary shall undertake to notify persons who do not receive such forms by mail of their right to register to vote by using such forms. Such notification shall be by public advertisement or such other means as may be effective. Where appropriate, such notification and such forms shall be in English and in the predominant non-English language used in an area.

(b) Any person who elects to register for voting in Federal elections using the form provided under subsection (a) shall complete such form and sign it. The completed form shall be returned to the Internal Revenue Service and such person shall be registered to vote in Federal elections in the State in which he resides, in accordance with such procedures as may be prescribed by the Secretary, if such person is otherwise qualified to vote in such Federal election.

(c) The Secretary shall issue to any person registered to vote in Federal elections under this section a certificate of registration which shall be held and considered to be prima facie evidence of such registration.

**NOTICE TO STATE ELECTION OFFICIALS**

SEC. 502. (a) Under such regulations as the Secretary may prescribe, there shall be furnished to the appropriate election officials of any State all necessary and appropriate information regarding persons registered under section 501 to vote in Federal elections held in such State. On and after the time such information has been so furnished to the appropriate election officials of any State in the case of any person, such person shall be deemed to have met all the requirements for registration for voting in Federal elections held in such State. Any such registration for voting shall continue in effect for the same period of time it would have been in effect had such person registered under the applicable State law.

(b) Registration under this section of any person for voting in Federal elections held in any State shall constitute valid registration for voting in elections held in such State other than Federal elections whenever the laws of such State so provide.

**PROHIBITION OF NATIONAL REGISTRY**

SEC. 503. No national registry of persons shall be compiled or maintained from information derived under this title.

**REPORT BY SECRETARY**

SEC. 504. The Secretary shall report to the Congress one year from the date of enact-

ment of this Act with respect to registration of voters under this title together with any recommendations he may have, including recommendations for additional legislation, for the more effective administration of voter registration under this title.

**PENALTIES**

SEC. 505. (a) The provisions of section (11)(C) of the Voting Rights Act of 1965 shall apply to false registration under this title and other fraudulent acts and conspiracies in connection with this title.

(b) Whenever the Attorney General has reason to believe that a State or political subdivision is denying or attempting to deny to any person the right to vote in any election in violation of this title, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2282 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

(c) Any person who deprives, or attempts to deprive, any other person of any right secured by the first section of this title shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

**REGULATIONS**

SEC. 506. The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this title.

**DEFINITIONS**

SEC. 507. As used in this title, the term—

(1) "State" means each of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

(2) "Federal election" means any general, special, or primary election held for the purpose of nominating any candidate for election, or electing any candidate, as President, Vice President, presidential elector, Senator, Representative, or Delegate or Resident Commissioner to the Congress; and

(3) "Secretary" means the Secretary of the Treasury or his delegate.

Mr. HUMPHREY. I yield myself 3 minutes.

Mr. President, I took the liberty last evening of discussing putting into the RECORD the explanation of this amendment. I have discussed the amendment with the distinguished Senator from Rhode Island. It relates, of course, to improving the process of registration for election purposes. The amendment would be based upon a cooperation with the Federal Government, through the Internal Revenue Service, of providing means of registration. It would comply with all State law. It would not be Federal registration that would ignore or try to avoid in any way the State requirements. The whole purpose of the amendment is to facilitate registration, to make access to registration just a little easier.

The registration problem, according to those who have studied it, is that mechanics of registering to vote have deterred some citizens from exercising their franchise. It is estimated that only 60 percent of the electorate vote in Presidential elections and a much smaller number in local elections.

In some States, sincere efforts are made to facilitate registration. In other places, the registration requirements are much more difficult. I think it is fair to

say that a very substantial portion of our potential electorate does not become registered and as a result is unable to vote. With the new voters coming in—there are approximately 25.5 million new voters since 1968—particularly with the constitutional amendment permitting 18-year-olds to vote—the matter of registration becomes an even more serious problem, and one that I think demands some Federal action.

There are other proposals along this line, one by the distinguished Senator from Hawaii (Mr. INOUE) and one by the distinguished Senator from Massachusetts (Mr. KENNEDY).

Mr. President, in light of my discussion, I am not going to press for a vote on this amendment; but I am going to ask unanimous consent that the bill I introduce, which will be based on this amendment—which I shall introduce today in the nature of a bill, rather than an amendment to S. 382—be referred to the committee to which all other bills of this nature are presently being referred; namely, to the Committee on Post Office and Civil Service. I ask unanimous consent that that be done.

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

Mr. HUMPHREY. Mr. President, I have been assured by the distinguished chairman of that committee that hearings will be held and that some action will be taken. I would hope that, as a result of the number of bills that will be before that committee, we will be able to come out with some form of Federal registration that will greatly facilitate the election process.

I think it is most regrettable that large numbers of our people, for all practical purposes, are denied the right to vote simply by complicated State registration laws. We have a highly mobile population, and many of these registration requirements stand in the way of the exercise of the ballot—particularly requirements for residence. Let us hope that we can find a better way of improving the processes of democracy. It does little good to talk about voter participation if roadblocks are put in the way of voter participation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HUMPHREY. I yield myself 2 additional minutes.

Mr. President, people have no problem being informed as to their taxes. You do not have to go down to the courthouse to register for your income tax blank. You do not have to go down to the courthouse to register for your property taxes. For some reason or other, the Government is able to find you, and they take great pains to find you.

I say that the same Government that can send you an income tax blank can also enclose in that income tax blank a registration form so that you can have a chance to register. Those forms can then be sorted and sent back to their respective States, so that the individual can be registered in his own State.

The Government that can tax is the Government that can register. I still think that the old cry of this Republic,

"No taxation without representation!" still makes a good deal of sense.

I would remind my colleagues that it is not too difficult to register people if we want to do so. The Federal Government has difficulty getting U.S. income tax forms to 95 percent of the American people. They get them to you on time; and if you do not pay on time, you pay a penalty.

Mr. President, I would hope that we would show the same solicitude, the same desire for public service and for efficiency in Government, in helping people become registered as we do in extricating from them—either painfully or pleasantly, either sooner or later—the taxes which the Federal Government insists upon.

It is my understanding of the view of the Senator from Rhode Island that this amendment and one that was offered by the Senator from Massachusetts (Mr. KENNEDY) would better serve the interests of this election bill by being referred to the Committee on Post Office and Civil Service.

Mr. PASTORE. I feel that very strongly, and I so said to the Senator from Massachusetts, and I repeat it now. I thank the Senator from Minnesota for his understanding and cooperation.

Mr. HUMPHREY. I believe it is so important that we get this elections bill passed that I want no excuse for any veto or a holdup in the other body. I am delighted to cooperate with the Senator from Rhode Island, who I believe has done a masterful job in preparing this all-important measure.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

## AMENDMENT NO. 365

Mr. BUCKLEY. Mr. President, I call up my amendment No. 365.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 13, between lines 23 and 24, and on page 19, between lines 22 and 23, insert the following:

(5) notwithstanding the foregoing meanings of "contribution", the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee.

Mr. BUCKLEY. Mr. President, I think the purpose of this amendment is self-evident. It is just to avoid a possible ambiguity by specifically excluding from the definition of the word "contribution" the value of services rendered by volunteers.

We all know the importance of volunteers to our respective campaigns. If we had to keep timeclocks around to determine when they contribute services valued at more than \$100, it would impose a very meaningful burden on all of us. I am sure this is not the kind of contribution which the sponsors of the bill have in mind. I understand that the sponsors have no objection to this amendment.

Mr. CANNON. Mr. President, the amendment is a reasonable one, and I am willing to accept it.

I yield back the remainder of my time.

Mr. BUCKLEY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment is yielded back. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

## AMENDMENT NO. 306

Mr. ALLEN. Mr. President, I call up my amendment No. 306, as modified, and ask that it be stated.

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The assistant legislative clerk read as follows:

On page 15, line 8, insert "608," before "610".

On page 22, strike lines 9 and 10, and insert in lieu thereof the following:

Sec. 203. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitation upon certain campaign expenditures

"(a) No candidate shall make or authorize expenditures on behalf of his candidacy, or to influence the outcome of the election in which he is a candidate, for goods or services other than broadcast communications media (as regulated by section 315(c) of the Communications Act of 1934) and nonbroadcast communications media (as regulated by section 103 of the Federal Election Campaign Act of 1971) in excess of—

"(1) 10 cents multiplied by the estimate of resident population of voting age for the office for which he seeks nomination for election or to which he seeks election, as determined by the Bureau of the Census in June of the year preceding the year in which the election is to be held; or

"(2) \$60,000, if greater than the amount determined under clause (1).

"(b) No person may make any charge for goods or services (other than those regulated by section 315(c) of the Communications Act of 1934 (relating to broadcast communications media) or by section 103 of the Federal Election Campaign Act of 1971 (relating to certain nonbroadcast communications media)) furnished to or on behalf of a candidate in connection with his campaign for nomination for election, or election, unless such candidate, or an individual authorized by such candidate to do so, certifies to such person that the payment of such charge will not violate subsection (a). Any person who furnishes such goods or services to or for the benefit of a candidate without charge therefor shall be deemed to have made a contribution to such candidate in an amount equal to the amount normally charged by such person for such goods or services. Any person who furnishes such goods or services to or for the benefit of a candidate at a charge which is less than the charge usually made by such person for such goods or services shall be deemed to have made a contribution to such candidate in an amount equal to the excess of the amount usually charged for such goods or services over the amount charged such candidate.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed \$5,000."

On page 24, between lines 17 and 18, strike the item relating to section 608 of title 18, United States Code, and insert in lieu thereof the following:

"608. Limitation upon certain campaign expenditures."

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

The PRESIDING OFFICER (Mr. TAFT). The Senator from Alabama is recognized for 7 minutes.

Mr. ALLEN. Mr. President, the purpose of the amendment is to provide,

along with the limitation placed on the two types of campaign advertising, an overall campaign limit. It would add an additional 10 cents for all campaign expenditures not covered by the two 5-cent limitations.

I favor the principle of limitation on campaign expenditures and favor the principle in S. 382, but do not believe it goes far enough. I do not believe the limitations are strict enough.

In the Committee on Rules and Administration I brought up this very question, the question of an overall limitation on campaign expenditures, and stated in the committee that at the proper time I would offer an amendment that would provide an overall limitation. The overall limitation in effect, then, would be 20 cents per person of voting age in the political subdivision involved in the election, but divided into three categories.

We recall that, when the President vetoed the spending limitation bill before, that bill applied only to expenditures for radio and television, and the President pointed out that it did not provide an overall limit, that it would cause a shifting of allowances from television and radio over to other forms of expenditure.

The purpose of this amendment is to provide that overall limit.

The Senate bill adds one more limitation to last year's vetoed bill, the 5-cent limitation on newspapers, periodicals, and billboards and allows the shifting, I believe now, of 1 cent from one category over to the other, which could provide for a 6-cent and a 4-cent distribution.

Let me read from the President's veto message on the last bill:

The problem with campaign spending is not radio and television; the problem is spending. The bill plugs only one hole in a sieve.

What has been said about the other bill can be said about this bill, because it just plugs two holes in the sieve.

Candidates who had and wanted to spend large sums of money, could and would simply shift their advertising out of radio and television into other media—magazines, newspapers, billboards, pamphlets, and direct mail. There would be no restriction on the amount they could spend in these media.

Those same objections of the President before would apply now.

Let us see what is not touched by the bill, where the limitations are nonexistent. The sky is the limit on expenditures in such cases.

Mr. President, my supplemental views in the Committee on Rules and Administration report on the bill appear on page 103 of that report. These items are not covered that might well be involved in a campaign.

The bill places no limit on expenditures for mass mailings, for handbills, brochures, printing, WATS lines, telephones, postage, stationery, automobiles, trucks, telegrams, campaign headquarters—State and various local ones—unlimited campaign workers, airplanes, rentals and tickets, buses, trains—special and regular—campaign newspapers, movie theater film advertisements, campaign staffs, public relations firms, production ex-

penses for broadcasts, public opinion polls, paid campaigners and poll watchers, novelties, bumper stickers, sample ballots.

None of those items are limited in the present bill. With this amendment now under consideration, a limitation would be provided. It would be to make it 10 cents per person of voting age in that area, which is better than no limitation at all, because there is no limitation whatsoever now.

I submit that there is even greater need to limit expenditures for nonmedia advertising than for media advertising. Media advertising is open and above-board and available for all to see. The overuse of media advertising might even be counterproductive, if the electorate felt that the candidate was overspending in that field. Nonmedia expenditures would not be as apparent to the public but would be as effective and as expensive. It would be in the field of nonmedia expenditures that irregularities or corrupt practices or abuses, if any, might be more likely to occur.

A limit should be placed on nonmedia expenditures. If no amendment of this sort is adopted to this bill before final enactment into law, we will have a partial limitation on radio, television, newspapers, billboards, and publications but no limitation on the rest of these other tremendous unlimited expenditures. This would enable a candidate who had been limited by these two 5-cent limitations to move any available funds over to these other forms of expense.

Without a limitation on all expenditures we might as well have no limitation.

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

Mr. PELL. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I yield.

Mr. PELL. Is this not the amendment the Senator from Alabama was going to offer and did offer at the meeting in the Rules Committee, and then he withdrew it at that time so that we could study it further?

Mr. ALLEN. Let me state to the distinguished Senator from Rhode Island that when the bill was under consideration in the Rules Committee, I suggested that I thought that provision should be put in the bill, but no amendment had been prepared at that time. Naturally, I did not offer an amendment because it was not in existence. But I did state that I was going to present the matter on the floor of the Senate and seek an overall, total campaign limitation.

Mr. PELL. My recollection is, at the meeting, that I was among those who thought it was a good idea then and indicated my general support for it.

Mr. ALLEN. That is correct.

Mr. PELL. And I hoped that the Senator would bring it up.

Mr. ALLEN. That is right. I thank the Senator very much.

Mr. PASTORE. Mr. President, I think that the most effective way to kill this bill this afternoon would be to adopt the pending amendment.

I say that as kindly and as sincerely as I can say it to my distinguished colleague from Alabama.

We went into this matter thoroughly in the committee. There are certain elements, of course, that were not included in the 10-cent limitation, but all the elements we have included are identifiable and because certain elements were not identifiable which are an integral part of a political campaign, we made a very, very strong disclosure law that no matter what a candidate spends, he has to report every nickel he receives and every nickel he spends. And he has to do this under procedures that are very strict and, I have characterized them before as being rather brutal.

What are we up against? First of all, we do not want to make this an incumbent bill. The question came up of direct mail. I am one of those that would like to see direct mail included in the 5-cent limit.

I say to my friend, the Senator from Alabama, that if he wants to include everything else under the umbrella we already have of 10 cents, I would be willing to do that and take it to conference.

What we are actually doing if we are raising it to 20 cents is that we are actually blowing up a scandal. We have to understand why we got into the bill in the beginning. The reason why we got into it was that we had to bring these astronomical expenses for a political campaign under reasonable restriction. And I think we have accomplished that in this bill in those elements of campaign expenses that are not only identifiable, but are the ones most frequently indulged in and that are, indeed, the most expensive ones.

The argument has been made why not put the direct mail in. I would like to include it. But how do we stop a Senator from sending out a newsletter? He has the right of frank. He can send it to every constituent in his State without costing him 10 cents. How do we stop that? We cannot stop that. And that is the argument I made against direct mailing.

I am saying to my friend, the Senator from Alabama, and to my colleague, the junior Senator from Rhode Island, that we worked long and hard on this to bring out what we thought would be an enforceable bill. It is true that it is not a perfect bill. I do not think that we will ever have a perfect bill. However, at least we will have the experience next year and the year after we have seen what happened and have seen how much candidates spend over and above 10 cents, which is the ceiling under the law, for certain items, we will be in a better position to see how much more should be included in a ceiling.

How do I know whether 5 cents or 10 cents is enough?

An amendment was put in to the effect that we should not count the worth of the services of volunteers. What do I do if a candidate gets 200 volunteers to work for him? What am I supposed to do?

How can I ever measure how many stamps a candidate has bought? How are we ever going to do that?

The only way we can get to that is by full disclosure. Everyone knows that the abuse in past campaigns has been be-

cause of the electronic media, and that is where we should have stopped in the first place.

I tell the Senate very frankly that if the House had not had the primaries and not had the Governors, we would have overridden the Presidential veto, because there is not a Senator here who does not understand that the very heart of the question is what one has to spend for radio and television.

Then, the next item is the tremendous expense of newspaper advertising. That is included here. The billboards are important.

If we are going to say that one can only buy a certain number of stamps, I am afraid that we will never be able to enforce that.

I say to my friend, the Senator from Alabama, that if we raise it to 20 cents for every eligible voter—not every voter but every voter from 18 up—we would be spending in the coming election five times more than the amount spent in the last election. If that is going to be the case, we are wasting our time.

We are trying to bring down the cost of a campaign. I realize—and I repeat it again—that some time, some day we have to control all of the expenses. That would be the only solution, in addition to full disclosure. But if we begin to hatchet this legislation with this amendment and begin to double up on what an individual can spend, I am afraid we are going to be in serious trouble.

I would seriously hope that my good friend, the Senator from Alabama—if he wants a meaningful bill that has a chance to pass this session—will withdraw his amendment. I think it would be a calamity and a tragedy at this moment, after the time we have spent on the bill to have it go down the drain at 4 o'clock on the afternoon of this day.

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

Mr. ALLEN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. ALLEN. Mr. President, I find that I am in disagreement with my distinguished friend, the senior Senator from Rhode Island, who feels that if this amendment is adopted it would kill the bill.

On the contrary, it might be the only way the bill can be saved, because the President vetoed the last bill because it did not cover everything. This amendment does cover everything.

I would also like to point out to the distinguished Senator that so far as allowing expenditures of 20 cents, it would not change the categories at all. It would leave the 5-cent limitation on radio and television and the other 5 cents for newspapers and periodicals and add a new category of 10 cents.

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

Mr. ALLEN. I yield.

Mr. PASTORE. Where does the Senator get the formula for 10 cents? What is the documentation that the total costs are equal to radio and television and the other items?

Mr. ALLEN. I would like to call the

attention of the Senator to the fact that this is not an amendment of permission or extension. It is an amendment of limitation, because under the present law there is no limit. The sky is the limit. This amendment does not confer any authority to spend one single dime. It puts a limitation on spending that can be made.

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

Mr. ALLEN. If I might finish, please. The Senator seems to be under the impression that this would enable a candidate to spend more money. It puts a limitation on expenditures, the limitation bring the exact dollar amounts of the combination of the other two items. That is where it comes from.

Mr. PASTORE. Then why does the Senator not put all other items under the existing 10 cents?

Mr. ALLEN. I should like to do that. And if the Senator is serious in stating we can put the other items under the two 5 cents, if he would suggest the absence of a quorum to allow that amendment to be prepared, I would be willing to prepare it.

I understand that the senior Senator from Rhode Island has said he would accept it. That would end the matter as far as the Senator from Alabama is concerned.

I suggest that the Senator from Rhode Island do that.

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

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Chair advises the Senator from Rhode Island that he does not have sufficient time remaining on the amendment to suggest the absence of a quorum. Does he wish to suggest the absence of a quorum on the time allotted under the bill?

Mr. PASTORE. Mr. President, I withdraw the suggestion of the absence of a quorum and yield 3 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 3 minutes.

Mr. COTTON. Mr. President, I had not intended to take any time because both the Commerce Committee and the Committee on Rules and Administration have done such splendid work on this bill. However, Mr. President, I find myself in some disagreement with both of my colleagues. To some extent, I find myself in disagreement with the distinguished Senator from Alabama (Mr. ALLEN). I also find myself somewhat in disagreement with the distinguished Senator from Rhode Island (Mr. PASTORE).

Mr. President, more than a quarter of a century ago, I spent 10 years in the legislature of my own State. And I served for a long time as chairman of the Judiciary Committee of the State legislature. We were grappling with a State law for "clean" elections.

We saw attempt after attempt fail to accomplish the purpose we had in mind. Now, Mr. President, in my State the law is so strict that if a person runs for U.S. Senator in the State of New Hampshire he has to account for everything,

even to putting value on the use of his own staff. Thus, the one thing which we learned in my State is that the secret of "clean" elections is rigid disclosure.

Artificial and arbitrary monetary restrictions are not the solution. I said this in committee and I have said it before on the floor of the Senate. This is the very basic point I find myself somewhat in disagreement on with the Senator from Rhode Island (Mr. PASTORE) in connection with the purpose of the bill. The thing we are trying to accomplish is not, in my opinion, to limit campaign expenditures, but rather to provide for complete and rigid disclosure of such expenditures. I challenge this or any other legislative body in the world to devise a statute with monetary limitations that cannot be avoided or circumvented.

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

Mr. COTTON. I yield myself 4 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 4 additional minutes.

Mr. COTTON. Mr. President, I hope Senators will not think I am too cynical in taking this attitude. But, I repeat that I challenge this body or any legislative body in the world to devise the kind of statute that cannot be avoided or circumvented, or to devise a law limiting expenditures. However, the one remedy that can be devised, coupled with strict sanctions for violations, is a law requiring that any man running for public office discloses the last cent he receives and spends. Under that kind of jeopardy, he would not take a chance. Our own State law provides that a candidate could be declared ineligible and have his name taken off the ballot if it were found that he failed to meet the disclosure requirements.

When the President vetoed a similar bill in the last Congress, one reason given was that it was not comprehensive enough. I think that reasoning was somewhat unfortunate. But, it is why we have to have an all-inclusive bill this year. I think that is unfortunate because if the people of my State and the people of this country could be accurately informed of campaign expenditures on a regular and periodic basis before an election, coupled with penalties for failure to disclose, then the electorate could come to their own judgment.

Any wealthy man who thinks he can buy a seat in the House of Representatives, in the Senate, or buy a governorship or any other high office and do it by pouring out money is mistaken. If those expenditures are disclosed, Mr. President, you can trust people not to permit him to do it. Furthermore, you can trust his opponent to see to it that it is well-advertised because that power would be in the hands of the poor man.

I have heard a lot said in the last few days that a poor man should have a chance to run for office. I agree. But, you are putting in the hands of the poor man, for whom so many tears have been shed, a weapon that will be more effective in preventing the expenditure of unreason-

able and unconscionable sums in campaigns than anything else in the bill—disclosure.

If I had had my way in committee, and my amendment had been agreed to, then, this would have been a disclosure bill—period. Then, let the voters decide who deserves the office.

For that reason I agree with the distinguished chairman of our Communications Subcommittee, the Senator from Rhode Island (Mr. PASTORE), who has put more time and effort into this matter in the last few years than any other Member of this body.

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

Mr. COTTON. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. COTTON. I agree with the Senator from Rhode Island (Mr. PASTORE) that when we try to go as far as the Senator from Alabama (Mr. ALLEN) would have us go—with the best of intentions in the world and very sincerely—that we will get a bill that first, will not pass, and second, if it passes it will be utterly unworkable and unenforceable.

Mr. PASTORE. Mr. President, I yield myself whatever time I may need.

I want to make abundantly clear I will never vote for 20 cents. I think we have been very generous with the 10 cents. I would rather see 10 cents for everything than 20 cents for everything because I think we would scandalize this operation we have indulged in in the last few days.

All I am trying to say is the fact that 20 cents for every eligible voter, with the lowest unit cost, irrespective of how many people go to the polls, predicated upon a census taken by the Bureau of the Census is going to give any candidate a lot more money than he needs to effect a very effective campaign.

Now, if we begin to make this 20 cents I think the bill is going to be limited and I would rather see no bill at all. I am saying that frankly I would rather see this bill die this afternoon than to see an amendment adopted to bring it to 20 cents.

I am hopeful that when the disclosure law takes effect and we look at it after 1972, we will have an opportunity to determine whether all expenditures should come under the 10-cent limitation. That would be not only a favor for the incumbent but for the opponent.

I think this idea of how much it cost to come to Congress, or to win the Presidency has become a public scandal, and people cannot understand it. If we say a man must spend 20 cents for every eligible voter in his State I am afraid we are putting a price tag on public office, and that will scandalize this matter. I would rather see 10 cents for everything than 20 cents for everything.

Mr. President, I hope the amendment is rejected.

Mr. ALLEN. Mr. President, I yield myself 2 minutes.

The amendment would not provide for a 20-cent limit. The bill would provide, as it now provides, for one 5-cent limit,

another 5-cent limit, and then a 10-cent limit.

Under the way the bill is now written, the only limitation is a 5-cent limit, a 5-cent limit, and no limitation, so that under the bill \$1 a person could be spent for expenses not covered by the two 5-cent limits.

This is not 20 cents per person; it is limited to 10 cents for all other expenses, other than the two 5-cent limitations provided by the bill.

This is not a concession or extension of spending authority. It is a strict restriction and limitation of spending authority and we should cover the whole field of campaign expenses and not just cover part of it.

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

Mr. ALLEN. I yield.

Mr. CHILES. As I understand the Senator's amendment, under spending we have covered those areas such as radio and television, and we have covered newspapers, but then, in the areas not covered, I understand that is where the Senator's limitation would now go, the Senator's amendment would say you could not spend more than a dime.

Mr. ALLEN. That is correct. That would be 10 cents.

Mr. CHILES. That is a high figure to me.

Mr. ALLEN. Very high.

The PRESIDING OFFICER. The 2 minutes of the Senator have expired.

Mr. ALLEN. Mr. President, I yield myself 1 minute.

Mr. PASTORE. I will yield the Senator time.

Mr. ALLEN. I have some additional time.

Mr. CHILES. But there is no limitation on that now. Is that correct?

Mr. ALLEN. That is correct.

Mr. CHILES. Will the Senator from Alabama tell me is there an opening in there, for example, for an unlimited mailing campaign or a letterwriting campaign or a mass writing campaign?

Mr. ALLEN. Under the bill without the amendment, there would be no limitation whatsoever.

Mr. CHILES. Then, if I were a wealthy candidate or had accumulated a war chest from special interest contributors, I, or a committee, could spend unlimited amounts for that kind of campaign effort?

Mr. ALLEN. Yes.

Mr. CHILES. That means that without this amendment, a presidential candidate with unlimited funds could decide he was going into a nationwide mass communication campaign?

Mr. ALLEN. Yes.

Mr. CHILES. And he could engage in certain techniques as to how many pieces to send out, and he could spend unlimited sums on that kind of campaign.

Mr. ALLEN. Campaigns were run long before radio and television, and very successfully.

Mr. CHILES. Would the Senator tell me whether someone could hire workers for telephone banks or for door-to-door canvassing?

Mr. ALLEN. The candidates could do that without limitation under the bill as written, without this amendment.

Mr. CHILES. There would be no limitation. Under the Senator's amendment would there be some limitation?

Mr. ALLEN. Yes; it would come under the overall 10 cent limitation. None of the 10 cents, by the way, could be transferred to other forms of advertising.

Mr. CHILES. So the lid or restrictions would still be on them?

Mr. ALLEN. That is correct.

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

Mr. ALLEN. Yes; if I have time.

Mr. DOLE. I want to refer to the question raised by the Senator from Rhode Island. I share the view expressed by the Senator from Alabama that this would not, in effect, be doubling the cost of the campaign.

Mr. ALLEN. Absolutely not. There is no obligation to spend a dime. It is just a limitation. Right now there is no limitation. It could be a dollar per person. This amendment would hold it down to 10 cents. There would be no obligation to spend it at all. It would be there. It is limited. Under the present bill there is no limitation. This amendment puts a limitation on those expenditures.

Mr. PASTORE. Mr. President, if the Senator will yield, to answer the question, I am not opposed to a limitation of all other expenditures as well. The trouble is we have no guidelines to make any sense out of it. How do I know 10 cents make sense? I am trying to find out where they got the figure of 10 cents.

We found out what the candidates are spending, on the average, for radio and television. We found out how much the discount came to. We found out what the leverage was there. There are some elements on which to make a determination which will provide fairness.

The Senator from Florida raised the question of direct mailing. How can we stop any Member of Congress who is an incumbent from sending out a newsletter? What does that cost? Is that fair to anyone on the outside who has to go out and buy stamps? An incumbent can do it up to the day of his election. As a Member of Congress he can do that.

We talked about this back and forth. The Senator from New Hampshire (Mr. Cotton) said, "There is very little radio and television in my State. I do much of mine through direct mailing." When we debated this question back and forth, we reached the conclusion that we ought not to persist in this. Am I correct?

Mr. COTTON. Yes.

Mr. PASTORE. Here we are this afternoon saying, "Let us make it 10 cents for everything else." I am not opposed to limiting everything else, but I do not know what that figure should be. I would be perfectly willing to take the 10 cents we already have rather than the 20 cents suggested. Whether it should be 2 cents more, or 3 cents more, I do not know. Some day it will have to be controlled. Now the way it is controlled is by full disclosure. Perhaps next time we will be in a position to do something about it.

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

Mr. PASTORE. Yes, out of my time.

Mr. DOLE. I think the President referred to what is being suggested. The

Senator from Rhode Island said that perhaps after the 1972 election we will have more information and history for imposing some overall limitation. I agree that there should be an overall ceiling of expenditures, but how are we going to determine what is fair for direct mailing and postage in the operation of a campaign? I think the Senator from Alabama is only trying to further limit expenditures because now the door is wide open as far as the limits are concerned.

Mr. PASTORE. But we have full disclosure, and it would be scandalous if a person spent as much in all the other categories. Then there is the question of volunteers. The question was raised by the Senator from New York as to whether services of volunteers should be considered as part of a contribution. One man may have 50 volunteers, and another man may have to hire them. We have no experience in this regard. We left that out of the bill rather than jeopardize it.

If the proposal were for 2 cents more, I would be more amenable to it. If it were for 3 cents more, I would be more amenable to it. I do not know any more about the 2 cents than the 3 cents, but somehow I know by instinct that another 10 cents is scandalous.

Mr. ALLEN. It is \$1 now, if one wants to spend it, I remind the Senator.

Mr. PASTORE. Mr. President, who has the floor?

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

Mr. PASTORE. I am willing to yield some time to the Senator from Alabama.

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

Mr. PASTORE. I yield to the Senator from Kentucky.

Mr. COOK. Is it true—and I will ask this question also of the Senator from Nevada—that during the course of developing this bill we spent literally hours and hours going over sheets that had been requested from candidates, through the Federal Communications Commission, through all types of facilities we could get, through statistics that had been published on expenditures, through statistics that had been published on newspaper advertisements, and the determination for these figures came as a matter of logic and they came as a matter of statistics from figures we had before us? But there is no statistical information on which to base this figure. Do we know where it came from? Do we know how to figure it? I hope Senators who were in the committee on the markup, and who went over page after page and figure after figure on matters that are treated in the bill, will agree that the percentages we came up with had a relation thereto.

Mr. PASTORE. Take a man in the State of California or the State of New York who runs for the Senate. How do I know how many headquarters he should have? How can I determine that? That is hard to do. How much telephone expense should I allow him? That is hard to know. How much postage should he be allowed? That is hard to know. How many canvassers should he be allowed to have? That is hard to know. At this moment it is an impossibility.

I come back to my friend from Alabama: The only safeguard is one's conscience and the fact that he has to disclose this matter fully.

If after the next election we find that spending on unrelated means was twice as much as it should be in those other categories and that there should be a ceiling on them, we will have something to go by and we can correct the law.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

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

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Oklahoma (Mr. HARRIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE), and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from Kansas (Mr. PEARSON) are necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from North Dakota (Mr. YOUNG) is detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

The result was announced—yeas 31, nays 60, as follows:

[No. 201 Leg.]

YEAS—31

|           |           |           |
|-----------|-----------|-----------|
| Allen     | Cranston  | Roth      |
| Bayh      | Dole      | Saxbe     |
| Brock     | Fulbright | Schweiker |
| Brooke    | Gambrell  | Sparkman  |
| Buckley   | Gravel    | Spong     |
| Burdick   | Javits    | Taft      |
| Byrd, Va. | Long      | Talmadge  |
| Case      | McIntyre  | Thurmond  |
| Chiles    | Packwood  | Tunney    |
| Church    | Fell      |           |
| Cooper    | Randolph  |           |

NAYS—60

|              |               |           |
|--------------|---------------|-----------|
| Aiken        | Fong          | McGee     |
| Allott       | Goldwater     | McGovern  |
| Anderson     | Griffin       | Metcalf   |
| Baker        | Gurney        | Miller    |
| Beall        | Hansen        | Mondale   |
| Bellmon      | Hart          | Montoya   |
| Bentsen      | Hatfield      | Moss      |
| Bible        | Hollings      | Muskie    |
| Boggs        | Hruska        | Nelson    |
| Byrd, W. Va. | Hughes        | Pastore   |
| Cannon       | Humphrey      | Prouty    |
| Cook         | Inouye        | Proxmire  |
| Cotton       | Jackson       | Ribicoff  |
| Curtis       | Jordan, N.C.  | Scott     |
| Dominick     | Jordan, Idaho | Smith     |
| Eagleton     | Kennedy       | Stennis   |
| Eastland     | Magnuson      | Stevens   |
| Ellender     | Mansfield     | Symington |
| Ervin        | Mathias       | Tower     |
| Fannin       | McClellan     | Weicker   |

NOT VOTING—9

|         |         |           |
|---------|---------|-----------|
| Bennett | Mundt   | Stevenson |
| Harris  | Pearson | Williams  |
| Hartke  | Percy   | Young     |

So Mr. ALLEN's amendment (No. 306) was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, I have just been told that the Senator from Vermont (Mr. PROUTY), for personal reasons, will have to leave the Chamber and leave the District. Before he does, I want to take this occasion to thank him for his fine spirit of cooperation on this measure, and I mean that sincerely.

The argument that this was to be a Republican or a Democratic bill, I think, has disappeared into thin air. I think there has been a fine spirit of cooperation and he especially has been a leader in this crusade and I want to thank him very much.

Mr. PROUTY. Mr. President, may I express my deep appreciation.

Mr. COTTON. Mr. President, may I, from the other side of the committee, join the distinguished senior Senator from Rhode Island in expressing our appreciation for the long hours of hard work which the distinguished Senator from Vermont (Mr. PROUTY) put in not only in the committee but also on the bill.

AMENDMENT NO. 382

Mr. CURTIS. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. TAFT). The amendment will be stated.

The assistant legislative clerk read the amendment as follows:

On page 2 strike out beginning with line 12 extending to and including line 2 on page 3.

On page 7 strike out beginning with line 23 extending to and including line 5 on page 8.

Mr. CURTIS. Mr. President, if we can have order in the Senate, I can state my case very quickly.

Mr. President, my amendment is in two parts. I can be forced to separate them but before I make a unanimous consent request that it be considered as one amendment, I should like to explain what it does.

It strikes out some language in two different places in the bill. The first language it strikes out is that section which requires a broadcaster to sell time to a Federal candidate "for the lowest unit charge of the station for the same amount of time during the same period." The other part of it relates to nonbroadcast media, that "it shall not exceed the lowest unit rate charged by others for the person furnishing such medium for the same amount of space."

Mr. President, inasmuch as one principle or proposition would be voted on, I ask unanimous consent that my amendment may be treated as one amendment.

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

Mr. PASTORE. Mr. President, will the Senator from Nebraska yield?

Mr. CURTIS. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. The Senator said the lowest unit rate for any candidate for

Federal office on the electronic media. That is not so. He means any candidate for any elective office, anywhere, whether Federal, State, or municipal, 45 days before a primary and 60 days before an election.

Mr. CURTIS. I thank the distinguished Senator from Rhode Island, the floor leader of the bill, for his correction.

Mr. President, my reason for opposing these sections is that it is price fixing. We are telling the local publisher that he has to sell advertising time, to whom? To us—at a rate that is the lowest he sells to anyone.

We are saying to the local broadcaster, if this language remains in the bill, that he must sell advertising time to us at the lowest unit rate he charges anyone else.

Mr. President, I am not in favor of price fixing by law and, furthermore, if there ever comes a time when price fixing is justified by law, certainly it would be to combat inflation or to carry out war powers; but here we have the unheard of situation where Congress is picking out one instance in the whole economy and fixing the price.

Who are we to dispute the fact that here is a local publisher that may, for some good reason, have a low rate for the local citizens who advertise, not during a short period but advertise year in and year out. The same is true of a broadcaster.

I think that this is unwise legislation. I judge no one else, but to my mind it is not morally right that we should impose price fixing for our benefit.

Now let us consider the situation of the local publisher of the local paper. He has felt the forces of inflation. His newspaper costs him more. His postage costs him more—and we had something to do with that. All of his expenses for machinery, repairs, and everything else, is costing him more; yet, we say to him, "We are going to fix the price of what you charge us." It is true that we do not fix it as a dollar amount, but the authors of the bill say, and I will read the language for the broadcasters:

The lowest unit charge of the station for the same amount of time during the same period.

Mr. President, among other things, in addition to conceding the right of a local businessman to make a price to someone that is a permanent customer, I think that any businessman has a right, in fixing his price, to take into account what the record is for payment. We hear all the time, not about a great number of candidates, but it happens often that political bills sometimes go unpaid or they are difficult to collect.

Well, Mr. President, I believe that to pass this measure with this language in here is not in the best interests of Congress. I do not believe we should say that we are entering the field of price fixing because we are involved. We may not intend it that way. I am not trying to interpret anyone's mind or put words into anyone's mouth, but I say that many people back home, including the taxpayers who own broadcasting stations and the taxpayers who publish newspapers, will think of it in that way.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

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

Mr. PASTORE. Mr. President, this is not the first time during this debate that this matter has been discussed. First of all, we have got to understand that we are talking about public policy. We are talking about educating the American people during a campaign, not only as to the personalities, the integrity and the capability of the candidates, but also as to the issues.

Under existing law—and I am speaking now of the Communications Act—there is already provided that "charges made for the use of any broadcasting station for any of the purposes set forth in this section shall not exceed charges made for comparable use of such station for other purposes."

What we are doing here is not to set any price or fix any price. We are merely saying to a broadcasting station, "If you yourself have established a lowest unit rate for reasons that a candidate for public office cannot possibly comply with for the simple reason that he only runs a certain number of weeks before election day, then in the particular case of that candidate, whether he is running for Congress or for the school committee in his own community, you cannot charge him any more than the lowest unit rate in the public interest."

It only extends for a period of 45 days before a primary and for 60 days before a general election.

Now, coming to the newspapers, a question was raised as to whether that could be done with reference to newspapers and whether that would be unconstitutional. Well, no court has yet held it unconstitutional. And when I say no court, I mean the Supreme Court of the United States. However, we have statutes in eight States. Here is the statute in Florida:

No person or corporation within the State publishing a newspaper or other periodical or operating a radio or television station or a network of stations in Florida shall charge a candidate for State or county political office for political advertising a rate in excess of the regular rate usually charged persons for commercial advertising.

This is one case. The question was raised in the State of New Hampshire. The Supreme Court of the State of New Hampshire held in that case:

That the establishment of the criteria which prohibited a newspaper or radio station from charging rates higher than those established for commercial advertising was not abridging the freedom of the press.

That opinion was appealed to the Supreme Court and the Supreme Court of the United States refused to grant certiorari. They then asked for a review of the rejection of certiorari and the court refused a second time. Therefore, that decision stands.

The point I make, apart from the constitutionality of it, is that licensees, when they are granted the license, must perform a public service. That is required by the law. The Senator himself knows that from time to time the news

media and broadcasters will come to a Senator and interview him. They do that to fulfill the requirement that they give time for news service.

They have a news section which complies with their obligation and responsibility to render public service. That is all we are doing here.

We are saying to the broadcasters: "Well, if you grant to Procter & Gamble a spot at 6 o'clock on your television station on a certain day, if you sell that time to a candidate for public office for the school committee in your city, you cannot charge him any more than you charge Procter & Gamble."

Why is there the fixing of a rate? The rate was fixed by the station. All we are saying is that they have got to render to that individual who is running for public office the same rate as they do for a commercial advertiser. That is all it amounts to.

Mr. BAKER. Mr. President, would the Senator yield?

Mr. PASTORE. I yield.

Mr. BAKER. Mr. President, it might be more appropriate for the Senator from Nebraska to yield to me.

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

The PRESIDING OFFICER. The Senator from Nebraska has 7 minutes remaining.

Mr. CURTIS. Mr. President, I yield 2 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the Senator from Nebraska for yielding.

Mr. President, as the Senator from Rhode Island knows, since we have discussed it privately and in committee on a number of occasions, I support the concept embodied in the amendment of the Senator from Nebraska (Mr. CURTIS). I have always felt, and I still feel, that legislating a requirement for a lowest unit rate on radio and television represents the first time Congress has meddled with the business of ratemaking in the broadcast media.

I also feel that the business of establishing a lowest unit rate represents an effort to dictate rates in a field where ratemaking has always been an anathema in any case, and that is in the printed media.

I favor the amendment of the Senator from Nebraska. I offered a similar amendment in committee and it was not adopted.

There is a paradox of sorts implicit in the bill as presently written. On the one hand, we are limiting the amount that can be spent; and on the other hand, we are allowing ourselves the lowest rate, a rate that we are not earning by frequency of broadcast but because of our status as politicians. That is an imposition on television and radio broadcasters.

Within the confines of the limitation of 2 minutes that has been allotted to me, I would like to say that my opposition to the lowest unit rate concept is not made in ill will, but in the belief that we are levying a subsidy in favor of ourselves, and I do not think it appropriate.

Mr. PASTORE. Mr. President, I yield myself time on the bill. I want to say to the Senator from Tennessee that he has been very cooperative and very per-

sistent about this. This has been his position from the beginning. The majority of the committee felt otherwise. So did the members of the Committee on Rules and Administration.

I want to correct one statement the Senator made. He said that this is the first time we have meddled with rates. That is not true. We got this provision in the Communications Act. That is all we are doing.

Mr. CURTIS. Mr. President, I yield 2 additional minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, I only want to say that this is my point of view. I think that the Senator from Rhode Island and I are talking of two different things. I say that we are meddling in ratemaking in our own favor when we say that we should have the same discount that is allotted to a commercial user for competitive advertising on the basis of a whole year of advertising when we as politicians advertise only during the weeks immediately preceding a campaign. We are ratemaking.

Mr. PASTORE. Mr. President, this is not confined to Senators and Representatives. This is for a President, for State officers, for Governors, for Lieutenant Governors, for someone who is running for a school committee or dog catcher.

We are saying that the public needs to know these candidates and the issues and that they have got to make it as convenient as possible so that those issues can be brought into every home in America at the best possible price that is charged anyone else.

Mr. BAKER. But we are limiting the amount of broadcasting we can do on the one hand and are providing an attractive inducement on the other hand by giving it the lowest rate.

I intend to support the amendment.

Mr. CURTIS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 2 minutes.

Mr. CURTIS. Mr. President, I call attention to the fact that I have not raised a constitutional question about this matter. There might be one. It has been cited here that eight States have something similar. By the same token, 42 States apparently do not have. And there must be a reason for that.

I feel that this requirement that there be the lowest unit rate is quite different from a comparable rate. And to that extent it is price-fixing. It is definitely price-fixing for our benefit. There are many forces in the political world that contend that because the public needs to know, the broadcaster should give free time. Why? They contend that because the elected politicians can hold a threat over someone who must have a Federal license. That is not right.

Mr. President, we might say that the public needs to meet the candidates and, therefore, the gasoline stations should give us free gasoline to travel up and down our States or our districts. There is no defense, as I have said, for this language. There is no reason for creating this special privilege for ourselves, and that is what it amounts to. I have

not read all the hearings, but I doubt very much that a strong case could be made of abuses in the field of prices that would cause us to feel concerned so that this provision would be warranted.

Mr. PASTORE. Mr. President, all time has been yielded back. I move to lay on the table the amendment of the Senator from Nebraska.

Mr. CURTIS. Mr. President, will the Senator yield at that point?

Mr. PASTORE. I yield.

Mr. CURTIS. I would hope that the distinguished Senator from Rhode Island would allow us to vote on the amendment on its merits.

Mr. PASTORE. Very well. Mr. President, I withdraw my motion. The Senator wants an up or down vote?

Mr. CURTIS. Yes.

The PRESIDING OFFICER. The motion is withdrawn.

The question is on agreeing to the amendment of the Senator from Nebraska (No. 382). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia (when his name was called). Mr. President, because of a possible conflict of interest, I announce "present."

Mr. TAFT (when his name was called). Present.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Oklahoma (Mr. HARRIS) and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE) and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. PEARSON), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from Nebraska (Mr. HRUSKA) and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. BUCKLEY), and the Senator from Connecticut (Mr. WEICKER) are detained on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "nay."

The result was announced—yeas 31, nays 55, as follows:

[No. 202 Leg.]  
YEAS—31

|        |               |           |
|--------|---------------|-----------|
| Allen  | Dole          | Packwood  |
| Allott | Dominick      | Roth      |
| Baker  | Eagleton      | Smith     |
| Beall  | Ervin         | Stevens   |
| Boggs  | Fannin        | Symington |
| Brock  | Goldwater     | Talmadge  |
| Case   | Griffin       | Thurmond  |
| Cook   | Gurney        | Tower     |
| Cooper | Hansen        | Young     |
| Cotton | Javits        |           |
| Curtis | Jordan, Idaho |           |

## NAYS—55

|              |              |           |
|--------------|--------------|-----------|
| Aiken        | Hart         | Mondale   |
| Anderson     | Hatfield     | Montoya   |
| Bayh         | Hollings     | Moss      |
| Bellmon      | Hughes       | Muskie    |
| Bentsen      | Humphrey     | Nelson    |
| Bible        | Incuye       | Pastore   |
| Brooke       | Jackson      | Pell      |
| Burdick      | Jordan, N.C. | Proxmire  |
| Byrd, W. Va. | Kennedy      | Randolph  |
| Cannon       | Long         | Ribicoff  |
| Chiles       | Magnuson     | Saxbe     |
| Church       | Mansfield    | Schweiker |
| Cranston     | Mathias      | Scott     |
| Eastland     | McClellan    | Sparkman  |
| Ellender     | McGee        | Spong     |
| Fong         | McGovern     | Stennis   |
| Fulbright    | McIntyre     | Tunney    |
| Gambrell     | Metcalfe     |           |
| Gravel       | Miller       |           |

## ANSWERED "PRESENT"—2

Byrd, Va. Taft

## NOT VOTING—12

|         |         |           |
|---------|---------|-----------|
| Bennett | Hruska  | Prouty    |
| Buckley | Mundt   | Stevenson |
| Harris  | Pearson | Weicker   |
| Hartke  | Percy   | Williams  |

So Mr. Curtis' amendment (No. 382) was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, for the benefit of Senators, I know of only one more amendment, which we intend to accept. Does the Senator from Colorado have one?

Mr. DOMINICK. Yes.

Mr. PASTORE. Does anyone else have an amendment?

Mr. BAKER. I have one. It will not take very long.

Mr. PASTORE. Are there any other amendments?

Mr. HART. I have an amendment.

Mr. PASTORE. I would say to my colleagues, for their convenience, that if they will stay around for a little while, I think we can have a final reading around 5:30.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HART. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 30, lines 14-15, strike: "during regular office hours".

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, I yield myself such time as I may require. I anticipate it will be only a moment.

I have discussed this amendment with the able manager of the bill. Throughout the debate, the Senator from Rhode Island and the Senator from Nevada—Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order, so that Senators may hear the Senator from Michigan.

Mr. HART. The Senator from Rhode Island has emphasized that the key value in the bill we are considering is disclosure, the availability of information. We have our disagreements about many

other aspects, but all of us see the value in this. To insure that disclosure, a number of reports are required, and perhaps the key report is the one that is required to be filed on the Thursday before election day with the national commission.

The language as contained in the Pastore substitute leave open the possibility that that report might not be available to the public until the following Monday, the day before the election. By eliminating the words "during regular office hours" on page 30, it becomes clear that it is our intention that the Commission shall be required to be open for business on that Saturday, in order that those reports, while it is hoped they would be available on the Friday, at least would be available not later than the Saturday preceding the election.

I think it is a very desirable clarification.

The most important of the reports which this bill requires is the report which must be filed 5 days before the election.

As we all well know, most political money is received and spent in the closing days of a campaign and thus the final report is likely to contain the greatest amount of information.

If disclosure is to be meaningful, the press must have access to the report no later than the Saturday morning prior to the election. Under the present language of amendment 308, it is possible that the Election Commission might interpret the law as not requiring it to make the report available until 9 a.m. on Monday, prior to the election. The amendment I am proposing for the reason that "during regular office hours" might be thought to rule out the Saturday prior to the election. It is essential there be no ambiguity—the records must be available on that Saturday, and that the press be given access to them for the entire day.

Of course, we would hope that the Commission would make the reports available even earlier, if possible. The Pastore substitute clearly provides for earlier availability.

Mr. President, real reform in the area of campaign finance requires not only disclosure, but also public access to what is disclosed. My hope is this amendment will be adopted to guarantee that access.

Mr. CANNON. Mr. President, the amendment is a reasonable one, and I hope would not involve an extraordinary burden except for that very brief period of time. The whole purpose of the Commission is geared up for this kind of an event, and therefore I am willing to accept the amendment.

The PRESIDING OFFICER. Do the Senators yield back the remainder of their time?

Mr. CANNON. I yield back the remainder of my time.

Mr. HART. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. TAFT). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

## AMENDMENT NO. 369

Mr. DOMINICK. Mr. President, I call up my Amendment No. 369.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

SEC. 315. (a) On Monday immediately following the first Sunday in November in 1974, and in every second year thereafter, the official closing time of the polling places in the several States for the election of electors for President and Vice President of the United States and the election of United States Senators and Representatives shall be as follows: 11 postmeridian standard time in the eastern time zone; 10 postmeridian standard time in the central time zone; 9 postmeridian standard time in the mountain time zone; 8 postmeridian standard time in the Pacific time zone; 7 postmeridian standard time in the Yukon time zone; 6 postmeridian standard time in the Alaska-Hawaii time zone; and 5 postmeridian standard time in the Bering time zone: *Provided*, That the polling places in each of the States shall be open for at least twelve hours.

(b) The provisions of this Act shall become effective on January 1, 1974.

Mr. DOMINICK. Mr. President, in connection with the amendment, the word "Monday" on line 1, page 1, should be "Tuesday", and the word "Sunday" on line 2, page 1, should be "Monday". I modify the amendment to that extent.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. DOMINICK. Mr. President, I am not going to take very long on this proposal, because I have discussed it with the distinguished floor manager of the bill (Mr. PASTORE), and he indicated to me that he did not think it was germane. I think he is probably correct in that view, and if he should make such a motion, I would have to withdraw it.

I would like, however, to take this opportunity to discuss it briefly, because it has considerable support, and then to ask the Senator from Nevada (Mr. CANNON) whether or not we might expect some kind of favorable action on my bill, S. 1385, which is pending before his Privileges and Elections Subcommittee. That bill would move the day for national elections from Tuesday to Monday, make it a national holiday, require the polls to stay open for at least 12 hours, and provide for a uniform national closing time. This amendment is taken from that bill, and would require all polls to stay open at least 12 hours, and close simultaneously at 11 p.m., eastern standard time.

What I am dealing with here, and I shall be very brief, is the fact that at the present time, with the electronic computers and a variety of other things, we now have the election returns which come in first, along the Atlantic coast area, are flashed all over the country and have a decided effect, in the eyes of most political observers, on who votes and how they vote in all the other time areas of the country.

We now have more than six time zones in this country, and there is increasing concern that they have had a rather significant effect in recent national elections. Poll opening and closing times are established under State law. They vary within States, and within time zones. There really is no need for that.

What I am proposing, therefore, is that Congress establish a mean Greenwich time for national elections at which all polls would close simultaneously. That time would be 11 p.m., eastern standard time.

It would not create any particular hardship. It would require the polls to stay open longer in some areas than they do now. The polls could open any time at least 12 hours prior to the uniform closing time—11 p.m., eastern standard time.

There is no constitutional problem involved, insofar as we have been able to find out, and we have looked into it rather carefully. Article II, section 3 of the Constitution gives Congress the power to determine the time of choosing electors for President and Vice President, and article I, section 4, gives Congress the power to regulate the time, place, and manner of holding elections for Senators and Representatives.

The Supreme Court has indicated that this may also apply to presidential elections.

While I admit this amendment is technically not germane, I feel it is very relevant to election reform. But my question is not merely whether it is germane. My question is whether the distinguished Senator from Nevada (Mr. CANNON) who is chairman of the subcommittee before which my bill is pending, feels this matter is of sufficient importance to merit hearings during this Congress. If Senator CANNON can give me some reaction to this, I would be pleased.

Mr. PASTORE. I want to say to the Senator that he is now dealing in a matter that has troubled the entire country, including the experts. I do not care what State is involved. Today, through the computer system, the forecast of election results is made long before people have even completed voting in their own State.

In my State, for example, are certain localities which, by custom, open their polls very early. They happen to be the rural areas, where the activity is more or less agricultural. Those people go to the polls very early in the morning. Those polls close about 5 o'clock in the afternoon. After about 6 o'clock, they tell you who is going to win the election.

They take the polls in New York and project them and tell you who is going to be the President. In California, they have not yet gone to vote.

With respect to the system that has been suggested by the Senator, what is he going to do about Hawaii?

Mr. DOMINICK. Under this amendment, and the identical provision in my bill, S. 1385, the polls would close simultaneously in Rhode Island and Hawaii. In Rhode Island, that time would be 11 p.m.; in Hawaii it would be 6 p.m.

Mr. PASTORE. We had hearings before our committee, and when they were all over—we had the best people in the country come there—we did not know any more about what we should do than when we started.

I think the only answer to the problem—it has to be studied independent of this bill—is that it is so complex that it has to be studied exhaustively to get the right answer.

The right answer may be that there must be the hiatus of a holiday, with all the polls closing, and then open them all at the same time. But for me to tell the people of Kentucky that they cannot start voting until 10 o'clock in the morning, when they are in the habit of starting at 6 o'clock in the morning—I would not want to venture that on the floor this afternoon.

This is not germane, but I hope the Senator will not force me to raise the question of germaneness. I hope that after he makes his presentation, he will withdraw his amendment as not germane.

Frankly, the Senator has touched a very sensitive nerve. We have to get an answer to this question. Many people feel that if the elections look good in New York, that is the way the people who have not yet gone to the polls in California are going to vote. Many others say that is nonsense, that it does not affect anyone. I do not think anyone in the country knows the answer to it—unless we have the elections according to schedule and then say that no machine shall be open and no ballot shall be counted until 24 hours after the last poll is closed. That is the only way to obtain unanimity. I am not even ready to suggest that, because I can imagine the mail that would come into my office tomorrow if I did.

Mr. DOMINICK. I say to the Senator from Rhode Island that I am perfectly willing to withdraw this amendment in a few minutes, provided I can get some assurance from the Senator from Rhode Island or the Senator from Nevada that we will have some hearings on the problem later in this session. Even under my proposal, this would not be effective until 1974; so I am not talking about trying to make it effective for 1972. If we could get some hearings and get some idea of the opportunity to present material on this matter, I think it would be helpful.

Let me say that the concept of a uniform poll closing time was endorsed by the National Governors' Conference in 1966. They passed a resolution which is contained in the statement accompanying this amendment when I submitted it on August 3, showing what their proposal is. This is a uniform 24-hour voting period with simultaneous starting and closing times and it provides for establishing a national holiday for national elections. Perhaps that would be a better system. Its merits could be fully explored in hearings on my bill.

In answer to the Senator from Rhode Island, may I say that, based on reports in the 1962 election from New York, a CBS computer predicted that I was defeated in Colorado, before the polls had closed. I might say that, having made that prediction, when I won—and won rather handily, if I may say—in 1962, the New York Times still carried me as losing; and, when they found I had won, they carried me as a Democrat.

Mr. PASTORE. The Senator has proved the case against himself.

Mr. DOMINICK. No. What I am saying here is that the predictions are made and the effect is unpredictable. Nobody knows. But why do we do it this way? Why can we not have standard closing times in every one of the time zones, so

that the problem of computer predictions of election results based on early returns is eliminated? It would not create any problems for anybody in the voting areas involved, and it still would give ample time for everybody to vote.

Mr. PASTORE. The only answer I can give the Senator is that God made him see the sun 3 hours earlier in New York than he sees it in California.

Mr. DOMINICK. The returns would be coming in at exactly the same time around the country. It would happen to be, we will say, 11:15 in New York and 6:15 in Hawaii. But they would be coming in at the same relative time. This is the point I am making.

If the Senator would give me some assurance that we could get a hearing sometime this year or next year, I would withdraw it. I have introduced a bill already.

Mr. PASTORE. I think that what the Senator should do is submit a bill providing for the President to select a commission to make a scientific study of this problem. Psychologically, does it have an effect? Should it be changed? How should we do it, if it should be changed? I think it ought to be studied in that way, as we have had many other task forces, and have them report to Congress, so that we can look at it and see what we want to do about the recommendations. That is the way I would do it.

They would have to be people who made a very deep, scientific study of this matter and who would come in with a concrete recommendation. If many people are called before a hearing, my experience is that by the time we get through, we get confused. I think somebody has to come up with a single answer and say, "This is the way it ought to be done, for this reason."

Mr. DOMINICK. The Senator from Rhode Island really does not mean that. He conducts hearings all the time. As a matter of fact, one of the points he has repeatedly made with respect to this campaign spending bill is the tremendous number of hearings they have had and the witnesses they have had and that arguments on both sides have been discussed. So he really does not mean that, I am sure.

All I am asking for is the same type of consideration for this bill, which I think is of significance, as the Senator gives to any other bill.

Mr. PASTORE. It does not come within the jurisdiction of my committee.

Mr. DOMINICK. But it does come within the jurisdiction of Senator CANNON's committee.

Mr. PASTORE. He will have to answer the question.

Mr. DOMINICK. My bill is before his committee now.

Mr. CANNON. Mr. President, this is not a new proposal. We have had proposals of one sort or another for a number of years before our committee. The distinguished Senator from Nebraska (Mr. CURTIS) has had a proposal before our committee. The distinguished Senator from Arizona (Mr. GOLDWATER) has had a proposal before our committee. We have given considerable study to the

matter. We have not had hearings because it has been proved that so far it is very impracticable to follow any of the suggestions that have been proposed.

For example, in the proposal the Senator has now, it would mean that in Hawaii, if they are going to vote in a presidential election or in a Federal election, they would be told that they have to vote at 1 o'clock in the morning and that they can only vote from 1 o'clock in the morning till 1 o'clock in the afternoon.

Mr. DOMINICK. No. The polls would close at 6 p.m., Alaska-Hawaii standard time. They would open at least 12 noon before that.

Mr. CANNON. That is quite unreasonable. But that situation would occur because of the time change.

There is no realistic way. We would be better off if we eliminated all the time zones and put all the country on the same time zone, and if we had from 8 o'clock in the morning until 8 o'clock at night, everybody would be voting at the same time.

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

Mr. DOMINICK. I would be happy to yield, but I just want to correct the RECORD.

Under my amendment, the polls would have to be open at least: eastern standard time—from 11 a.m. until 11 p.m.; central time—10 a.m. until 10 p.m.; mountain time—9 a.m. until 9 p.m.; Pacific time—8 a.m. until 8 p.m.; Yukon time—7 a.m. until 7 p.m.; Alaska-Hawaii time—6 o'clock in the morning until 6 o'clock at night; Bering time—5 o'clock in the morning until 5 o'clock at night. The polls could open any time before those times, but would have to close at those times. So we are not rendering any hardship to anyone, which is the point I want to make.

Mr. MILLER. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. MILLER. Mr. President, I think that the Senator from Rhode Island has made a good statement when he said that this is a problem we are going to have to solve. In going around the country, all of us have heard many comments about this problem and most people are wondering why we do not do something in Congress about it. So it is not a matter of doing something about it, but when we are going to do something about it. I say the sooner the better.

I do not know why there should be any reluctance to hold hearings on this. As a matter of fact, I could suggest to the Senator from Rhode Island to take this amendment to conference and see what the House thinks about. Failing that, at least we might have hearings to let the people know that we are interested in doing something about it. The Senator from Rhode Island is 100 percent right when he said it is a problem we are going to have to take care of. Let us start to take care of it. The sooner the better.

I would suggest to the Senator from Nevada (Mr. CANNON) that he accede to holding hearings on this very important and perplexing problem.

Mr. CANNON. I would agree to hold hearings if the schedule permitted, but

not this session. We have other work that comes ahead of that. There are a number of problems here. One problem is that it would not come within the jurisdiction of my committee, but it probably would come within the jurisdiction of the committee under the chairmanship of the Senator from Rhode Island. The suggestion to prohibit the transmission of information until a certain time would be a much better proposal than imposing a duty on people to get out and vote at some other hour of the day in order to make it convenient for people who vote in a different time zone.

Mr. PASTORE. When that suggestion was made by someone, that we do that, the roof caved in. How can we stop a reporter speculating what the results will be in another State? We cannot do that.

Mr. DOMINICK. We cannot stop reporting by a CBS computer, an NBC computer, or any other computer for that matter. I do not know that we want to do that. We would have constitutional problems. What I am saying is that if we have them closing at the same time, there is no possibility of getting any legitimate results before that closing time so that they can spread it around and influence the election in other areas of the country.

Mr. MILLER. What has been brought out here is that the Senator from Rhode Island's committee probably does not have jurisdiction of a solution that will be a workable and constitutional solution. That gets us back to the committee headed by the Senator from Nevada, and I would ask my friend from Nevada if he would not accede to the request of the Senator from Colorado to hold hearings either this session or, I believe he said the next session, so that we can get this show on the road and get something done about this problem.

Mr. CANNON. I am not willing to permit a hearing this session, but I would be quite willing to hold hearings on the bill next year, and a myriad others that have been proposed along this line, but I would have to do so at a time convenient to the committee, of course.

Mr. DOMINICK. When the Senator refers to "this session," I thought the Senator meant not just this year but also next year. If the Senator is only talking about this year, of course, that would be different.

Mr. MILLER. I believe I heard the Senator from Colorado originally ask for this session.

Mr. DOMINICK. I did, but would be pleased with a commitment for hearings this Congress.

Mr. MILLER. I think that is a reasonable request. I can understand why the Senator from Nevada would not want to agree to hold hearings just this session, this year, because by the time we get back from our recess and what is on the agenda, that would be impracticable to do. But I would certainly hope that he would agree to hold them during this Congress.

Mr. DOMINICK. I would say to my good friend from Nevada, and also to my good friend from Rhode Island, that

this is not a partisan amendment. The cosponsors are Senators ALLOTT, BENNETT, SCOTT, and WILLIAMS. On the bill, there are more sponsors than that, from both sides of the aisle. The Senator from Oklahoma (Mr. BELLMON) was discussing this with me a little while ago and he said he thought it was an excellent idea.

What I am saying is that the Senate should do something in this field. Up to date, I really have not been aware at least of any particular activity along the lines indicated by this amendment. If the Senator from Nevada would give me some assurance, as I understand he is now willing to do, within the course of events of the committee's business, that would be sufficient; but I would hope that I could get some expression from him now that it would happen, if not this year, then next year, that we should talk about a definite future, when he or I may not even be here.

Mr. PASTORE. The Senator from Nevada has already given the Senator that assurance. He said that if the schedule permits, he will hold some hearings, hopefully next year.

Mr. DOMINICK. Fine.

Mr. PASTORE. I do not see how the Senator can expect the Senator from Nevada to go any further than that now. We are all busy people.

Mr. DOMINICK. At this point then, Mr. President, I withdraw my amendment.

The PRESIDING OFFICER (Mr. SPONG). The amendment is withdrawn.

Mr. KENNEDY. Mr. President, will the Senator from Rhode Island yield for a question?

Mr. PASTORE. I yield.

Mr. KENNEDY. I should like to direct the Senator's attention to page 10 of the bill under the heading "Cost-of-Living Increase in Limitation Formula."

Mr. PASTORE. What is that again, please?

Mr. KENNEDY. In section 104, on page 10 of the bill, under the title, "Cost-of-Living Increase in Limitation Formula," there is included an amendment originally proposed by the Senator from Kentucky (Mr. COOK). The amendment provides a cost of living escalator for the spending limitations, which the bill now sets at 5 cents a voter for broadcast media, and 5 cents a voter for other media. The 5-cent limitations are based on calendar year 1970. Subsection (b) states "Commencing immediately after the end of 1971," the escalator clause is to apply. As I understand it, this means that the 5-cent limitations will be increased for 1972, based on the amount of inflation that took place between 1970 and 1971. Subsection (b) also provides that if the increase is a fraction of a cent, the limitation will be rounded to the next highest cent.

Would the Senator agree with me that, in light of the increases we have already seen in the cost of living in 1971, the effect of the escalator clause will be to raise the spending limitations to 6 cents a voter in 1972? Yet, most discussions of the limitations have assumed that the figure would be 5 cents a voter in 1972 for each of the two limitations, or 10 cents a voter in all. Is it not really 6 cents

a voter for each of the limitations, or 12 cents in all?

Mr. PASTORE. Mr. President, I am in no position to say that, because I have not mathematically figured it out. What we are doing here is to establish the 10 cents based on the experience of the last election—which is a generous figure. Now the question was asked on the 10 cents which is good in 1972, or the 10 cents that is good today, you see, but it may not be the same 10 cents if there is going to be spiraling inflation. The costs might go up. So we have to start with a base. So we start with the base in 1970. As I said here earlier this afternoon, that 5 and 5 is a generous figure. Then we added to that the fact that we get the lowest unit cost, and then we added to that every eligible voter over 18, which takes in the new group which has just been admitted by the Constitution; so I am telling the Senator, according to the formula that he will be doing a little better in the next election, by 1974, maybe. The picture may change then a little bit. That is the reason we put that in there. But I will not subscribe to the speculation that the 10 cents we have suggested is only worth 6 cents. I cannot do that.

Mr. KENNEDY. The cost of living index figures already available indicate that we will have 5 percent inflation, as a very conservative estimate, for 1971. Under Section 104, therefore, the 5-cent limitations would be increased by 5 percent, and the limitations for 1972 would therefore rise to 5.25 cents each, and would be rounded up to 6 cents each.

So in 1972 what we are really talking about, as I understand it, is 6 cents as it applies to each of the two limitations, or 12 cents in all. I think it is a generous figure.

Mr. PASTORE. The Senator is correct.

Mr. KENNEDY. We are talking about the cost-of-living increases, we have seen in the last year, which really mean that in 1972, candidates will be able to spend 6 cents a voter for broadcasting, and 6 cents a voter for other media, not 5 cents.

Mr. PASTORE. The Senator is correct. I agree with that.

Mr. KENNEDY. I thank the Senator.

#### QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. 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. BAKER. Mr. President, I send to the desk an amendment to amendment No. 308 to S. 382 and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment reads as follows:

On page 3, line 14, strike "Sec. 102." and insert in lieu thereof "Sec. 102. (a)".

On page 6, after line 25, add the following:

(b) Section 315 of such Act is further amended by—

(1) inserting in subsection (a) immediately after "censorship" a comma and the following: "except as provided in subsection (f)."; and

(2) adding at the end of such section the following new subsection:

"(f) No licensee shall be required under this section to broadcast any material presented by or on behalf of a legally qualified candidate for public office for broadcast in connection with such candidate's campaign which maliciously presents material relating to race and which, in view of the community in which and the time during which the broadcast would be received, is so inflammatory that its broadcast would create a clear and present danger of violent public reaction endangering the safety of individuals in the community or involving the destruction of property. A licensee shall not be liable under this Act for refusing to broadcast such material unless it is shown that such refusal was prompted by considerations other than the criteria set forth in the preceding sentence."

Mr. BAKER. Mr. President, I yield myself such time as I may use.

Mr. President, this is an amendment calculated to prevent the requirement that television stations or radio stations broadcast political advertising which is racially inflammatory and presents a clear and present danger of disorder within the community.

Mr. President, this amendment is similar to one which I offered during consideration of the bill, S. 382, by the Committee on Commerce. Its purpose is to eliminate the present mandatory requirement that a station licensee broadcast all material presented by or on behalf of a legally qualified candidate. Its effect would be to permit a station licensee to refuse to broadcast—

Any material presented by or on behalf of a legally qualified candidate for a public office for broadcast in connection with such candidate's campaign which maliciously presents material relating to race and which, in view of the community in which and the time during which the broadcast would be received, is so inflammatory that its broadcast would create a clear and present danger of violent public reaction endangering the safety of individuals in the community or involving the destruction of property.

Mr. President, I am motivated to offer this amendment based upon a personal experience I had in one of the major cities in my State which borders on another State.

It involved a candidate for statewide office from the adjoining State who sought to purchase time on a television station in my State, but which had a service area in the adjoining State. In the judgment of the station management part of the material to be broadcast was calculated to be so inflammatory on a racial basis that the management was fearful that if broadcast, the material might cause real trouble in the community. As it turned out under the law as it then prevailed and is now the case, the station licensee had no alternative but to broadcast the material.

Now Mr. President, I am fully aware that this amendment approaches the

very fine line of abridging the freedom of speech under the first amendment of the Constitution of the United States. However, I would hasten to point out that there are certain limitations upon this freedom of speech, most particularly in those circumstances which are of such a nature as to create a clear and present danger that such would bring about substantive evils.

For example, as pointed out by Justice Holmes in *Schenck v. United States* (249 U.S. 47, 51-52 (1919)):

But the character of every act depends upon the circumstances in which it is done. \* \* \* The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. It does not even protect a man from an injunction against uttering words that have all the effect on force. \* \* \* The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree.

Similarly in *Chaplinsky v. New Hampshire* (315 U.S. 568, 571-572 (1942)) Justice Murphy asserted the following:

There are certain well-defined and narrowly limited classes of speech, the prevention and banishment of which have never been thought to raise any Constitutional problem. These include the lewd and obscene, the profane, the libelous, and the insulting or "inviting" words—those which by their very utterance inflict injury or tend to incite an immediate breach of the peace. It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.

Mr. President, I believe that my amendment is so narrowly drawn as to meet these tests handed down by the Supreme Court of the United States. Admittedly, this is an arguable point but then whether such conditions exist is one of law for the courts, and ultimately, for the Supreme Court in enforcement of the first and 14th amendments. Essentially, all my amendment does is to provide a broadcast station licensee a right of refusal, first, when the election campaign material maliciously presents material relating to race; second, which material in view of the community in which and the time during which the broadcast would be received is so inflammatory that its broadcast would create a clear and present danger of violent public reaction; and which violent public reaction endangers the safety of individuals in the community or involves the destruction of property. It is, therefore, very narrowly drawn. My principal concern, Mr. President, in offering this amendment is for public health, safety, and welfare.

Mr. President, I know of no member of the Senate more concerned than I with insuring that constitutional rights of the citizens of our Nation are not abridged. However, the situation which I seek to remedy involves one of balancing the equities between those who would espouse an absolute right of freedom of speech even to the point of presenting

a clear and present danger, and those such as myself, who, in instances that I have described, feel that under very limited circumstances and close scrutiny by the courts of law, there may be merit to some limited prior restraint in the exercise of this right.

As Mr. Justice White noted in handing down the decision of the U.S. Supreme Court in *Red Lion Broadcasting Co., Inc., v. Federal Communications Commission*, 395 U.S. 367, 386 (1968):

Although broadcasting is clearly a medium affected by a First Amendment interest, *United States v. Paramount Pictures, Inc.*, 334 U.S. 131, 166 (1948), differences in the characteristic of new media justify differences in the First Amendment standards applied to them.

Mr. President, this is simply dicta but it is at least recognition that a difference does exist with respect to broadcasting and the first amendment. I believe that the difference in this instance justifies the amendment which I have just offered.

Mr. President, I would also like to bring to the attention of Members of the Senate language appearing in the *Office of Communications of the United Church of Christ v. Federal Communications Commission*, 425 F. 2d 543, 548 (1969), which was written by now Chief Justice Burger while on the Court of Appeals for the District of Columbia. Although this case addressed itself to another point of law, during the course of his opinion Chief Justice Burger noted in part the following:

The infinite potential of broadcasting to influence American life renders somewhat irrelevant the semantics of whether broadcasting is or is not to be described as a public utility. By whatever name or classification, broadcasters are temporary permittees—fiduciaries—of a great public resource and they must meet the highest standards which are embraced in the public interest concept.

Mr. President, I sincerely feel that my amendment is in the public interest and recognizes the "great public resource" of broadcasting which must meet these high standards embraced in the public interest concept. I simply wish to insure that broadcasters will be able to so act within the limited case of the situation circumscribed by my amendment.

Mr. President, this is a close question. It is one that I discussed at length in the committee. There are constitutional issues involved as well as the fact that it borders perilously close to censorship. It is a very serious matter. However, having witnessed at firsthand the dilemma of a television station manager who was confronted with a spot commercial that was so racially motivated that it might cause disorder in the community and the television management had no choice except to broadcast or put his license on the block. It was a sad state of affairs and I resolved at that time to come as close as I could to relieving the station manager of the necessity for taking an undue risk in the future.

I hope the amendment might be adopted. It does involve some serious questions.

Mr. PASTORE. Mr. President, I have tremendous sympathy for the position

taken by the Senator from Tennessee. However, I certainly hope he will not press this amendment at this time. If he does, I would hope that it would be defeated.

I would agree with him that this is one of the dilemmas we have with relation to broadcasting when it comes to censorship. I do not want to do anything that would impinge upon the freedom of speech.

I myself am getting weary of many programs that are not only distasteful but are sometimes even rather risqué.

I tell the Senator frankly that I think inflammatory statements on radio and television constitute a very serious problem. But there has been court decision after court decision in view of the times in which we live that one is privileged to say what he likes and to say what he thinks.

Mr. BAKER. Mr. President, I recognize and understand the point made by the chairman.

I point out that at some place we ought to reach the point where we cannot permit someone to throw a match into a gas tank or to shout "fire" in a crowded theater. Racially inflammatory material ought not to be forced to be accepted by station managers. I think we can do this, although it is a close question.

Mr. President, at this time I am willing to yield back the remainder of my time and let the matter be disposed of on a voice vote.

Mr. PASTORE. Mr. President, I wish the Senator would withdraw the amendment. I will assure him, now that he is a member of my Subcommittee on Communications that sometime this session, or if not in this session, in the next session, when we have the FCC before us for their regular reporting, that we will get into the problem of how far the abuse has gone.

Rather than having the amendment rejected or adopted this afternoon, why do we not leave it in limbo for the time being and let us discuss it more soberly and informally before our committee when we have the FCC before us. I would prefer that.

Mr. BAKER. Mr. President, I think the point is well taken. I contacted the FCC at the time of this occurrence in Tennessee. I think we would all benefit from an investigation of this and other incidents.

I am reassured by the statement of the chairman and on that basis I ask unanimous consent that I might withdraw the amendment at this time.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the amendment of the Senator from Rhode Island in the nature of a substitute, as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

Mr. MANSFIELD. Mr. President, as we approach final passage of S. 382 and the substitute motion offered by Senator PASTORE, I think a few comments are in order on a few of the more far-reaching effects of this legislation.

For the last 10 years, we have witnessed a horrendous increase in the amount of money it takes to run for a Federal elected office. Part of this increase can be attributed to the increased use of the electronic media, mainly television. When you figure that there are 60 million homes in the United States and over 95 percent of them are equipped with television sets and 25 percent of the 60 million have two sets or more, you see easily why candidates for political office must use the television to reach their constituencies.

At no time in history has there been such a means to reach instantaneously such a large number of people. But obviously this type of quick communication has a high cost factor. As the costs have increased, the need for large contributions has increased as well, so that you have a few well-to-do, politically controlling individuals or organizations that largely determine the course of an election.

What we need today in the 1970's, is a means by which any man in this country, any woman in this country, who is qualified, can run for elective public office. The most important, and I daresay, revolutionary aspect, of this attempt to reform the present electoral process is the limitation of the amount of money that can be spent on campaigns, and second, and most importantly, a full reporting will be required of all contributions and expenditures in connection with campaigning for elective offices at the Federal level.

We have had laws on the books in the past, but they were riddled with loopholes. This act closes those loopholes so that the public will know where the political obligations lie. This bill is truly a truth-in-politics law.

Senator PASTORE and Senator CANNON have approached these problems in realistic terms. They have made significant amendments in the floor discussions and debate here today and throughout the last week. The provision for increased detail and background information on contributors will certainly help improve the means by which people can see who is and who is not contributing to particular elections. The requirement for names of contributors of \$100 or more will again allow the public to be informed as to who is or who is not contributing to particular campaigns. The Election Commission that was proposed by Senators SCOTT and PEARSON is another example of bipartisan cooperation in the enactment of this election reform. The independence with which this agency can devote itself to monitoring election costs will reassure the American public that our election laws are being obeyed.

And it is my belief, and I think it is the unanimous belief of the Senators here today, that a more informed electorate is a better electorate and that with a better electorate, you have an improved government. To my way of thinking, the

many pressing and seemingly impossible problems we are confronted with today can only be improved if we have selfless men, foresightful men, intelligent men who have full freedom to exercise their independent judgment representing the people of this country in the Halls of Congress and in the White House.

I hope that this measure will receive in the House of Representatives after the August recess the swift consideration this measure deserves. With its enactment the message will be loud and clear that the Congress of the United States recognizes the difficulty of maintaining a people's representative government in light of the increasing costs and are willing to take this significant step to reform the electoral process. Hopefully, politics will be revitalized at the grassroots level.

I want to stress before final passage how important the bipartisan cooperation has been in getting this all-important election reform bill through the Senate. The many educational and intelligent colloquies this last week have truly shown how the issue of election reform transcends partisan politics. I would hope that potential critics of this bill would carefully read the RECORD to see precisely how much cooperation and, in turn, trust, there has been in coming to this solution.

I, therefore, congratulate and thank all the Senators who have been so heavily involved in the various discussions and floor debates. I hope that the President who has proposed reform as the theme of his administration will wholeheartedly endorse and lend his prestige to the efforts to obtain the swift enactment of this most significant electoral reform proposal in a generation.

#### NBC EDITORIAL ON UNIVERSAL VOTER REGISTRATION

Mr. KENNEDY. Mr. President, in an NBC radio editorial last Friday, Mr. Sander Vanocur emphasized the burden and the difficulty of the present system of voter registration in the Nation. He urges the adoption of simplified procedures, of the sort I have proposed in the Universal Voter Registration Act, which I had originally offered as an amendment to the pending election reform bill, and which I am today introducing as a separate bill.

As Mr. Vanocur's editorial makes clear, the ratification of the 26th amendment, lowering the voting age to 18 in all elections, has generated broad new interest for comprehensive reform in our voter registration procedures. The momentum for reform is building, and it is time for Congress to respond.

Mr. President, I believe that Mr. Vanocur's editorial will be of interest to all of us concerned with the cause of such reform, and I ask unanimous consent that it may be printed in the RECORD.

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

#### NBC RADIO EDITORIAL

(By Mr. Sander Vanocur)

Now that the 18-21 year olds have been given the vote and now that the 18-21 year olds are finding out how cumbersome and difficult it is to register so that they can vote, attention is being turned to just how complicated our voter registration laws are.

With the advent of voter registration at the turn of the century there was a sharp decline in voter turnout. In the Presidential election of 1900, the voter turnout was 73%. Not since that time has it exceeded 66%, and seven times it fell below 60%. On two occasions in 1920 and 1924, it fell below 50%. But throughout the greater part of the 19th century, voter turnout in our presidential elections ranged in the neighborhood of 70% to 80%.

These facts have been cited by Senator Edward M. Kennedy this week, as he prepares to attach an amendment to the Election Reform Act, an amendment that would establish a system of universal voter registration for the nation. The election of 1968 shows how badly such a measure is needed—for in that election, with the potential of 120 million voters, only 82 million, or 68%, were registered to vote and therefore eligible to go to the polls on election day. But of that number, 89% went to the polls, proving the obvious: That people who register are people who vote.

Kennedy's amendment would provide a simple postcard system of voter registration. Simply by filling out the address of his residence on the postcard form, a citizen would establish his voting residence. A new computerized agency within the Census Bureau would process the cards, compile voting lists by precincts throughout the country, and make the list available to state and local election officials at appropriate times before any election.

Use of the new system would be mandatory for all federal elections and optional for state and local elections. Kennedy hopes to get action by the Congress when it returns from its August recess. Whether his amendment, or similar reform, is enacted this year, is problematical. But there is a rising demand, especially from the young, for someone to do something about simplifying our complicated voter registration procedures.

Mr. HART. Mr. President, no one contends the bill we are about to vote on answers all or even most of the important questions about the way election campaigns are financed, but I believe the bill is an important step toward eliminating money as a crucial if not the primary prerequisite for election. That we have moved so far toward reform is a tribute to the patience and skill of Senator PASTORE and Senator CANNON.

There is no need at this point to repeat the figures which show the soaring costs of running for office, costs which increasingly make it more difficult for the candidate without personal fortune or affluent backer to make a run for office. For example, electronic media charges alone rose 70 percent from 1964 to 1968.

To the extent that this bill moves toward giving all Federal candidates equal access to the media and puts some limit on campaign spending, I support it and urge its prompt enactment.

But the goal of campaign reform must go beyond what is encompassed in this bill, and indeed, may well have to go beyond laws governing the receipt and expenditure of private contributions.

We must ask ourselves whether an individual's ability to raise or to spend his own money is a useful test in determining a candidate's qualifications for office. I suspect it is not.

We must ask ourselves whether the opportunity to contribute to an election campaign is an important way for individuals to participate in the election process. There are those who argue it is

But if it is, what comparable access to participation do we give those who cannot afford to give even a small contribution?

And if we decide that money-raising ability is an important test, and if we decide that making a contribution is an important way for the individual to participate in elections, then we still must weigh those possible benefits against the adverse effect the need for private contributions has on who is able to seek office and on public confidence in our political system.

After all, it is the need to raise money which threatens to leave the race to the rich alone; it is the large contribution which carries with it the aura of influence, real or imagined; it is fund-raising efforts which give rise to cynicism about our system, from young and old alike.

Remove the private money and our political campaigns may become more a testing ground for ideas than exercises in raising money.

Remove the private money and we remove one cause for cynicism and doubts now so harmful to public confidence in politics.

Certainly there is no doubt that public criticism of campaign costs is rising.

The press repeatedly has called attention to what it pleases to call the "scandal" of campaign financing. And while the so-called influence of the large contributor may be at times more fancied than real, every modern administration's list of ambassadors has contained the names of campaign contributors whose principal distinction appeared to be the size of the contribution.

Recently, Columnist Charles Bartlett described what he believes to be the influence of the insurance industry contributors on administration policy on no-fault automobile insurance. I ask unanimous consent that the articles be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HART. Proposals to replace private campaign contributions with public funds are not new. President Johnson made such a recommendation in 1967. A year earlier, the Congress actually passed the Presidential Election Campaign Fund Act, permitting Federal taxpayers to designate \$1 of their income tax payments to a fund for Presidential campaigns. In fact, President Theodore Roosevelt suggested removal of private money.

It is time, then, following enactment of this bill, to give serious consideration to the pros and cons of eliminating dependence on private contributions and to finance campaigns with public money. I do not suggest that it is a cut and dried issue, nor that a switch from private to public funds for campaigns is on the immediate horizon.

However, I do suggest that the inequities of the present system along with its adverse effect on public confidence in our political process demand we look beyond this bill to the ultimate campaign reform which eliminates private contributions. And the sooner the debate begins the sooner we will reach that distant horizon, if indeed the debate shows

it is a horizon to be sought as I believe it will.

If it is, it is important to be moving toward it promptly.

#### EXHIBIT 1

[From the Pontiac Michigan Press  
of Mar. 26, 1971]

#### NO-FAULT CAR INSURANCE HITS BARRICADE OF POLITICS

(By Charles Bartlett)

WASHINGTON.—Proving once more that the public will gain when the Treasury replaces the interests in paying the costs of presidential elections, the White House has been extremely timid on the issue of auto insurance reform.

A recent survey taken for the President showed that few things irritate the consumer more than auto insurance. But Nixon forfeited his great chance to play the reformer because he could not induce the insurance magnates who backed him to go along.

The insurance episode is a classic instance of how campaign giving distorts the White House viewpoint. It is a cleancut example because Secretary John Vcipe and his aides from the Transportation Department came to the White House after studying the problem for three years, with a firm proposal for quick national enactment of a no-fault insurance plan.

This move is offensive to two which heavily supported Nixon in 1968 and will be needed in 1972. The plaintiff lawyers, now claiming 35 percent of the total payments made to auto accident victims, naturally do not like. Nor do many insurance executives, who fear they will face intensified competition if auto insurance is simplified.

These groups were well represented in the White House deliberations conducted by Peter Flanigan, an aide from Wall Street. The Commerce Department had done no real study of the situation but Secretary Maurice Stans, who raised \$36 million for Nixon's election, formally recommended minimal federal intervention.

This same thought emerged from a series of White House meetings to which Flanigan invited top insurance executives. Virtually the whole industry is committed to the notion that no-fault insurance is the next step. But if the federal hand can be kept out of it, another generation may pass before the reform spreads across the country.

Only 45 percent of those 500,000 a year who are killed or seriously injured in accidents receive any benefits. Total recoveries from auto insurance equal only one-fifth of the losses from auto accidents. One out of every five cars on the road is not insured at all.

No-fault laws have been introduced in 21 states where they lie waiting to be interred by legislators who are lawyers and insurance men. Even the Massachusetts law, first in the nation, was softened to leave generous opportunities for the damage lawyers.

Nixon's deference to the states, in the face of these circumstances, was heavily inspired by deference to his contributors. This is why the public must soon take the financial burden of presidential campaigns out of private hands.

PHILIP A. HART.

Mr. MATHIAS. Mr. President, the legislation to improve our election practices was the work of many hands. It is a bipartisan effort in which the minority leader, Mr. SCOTT, the Senator from Rhode Island (Mr. PASTORE), and the Senator from Nevada (Mr. CANNON) share credit for original initiatives, for consistent interest, and patient effort.

There are many in the general public who have shared our concern and assisted in many ways with information, statistics, and counsel. Among these, one

of the foremost is the staff of the National Committee for an Effective Congress who have advocated a reform bill and worked for it with real determination. We are grateful for their help and that of all others who have assisted in making this bill a success.

Mr. KENNEDY. Mr. President, I commend the distinguished Senator from Rhode Island (Mr. PASTORE) and the distinguished Senator from Nevada (Mr. CANNON) for the skill and wisdom with which they have guided this immensely significant election reform legislation through the Senate. I also commend the distinguished managers of the bill for the minority, for the spirit of cooperation that has helped so much to facilitate the passage of this bill.

For the first time in nearly half a century, the Nation is well on its way to the enactment of comprehensive election reform, and I have every confidence that the bill we are about to pass today will clear Congress promptly and receive the signature of the President in ample time to be in force for the 1972 election.

The most serious problem in the American political process today is the problem of campaign financing. The skyrocketing cost of election campaigns has produced a situation in which all but the wealthy—or their friends—are prohibited from running for public office.

The potential political candidate of modest means is being driven from the field. Without a source of outside wealth, he faces the Hobson's choice of either a shoestring election campaign or reliance on a few large contributors. If he takes the shoestring route, he faces the prospect of almost certain defeat. If he goes the route of the large contributors, he inevitably creates the sort of ambiguous relationship in which he is obligated—or appears to be obligated—to his wealthy supporters.

Today, at a time when hundreds of millions of dollars are being poured into election campaigns, the issue is especially serious. At a time when all our institutions are under question, the problem of campaign spending has given politics the air of dirty business. It has bred cynicism in our citizens and dropouts from our democracy.

In an era where calls for reform are heard on many fronts, the call for reform of our election laws has gone strangely unheard. To me, however, this is where reform ought to begin, because if we cannot keep our democracy running and responsive, no amount of reform in any other area can succeed.

The most obvious case in point is the Federal law governing campaign contributions and expenditures. As many experts have observed, our current Federal election laws are more loophole than law. Their limits do not limit, and their penalties are empty threats.

The Federal Corrupt Practices Act purports to require disclosure of campaign contributions and expenditures, but the requirement has a double flaw. It does not apply to primaries, and it does not apply to committees operating solely within one State.

There are similar grave defects in virtually every other area of our election laws. We have ignored the need to

develop tax incentives to broaden the political base by encouraging campaign contributions from small donors. And, in the related area of disclosures of lobbying activities, we have tolerated the existence of loopholes in present laws that shield a major part of the lobbying activities that now exist.

The time has been ripe for comprehensive reform in each of these areas for many years. Now, Congress has begun to respond.

The provisions of the bill accomplish a number of urgently needed reforms in the equal-time provision and in the area of campaign financing with respect to spending for political broadcasting and other media. Taken together, these provisions will greatly assist candidates in presenting their views to the public. They will eliminate many of the mushrooming abuses we have experienced in recent years because of the escalating cost of radio and television in political campaigns. No election reform legislation worth its name can fail to come to grips with these problems—problems that lie close to the heart of the ills that plague our political system.

Other important provisions in the bill establish another fundamental principle of election reform—a requirement of full reporting and disclosure of campaign contributions and expenditures. Its rationale is the rationale of complete public disclosure.

As in so many other areas of political life, I believe that sunlight is the best disinfectant, that public knowledge of the means by which candidates finance their campaigns will go far to end many of the abuses which occur, or which seem to occur, in the way we elect our public officials.

Under these provisions of the bill, each candidate for Federal office, and each committee which supports a candidate for Federal office, must file a comprehensive report of its receipts and expenditures. For the first time, the people of America will know how Federal candidates obtain and use their funds, and that knowledge will be available in time for the people to act on election day.

Because of the constitutional problems involved in including tax provisions in legislation initiated by the Senate, the present bill contains no tax provision to encourage contributions by small donors to political campaigns. I hope, however, that the Senate will take action in this area as soon as an appropriate occasion presents itself.

Again, let me say how pleased I am that the Senate is now about to complete its action on this vital legislation. The people of America will reap its benefits for years to come, and the foundation of our democracy will be strengthened.

Mr. CRANSTON. Mr. President, we are considering what I feel is one of the most important bills in the history of American education. I am very proud to have been a cosponsor of the original bill as well as the final version as reported from the Committee on Labor and Public Welfare.

I believe the Congress, and the millions of Americans this bill will serve if passed, are very much in debt to the distin-

guished Senator from Rhode Island (Mr. PELL). He has approached extraordinarily complicated issues with great dedication and insight. He has also shown tremendous cooperation in dealing with the many additions and modifications to the bill proposed by myself and others. May I also say that he has been supported strongly by a hardworking, competent staff. We owe them much thanks.

Mr. President, I am particularly pleased that the bill contains my proposal for a new program of consumer education, which I described in my remarks to the Senate yesterday. The President of the United States, among others, has recognized the great need for improving education programs as they relate to consumers, and I feel this measure makes a strong contribution toward fulfilling that need.

I also joined with my colleague, the distinguished Senator from Massachusetts (Mr. KENNEDY) in amending the bill to provide more services and specific fund allocations for bilingual education. This is an area of enormous importance to our minority groups and one in which I have a strong personal interest. I am delighted to see that it is shared by so many of my colleagues in the Senate.

Mr. President, the educational advances contained in the bill before us are many and varied. I feel certain that generations of Americans now and for years to come will benefit from these comprehensive, far-sighted programs.

Mr. DOLE. Mr. President, many Senators have spent considerable amounts of time and energy on this bill in committee and on the floor. I believe some worthwhile and progressive provisions have been incorporated in it. And hopefully we have provided the American public with a bill that will help establish greater confidence in our Nation's electoral process. Several points strike me as especially important to this effort.

The repeal of the equal time provision of the Federal Communications Act is a move that will contribute significantly to the depth and detail in which the broadcast media will be permitted to explore the contending candidates and issues in election campaigns. Another valuable feature is the establishment of an independent Federal Elections Commission to oversee adherence to campaign practice laws. Directions for tightened regulations on extension of credit by federally regulated industries, such as the airlines and telephone companies, will provide protection to these companies and the public against the incursion of unpayable debts by irresponsible candidates and organizations. And amplified disclosure provisions will enable the public to be better aware of candidates' real sources of support.

I am hopeful that the House of Representatives will share our concern for providing the public with real and meaningful reform, and will join us in enacting legislation to put campaigning on the high plane on which the voters in America expect it to be conducted.

Earlier this year, in testimony, before the Senate Commerce Committee's Communications Subcommittee, I urged consideration of measures to provide real

reform of our political campaign practices, and I ask unanimous consent that the text of this statement be printed in the Record at this point.

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

#### STATEMENT OF HON. BOB DOLE

Mr. Chairman, it is a pleasure to appear before your committee today to join in the discussion of campaign practices reform. This subject is of vital concern to every candidate and officeholder, and to every citizen who prizes the American system of government.

#### GOOD CAMPAIGNS AND BETTER GOVERNMENT— THE REPUBLICAN CAUSE

Let me say at the outset that better, more responsive and more responsible government has long been the primary aim of Republicans, and its achievement is a major goal of the Nixon administration. There are many approaches to this goal, and Republicans have, for many years, pursued it in many ways and at many levels.

Over the last two years, President Nixon has exerted firm leadership for better government in the executive branch of the federal system. He has sought to recruit and involve the best-qualified and most highly motivated individuals he can find in the operations of the executive branch, both in appointive positions and in the career services. He has urged far-reaching reforms in his proposals for restructuring and consolidating executive departments into units which will be substantially better equipped to deal with the economic, social and natural environments of the late 20th century and which will result in more effective government.

Richard Nixon has provided a great example and great inspiration for achieving good government, but Republicans everywhere have always sought to place men with vision into elective offices. They have been vigorous in their efforts to support the best possible candidates for public office—in all areas of the country, from every walk of life and from every race, ethnic group and religion. And over the years, I believe the Republican party has had great success and has provided leadership and direction at all levels of government—in city hall, the State Capitol, in Congress and in the White House.

#### NEED FOR REFORM AND IMPROVEMENT

While there are many routes to improving government, I believe one of the most important influences is clean, open and rational campaigning for public offices. Clean campaigns, free from mudslinging and character assassination, are much more the rule than in the past. The good sense and basic instincts of candidates and voters alike have helped to make American campaigns more dignified and free from raw personalities.

#### MAJOR FACTORS—FINANCE LOOPHOLES AND RISING COSTS

Unfortunately, however, in the volatile arena of American politics today, there are tremendous pressures working against open and rational campaigning. Much of this pressure results from two interrelated and mutually reinforcing factors. They are (1) the obscurity of campaign financing, and (2) the skyrocketing costs of conducting campaigns.

It is a regrettable but pressing fact that statutes presently in force provide no effective and comprehensive control or oversight of campaign financing or campaign conduct. No coherent, tightly-drawn, enforceable body of laws governs or guides either contribution or expenditure of campaign funds. The forces of politics in effect run wild, with little or no protection of the public interest. There is, as we all know, a scattering of piecemeal, ineffectual and poorly understood statutes. But they are so subject to abuse and avoidance that the

public rightly lacks confidence in them. They are an annoyance to honest candidates and political organizations. They are a joke to the dishonest and devious. And they fail to achieve even token protection of the public's right to information and candor. There should be no mistake. The present state of campaign practice laws is inappropriate to the demands of politics in the 1970's.

Combined with the ineffectiveness of existing laws governing political campaigns is the astronomical increase in the costs of those campaigns. Transportation, staff and organizational expenses have risen along with the cost of everything else in our economy. But the discovery and implementation of broadcasting, particularly television, as the most effective, most productive campaign tool, have introduced a new magnitude of expense into the whole process.

The great growth of campaigning expense increases the pressure for political contributions and the present laws governing financing are further undermined. This expense also generates almost irresistible pressures on campaigns away from lengthy, rational and thoughtful presentation of issues and alternatives. It instead fosters shallow, briefly-presented and emotional exploitation of personalities, images and catch-words.

Simply stated, it is too hard to raise the necessarily huge sums required for campaigning to have them spent without primary regard for impact and effectiveness. Candidates simply cannot afford to present the issues in depth or to engage in detailed and scholarly discussion. The people must be reached with the candidate's message. And the day is past when significant numbers can be reached without resort to the mass media, and particularly the television screen. Changing times and changing technology have made the two-hour debate at the county fair ineffective, uneconomical and obsolete. The radio station and the television studio have become the new forums. They must be utilized if a candidate is to be successful. But their use is expensive and demands more attention to style than to substance. Because of restrictions in broadcasting laws, the radio and television networks and the individual stations cannot permit candidates to present the issues on public service time. So the public loses on both counts. The candidates cannot afford to explore the issues fully, and the stations cannot permit them to do so.

This is clearly an unacceptable situation. These deficiencies feed on each other, and as their distortion of the political process becomes more grotesque each year, the public interest continues to suffer.

#### CHANGE MUST BRING IMPROVEMENT

The need for reform is clear, but our desire to bring about change and new direction must be tempered by a determination that, whatever changes are made, they must be ones to improve the situation, not exacerbate it.

No clearer example of good intentions gone amiss could be found than in the legislation to impose limitations on campaign broadcast spending which passed the Congress last year. The major feature of that bill, S. 3637, was to limit expenditures for all radio and television campaign broadcasting to 7¢ per vote or \$20,000 in presidential, senatorial, congressional and gubernatorial races. President Nixon was forced to veto that measure, not, as some suggested, on the basis of partisan considerations—but because it promised no improvement on the current deficiencies and posed a real threat of worsening the already bad situation.

In his veto message to the Congress, the President set forth a cogent catalog of the bill's infirmities:

It did nothing to reduce the overall cost of campaigning;

It discriminated against the broadcast media and jeopardized freedom of discussion;

It favored incumbent officeholders over challengers;

It gave unfair advantage to the famous over the unknown; and

It promised to be difficult or impossible to enforce.

In short, the 1970 bill was aimed at only a few symptoms—not the causes—of campaign inequities and the shortcomings in campaign regulation.

#### THE GOAL IS BETTER GOVERNMENT

This brings me to my position on reform of campaign practices regulation.

Holding a great belief in and reliance upon the individual, my understanding of the situation leads me to the view that the foundation of any reform, any improvement and any progress in the American political system must be an informed and active electorate. The more often, more vigorously and more regularly the right to vote is exercised by the American voter, and the more informed the exercise of that right is, the better our Government will be. In our deliberations in the Congress, we should remember that the ultimate goal is not more laws or tighter laws, not stricter regulation and more exacting controls. Laws, controls, restrictions, regulations—these can only be means, not ends in and of themselves. No, the goal we must seek is better government. The best type of campaign reform will be that which improves the ability, the integrity and the responsiveness of the officeholders produced by the campaign process.

#### THREE PRIMARY REFORMS

In pursuit of this overriding goal, I believe any meaningful campaign reform must develop along three major lines.

First, there must be new efforts to provide better procedures for disclosure of campaign financing. Second, real progress must be made toward breaking the vicious circle of ever-more-expensive and ever-less-meaningful campaign practices. And third, there must be increased stimulation of citizens participation in the political process.

#### DISCLOSURE

As for the first area, disclosure, I believe this heretofore neglected avenue holds unrealized potential for improving our political system. At the same time, it avoids and eliminates substantial difficulties and questions raised by the alternatives.

Two paramount points of political philosophy come into play in this area. The first is a belief that American voters are entitled to know where candidates for public office and the organizations supporting them get their money and what they spend that money for. Second, is a belief that Americans have a right—indeed an obligation—to contribute to the candidates and parties of their choice, and concurrently, that individuals have a right to support their candidates and parties to whatever extent their means allow.

Relying on these two threads of belief, I feel disclosure of financing practices is a powerful stimulus for campaign reform, and that open reporting of the sources and amounts of contributions would benefit both candidates and the public. It would make candidates less subject to apparent or real pressures from large contributors, and the public would be able to make a better assessment of the candidates' sources of support and their sectors of appeal. Of course, there is no hazard to the public interest in a large contribution per se. There is hazard only if the implications of that contribution are that the contributor will gain favored treatment thereby. Reporting and disclosure guard against both the fact and the suspicion of favoritism. The public would have solid factual information with which to evaluate the campaigns offered by different candidates. They could see for themselves whether a candidate was offering an attractively presented and accurate picture of himself and his programs or whether he was engaged in

an attempt to "buy" the election through huge expenditures to promote an empty or misleading image. With clear and coherently administered disclosures of receipts and expenditures, voters could make informed and intelligent judgments on candidates' spending practices. And they could take those judgments into the voting booth and include them in their evaluations of the contenders for office.

Disclosures of campaign financing have substantial advantages over any imposed limitation, restriction or direction of either contributions or expenditures. Disclosure is much more practical than restriction. It focuses enforcement on the candidates and their committees, not on the individual contributor. Disclosure raises no doubts of infringement on fundamental first amendment freedom; whereas, any attempt to circumscribe the rights of contributors to support—and candidates to conduct—political campaigns certainly calls to mind an entire range of constitutional issues which, even if resolved in their favor, might require years of litigation and controversy to be finally settled. Disclosure is much more in keeping with the American philosophy of providing incentives to political action than is limitation. Disclosure would provide strong impetus to better campaigning, while limitations would only intensify present deficiencies. And in this day of widespread apathy and disillusionment with public affairs, instead of throwing up more barriers in the political system, we should be opening new channels to its best and most advantageous functioning.

The report of the 20th century fund's commission on campaign costs in the electronic era spoke to this point quite convincingly. It said:

"Some have proposed an absolute ceiling on broadcast expenditures. The (20th century fund) commission has studied this possibility carefully and has concluded that a ceiling would be as unenforceable as most limitations on campaign expenditures are today. We are also concerned that setting a ceiling on political communications in this manner might violate traditional American concepts of unhindered political competition. It might well increase the advantage already enjoyed by the incumbent . . ."

I would say at this point, Mr. Chairman, that while I feel disclosure is the preferred method of treating campaign financing, there is the possibility that Congress will ultimately choose to impose limitations of one sort or another. If this eventuality should come to pass, especially if contributions are limited, I firmly believe the statutes should be drawn to treat all donors equally. Whether considering individuals, associations, interest groups—whatever the structure or identity of any contributor or transfer agent of political funds—the same restrictions and limits should be applied to all. This would be extremely important to whatever effect such laws would have in protecting the public interest. But let me emphasize again that disclosure seems by far the most practical, effective and best means of achieving reform in this area.

#### INCENTIVES FOR LOWER-COST AND MORE MEANINGFUL CAMPAIGNS

In the second area of direction for reform, providing incentives for more meaningful and lower-cost campaign practices, there is great need for substantial efforts and at the same time the prospect of great rewards for those efforts.

As long as no attempt is made to break the basic cycle of spiraling costs and sinking substance in campaigning, the efforts to bring change are going to be met with little success. As long as the cost of reaching the public—whether by television, radio, or personal appearance—becomes higher each election, candidates will be forced to resort

to those techniques and tactics which have the greatest raw impact. The long and increasingly nerve-grating campaign, the spot advertisement, the appeal to emotions and prejudices, the absence of in-depth discussion, these and all the other elements which make campaigning unenlightening, uninspiring and insipid will continue to intensify.

The present counterproductive pressures must be replaced or displaced. They cannot be left where they are to continue their detrimental course. They must be eliminated, and in their place must be inserted incentives and influences in the opposite direction.

Instead of pressures for ever-increasing sums of campaign money, there must be forces toward lowering campaign expenses. Rather than pressures for briefer, more simplistic, more numerous impacts on the voters' consciousness, there must be influence for longer, more thoughtful, more reasoned discussions of the critical issues before the electorate—and at lower cost.

We must take a broad, systematic, view of the campaign process if we are to arrive at worthwhile solutions to these problems. Narrow approaches will yield narrow and necessarily disappointing results.

There are several specific changes which could be implemented to effect these broad reforms and establish incentives for better government within the campaign process:

The equal time provisions of the Federal Communications Act could be repealed to make possible in-depth discussions and debates by candidates for all public offices. Such action would add considerably to the fund of information available to the voting public. And it would provide candidates with an exceptionally valuable platform from which to articulate their views.

Provision could be made for making advertising time and space available to candidates at the lowest commercial rates for equivalent time. Broadcasters and publishers should not be required to subsidize political campaigning, but they should assure accessibility at the going rate.

Serious consideration should be given to changing present restrictions on borrowing by political organizations through regular commercial channels. It is now virtually impossible to secure loans for campaign purposes and when enacted, these restrictions were to combat real abuses, but today political organizations can be made legally responsible for their obligations, thus providing lending agencies the security their obligations require and relieving the pressure on candidates for donated funds in periods of peak expenses.

In connection with provisions for assuring the going commercial rate in the communications media, it has been suggested that a contribution to reduced costs and improved content in broadcast campaigning would be to establish a minimum length for commercial messages. This in essence would be to eliminate the so-called "spot" advertisement that contributes so heavily to the expense and shallowness of campaigns. The purpose would be to require candidates to make more detailed and thoughtful presentations of their views and improve the quality of their messages to the public. I personally find it difficult to reconcile the contradictions inherent in setting minimum lengths for campaign productions and the requirements which demand for numerous blocks of irregular time slots would have on broadcasters programming schedules. However, this avenue should receive thorough consideration in hopes of finding a real solution to the spot ad problem.

A responsible and respected central authority for oversight of campaign operations and organizations could be established. This authority, responsible for receipt, tabulation and publication of the disclosures and reports ordered by Congress, would provide the

long-needed focal point for public interest and concern in campaign practices.

The specifics of campaign reform should also take into account the need of reducing the length of campaigns. In today's world of nearly instantaneous communications, a prolonged audio-visual assault on the voting public is unnecessary and increasingly annoying. It has reached the point today where the public begins to feel it is being bombarded by an endless round of political publicity and propaganda. And to a large extent, they are correct. Campaigns are too long. Their length exceeds the necessities of communications and debate and should be shortened.

Another influence of long campaigns is their contribution to the rising costs of campaigning; and it is substantial. Each extra day or week a campaign drags on adds tremendously to the overall costs. The real or imagined need to get to the public with a message fuels this pressure for long campaigns. Here we clearly see the interrelation of the pressures for money, time and the media.

Many steps could be taken to introduce incentives for shorter campaigns. National conventions could be held later in the year. Presidential primaries might be moved back a few weeks. Legislation might be enacted to set an official "campaign season." But I believe this area of shortening the campaign period offers real promise for reducing costs and improving the quality of campaigns. And I would hope this committee will explore this avenue fully in the coming months.

#### INCREASED CITIZEN PARTICIPATION

Now we come to the third point of the directions for campaign reform, and this is involvement of more individuals in the political process.

It is not sufficient that people go to the polls. It is of course vital, but here is more—an additional responsibility of citizenship. And this responsibility is support.

As I said at the beginning of my remarks, I believe that every American has the right to support the candidates and organizations of his choice to the fullest extent of his means, but I believe also that each citizen should support candidates and parties in proportion to those means.

There are many individuals throughout this great nation who feel a sincere and deep gratitude for what America has meant to their lives and who choose to express their feelings by contributing to political organizations. There are individuals whose loyalty and dedication to their political beliefs have found selfless and generous expression in financial support to the parties and candidates who embody their hopes and expectations for America. I believe these are admirable and laudable actions and should be encouraged and fostered by national policy.

It is recognized that the political process is expensive, and it will continue to be so. But that is not to say that the expenses of campaigning cannot be held to manageable limits nor that the burden of financing campaigns is to be the primary responsibility or preempted privilege of the wealthy.

Unfortunately, there are many individuals who do not feel the desire or the responsibility to aid political parties and candidates. It has been estimated that in 1968, only 6 percent of the population gave any money to a political organization, and in some years this number has fallen as low as 4 percent.

This statistic is at the same time distressing and hopeful. Although few Americans are motivated to contribute, a real bonanza of support lies waiting to be tapped. If only the candidates and parties in this nation can reach them, we will have made a tremendous stride forward in improving the political process in this country.

As the 20th century fund report stated:

"It would be far healthier if a larger number of individual contributors gave small

sums. Small contributors in greater number would not only reduce a candidate's reliance on a few big givers, but also help improve the political climate by increasing direct citizen participation in politics."

For every man or woman of wealth who contributes to politics in this country, there are tens and hundreds of thousands of average citizens with modest or even limited means whose dimes and quarters, ones, fives and tens are immeasurably more important to democracy and the American political system than all the tycoons, magnates and millionaires put together.

I speak with special feeling of these Americans, because they have meant a great deal to the Republican Party and through it to the entire Nation.

In 1961, under National Chairman William F. Miller, the Republican Party instituted its sustaining membership program. This program sought then, as it does today, small contributions for membership in the Republican sustaining membership committee. When the sustaining membership drive was first undertaken on a national basis in 1961, a membership cost \$10. And by 1962, 45% of the national committee's funds were received through its sustaining members.

As an indication of the bedrock strength of this concept, consider the 1964 presidential campaign. The party and its ticket, faced with overwhelming odds and widespread popular assumption of doom at the polls, conducted a full-scale and nationwide campaign costing more than \$8 million and emerged from the ruins of defeat with all its bills paid and money in the bank. Normally, one would expect a campaign that was so widely proclaimed to be futile to wind up heavily in the red. But an interesting thing was disclosed by that 1964 race—the financial stability of the Republican Party was due to the basic strength of its organization—the loyal small contributor who did not ball out when the going got rough.

Since 1964, the sustaining membership program has been the largest source of income for the Republican Party, accounting for more than 80% of all receipts in several years.

Mr. Chairman, just as an up-to-date example of the strength and importance of the small contributor and the sustaining membership program to the Republican Party, I would like to cite some figures for the first two months of this year. In January and February, 1971, the Republican National Committee received 82,381 contributions of less than \$100. The total of these contributions, chiefly from the sustaining membership program, totaled \$1,169,822.21. In the same period, the party received fewer than 200 contributions in excess of \$100, and these totaled \$74,790.00.

Now, I submit that this is the way our political financial systems are meant to work. This is participatory democracy, and this is a broadly-based party with a vigorous and involved membership.

The Republican Party's record is exceptional in this respect. And I find it somewhat disconcerting to hear our party attacked for the sole reason of its financial stability by those whose party has not developed a broad base of extremely dedicated and dependable small contributors.

The Republican Party does have a sound financial structure because it relies on the people for its support, and because it is responsible with its own and other's money.

I am not here today to prescribe for the Democrat National Committee. I am here to offer suggestions for improving our whole political system. I believe that no greater contribution to the viability of the political process in America can be made than to bring more Americans into the financial affairs of our political institutions. Financial participation is real, basic and responsible participation in the campaigns and parties which that individual supports. It is also a source of basic good government and insur-

ance of the effective power and authority of the people over public affairs.

New steps need to be taken by the Federal Government to stimulate citizen involvement in the financial affairs of politics. As in the other areas I have mentioned, there are many ways in which this might be done. Hopefully this committee in its consideration of the several bills before it and in its private deliberations will select one or more new devices for stimulation of this reform. Numerous suggestions have been made, such as establishing tax credits and tax deductions for political contributions, or providing a standard contribution by check-off type arrangement of the Federal income tax return. These and other proposals deserve very thorough and studied consideration. They may offer substantial help for politics in America, but they may also raise numerous side issues and questions of policy and administration which should be thoroughly examined before making any final decisions.

#### CONCLUSION

I stand ready to join in further efforts to achieve meaningful results and to promote the vitality of our system and to assure thereby the continuing ability of Government to meet the challenges and difficulties of the future.

Mr. COTTON. Mr. President, I yield myself 2½ minutes.

Mr. President, at the conclusion of consideration of a major piece of legislation such as S. 382—the Federal Election Campaign Act of 1971—it is in order to express appreciation for the work of those principally involved in its passage.

Certainly such an expression of thanks is due the Senators who managed the bill on both sides of the aisle—the distinguished senior Senator from Rhode Island (Mr. PASTORE), the distinguished Senator from Nevada (Mr. CANNON), and on our side of the aisle, the distinguished Senators from Vermont (Mr. PROUTY), and from Tennessee (Mr. BAKER). Each is to be highly commended for the very fine work which they did on this measure. I also believe that the junior Senator from Kentucky (Mr. COOK) is to be commended for his proposal in arriving at a resolution of the most important issue concerning the interchangeability of expenditure limitations established in the bill on the broadcast and nonbroadcast media.

The courtesy of the professional staff members of the Committee on Commerce and the Committee on Rules and Administration has been appreciated. As for the Commerce Committee, I would like to single out the majority staff counsels, Mr. Zapple and Mr. Hardy, and on the minority staff, Mr. Pankopf and Mr. Molloy. Similar commendation and thanks also is due the staff members of the Committee on Rules and Administration, Messrs. Duffy and Van Kirk.

Mr. President, if I stopped at this point I would be remiss. Frequently overlooked is the many hours of hard work done by the ladies—the secretaries who put in long hours typing statements, amendments, and preparing other materials. Accordingly, in most deserving recognition on this occasion, I would like to express special thanks for the work done by Betty Swenson, Gerrie Bjornson, and Gene Edwards of the minority staff of the Committee on Commerce. At times which I am sure were trying, they prepared excellent materials for the Mem-

bers on this side of the aisle and, I am sure, others like them worked equally hard for the Senators on the other side of the aisle. Certainly their efforts will be reflected in what I hope will later prove to have been a much more meaningful debate on the bill, S. 382. Thus, to these secretaries—and I believe I can speak for some of my other colleagues—I say, "Thank you for a job well done."

Mr. BAKER. Mr. President, when we commence the debate on S. 382—the Federal Election Campaign Act of 1971—I made an opening statement setting forth my principal areas of concern of the then pending amendment No. 308 proposed by the distinguished senior Senator from Rhode Island (Mr. PASTORE) and others. These five principal areas of concern were as follows:

First, inadequacy of amendment No. 308's—star print—partial exemption to the "equal time requirements" of section 315 of the Federal Communications Act;

Second, the unduly restrictive separate spending limitations lacking interchangeability;

Third, the failure to prohibit unsecured debts by political candidates for services rendered by certain regulated industries;

Fourth, the failure to go the full measure and provide for an independent Federal Elections Commission; and

Fifth, the failure to provide a "fair labeling" disclosure advising the general public of the availability of detailed copies of reports filed by political committees.

Mr. President, although we may not have come up with the complete solution in each and every one of these areas, I do believe that we have made remarkable progress.

We have overcome the partial exemption to the equal time requirement of section 315 of the Federal Communications Act so as to render it applicable to all candidates for Federal elective office and not just candidates for the office of President and Vice President.

We have taken some small step to provide for some limited degree of interchangeability between the expenditure limitations for the broadcasts and the nonbroadcast media. This was accomplished through the compromise amendment offered by the distinguished junior Senator from Kentucky (Mr. COOK) so as to provide for interchangeability of not to exceed 20 percent of the respective ceiling, be it for broadcast or nonbroadcast media. I still am convinced that future years will bear out my prophesy for the need for complete interchangeability, but at least we have made a step in the right direction.

We did not adopt the meritorious amendment offered by our distinguished minority leader (Mr. SCOTT) to prohibit by law extension of unsecured credit for services rendered by certain regulated industries. We did, however, adopt a substitute directing the appropriate regulatory agencies to develop rules and regulations to bar such abuse of practices in the future. I only hope that these agencies, when and if this measure becomes law, will act in an expeditious fashion.

We did go the full measure by providing for an independent Federal Elections

Commission with the adoption of the amendment proposed by the distinguished senior Senator from Kansas (Mr. PEARSON) with an amendment. I believe that the overwhelming majority vote by which this amendment was adopted provides clear and convincing evidence of the sentiment of the Senate in this regard.

Finally, we have adopted a compromise substitute for the "fair labeling" disclosure amendment proposed by the distinguished junior Senator from Vermont (Mr. PROUTY), which should insure that the general public is put on notice concerning the availability of detailed copies of reports filed by political committees.

In summary, Mr. President, we have made considerable progress. The bill certainly is not what each and every one of us would have desired, but I do believe it represents a substantial improvement over what we had under consideration when we first commenced hearings before the Committee on Commerce on this measure. I trust that as this legislation progresses we will be alert to its proper implementation and be prepared to undertake appropriate remedial amendments when and if necessary.

Mr. PASTORE. Mr. President, first I wish to commend the distinguished Senator from New Hampshire (Mr. COTTON) for his gracious and generous remarks. I congratulate members of our subcommittees, Republicans and Democrats alike. When we started this debate 3 days ago I said there was no partisanship involved. As far as I am concerned, I think the debate that has taken place and the spirit that has prevailed has proven that point. I congratulate the Members of the Senate for the expeditious way we have conducted the proceedings in connection with the passage of the bill.

At this time I pay particular praise to my colleague from Nevada (Mr. CANNON) who worked with me in a very cooperative spirit.

I wish to pay tribute to the members of the staff, Mr. Nicholas Zapple and Mr. John Hardy, and Jim Duffy of the staff of the Committee on Rules and Administration.

#### UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, I would like to make a unanimous-consent request at this time, with the approval of the acting minority leader and the Senate:

Ordered that immediately after the disposition of S. 382, upon which we will vote shortly—and we do this because we have this evening and tomorrow only—the Senate proceed to the consideration of S. 659, the education amendments of 1971 which the Senate set aside last night; and immediately following the disposition of S. 659, it be in order for the Senate to proceed to the consideration of the following measures:

First, the \$1 billion Public Service Act; second, the continuing resolution on appropriations; third, S. 2393, the disaster relief bill amendments; and fourth, S. 2007, the Office of Economic Oppor-

tunity Act amendments. And that it shall be in order at anytime until the recess tomorrow night during the consideration of any of these measures including S. 659 to proceed to have laid before the Senate for its immediate consideration any of these measures or any other measures agreed upon by the majority and minority leaders.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, temporarily, I object until we have an opportunity to consider it.

The PRESIDING OFFICER. Objection is heard.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Senate continued with the consideration of the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is all time yielded back on the bill?

Mr. PASTORE. All time is yielded back on the bill.

The PRESIDING OFFICER. All time has been yielded back. The bill having been read the third time, the question is, Shall it pass?

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

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Oklahoma (Mr. HARRIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Indiana (Mr. HARTKE), and the Senator from Illinois (Mr. STEVENSON) are absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. PEARSON), and the Senator from Vermont (Mr. PROUTY) are necessarily absent.

The Senator from Nebraska (Mr. HRUSKA) and the Senator from Illinois (Mr. PERCY) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Nebraska (Mr. HRUSKA) and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 88, nays 2, as follows:

[No. 203 Leg.] YEAS—88

Table with 3 columns: Name, Party, and State. Includes Alken, Allen, Allott, Anderson, Baker, Bayh, Beall, Bellmon, Bentsen, Bible, Boggs, Brock, Brooke, Buckley, Burdick, Byrd, Va., Byrd, W. Va., Cannon, Case, Chiles, Church.

Table with 3 columns: Name, Party, and State. Includes Cook, Cooper, Cotton, Cranston, Curtis, Dole, Dominick, Eagleton, Eastland, Ellender, Ervin, Fong, Fulbright, Gambrell, Gravel, Griffin, Gurney, Hansen, Hart, Hatfield, Hollings, Hughes, Humphrey, Inouye, Jackson, Javits, Jordan, N.C., Jordan, Idaho, Kennedy, Long, Magnuson, Mansfield, Mathias, McClellan, McGee, McGovern, McIntyre, Metcalf, Miller, Mondale, Montoya, Moss, Muskie, Nelson, Packwood, Pastore, Pell, Proxmire, Randolph, Ribicoff, Roth, Saxbe, Schweiker, Scott, Smith, Sparkman, Spang, Stennis, Stevens, Symington, Taft, Talmadge, Thurmond, Tower, Tunney, Weicker, Young.

NAYS—2

Fannin Goldwater

NOT VOTING—10

Table with 3 columns: Name, Party, and State. Includes Bennett, Harris, Hartke, Hruska, Mundt, Pearson, Percy, Prouty, Stevenson, Williams.

So the bill (S. 382) was passed, as follows:

S. 382

An act to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes

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 "Federal Election Campaign Act of 1971".

TITLE I—AMENDMENTS TO COMMUNICATIONS ACT OF 1934; LIMITATIONS ON CAMPAIGN EXPENDITURES FOR NON-BROADCAST COMMUNICATIONS MEDIA EXCEPTION TO EQUAL TIME REQUIREMENTS AND CHARGE LIMITATIONS

SEC. 101. (a) (1) Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315 (a)) is amended by inserting after "public office" in the first sentence thereof a comma and the following: "other than Federal elective office (as defined in subsection (c) of this section)."

(2) Section 315(a) of such Act is amended by inserting after the first sentence thereof the following: "When a licensee permits a legally qualified candidate for Federal elective office to use his broadcasting station in connection with such candidate's campaign for nomination for election, or election to such office, the licensee shall afford such candidate maximum flexibility in choosing his program format."

(b) Section 315(b) of such Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

"(1) during the forty-five days preceding the date of a primary election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same period; and

"(2) at any other time, the charges made for comparable use of such station by other users thereof."

(c) Section 312(a) of such Act is amended by striking "or" at the end of clause (5), striking the period at the end of clause (6) and inserting in lieu thereof a semicolon and "or", and adding at the end of such section 312(a) the following new clause

"(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the

use of a broadcasting station by a legally qualified candidate on behalf of his candidacy."

EXPENDITURE LIMITATIONS FOR CANDIDATES FOR MAJOR ELECTIVE OFFICES

SEC. 102. Section 315 of the Communications Act of 1934 is further amended by redesignating subsection (c) as subsection (f) and by inserting immediately before such subsection the following new subsections:

"(c) (1) For purposes of this subsection and subsection (d), the term—

"(A) 'Federal elective office' means the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress;

"(B) 'use of broadcasting stations by or on behalf of any candidate' includes not only broadcasts advocating such candidate's election, but also broadcasts urging the defeat of his opponent or derogating his opponent's stand on campaign issues;

"(C) 'legally qualified candidate' means any person who (1) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (2) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors; and

"(D) 'broadcasting station' includes a community antenna television system, and the terms 'licensee' and 'station licensee' when used with respect to a community antenna television system, mean the operator of such system.

"(2) Except as provided in section 104 of the Federal Election Campaign Act of 1971, no legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of—

"(A) 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

"(B) \$30,000, if greater than the amount determined under subparagraph (A).

For the purposes of computing the limitation provided by the first sentence of this paragraph in connection with a Presidential primary election, the resident population of voting age for the office of President shall be held and considered to be the entire population of voting age for such office within the State in which such primary election is conducted. Amounts spent by or on behalf of any candidate for nomination for election to such office in connection with his primary campaign in any State shall not exceed such limitation for that State.

"(3) Amounts spent for the use of broadcasting stations on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of broadcasting stations by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this subsection, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

"(4) No station licensee may make any charge for the use of such station by or on behalf of any candidate for Federal elective office (or for nomination to such office) unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate paragraph (2).

"(5) Broadcasting stations and candidates shall file with the Commission such reports at such times and containing such information as the Commission shall prescribe for

the purpose of this subsection and, in the case of broadcasting stations, subsection (d).

"(d) If a State by law and expressly—

"(1) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection, and

"(2) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election, and

"(3) has provided in any such law an unequivocal expression of intent to be bound by the provisions of this section, and

"(4) has stipulated that the amount of such limitation shall not exceed the amount which would be determined for such election under subsection (c) had such election been an election for a Federal elective office or nomination thereto;

then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate such limitation.

"(e) One who willfully and knowingly violates the provisions of subsection (c) or (d) of this section shall be punished by a fine not to exceed \$5,000 or imprisonment for a period not to exceed five years, or both. The provisions of sections 501 through 503 of this Act shall not apply to violations of such subsection."

#### LIMITATIONS ON CAMPAIGN EXPENDITURES FOR NONBROADCAST COMMUNICATIONS MEDIA

Sec. 103. (a) For purposes of this section, the term—

(1) "Federal elective office" means the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress;

(2) "nonbroadcast communications medium" means newspapers, magazines, and other periodical publications, and billboard facilities;

(3) "legally qualified candidate" means any person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors; and

(4) "use of any nonbroadcast communications media by or on behalf of any candidate" includes not only amounts spent for advocating a candidate's election, but also amounts spent for urging the defeat of his opponent or derogating his opponent's stand on campaign issues.

(b) During the forty-five days preceding the date of any primary election, and during the sixty days preceding the date of any general or special election, the charges made for the use of any nonbroadcast communications medium by an individual who is a legally qualified candidate for Federal elective office shall not exceed the lowest unit rate charged others by the person furnishing such medium for the same amount and class of space.

(c) Except as provided in section 104 of this Act, no legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of nonbroadcast communications media on behalf of his candidacy in such election a total amount in excess of—

(1) 5 cents multiplied in the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

(2) \$30,000, if greater than the amount determined under clause (1).

For the purposes of computing the limitation provided by the first sentence of this paragraph in connection with a Presidential primary election, the resident population of voting age for the office of President shall be held and considered to be the entire resident population of voting age for such office with the State in which such primary election is conducted. Amounts spent by or on behalf of any candidate for nomination for election to such office in connection with his primary campaign in any State shall not exceed such limitation for that State.

(d) Amounts spent for the use of nonbroadcast communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this section, be deemed to have been spent by such candidate. Amounts spent for the use of nonbroadcast communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(e) No person may make any charge for the use of any nonbroadcast communications medium by or on behalf of any candidate for Federal elective office (or for nomination to such office) unless such candidate, or an individual specifically authorized by such candidate in writing to do so, certifies to such person that the payment of such charge will not violate subsection (c). Any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate without charge therefor shall be deemed to have made a contribution to such candidate in an amount equal to the amount normally charged for such person for such use. Any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate at a rate which is less than the rate normally charged by such person for such use shall be deemed to have made a contribution to such candidate in an amount equal to the excess of the rate normally charged over the rate charged such candidate.

(f) One who willfully and knowingly violates the provisions of this section shall be punished by a fine not to exceed \$5,000 or imprisonment of not more than five years, or both.

#### LIMITED INTERCHANGEABILITY BETWEEN EXPENDITURES LIMITATIONS

Sec. 104 (a) A legally qualified candidate in any primary, runoff, general, or special election for Federal elective office may, at his option, transfer not to exceed 20 per centum of the expenditure limitation under section 315(c) of the Communications Act of 1934 as amended or section 103(c) of this Act between one or the other to be spent on either the broadcast or nonbroadcast media on behalf of his candidacy in such election. Any amount so transferred from the one expenditure limitations to the other shall be deducted from the expenditure limitation upon the media from which such transfer is made.

(b) Any such legally qualified candidate exercising this option shall promptly notify the Federal Elections Commission in writing of the amount so transferred and spent, and shall provide such Commission with such information as the Commission, in its judgment, deems necessary and proper in the exercise of this option.

(c) The Federal Elections Commission is authorized to develop and promulgate appropriate rules and regulations to carry out the purposes of this section.

(d) The definitions contained in section 315(c) of the Communications Act of 1934 and in section 103(a) of this Act are applicable to this section.

#### COST-OF-LIVING INCREASE IN LIMITATION FORMULA

Sec. 105. (a) For purposes of this section, the term—

(1) "price index" means the annual average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

(2) "base period" means the calendar year 1970.

(b) Commencing immediately after the end of 1971, and after the end of each calendar year thereafter, as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall determine the difference between the price index for the immediately preceding calendar year and the price index for the base period. The amount computed under section 315(c)(2)(A) of the Communications Act of 1934 (as added by section 102 of this Act) and under section 103(c)(1) of this Act shall be increased by such per centum difference (excluding any fraction of a per centum) and rounded to the next highest cent. Each amount so increased shall be the amount in effect for the twelve months following the end of such calendar year.

#### TITLE II—CRIMINAL CODE AMENDMENTS

Sec. 201. Section 591 of title 18, United States Code, is amended to read as follows:

"§ 591. Definitions

"When used in sections 597, 599, 600, 602, 610, 611, and 614 of this title—

"(a) 'election' means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(b) 'candidate' means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

"(c) 'Federal office' means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

"(d) 'political committee' means any individual, committee, association, or organization which accepts contributions or make expenditures during a calendar year in an aggregate amount exceeding \$1,000;

"(e) 'contribution' means—

"(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination

of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

"(3) a transfer of funds between political committees;

"(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or political committee without charge for any such purposes; and

"(5) notwithstanding the foregoing meanings of 'contribution', the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and

"(3) a transfer of funds between political committees;

"(g) 'person' and 'whoever' mean an individual, partnership, committee, association, corporation, or any other organization or group of persons; and

"(h) 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States."

Sec. 202. Section 600 of title 18, United States Code, is amended to read as follows:

"§ 600. Promise of employment or other benefit for political activity

"Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

Sec. 203. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitations on contributions and expenditures

"(a) (1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

"(A) \$50,000, in the case of a candidate for the office of President or Vice President;

"(B) \$35,000, in the case of a candidate for the office of Senator; or

"(C) \$25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"(2) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

"(b) No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of the provisions of this section.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed \$1,000, imprisonment for not to exceed one year, or both."

Sec. 204. Section 609 of title 18, United States Code, is repealed.

Sec. 205. Section 611 of title 18, United States Code, is amended to read as follows:

"§ 611. Contributions by Government contractors

"Whoever—

"(a) entering into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the latter of (1) the completion of performance under, or (2) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land or buildings, directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

"(b) knowingly solicits any such contribution from any such person for any such purpose during any such period;

shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

Sec. 206. The table of sections for chapter 29 of title 18, United States Code, is amended by—

(1) striking out the item relating to section 608 and inserting in lieu thereof the following:

"608. Limitations on contributions and expenditures."

(2) striking out the item relating to section 609 and inserting in lieu thereof the following:

"609. Repealed."

(3) striking out the item relating to section 611 and inserting in lieu thereof the following:

"611. Contributions by Government contractors."

#### TITLE III—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

##### DEFINITIONS

Sec. 301. When used in this title—

(a) "election" means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing

amendments to the Constitution of the United States;

(b) "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees;

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose; and

(5) notwithstanding the foregoing meanings of "contribution", the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement whether or not legally enforceable, to make an expenditure; and

(3) a transfer of funds between political committees;

(g) "Commission" means the Federal Elections Commission;

(h) "person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons; and

(i) "State" means each State of the United States, the District of Columbia, the Com-

monwealth of Puerto Rico, and any territory or possession of the United States.

#### ORGANIZATION OF POLITICAL COMMITTEES

Sec. 302. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution in excess of \$10 for a political committee shall, on demand of the treasurer, and in any event within five days after receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address (occupation and the principal place of business, if any) of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) all contributions made to or for such committee;

(2) the full name and mailing address (occupation and the principal place of business, if any) of every person making a contribution in excess of \$10, and the date and amount thereof;

(3) all expenditures made by or on behalf of such committee; and

(4) the full name and mailing address (occupation and the principal place of business, if any) of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of \$100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds \$100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the Commission.

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is authorized by such candidate and that such candidate is not responsible for the activities of such committee.

(f) (1) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the Federal Elections Commission is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402."

(2) (A) The Commission shall compile and furnish to the Public Printer, not later than the last day of March of each year, an annual report for each political committee which has filed a report with him under this title during the period from March 10 of the preceding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain—

(1) a copy of the statement of organization of the political committee required under section 303, together with any amendments thereto; and

(ii) a copy of each report filed by such committee under section 304 from March 10 of the preceding year through January 31 of the year in which the annual report is so furnished to the Public Printer.

(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the Commission.

#### REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

Sec. 303. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall file with the Commission a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of \$1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the Commission at such time as it prescribes.

(b) The statement of organization shall include—

(1) the name and address of the committee;

(2) the names, addresses, and relationships of affiliated or connected organizations;

(3) the area, scope, or jurisdiction of the committee;

(4) the name, address, and position of the custodian of books and accounts;

(5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;

(6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;

(7) a statement whether the committee is a continuing one;

(8) the disposition of residual funds which will be made in the event of dissolution;

(9) a listing of all banks, safety deposit boxes, or other repositories used;

(10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and position of such persons; and

(11) such other information as shall be required by the Commission.

(c) Any change in information previously submitted in a statement of organization shall be reported to the Commission within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall so notify the Commission.

#### REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

Sec. 304. (a) Each treasurer of a political committee supporting a candidate or candidates for election to Federal office and each candidate for election to such office, shall file with the Commission reports of receipts and expenditures on forms to be prescribed or approved by it. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the

thirty-first day of January. Such reports shall be complete as of such date as the Commission may prescribe, which shall not be less than five days before the date of filing except that any contribution of \$5,000 or more received after the last report is filed prior to the election, shall be reported within forty-eight hours after its receipt.

(b) Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address (occupation and the principal place of business, if any) of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events) within the calendar year in an aggregate amount or value of \$100 or more, together with the amount and date of such contributions;

(3) the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (2);

(4) the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers;

(5) each loan to or from any person within the calendar year in an aggregate amount or value in excess of \$100, together with the full names and mailing addresses (occupations and the principal places of business, if any) of the lender and endorsers, if any, and the date and amount of such loans;

(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(7) each contribution, rebate, refund, or other receipt in excess of \$100 not otherwise listed under paragraphs (2) through (6);

(8) the total sum of all receipts by or for such committee or candidate during the reporting period;

(9) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom an expenditure or expenditures have been made by such committee or on behalf of such committee or candidate within the calendar year in an aggregate amount or value in excess of \$100, the amount, date, and purpose of each such expenditure and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made;

(10) the full name and mailing address of each (occupation and the principal place of business, if any) person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of \$100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(11) the total sum of expenditures made by such committee or candidate during the calendar year;

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the Commission may prescribe and a continuous reporting of their debts and obligations after the election at such periods as the Commission may require until such debts and obligations are extinguished; and

(13) such other information as shall be required by the Commission.

(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such

year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.

**REPORTS BY OTHER THAN POLITICAL COMMITTEES**

SEC. 305. Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of \$100 within a calendar year shall file with the Commission a statement containing the information required by section 304. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

**FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS**

SEC. 306. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the Commission in a published regulation.

(c) The Commission may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 304 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

(d) The Commission shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

**REPORTS ON CONVENTION FINANCING**

SEC. 307. Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President,

shall, within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the Commission a full and complete financial statement, in such form and detail as it may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

**DUTIES OF THE COMMISSION**

SEC. 308. (a) It shall be the duty of the Commission—

(1) to develop and furnish to the person required by the provisions of this Act, prescribed forms for the making of the reports and statements required to be filed with it under this title;

(2) to prepare, publish, and furnish to the person required to file such reports and

statements a manual setting forth recommended uniform methods of bookkeeping and reporting;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

(4) to make the reports and statements filed with it available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person: *Provided*, That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

(5) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as it shall determine and broken down into candidate, party, and nonparty expenditures on the National, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as it shall determine and broken down into contributions on the National, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of \$100;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as it may deem appropriate;

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provisions of this title;

(12) to report apparent violations of law to the appropriate law enforcement authorities; and

(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

(b) (1) Any person who believes a violation of this title has occurred may file a complaint with the Commission. If the Commission determines there is substantial reason to believe such a violation has occurred, it shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the Commissioner, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any

other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

(2) In any action brought under paragraph (1) of this subsection, subpoenas for witnesses who are required to attend a United States district court may run into any other district.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States court of appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

(4) The judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

**STATEMENTS FILED WITH CLERK OF UNITED STATES COURT**

SEC. 309. (a) A copy of each statement required to be filed with the Commission by this title shall be filed with the clerk of the United States district court for the judicial district in which is located the principal office of the political committee or, in the case of a statement filed by a candidate or other person, in which is located such person's residence. The Commission may require the filing of reports and statements required by this title with the clerks of other United States district courts where it determines the public interest will be served thereby.

(b) It shall be the duty of the clerk of a United States district court under subsection (a)—

(1) to receive and maintain in an orderly manner all reports and statements required by this title to be filed with such clerks;

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(3) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

**FEDERAL ELECTIONS COMMISSION**

SEC. 310. (a) There is hereby created a Commission to be known as the Federal Elections Commission, which shall be composed of six members, not more than three of whom shall be members of the same political party, who shall be chosen from among persons who, by reason of maturity, experience, and public service have attained a nationwide reputation for integrity, impartiality, and good judgment, are qualified to carry out the functions of the Commission and shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of two years, one for a term of four years, one for a term of six

years, one for a term of eight years, one for a term of ten years, and one for a term of twelve years, beginning from the date of enactment of this Act, but their successors shall be appointed for terms of twelve years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission and one member to serve as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and four members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the money it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

(e) Members of the Commission shall, while serving on the business of the Commission, be entitled to receive compensation at a rate fixed by the Director of the Office of Management and Budget, but not in excess of \$100 per day, including traveltime; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers at any other place.

(g) All officers, agents, attorneys, and employees of the Commission shall be subject to the provisions of section 9 of the Act of August 2, 1939, as amended (the Hatch Act), notwithstanding any exemption contained in such section.

(h) The Commission shall appoint an Executive Director without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, to serve at the pleasure of the Commission. The Executive Director shall be responsible for the administrative operations of the Commission and shall perform such other duties as may be delegated or assigned to him from time to time by regulations or orders of the Commission. However, the Commission shall not delegate the making of regulations regarding elections to the Executive Director.

(i) The Chairman of the Commission shall appoint and fix the compensation of such personnel as it is deemed necessary to fulfill the duties of the Commission in accordance with the provisions of title 5, United States Code.

(j) The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(k) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Executive Director, Federal Elections Commission."

(l) In carrying out its responsibilities under this title, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities, of the General Accounting Office and the Department of Justice, The Comptroller General and the Attorney General are authorized to make available to the Commission such personnel, facilities, and other

assistance, with or without reimbursement, as the Commission may request.

#### PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

SEC. 311. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

#### PENALTY FOR VIOLATIONS

SEC. 312. Any person who violates any of the provisions of this title shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

#### STATE LAWS NOT AFFECTED

SEC. 313. (a) Nothing in this title shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this title.

(b) The Commission shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

#### PARTIAL INVALIDITY

SEC. 314. If any provision of this title, or the application thereof, to any person or circumstance is held invalid, the validity of the remainder of the title and the application of such provision to other persons and circumstances shall not be affected thereby.

#### REPEALING CLAUSE

SEC. 315. (a) The Federal Corrupt Practices Act, 1925 (2 U.S.C. 241-256), is repealed.

(b) In case of any conviction under this title, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

#### TITLE IV—MISCELLANEOUS

##### EXTENSION OF CREDIT BY REGULATED INDUSTRIES

SEC. 401. The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 301(c) of the Federal Election Campaign Act of 1971), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.

##### EFFECTIVE DATE

SEC. 402. Except as provided for in section 401 of this Act, the provisions of this Act shall become effective on December 31, 1971, or sixty days after the date of enactment of this Act, whichever is later.

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

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

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any necessary conforming and technical change in the enrollment of the bill and that the bill be printed as it has passed the Senate.

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

Mr. MANSFIELD. Mr. President, with the final approval of the Federal Election Campaign Act of 1971 I wish to ex-

press my respect for, and amazement of, the ability of the senior Senator from Rhode Island (Mr. PASTORE). To hear his booming voice almost always signals an interesting and educational debate. His ability to manage the bill on the floor of the Senate—however intricate, complicated or controversial—is without equal. His legislative prowess not only deters dilatory tactics but invites cooperation and assures enactment.

The Senate is indebted to Senator PASTORE for his agile and intelligent handling of this far-reaching and long-overdue piece of electoral reform legislation.

Assisting Senator PASTORE throughout this lengthy debate was the able Senator from Nevada (Mr. CANNON). His complete knowledge of all the aspects of this bill, assured a concise and accurate debate on the many amendments. His help is most appreciated.

I believe the Senator from Rhode Island (Mr. PASTORE) mentioned the Senator from Vermont (Mr. PROUTY) earlier, but I would like to express my personal thanks for his generous contributions and many helpful suggestions. It was with Senator PROUTY's help that this political reform measure remained a bipartisan effort. His wise counsel on many different points through the course of debate this last week created a spirit of cooperation that will certainly be noted by the President and the American people. I thank the Senator.

The distinguished and able minority leader (Mr. SCOTT) paid close attention to the progress of this bill. His thoughtful suggestions about various aspects of reporting campaign expenditures were most helpful. And I think the cooperation extended by the managers of this bill typify the true bipartisan nature of this reform measure.

The Senator from Kansas (Mr. PEARSON), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Colorado (Mr. DOMINICK) should all be thanked for their help in assuring the high quality of reform this measure represents. On the other side of the aisle the Senator from Florida (Mr. CHILES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. HART), and the Senator from Illinois (Mr. STEVENSON) all contributed their own views that led to further understanding of various aspects of this reform act.

Mr. President, the most important and telling aspect of the legislative history of S. 382 was that the final passage vote was 88 yeas and only 2 nays. This, to me, represents such a total sense of agreement that it is difficult to conceive of how this legislative measure could favor one party or the other. In fact, to me it represents a move, at long last, toward the spirit of cooperation that is so desperately needed in our society. All of the Senators recognized that there was a serious problem with the spiraling cost of elections, and through the cooperative and bipartisan support we have witnessed in this chamber for the last week, we have enacted a progressive reform measure to begin checking campaign costs. I thank Senator PASTORE, Senator

CANNON, Senator PROUTY, Senator BAKER, and all of those that have cooperated in successfully guiding this through the Senate.

#### IN PRAISE OF PASSAGE

Mr. CHURCH. Mr. President, the Senate has taken today a most constructive action by approving a campaign financing reform bill governing elections for Federal office. I hope that the House of Representatives will soon take a correspondingly affirmative position in order that the remedial provisions of the legislation will be in operation during the 1972 elections.

Legislative action in this problem area is necessary. The escalating cost of campaigning has inhibited the ability of able men and women of modest incomes to seek elective office. This consequence has generated suspicion, even cynicism, among Americans toward politics as a preserve for big-money interests.

The U.S. Senate has now acted to help correct this situation by approving a bill which attacks the problem in three ways.

First, it establishes a ceiling on the amount of money that a candidate for Federal office may spend on publicity in primary and general elections, in the form of billboards, newspaper advertisements and radio or television "spots." Within this overall spending ceiling, the bill places limits on the amount of money a candidate may spend on television and radio commercials, customarily the largest single cost item. In addition, the bill limits the amount of money a candidate may spend from his own personal funds or those of his immediate family.

Second, the legislation requires detailed disclosure, both during and after elections, as to the sources of contributions and the purposes for which the money is spent. In this connection, the bill creates a presidentially appointed six-member commission to supervise the campaign financing provisions of the bill.

Third, the bill seeks to broaden the base of political financing by authorizing modest tax credits and tax deductions to those who are able to make only small contributions to candidates of their choice. I have long advocated this change in our tax laws to encourage small contributions to our political process. For too long, too many candidates have been too dependent on large contributors. This has made for a polarization of our policies between big business, on the one hand, and big labor on the other, a condition which is unhealthy for the people as a whole.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

#### REPORT ON STATUS OF NATIONAL WILDERNESS PRESERVATION SYSTEM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 92-156)

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Sen-

ate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Interior and Insular Affairs:

#### To the Congress of the United States:

Today I am transmitting the 7th Annual Report on the status of the National Wilderness Preservation System. The Report spells out the substantial progress which has been made in the Wilderness System, a System which now encompasses more than 10.1 million acres—an increase of over 200,000 acres in the last year.

On April 28, 1971, I transmitted fourteen new wilderness proposals to the Congress. If approved, these proposals would enlarge our Wilderness System by an additional 1.8 million acres. Again, I urge quick and favorable congressional action on these proposals as well as on thirteen other proposals which are also before the Congress and which would add over a million acres to the System. Wilderness designation of all these areas is vital if we are to preserve their natural environment for future generations of Americans.

RICHARD NIXON.

THE WHITE HOUSE August 5, 1971.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2296) to amend sections 107 and 709 of title 32, United States Code, relating to appropriations for the National Guard and to National Guard technicians, respectively.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 2587) to establish the National Advisory Committee on the Oceans and Atmosphere.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 581) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance, and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5208) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, and to authorize the annual active duty personnel strength of the Coast Guard.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10061) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1972, and for other purposes; that the House receded from its disagreement to the amendments of the bill numbered 1, 15, 49, and 50 to the Senate and concurred therein; and that the House receded from its disagreement to the amendments of the Senate numbered 30, 37, and 41 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

#### ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 4263) to add California-grown peaches as a commodity eligible for any form of promotion, including paid advertising, under a marketing order.

#### EDUCATION AMENDMENTS, 1971

Mr. MANSFIELD. Mr. President, in accord with the understanding of yesterday, I ask unanimous consent that the Senate return to the consideration of Calendar No. 342, S. 659, on a temporary basis.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate resumed the consideration of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and related acts, and for other purposes.

Mr. MOSS. Mr. President, almost anywhere you turn in our great land these days you are likely to run into talk and concern about the plight of the colleges, the crisis on the campus as it is often phrased.

Our citizens should, of course, be troubled, and deeply so, about this crisis. In my view if our colleges are in trouble, then the country is in trouble.

As we ponder what college opportunities have meant and now mean to life patterns and standards in our civilization, and further contemplate the vast stream of discoveries and progress which the universities and colleges generate, no other conclusion seems possible. The campus disorders are in substantial measure the mirror of the larger disorders in our society.

And for those larger disorders, we look now and in the future, as we have in the past, to the campus to help us produce solutions.

We have been talking long and loud in Congress about the crisis on the campus. At the same time, we have the responsibility to play a role, to take a hand in meeting it. And this we do, Mr. President, in the measure before us. S. 659 is an impressive and broad-gaged response to it.

The bill considerably increases the

Federal commitments to the citizens, individually and collectively, who carry their studies beyond high school, particularly the low-income youth; and to the institutions and programs that serve them.

Never before have we developed such a diversified, yet orchestrated, package for higher education.

The crisis in part is financial. And S. 659 will sharply increase the flow of Federal funds to the typical college. To the nontraditional college, such as the community college with a high low-income enrollment, the increase can be still sharper.

The crisis in part, too, has been a matter of focus. S. 659 puts the emphasis where it belongs—on the student, not on the institution; on the consumer, and not on the educator.

This is reflected not only in the bill's new concept and approach to student finances, but in the increased emphasis on such areas as the long-neglected field of consumer education—at least, long neglected on the campus—and vocational education, particularly in comprehensive programming on the community college level.

Mr. TAFT. Mr. President, the Education Amendments of 1971, which I cosponsor, represent a firm and positive reaffirmation of the Federal Government's support of our Nation's educational system.

If there is to be a keystone in the bridge across this Nation's social and economic problems, it must surely be education. By augmenting educational opportunities for all Americans, we make a major thrust in the direction of better jobs and in turn better housing.

Without reviewing the provisions of this bill in detail, I must commend its commitment to higher education contained in title I.

In my judgment, it is not only important for higher educational opportunities to exist for all young Americans, but it is vital that our young people grow up with the recognition of those opportunities. In that way they can develop the motivation and course preparation in high school so that they may avail themselves of the opportunities for higher education which are theirs.

The basic education opportunity grant program, the supplemental education opportunity grants, the grants to States for State scholarships, the student loan marketing association, the expanded work-study programs, and the special program for students from low-income families contained in this measure, firm up the higher education opportunities available to our young people.

No less important is the additional assistance for community colleges which in Ohio and other States have proven to be such vital and valuable components of our educational system. These colleges bring educational opportunities to the hometowns of thousands of young people who might not otherwise be able to attend college in a more distant place. By allowing young men and women to live at home and work in their off-hours, we greatly expand the educational horizons of those who would have otherwise been financially foreclosed.

I am delighted that title II adds industrial arts to the vocational education program. For too many years some of the educational elite have tended to look down their noses at vocational education. In our high schools we have generated the notion that getting into college is the all-important goal, and that somehow it is a step down to embark upon vocational training. We have let this reach the point where many young people feel that they will become failures in life if they do not go on to college. The downgrading of carpentry, plumbing, and other crafts, for example, has been nothing short of tragic. It is just as important to be a good electrician or a good toolmaker, as it is to be a good lawyer or a good teacher. Our young people must be encouraged to understand that what is important is doing a good job, enjoying one's work, and taking pride in that work, whatever it may be.

Regrettably, our colleges have become crowded with many students who are there only because of social pressure. Their interests and talents might very well lie in other directions.

Students of vocational training make an enormously valuable contribution to American life, and the expanded definition of vocational training in this measure begins to give recognition to their contribution. By giving greater recognition to vocational education, we can give a new sense of importance to those young people who would prefer to be creative and work with their hands than bore themselves in the dusty pages of Greek mythology.

Finally, I am pleased that this measure extends the law school clinical experience program which has proven so effective. This program is adding a vibrant and practical dimension to legal education which the casebooks alone can never provide. It reflects the social awareness of our law students and prepares them to meet legal problems in human terms rather than as mere theoretical exercises.

And certainly all of this reflects the mood and concern of America about higher education—if not the wishes of the university establishment.

Those smaller, private colleges, as well as the very large universities, which have slipped into deep financial trouble, though they are generously served by this bill, would do well to heed the public mood. If they worried a bit less about whether they were "living up" to the university tradition, and cared a bit more about "living with" the community, their futures could be brighter.

Traveling the traditional, narrow academic track—or waving the banner of academic freedom while ignoring the community interest, otherwise known as education for education's sake alone—could well be the road to oblivion.

This bill, let me say again, conveys that message.

Finally, the crisis also in part is a matter of planning, a matter of accountability. S. 659 gives strong emphasis to both.

I note this comment in the July 1971 issue of a newsletter from the Western

Interstate Compact for Higher Education—WICHE:

Education is a billion-dollar industry, yet it has operated largely without detailed cost analysis, management systems, and effective evaluations. Pressure is applied to administrators to justify programs, develop new ones, and discard old ones primarily on the basis of their own subjective experiences rather than with the sophisticated analytical tools used by executives in business and industry.

The bill gives strong support to the States to plan for greater accessibility and convenience in higher education, and to develop community colleges as necessary to meet that objective. This section holds great promise for my own State of Utah, which presently has no comprehensive community colleges, yet like many other States is taking a hard look at its geographic distribution and balance in occupational programs and other postsecondary opportunities.

This bill taps much of the vision and thrust of the original comprehensive community college bill as authored by Chairman Williams. Greater Federal recognition and support for this booming segment of our educational network has been long overdue, and as one of the original sponsors of the Williams bill, I am proud and delighted to see S. 659 move in this direction.

To Chairman WILLIAMS and to Chairman FELL, the author of S. 659, and to the full memberships of the Education Subcommittee and Labor and Public Welfare Committee I express my respect and appreciation. From more than a year's diligent investigation of the State and the needs of higher education has emerged this truly profound measure. It is a monument to their leadership, and I hope the Senate will unite in the adoption of it.

#### ECONOMIC DISASTER AREA RELIEF ACT OF 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that S. 659 be temporarily laid aside, and that the Senate proceed to the consideration of Calendar No. 333, S. 2393. I do this so that it will become the pending business.

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

The legislative clerk read as follows:

Calendar No. 333 a bill (S. 2393) to amend the Disaster Relief Act of 1970 to make areas suffering from economic disasters eligible for emergency Federal aid, to improve the aid which would become available to economic disaster areas, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

#### ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, before I yield to the distinguished Senator from Mississippi, who I understand has a conference report which he is prepared to have the Senate give some consideration to, I should like, with his permission, and without this being taken out of the time on the pending business, to yield 3 minutes to the distinguished Senator

### LIMITATION ON CAMPAIGN EXPENDITURES

Mr. TALMADGE. Mr. President, on Thursday, August 5, the Senate took what I believe to be an important step toward restoring the credibility of the American people in their elected Representatives. We have heard much in recent months about this loss of credibility. One of the primary complaints has been that America's elected officials are no longer readily accessible to Americans. This charge has been based on the idea that the skyrocketing cost of election campaigns has created a situation wherein the only way a candidate can raise enough money to run for office is by obligating himself to a dangerous degree to wealthy vested interest groups.

In limiting campaign expenditures and promulgating disclosure requirements, the Senate has gone a long way toward alleviating this problem. I endorse, therefore, the passage of this legislation with only one minor reservation.

Much has been said recently concerning the growing threat of Government interference in the private economic sector. The various outlets of the media who sell advertising time to candidates are obviously competitors in the economic arena. In enacting this legislation, we have been forced to compromise their interest somewhat to advance the interests of the general public.

But there is one area of this legislation in which I believe the Senate went too far in that direction. I refer to the so-called "lowest unit rate" requirement. Simply stated, this portion of the bill requires broadcasting stations to charge, "the lowest unit charge of the station of the same class and amount of time for the same period." This requirement would be in force for the 45 days preceding a primary and the 60 days before a general election.

This means that a candidate for office, by congressional decree, would be entitled to the best possible rate available on the advertising market.

The power to use the congressional licensing power to fix prices is one which should be exercised very carefully. In my judgment, it is appropriate only to combat inflation or to deal with some other serious national emergency. Clearly, there is no such situation present here. The immediate beneficiaries of this legislation are the candidates themselves.

Senator CARL CURTIS introduced an amendment to delete this provision, and I supported that amendment. The opponents of the amendment say that we are not fixing prices since the lowest unit rate is set by the individual station. This seems to me to be nothing more than playing with words. If we are not fixing prices, we are certainly regulating them, and we are doing so in our own self interest.

The opponents of the amendment also argue that the ultimate beneficiary of this provision is the general public. I would like to examine this for a moment in light of my own situation. According to the Bureau of the Census, in 1972 there will be some 3,111,000 Georgians of voting age. Using the formula contained in the legislation, I would be allowed to spend some \$187,000 for advertising in

the broadcast media in a 1972 Senatorial election campaign. In 1968, when there was no such lowest unit requirement, Vice President HUMPHREY spent some \$6 million for broadcast advertising. I would thus be allowed to spend approximately 3 percent of what the Vice President spent. The Bureau of the Census also informs me that in 1972, there will be some 139.5 million Americans of voting age in 1972. In other words, I will be able to spend 3 percent of what the Vice President spent while attempting to reach only 2 percent as many voters as he did.

This demonstrates clearly that under the present provisions of the bill, the access of a candidate to the broadcast media would be more than adequate whether or not there is any requirement that the candidate be extended the lowest unit rate.

Therefore, while I was delighted to see the passage of this legislation, I was indeed distressed that the Senate saw fit to interfere in the private economic sector in an area in which I strongly feel that such interference was unnecessary.

### VIETNAM EXPENDITURES

Mr. GRAVEL. Mr. President, it becomes increasingly apparent that there will be no more quick dividends from the winding down of Vietnam expenditures—if indeed there ever were any. If the present administration has its way, the price of maintaining our defenses is bound to balloon, for it has never adequately addressed itself to the issues of where the real interests of the United States lie and how the military requirements of true national defense differ from the demands imposed by continuing our present policy of garrisoning troops worldwide.

While the President makes much ado over his new policy of self-help for the countries of Asia, and while he speaks of shifting contingency planning from a posture of preparedness for 2½ to 1½ wars, he nonetheless avoids the hard decisions we must eventually face in reducing the scale of our worldwide commitments. Instead he continues to request troop strengths in excess of 2.5 million and to deploy them at farflung bases around the world despite the nominal retrenchment to a 1½ war strategy.

Nothing in the Nixon doctrine gives me any confidence that this administration has learned the real lessons of the war in Vietnam. It has learned only one kind of lesson: Do it differently next time. Do it by stealth; do it through the corruption of foreign officials. Wage war by air, but not on the ground. Do it by sending American troops, but in civilian clothes. Do it with the CIA—as in Laos—not with army regulars.

But the solution to worldwide military intervention is not disguising it, but stopping it. And the only way to stop it is to reconceive our whole scheme of worldwide objectives such that we do not invite involvement in war through the very means by which we purport to provide for the national defense. This means that we must reduce our troop commitments abroad and cease to play the

world's policeman, realizing that certain events in the world—distressing though they may be—are of neutral significance to the well-being of the United States. The only other alternative is to come to be regarded as the world's most notorious outlaw.

What we require for the United States is a whole new concept of Foreign Policy which steers a prudent course of international risk-avoidance, instead of the courting of and preparation for improbable risks. It must bolster at every occasion our respect for, and reliance upon, International Law and Cooperation as peaceful means of settlement, rather than insisting on an American solution that leans heavily on the decisive and lonely use of force.

It is time to admit frankly that we cannot afford, and do not choose any longer to sustain, the role that a succession of presidents have chosen—or claim to have had thrust upon them. Tens of thousands of American dead, hundreds of thousands of Vietnamese dead, and more than \$100 billion spent on destruction and devastation have taught us that much.

The dramatic reversal called for cannot, moreover, be bought with belated, piecemeal efficiencies. Such hopeless and half-hearted efforts will only see the so-called "peace dividends" counted on by the American people gobbled up by cost escalation of particular weapons systems, general inflation, and climbing service-pay scales. The only place to go for large savings is the conventional force structure.

First, we should realize that strategic forces—nuclear missiles, submarines, bombers, anti-missile systems, and air defense—though extremely expensive in absolute terms, are only a quarter of our total defense budget. For fiscal year 1972, for example, our total bill for strategic items, including the associated research and development, intelligence, and general overhead, will be about \$20 billion out of \$76 billion. Percentages are even lower in the manpower area. Strategic force strength for fiscal year 1972 is estimated to be only 139,000 men, or less than 10 percent of the total force level.

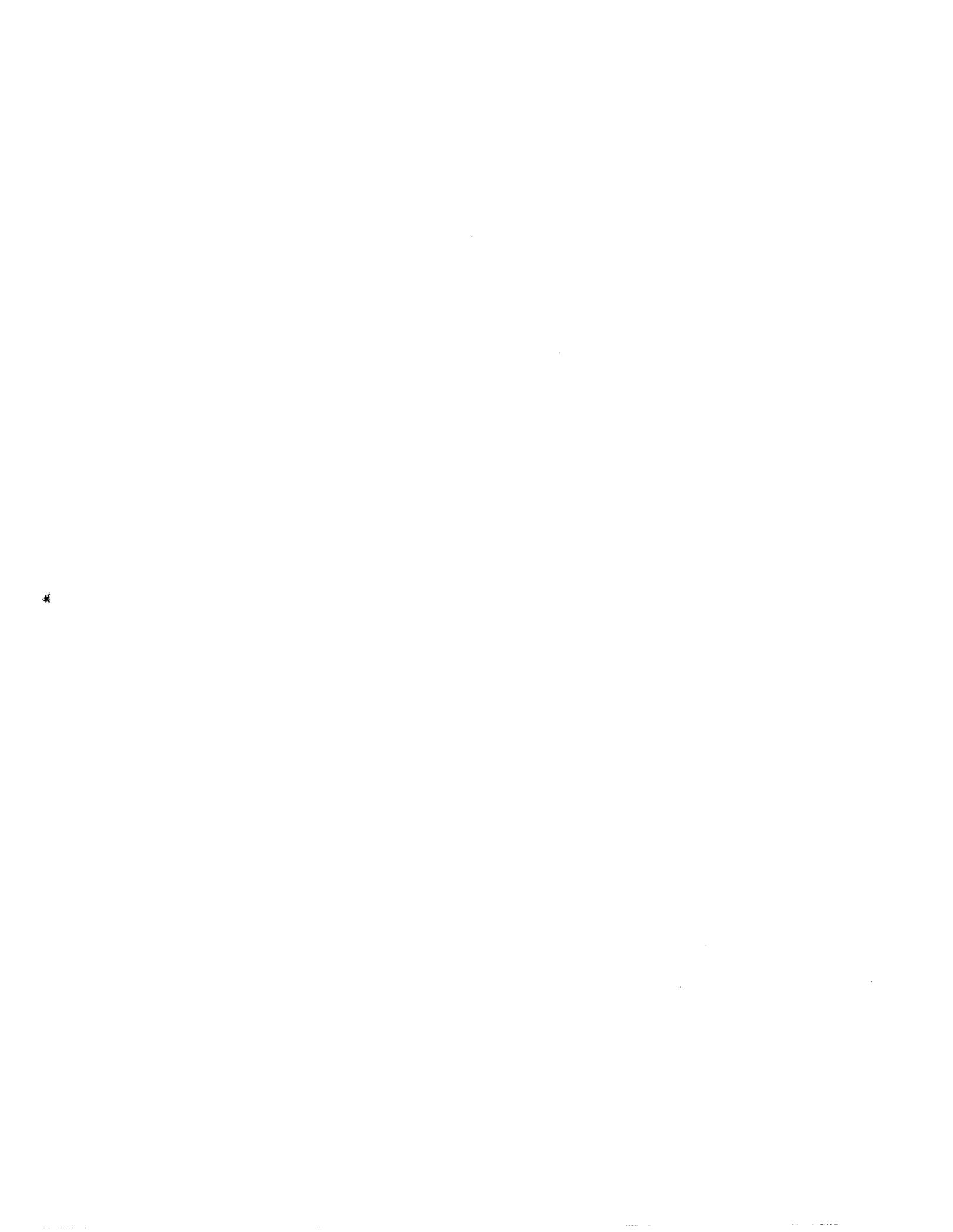
Even a fairly wide range of feasible options—ranging from a low posture, stressing a single, sea based retaliatory system, to a program of modernization of all three redundant systems—ICBM, SAC, and polaris—plus ABM and Air Defense—would run only about \$6 billion to \$8 billion in either direction from the \$20 billion already budgeted for strategic defense.

On the other hand, general purpose forces—what we keep in our force structure to cope with threats to allies, to sea lanes, to our various interests in foreign countries, to our supposed interest in preventing political change in client states—are \$56 billion. This breaks down to about \$22 billion for NATO, about \$19 billion for Asia besides Vietnam, about \$9 billion for continuing Vietnam expenditures, and about \$6 billion for the central strategic reserve and the rest of the world—the so-called "½ war" or "minor contingency."

Reducing our general purpose and support forces not only makes good



# H.R. 11060



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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 4, 1971

Mr. HAYS (for himself, Mr. THOMPSON of New Jersey, Mr. ABBITT, Mr. NEDZI, Mr. BRADEMAS, and Mr. BINGHAM) introduced the following bill; which was referred to the Committee on House Administration

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**A BILL**

To limit campaign expenditures by or on behalf of candidates for Federal elective office; to provide for more stringent reporting requirements; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **DEFINITIONS**

4 **SECTION 1. (a)** For purposes of this Act:

5 (1) The term "election" means (A) any general, spe-  
6 cial, primary, or runoff election, (B) a convention or caucus  
7 of a political party held to nominate a candidate, (C) a pri-  
8 mary election held for the selection of delegates to a national  
9 nominating convention of a political party, (D) a primary  
10 election held for the expression of a preference for the nomi-

1 nation of persons for election to the office of President, and  
2 (E) the election of delegates to a constitutional convention  
3 for proposing amendments to the Constitution of the United  
4 States.

5 (2) The term "candidate" means an individual who  
6 seeks nomination for election, or election, to Federal elec-  
7 tive office, whether or not such individual is elected, and, for  
8 purposes of this paragraph, an individual shall be deemed to  
9 seek nomination for election, or election, if he has (A) taken  
10 the action necessary under the law of a State to qualify him-  
11 self for nomination for election, or election, to Federal elec-  
12 tive office, or (B) received contributions or made expendi-  
13 tures, or has given his consent for any other person to receive  
14 contributions or make expenditures, with a view to bringing  
15 about his nomination for election, or election, to such office.

16 (3) The term "Federal elective office" means the  
17 office of President, United States Senator or Represent-  
18 ative, or Delegate or Resident Commissioner to the Con-  
19 gress; and includes the office of Vice President except as  
20 otherwise provided in sections 2 (c) (2), 3 (b), and 4 (d).

21 (4) The term "Presidential convention or primary"  
22 means any election held to express a preference for candi-  
23 dates for nomination for election as President, a convention  
24 which participates in the selection of such a candidate, or  
25 an election to select delegates to such a convention.

1           (5) The term "political committee" includes any  
2 committee, association, or organization which accepts con-  
3 tributions or makes expenditures for the purpose of influ-  
4 encing or attempting to influence the election of one or  
5 more candidates for Federal elective office.

6           (6) The term "contribution" includes a gift, subscrip-  
7 tion, loan, advance, or deposit, of money, or property or  
8 services of significant value, except a bona fide loan of money  
9 by a national or State bank made in accordance with the ap-  
10 plicable banking laws and regulations and in the ordinary  
11 course of business, and includes a contract, promise, or agree-  
12 ment, whether or not legally enforceable, to make a  
13 contribution.

14          (7) The term "expenditure" includes a payment, dis-  
15 tribution, loan, advance, deposit, or gift, of money, or prop-  
16 erty or services of significant value, and includes a contract,  
17 promise, or agreement, whether or not legally enforceable,  
18 to make an expenditure.

19          (8) The term "supervisory officer" means the Secre-  
20 tary of the Senate with respect to candidates for Senator,  
21 and the Clerk of the House of Representatives with respect  
22 to candidates for Representative, and the Comptroller Gen-  
23 eral in any other case.

24          (9) The term "State" (except when used in section  
25 2 (b) (2) (C) ) includes the District of Columbia, the Com-

1 monwealth of Puerto Rico, and the territories and posses-  
2 sions of the United States.

3 (b) (1) For purposes of paragraphs (6) and (7) of  
4 subsection (a), the term “money, or property or services of  
5 significant value” includes money in any amount and serv-  
6 ices or property (other than money) the value of which  
7 exceeds \$25.

8 (2) Notwithstanding paragraphs (6) and (7) of sub-  
9 section (a) and paragraph (1) of this subsection, the terms  
10 “contribution” and “expenditure” when used in this Act  
11 shall not include (A) the rendition of personal services for  
12 which no compensation is paid to the individual rendering  
13 the services, or (B) an individual permitting a candidate or  
14 political committee to use the individual’s nonbusiness prop-  
15 erty or his nonbusiness telephone (but not including toll  
16 calls) or similar service.

17 EXPENDITURE LIMITATIONS FOR CANDIDATES FOR  
18 FEDERAL ELECTIVE OFFICE

19 SEC. 2. (a) The aggregate amount of expenditures  
20 made by any candidate for Federal elective office or on  
21 behalf of his candidacy—

22 (1) may not exceed the limitation determined un-  
23 der subsection (b) in any general election,

24 (2) (i) may not exceed the limitation determined  
25 under subsection (b) in each primary, or primary run-

1 off, in which he is a candidate and which is held to  
2 select candidates for Senator, Representative, Delegate,  
3 or Resident Commissioner for any general election, and  
4 (ii) may not exceed the limitation determined under  
5 subsection (b) in each primary election held in a State  
6 to express a preference for the nomination of persons for  
7 election to the office of President or to select delegates  
8 to a national nominating convention of a political party  
9 held to select a candidate for such office, and

10 (3) may not exceed the limitation under subsec-  
11 tion (b) in all presidential conventions or primaries in  
12 which he is a candidate.

13 (b) The limitation applicable to any election for Fed-  
14 eral elective office is the greater of--

15 (1) \$50,000, or

16 (2) 6 cents multiplied by (A) the population of  
17 the State in which the election is held, in the case of a  
18 primary election for President or an election for Sen-  
19 ator, Representative at Large, Delegate, or Resident  
20 Commissioner; (B) the population of the congressional  
21 district, in the case of an election for the office of Rep-  
22 resentative (other than Representative at Large); or

23 (C) The population of all the States and the District  
24 of Columbia (i) in the case of a general election for the

1 office of President, and (ii) in the case of all Presidential  
2 conventions or primaries for the office of President.

3 Population shall be determined on the basis of the decennial  
4 census under which Representatives were apportioned to the  
5 Congress for which the election is held (or, in the case of a  
6 presidential election, the Congress the membership of which  
7 is the basis for allocating electoral votes to the States in such  
8 election).

9 (c) (1) For purposes of this section, an expenditure shall  
10 be regarded as having been made on behalf of a candidate if  
11 it is made at the direction, request, or with the consent of the  
12 candidate or of any political committee supporting his elec-  
13 tion or agent thereof.

14 (2) For the purposes of this section, a candidate  
15 for Vice President in a general election shall not be treated  
16 as a candidate for Federal elective office, but expenditures  
17 made by or on behalf of such candidate shall, for the pur-  
18 poses of this section, be deemed to have been made by  
19 the candidate for the office of President with whom he is  
20 running.

21 **LIMITATIONS ON CONTRIBUTIONS ACCEPTED BY**

22 **CANDIDATES FOR FEDERAL ELECTIVE OFFICE**

23 **SEC. 3. (a)** The aggregate amount of contributions  
24 which are made for the purpose of influencing the out-  
25 come of an election for Federal elective office and which

1 are accepted by any candidate for Federal elective office  
2 and by all political committees authorized to accept con-  
3 tributions on his behalf--

4 (1) may not exceed the limitation determined  
5 under section 2 (b) in the case of contributions ac-  
6 cepted for use in any general election,

7 (2) may not exceed the limitation determined  
8 under section 2 (b) in the case of contributions ac-  
9 cepted for use in any primary or primary runoff in  
10 which he is a candidate and which is held to select  
11 candidates, for Senator, Representative, Delegate, or  
12 Resident Commissioner for any general election, and

13 (3) may not exceed the limitation under section  
14 2 (b) in the case of contributions accepted for use in  
15 all presidential conventions and primaries in which he  
16 is a candidate.

17 (b) For purposes of this section, a candidate for Vice  
18 President in a general election shall not be treated as a  
19 candidate for Federal elective office, but contributions ac-  
20 cepted by such candidate (or by any political committee  
21 authorized to accept contributions on his behalf) shall, for  
22 the purposes of this section, be deemed to have been accepted  
23 by the candidate for the office of President with whom he  
24 is running.

1 LIMITATIONS ON CERTAIN EXPENDITURES BY CANDIDATES

2 AND CERTAIN CONTRIBUTIONS BY INDIVIDUALS

3 SEC. 4. (a) No candidate may make expenditures from  
4 his personal funds (including expenditures from the personal  
5 funds of his immediate family under his control) on behalf  
6 of his candidacy for nomination for election, or election, to  
7 Federal elective office in excess of—

8 (1) \$35,000 in the case of a candidate for the  
9 office of President or Vice President;

10 (2) \$20,000 in the case of a candidate for the  
11 office of Senator; or

12 (3) \$15,000 in the case of a candidate for the  
13 office of Representative, or Delegate or Resident Com-  
14 missioner to the Congress.

15 (b) No individual may, in any calendar year, make  
16 contributions from his personal funds (including contribu-  
17 tions from the personal funds of his immediate family under  
18 his control) on behalf of the candidacy of any one candidate  
19 for nomination for election, or election, to Federal elective  
20 office in excess of—

21 (1) \$35,000 in the case of a candidate for the office  
22 of President or Vice President;

23 (2) \$5,000 in the case of a candidate for the office  
24 of Senator; or

25 (3) \$5,000 in the case of a candidate for the office

1 of Representative, or Delegate or Resident Commis-  
2 sioner to the Congress.

3 (c) For the purposes of this section, the term "im-  
4 mediate family" means a spouse, and any child, parent,  
5 grandparent, brother, or sister and the spouse of any of  
6 them.

7 (d) For the purposes of subsection (b) of this sec-  
8 tion, a candidate for Vice President in a general election  
9 shall not be treated as a candidate for Federal elective office,  
10 but contributions made on behalf of his candidacy shall,  
11 for the purposes of such subsection, be deemed to be contribu-  
12 tions on behalf of the candidacy of the candidate for the  
13 office of President with whom he is running.

14 REPORTING OF EXPENDITURES AND CONTRIBUTIONS

15 SEC. 5. (a) Every candidate for Federal elective  
16 office, every political committee, and every person, com-  
17 mittee, association, or group of persons, incorporated or  
18 unincorporated, profit or nonprofit, including corporations  
19 and unions, and every committee or group formed by or  
20 under the auspices of a corporation or union, who con-  
21 tributed, promised to contribute, received, or expended,  
22 directly or indirectly, any money or things of value for  
23 the purpose of influencing or attempting to influence the  
24 outcome of any election for Federal elective office shall,

1 between the tenth and fifteenth days next preceding the  
2 date on which the election is to be held, and not later than  
3 4 postmeridian of the forty-fifth day after such election,  
4 file a full, true, and itemized sworn statement, setting  
5 forth in detail the moneys or things of value so contrib-  
6 uted, promised, received, or expended. Such statement  
7 shall contain the following information:

8 (1) The full name of the person, committee, associa-  
9 tion, or group of persons filing a receipt and expenditure  
10 statement; if a committee, association, or group of persons,  
11 the full name of the chairman or treasurer.

12 (2) The address, including the street, city, and State,  
13 of the person, committee, association, or group of persons  
14 filing the statement; if a committee, association, or group of  
15 persons, the address of the chairman or treasurer.

16 (3) The candidate's full name.

17 (4) The candidate's address, including street and city.

18 (5) The date of election and whether it was a general,  
19 primary, or special election.

20 (6) A statement of moneys or things of value con-  
21 tributed, promised, or received, which shall include:

22 (A) The month, day, and year such moneys or  
23 things of value are received;

24 (B) The full name of the person, committee, asso-  
25 ciation, or group of persons from whom moneys or

1 things of value are received; if a committee, association,  
2 or group of persons, the full name of its chairman or  
3 treasurer;

4 (C) The address, including street, city, and State,  
5 of the person, committee, association, or group of persons  
6 from whom moneys or things of value are received, ex-  
7 cept that this requirement does not apply to the state-  
8 ments filed by a duly organized State or local committee  
9 of a political party nor to a finance committee of such  
10 committee; if a committee, association, or group of per-  
11 sons, the address of its chairman or treasurer;

12 (D) A description of what was received, whether  
13 moneys or things of value; if other than money the item  
14 must be described; and

15 (E) The value in dollars and cents of moneys or  
16 things of value received.

17 (7) A statement of expenditures which shall include--

18 (A) The month, day, and year of expenditure;

19 (B) The full name of the person, committee, asso-  
20 ciation, or group of persons to whom the expenditure  
21 was made; if a committee, association, or group of per-  
22 sons, the full name of its chairman or treasurer;

23 (C) The address, including the street, city, and  
24 State, of the person, committee, association, or group of  
25 persons to whom the expenditure was made; if a com-

1 mittee, association, or group of persons, the address of  
2 its chairman or treasurer;

3 (D) The object or purpose for which expenditure  
4 was made; and

5 (E) The amount of each expenditure.

6 (8) The statement of receipts and expenditures must  
7 be signed by the person completing the form in the presence  
8 of an officer authorized to administer oaths.

9 (9) Full names and addresses shall be listed.

10 (10) All receipts and expenditures shall be itemized  
11 separately regardless of the amount except a receipt of  
12 funds from an individual contributor in the sum of \$25 or  
13 less in money or things of value at a social or fundraising ac-  
14 tivity. The total receipts from such social or fundraising ac-  
15 tivity shall be listed separately, together with the expenses  
16 incurred and paid in connection with such activity.

17 (11) All lobbyists registered with the Clerk of the  
18 House of Representatives or the Secretary of the Senate  
19 pursuant to the Federal Regulation of Lobbying Act shall  
20 be identified as lobbyists with full names and addresses  
21 and contributions listed separately.

22 (12) The statements required to be filed by this sub-  
23 section shall be cumulative during the calendar year to which  
24 they relate, but where there has been no change in an item  
25 reported in a previous statement only the amount need be

1 carried forward, except that the statement filed not later than  
2 the forty-fifth day after the election is held shall cover the  
3 preceding calendar year.

4 (b) In the case of a political committee which is re-  
5 ceiving contributions or making expenditures on behalf of  
6 more than one candidate for Federal elective office, the  
7 required reports shall include, under paragraphs (3), (4),  
8 and (5) of subsection (a), the names and addresses of all  
9 candidates in whose behalf contributions have been received  
10 or expenditures made, and the date and nature of all corre-  
11 sponding elections, and, under paragraph (7) of subsection  
12 (a), the following: (1) the name of the candidate or can-  
13 didates in whose behalf each expenditure was made; (2) in  
14 the case of expenditures made in behalf of more than one  
15 candidate, a breakdown of each such expenditure, showing  
16 the amount reasonably to be allocated to each such candi-  
17 date; (3) the total amount expended on behalf of each such  
18 candidate, as itemized under clauses (1) and (2) of this  
19 subsection.

20 (c) (1) Any candidate for Federal elective office who  
21 did not receive or expend any money or things of value in  
22 connection with any election in which he was a candidate  
23 shall, not later than 4 postmeridian of the forty-fifth day  
24 after such election, file a statement to that effect, subscribed  
25 and sworn to before an officer authorized to administer oaths.

1       (2) Individuals, other than candidates for Federal elec-  
2 tive office, making only contributions, the receipt of which  
3 must be accounted for by others, need not file a statement  
4 under this section.

5       (3) Any statement under this section shall also set  
6 forth the unpaid debts or obligations of such candidates,  
7 persons, committees, associations, and groups, incurred in  
8 connection with any election for which the statement is filed,  
9 and shall specify the balance in the hands of the accounting  
10 person, committee, association, or candidate, and the disposi-  
11 tion intended to be made thereof.

12       (4) The form for such statements shall be prepared  
13 by the supervisory officer and furnished to candidates with-  
14 out charge.

15       (5) Any individual other than a candidate for Federal  
16 elective office who has expended any money or thing of  
17 value for or on behalf of any candidate for Federal elective  
18 office, political committee, or other committee or association  
19 may, instead of filing a separate statement as provided in  
20 this section, attach it to and be a part of the statement to be  
21 filed by the candidate, campaign committee, or association.

22       (6) If the money or thing of value was received from a  
23 candidate for Federal elective office, political committee, or  
24 association, to be spent for or against any such candidate, an  
25 account stating in detail when, where, to whom, and for what

1 purpose, and in what sum such amounts were expended, shall  
2 be attached to and form a part of the statement to be filed  
3 by a candidate, committee, or association.

4 (7) Every such committee, association, or group of  
5 persons shall appoint a treasurer and designate his full name  
6 and address, including street, city, and State, to the super-  
7 visory officer. The treasurer shall keep a strict account of all  
8 such moneys, from whom received and the purpose for which  
9 they were disbursed.

10 (8) Every payment in excess of \$25, required to be  
11 accounted for, shall be vouched for by a receipted bill, stating  
12 the purpose of the expenditures, which shall be filed with  
13 the statement of expenditures.

14 (9) The supervisory officer shall issue a receipt for each  
15 such statement filed by a candidate or committee and pre-  
16 serve a copy of such receipt for a period of at least six years.

17 (10) All such statements shall be open to public inspec-  
18 tion in the office of the supervisory officer, and shall be care-  
19 fully preserved for a period at least equal to the duration of  
20 the term of office for which the candidate was seeking nom-  
21 ination or election.

22 (d) For the purpose of this section, the voluntary con-  
23 tribution of time by a person to a candidate or issue shall not  
24 be considered "a thing of value" unless such person is being  
25 paid by another for such contribution of time.

1 (e) Any statement under this section shall be filed with  
2 the supervisory officer. On or before the twentieth day pre-  
3 ceding any election in which statements are required to be  
4 filed by this section, every candidate subject to the provi-  
5 sions of this section shall be notified by the supervisory of-  
6 ficer by certified mail with return receipt requested of the  
7 requirements of this section.

8 ENFORCEMENT

9 SEC. 6. (a) (1) The supervisory officer shall examine  
10 all statements filed under this section for compliance with  
11 sections 2, 3, 4, and 5.

12 (2) In the event of a failure to file a statement under  
13 section 5 with the supervisory officer, or in the event such a  
14 statement appears to disclose a violation of law, the super-  
15 visory officer shall promptly publish notice of such violation  
16 in the Federal Register.

17 (b) Any person who violates this Act and who was a  
18 candidate for President or Vice President at the time of  
19 such violation shall be punished by a fine of not more  
20 than \$25,000.

21 (c) No certificate of nomination or election shall be  
22 issued by any officer of a State to any candidate for Federal  
23 elective office (other than a candidate for President or Vice  
24 President), nor shall a candidate elected to any Federal elec-  
25 tive office (other than President or Vice President) enter

1 upon the performance of the duties of such office until the  
2 candidate has fully complied with this Act. Any violation of  
3 this Act by a person who was a candidate for Federal elec-  
4 tive office (other than for President or Vice President) at  
5 the time of such violation shall disqualify such person from  
6 becoming a candidate in any future election for Senator,  
7 Representative, Delegate, or Resident Commissioner for a  
8 period of five years (seven years in the case of a person who  
9 was a candidate for Senator at the time of the violation).  
10 Any candidate who violates this Act, who was a candidate  
11 for Federal elective office (other than for President or Vice  
12 President) in a primary election at the time of such vio-  
13 lation, and who wins a nomination in such election shall  
14 forfeit the nomination, and the vacancy in the party nomi-  
15 nation so created may be filled by his political party as if  
16 such candidate had withdrawn.

17 (d) Any person who violates this Act and who was not  
18 a candidate for Federal elective office at the time of such  
19 violation shall be fined not more than \$1,000 or imprisoned  
20 not more than one year, or both; except that in the case  
21 of a willful violation such person shall be fined not more  
22 than \$10,000 and imprisoned not more than two years.

23 REPEAL OF FEDERAL CORRUPT PRACTICES ACT, 1925

24 SEC. 7. The Federal Corrupt Practices Act, 1925, is  
25 repealed.

## 1 AMENDMENT TO TITLE 18, UNITED STATES CODE

2 SEC. 8. Section 610 of title 18, United States Code, re-  
3 lating to contributions or expenditures by national banks,  
4 corporations, or labor organizations, is amended by adding  
5 at the end thereof the following new paragraph:

6 "As used in this section, the phrase 'contribution or  
7 expenditure' shall include any direct or indirect payment,  
8 distribution, loan, advance, deposit, or gift, of money, or  
9 any services, or anything of value to any candidate, cam-  
10 paign committee, or political party or organization, in con-  
11 nection with any election to any of the offices referred to  
12 in this section, including any expenditure in connection  
13 with get-out-the-vote activities. Nothing in this section  
14 shall preclude an organization from establishing and ad-  
15 ministering a separate contributory fund for any political  
16 purpose, including voter registration or get-out-the-vote  
17 drives, if all contributions, gifts, or payments to such fund  
18 are made freely and voluntarily, and are unrelated to dues,  
19 fees, or other moneys required as a condition of member-  
20 ship in such organization or as a condition of employment."

## 21 EFFECTIVE DATE

22 SEC. 9. This Act (including the repeal made by section  
23 7 of this Act and the amendment made by section 8 of this  
24 Act) shall apply with respect to elections occurring after  
25 December 31, 1971.

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**A BILL**

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To limit campaign expenditures by or on behalf of candidates for Federal elective office; to provide for more stringent reporting requirements; and for other purposes.

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By Mr. HAYS, Mr. THOMPSON of New Jersey,  
Mr. ABBETT, Mr. NEZBI, Mr. BRADENAS, and  
Mr. BINGHAM

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OCTOBER 4, 1971

Referred to the Committee on House Administration



**REPORT TO  
ACCOMPANY  
H.R. 11060**

HOUSE COMMITTEE  
ON  
HOUSE ADMINISTRATION



## FEDERAL ELECTION REFORM

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OCTOBER 13, 1971.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. HAYS, from the Committee on House Administration, submitted the following

### REPORT

together with

### SEPARATE, ADDITIONAL, SUPPLEMENTAL, AND DISSENTING VIEWS

[To accompany H.R. 11060]

The Committee on House Administration, to whom was referred the bill (H.R. 11060) to limit campaign expenditures by or on behalf of candidates for Federal elective office; to provide for more stringent reporting requirements; and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of the bill is threefold.

First, it attempts to place a realistic limit on campaign contributions and expenditures.

Second, it provides comprehensive requirements for detailed disclosures of contributions and expenditures on behalf of candidates for Federal elective office.

Third, the bill provides for effective prohibitions against violations of its provisions.

#### WHAT THE BILL DOES

Briefly, the bill places a limit on the aggregate amount of all contributions, and a separate limit on the aggregate amount of all expenditures. In each instance the limit is the greater of \$50,000 or 6 cents multiplied by the population of the State in which the election is held in the case of a primary election for President, or an election for

Senator, Representative at Large, Delegate or Resident Commissioner. Similarly, in the case of an election for the office of Representative other than Representative at Large, the same limitations apply except that the population total will be that of the Congressional District involved. The population total of the fifty States and the District of Columbia will apply in the case of a general election for the office of President, and in the case of all Presidential conventions or primaries for the office of President. With respect to Presidential primaries, it is intended that no more than the greater of \$50,000 or 6 cents times the population of a State may be expended for a Presidential primary in the State in which the election is held. In the case of Presidential conventions or Presidential primaries, the overall total of expenditures in all States may not exceed 6 cents times the total population of the fifty States and the District of Columbia.

In addition, the bill restricts a candidate from making expenditures from his personal funds, including personal funds of his immediate family under his control, on behalf of his candidacy in excess of (a) \$35,000 for the office of President or Vice President, (b) \$20,000 for the office of Senator, or (c) \$15,000 for the office of Representative, Delegate, or Resident Commissioner. The bill also restricts an individual from making contributions from his personal funds, or from personal funds of his immediate family under his control, on behalf of the candidacy of any one candidate in excess of (a) \$35,000 for the office of President or Vice President, (b) \$5,000 for the office of Senator, or (c) \$5,000 for the office of Representative, Delegate, or Resident Commissioner.

In connection with the reporting requirements on contributions and expenditures, the bill is virtually all-inclusive.

Covered under these reporting requirements is every candidate for Federal elective office, every political committee, and every person, committee, association, or group of persons who made any contributions of money or things of value, or who made any expenditures, to influence the outcome of an election. Also included are incorporated or unincorporated groups of persons, profit or nonprofit groups, including corporations and unions, and every committee or group formed by or under the auspices of a corporation or union.

The bill requires the above persons and organizations to make two reports of contributions and expenditures, the first to be filed between the tenth and fifteenth days preceding the date on which the election is held, and the second not later than 4 p.m. of the forty-fifth day after the election.

The bill also covers campaign contributions made by registered lobbyists. These must be distinctly identified by the reporting person, group, or entity, as a lobbyist, with his name, address, and contribution listed separately.

The enforcement section has been drafted to require close adherence to the various provisions of the bill. For example, persons who violate the Act and who are not candidates for Federal elective office at the time of the violation shall be fined not more than \$1,000 or imprisoned not more than one year, or both, except that in willful violations persons shall be fined not more than \$10,000 and imprisoned not more than two years. A candidate for President or Vice President who violates the Act at the time he was running for such office shall be punished by a fine of not more than \$25,000.

Other features of the bill disqualify any person from taking office as, or from becoming a candidate for, Representative or Senator who does not fully comply or violates any of its provisions. In this respect, a certificate of nomination or election may not be issued by any officer of a State to a candidate for Federal elective office (other than a candidate for President or Vice President) nor shall a candidate elected to any Federal elective office (other than President or Vice President) enter upon the performance of the duties of such office until he has fully complied with this Act. Moreover, a violation of this Act by a person who was a candidate for Federal elective office (other than President or Vice President) at the time of such violation disqualifies that person from becoming a candidate in any future election for Senator, Representative, Delegate, or Resident Commissioner for a period of five years (seven years in the case of a person who was a candidate for Senator at the time of the violation). In addition, a violator of the Act who was a candidate for Federal elective office (other than for President or Vice President) in a primary election at the time of such violation, and who wins a nomination in such election, must forfeit the nomination.

#### BACKGROUND

H.R. 8284 was introduced and considered against a background of mounting criticism of the existing Federal law regulating campaign spending in elections for Federal office.

H.R. 8284 was introduced in the House of Representatives on May 11, 1971, by Chairman Hays and Mr. Abbitt. It was then referred to the Committee on House Administration.

The Subcommittee on Elections of the Committee on House Administration held seven days of public hearings on June 22, 23, 24, July 13, 14, 15 and July 20, 1971. Immediately following the hearings on July 20, 1971, the Elections Subcommittee met in executive session and reported H.R. 8284 to the full Committee on House Administration.

The full Committee marked up the bill in executive sessions held on September 14, 16, 21, 22, 23, October 4 and 5, 1971.

On October 4, 1971, the Committee ordered the introduction of a clean bill. Chairman Hays, on October 4, 1971, introduced H.R. 11060.

The full Committee met again in executive session and, by a vote of 20 to 4, ordered the bill reported to the House without amendment.

The existing Federal law regulating campaign financing is embodied primarily in the Federal Corrupt Practices Act of 1925, as supplemented by additional provisions added to the Federal law in the decade of the 1940's. Thus, the bulk of the existing Federal campaign regulation law is almost fifty years old and even the latest additions to it are almost thirty years old.

This body of Federal law has been widely criticized, especially in recent years, by Members of Congress, by the press, and by concerned citizens speaking individually and in groups, as being a system which has not stood the test of time as a workable, effective, viable system of statutory regulation of campaign financing. It has been further criticized as embodying out-of-date remedies for today's problems in the conduct of elections for Federal office and imposing a system which is not appropriate to insure that either the needs of the electorate, or of the candidates, will be protected.

Features of the present law which have been especially singled out as being defective include the ceilings on campaign expenditures which are prescribed for candidates for congressional offices. Because they are so unrealistically low, the ceilings, it is contended, invite avoidance and disrespect for the law.

Also, the fact that the present law provides no ceilings at all for spending by candidates for presidential office makes the law seriously defective because the absence of such statutory spending ceilings tends to give a candidate with large financial resources an undue advantage over one whose resources are limited.

Witnesses at the hearings expressed the view that a system which sets no overall limits on campaign spending in Federal elections may lead to a closed, insulated, self-perpetuating system, dominated by special interests and unresponsive to the public will and which often creates the impression that only the rich can run for public office, and that a candidate can buy an election by spending large amounts of money in a campaign.

Such a situation works an inequitable hardship on the candidate who cannot compete with the resources of great wealth, but of even greater significance, it is unfair to the electorate which is entitled to have presented to it for its evaluation and judgment candidates from all walks of life and not just those persons who, because of their wealth can conduct a campaign which resorts to techniques which are more appropriate to merchandizing a product than to familiarizing the public with a candidate's qualities as a potential public official and his program for the country.

The present law is also criticized because its reporting requirements are considered to be inadequate for the purpose of keeping the electorate informed as to where political campaign money comes from and how it is spent by the candidate.

Additional criticism also has been made of the present reporting requirements because a political committee which operates in only one State, or in the District of Columbia, is not required by the existing Federal law to file any reports of its campaign activities.

The spiraling rise in campaign costs such as the computerized addressing and mailing of printed literature, the cost of television and radio time, the fees of public relations firms and poll takers, and the increased use of campaign materials and billboards have made existing Federal election laws obsolete.

Many witnesses at the hearings, citing statistics published by the Citizens Research Foundation and other organizations which have studied campaign financing, pointed out that in the last two decades alone, the spending in political campaigns has increased by more than 100 percent and that there was a 50 percent increase in just the four years between 1964 and 1968. If this upward trend in campaign spending continues, there will be increasing inequality in campaign financing and in access to public office.

Witnesses at the hearings, who cited studies by the Twentieth Century Commission on Campaign Costs and others, estimated that more than half of the money spent in congressional campaigns today is not reported to the public; that some candidates spent more than \$1 million in their campaigns without reporting it; that while the total spending in the 1968 congressional campaigns was reported at approximately \$8½ million, the actual spending was probably more

than \$50 million, and that due to escalating costs of campaigns today, a competitive race for a House seat can cost as much as \$100,000 for each of the candidates and that a Senate race with opposing candidates can cost more than \$250,000 for each candidate in a relatively small State.

In his testimony before the Subcommittee on Elections, Chairman Hays stated, "The most recent Gallup poll on the subject shows that 78 percent of the American people wanted a ceiling put on campaign expenditures."

Convinced that now is the time to take strong, affirmative action to respond to the demonstrated need to reform the Federal laws regulating campaign financing, the Subcommittee on Elections of the Committee on House Administration this year made a comprehensive study of the situation.

At these hearings, testimony was taken from Members of Congress, the Attorney General of the United States, from representatives of citizens' organizations such as Common Cause, and from those from various segments of the electorate, including businessmen, newspaper publishers and others.

The general approaches taken in the bill are to set realistic limitations both on the amount of expenditures which may be made by, or on behalf of, a candidate for Federal office and on the amount of contributions which such candidate may accept; to require detailed reporting by candidates and committees of the source and disposition of all campaign funds received and spent; to make the law applicable to all the various stages of the Federal elective process, that is, to primary elections and conventions as well as to general elections; and to impose stringent penalties on those candidates who fail to comply with the requirements of the law.

Many of the provisions of the bill which are designed to carry out these general objectives have stood the test of time in that they are similar to provisions which have been a part of the Ohio law for a number of years, but modified in the bill to adjust to the requirements of a Federal, as distinguished from a State, law. A few of the provisions of the bill are innovative and were designed to meet specific needs of a Federal law.

The bill does not specify how the candidate must apportion his spending allowance but leaves it to each candidate to determine his particular needs.

The Members of the Committee were impressed by the testimony offered by various Members of Congress who represent districts in different parts of the country. It was apparent to the Committee that candidates from different districts in different parts of the country are required to tailor their campaigns to accommodate for various factors such as geography, population, economics, ethnic background of the voters, availability or lack of availability of television facilities, living style of the constituency, whose members may live in large cities, on isolated farms or in small towns. The availability of volunteers or the necessity to hire workers is an additional factor contributing to varying campaign costs.

These factors, which may vary from district to district, necessitate some degree of flexibility in the type of campaign which is conducted. To insist that no more than a certain percentage of campaign allowance may be spent in a particular manner is to operate unfairly as to

those candidates who cannot utilize a predesignated type of campaign spending effectively. It is also manifestly unfair to the constituencies which those candidates seek to represent since it deprives the voters of communications from their candidates and from receiving information which as voters, they are entitled to receive which will acquaint them with the issues, the candidates, and their programs.

H. R. 11060, by permitting the candidates to control the spending of their campaign funds in any manner they deem best, tends to minimize the relative advantages and handicaps between incumbent and challenger.

Many of the witnesses at the hearings testified that they believed that the spending limits which were set in the present Federal law almost fifty years ago when the costs of running a political campaign were much lower are totally out-of-date and unrealistic. The maximum limit of the present Federal law for congressional office is \$25,000 for Senator and \$5,000 for Representative. No limit is set in the present law on spending for the office of President.

The Committee recognized that campaign spending limits are of critical importance. They must be low enough to prevent the rich candidate from drowning out all others and at the same time be high enough to assure each candidate sufficient funds which will provide the opportunity to present himself and his campaign fully to the voters.

The Committee intends that this bill will open the doors of Federal office to men of outstanding ability who have limited financial resources, and simultaneously to free all candidates from the pressure of political obligations which are often incurred in raising enormous funds to underwrite political campaigns.

The Committee recognized that current legitimate campaign costs require the expenditure of larger amounts of money by candidates for congressional office than was authorized in 1925, and at the same time recognized that a critical need exists for a reasonable limitation on campaign expenditures for all Federal offices.

It is the considered judgment of the Committee that the bill corrects the deficiencies in the existing Federal election laws.

#### SECTION-BY-SECTION SUMMARY OF THE BILL

##### *Section 1. Definitions*

Subsection (a) of this section contains definitions of terms used in the bill.

The term "election" is defined to mean—

- (1) a general, special, primary, or runoff election,
- (2) a convention or caucus of a political party held to nominate a candidate,
- (3) a primary election held for the selection of delegates to a national nominating convention of a political party,
- (4) a primary election held to express a preference for nomination of persons for the office of President, and
- (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States.

The term "candidate" is defined to mean an individual who seeks nomination or election to Federal elective office, whether or not he

is elected. This definition also provides that an individual shall be deemed to seek nomination or election if he has—

(1) taken necessary action under State law to qualify for nomination or election, or

(2) made expenditures or received contributions (or given his consent for another person to make expenditures or receive contributions) in order to bring about his nomination or election.

The term "Federal elective office" is defined to mean the office of President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress. This definition also includes the office of Vice President except as otherwise provided in sections 2(c)(2), 3(b), and 4(d). The sections referred to provide that certain expenditures or contributions by or to a candidate for that office shall be treated as expenditures or contributions by or to a candidate for the office of President with whom he is running.

The term "presidential convention or primary" is defined to mean—

(1) an election held to express a preference for candidates for nomination for the office of President,

(2) a convention which participates in the selection of a candidate for the office of President, or

(3) an election to select delegates to any such convention.

The term "political committee" is defined to include any committee, association, or organization which makes expenditures or accepts contributions in order to influence or attempt to influence the election of one or more candidates for Federal elective office.

The term "contribution" is defined to include a gift, subscription, loan, advance, or deposit, of money, or property or services of significant value. The definition provides that a contribution also includes a contract, promise, or agreement to make a contribution, whether or not legally enforceable. The definition further provides that a bona fide loan of money by a national or State bank made in the ordinary course of business and in accordance with applicable banking laws and regulations is not included within the meaning of the term "contribution".

The term "expenditure" is defined to include a payment, distribution, loan, advance, deposit, or gift of money, or property or services of significant value. The definition provides that an expenditure also includes a contract, promise, or agreement to make an expenditure, whether or not legally enforceable.

The term "supervisory officer" is defined to mean—

(1) the Secretary of the Senate with respect to candidates for Senator,

(2) the Clerk of the House of Representatives with respect to candidates for Representative, and

(3) the Comptroller General in any other case.

The term "State" is defined to include the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States. This definition does not apply when the term "State" is used in section 2(b)(2)(C). That section provides, in effect, that in determining the expenditure limitation applicable in the case of a general election for the office of President, and in the case of all presidential conventions and primaries, only the population of the fifty States and the District of Columbia shall be taken into consideration.

Subsection (b) of this section contains further clarification of the terms "contribution" and "expenditure".

Paragraph (1) of this subsection provides that, as used in the definitions of the terms "contribution" and "expenditure", the phrase "money, or property or services of significant value" includes money in any amount and other property or services in excess of \$25 in value.

Paragraph (2) of this subsection provides that the terms "contribution" and "expenditure" shall not include—

(1) the rendering of personal services for which no compensation is paid to the individual rendering such services, or

(2) an individual permitting a political committee or a candidate to use the individual's nonbusiness property or his non-business telephone (not including toll calls) or similar service.

*Section 2. Expenditure Limitations for Candidates for Federal Elective Office*

Subsection (a) of this section provides that the total amount of expenditures by any candidate for Federal elective office may not exceed the limitation determined under subsection (b) of this section with respect to—

(1) any general election,

(2) each primary or primary runoff election held to select candidates for Senator, Representative, Delegate, or Resident Commissioner,

(3) each primary election held to express a preference for nomination to the office of President or to select delegates to a national nominating convention of a political party held to select a candidate for such office, and

(4) all presidential conventions or primaries.

Normal living expenses and other personal expenses incurred by a candidate, which would have been incurred by him if he were not a candidate, are not intended to be included within the limitation on expenditures by candidates provided for in this subsection.

Subsection (b) of this section provides that the aggregate limitation on expenditures applicable to any election for Federal elective office is the greater of \$50,000, or—

(1) 6 cents times the population of the State in which the election is held in the case of a primary election for President or any election for Senator, Representative at Large, Delegate, or Resident Commissioner;

(2) 6 cents times the population of the congressional district, in the case of an election for the office of Representative (other than Representative at Large);

(3) 6 cents times the population of the fifty States and the District of Columbia in the case of a general election for President and also in the case of all Presidential conventions or primaries.

This subsection also provides that population is to be determined on the basis of the decennial census under which Representatives were apportioned to the Congress for which the election is held. In the case of a Presidential election, population will be determined on the basis of the decennial census under which Representatives were apportioned to the Congress which forms the basis for allocating electoral votes to the States in that election.

Subsection (c) of this section contains clarification of what constitutes expenditures.

Paragraph (1) of this subsection provides that an expenditure will be regarded as made on behalf of a candidate if made at his direction or request, or with his consent or the consent of any political committee supporting his election or agent thereof.

Paragraph (2) of this subsection provides that expenditures made on behalf of a candidate for Vice President in a general election shall be deemed to have been made by the candidate for the office of President with whom he is running.

*Section 3. Limitations on Contributions Accepted by Candidates for Federal Elective Office*

Subsection (a) of this section provides for limitations on the aggregate amount of contributions which may be accepted by a candidate for Federal elective office (and by all political committees authorized to accept contributions on his behalf) for the purpose of influencing the outcome of an election for Federal elective office. Such contributions may not exceed the limitations determined under section 2(b), relating to the limitations on aggregate expenditures by candidates for Federal elective office. The limitations provided for under this subsection apply in the case of contributions accepted for use in—

- (1) any general election,
- (2) any primary or primary runoff held to select candidates for Senator, Representative, Delegate, or Resident Commissioner, and
- (3) all presidential conventions and primaries.

Subsection (b) of this section provides that contributions accepted by or on behalf of a candidate for Vice President in a general election shall be deemed to have been accepted by the candidate for the office of President with whom he is running.

*Section 4. Limitations on Certain Expenditures by Candidates and Certain Contributions by Individuals*

Subsection (a) of this section limits the expenditures a candidate may make from his personal funds (including expenditures from the personal funds of his immediate family under his control) on behalf of his candidacy for nomination or election to Federal elective office. Such expenditures may not exceed—

- (1) \$35,000 in the case of a candidate for President or Vice President;
- (2) \$20,000 in the case of a candidate for Senator; or
- (3) \$15,000 in the case of a candidate for Representative, Delegate, or Resident Commissioner.

Subsection (b) of this section limits the amount of contributions an individual may make, in any calendar year, from his personal funds (including contributions from the personal funds of his immediate family under his control) on behalf of any one candidate for nomination or election to Federal elective office. Such contributions may not exceed—

- (1) \$35,000 in the case of a candidate for President or Vice President;
- (2) \$5,000 in the case of a candidate for Senator; or
- (3) \$5,000 in the case of a candidate for Representative, Delegate, or Resident Commissioner.

Subsection (c) of this section defines the term "immediate family" to mean a spouse, and any child, parent, grandparent, brother, or sister and the spouse of any of them.

Subsection (d) of this section provides that contributions made on behalf of a candidate for Vice President in a general election shall be deemed to be contributions on behalf of the candidate for the office of President with whom he is running.

*Section 5. Reporting of Expenditures and Contributions*

Subsection (a) of this section requires every candidate for Federal elective office, every political committee, and every person, committee, association, or group of persons (including corporations and unions and every committee or group formed by corporations or unions) to file sworn statements setting forth in detail any money or things of value received or expended, directly or indirectly, for the purpose of influencing or attempting to influence the outcome of any election for Federal elective office. The reporting requirements imposed by this subsection on corporations and unions (including groups formed by them) does not in any way affect the prohibitions against political contributions by corporations or unions imposed by section 610 of title 18, United States Code. The first such statement is required to be filed between the tenth and fifteenth days before the date on which the election is held and another statement is required to be filed not later than 4 p.m. of the 45th day after the election. Each such statement must contain, among other things, the following information:

(1) The full name and address of the person filing the statement; if a committee, association, or group of persons, the name and address of the chairman or treasurer.

(2) The full name and address of the candidate.

(3) The date of the election and whether it was a general, primary, or special election.

(4) A statement of the money or things of value received, including—

(A) the date of receipt;

(B) the full name of the person from whom received; if received from a committee, association, or group of persons, the full name of the chairman or treasurer;

(C) the address of the person from whom received (except that this requirement does not apply to a statement filed by a State or local committee of a political party or its finance committee); the address of the chairman or treasurer if received from a committee, association, or group of persons;

(D) a description of what was received, whether money or things of value; and

(E) the dollar value of the money or things of value received.

(5) A statement of expenditures, including—

(A) the date of the expenditure;

(B) the full name and address of the person to whom the expenditure was made; if a committee, association, or group of persons, the name and address of the chairman or treasurer; and

(C) the amount and purpose of each expenditure.

Each statement must be signed in the presence of an officer authorized to administer oaths by the person completing the form. All receipts and

expenditures must be itemized separately except a receipt of \$25 or less in money or things of value from an individual contributor at a social or fund-raising activity. The total receipts from each such activity must be listed separately, together with expenses in connection therewith. Persons registered under the Federal Regulation of Lobbying Act must be identified as lobbyists with full names and addresses and their contributions listed separately. Each statement must be cumulative during the calendar year to which it relates. If there has been no change in a previously reported item only the amount must be carried forward, except that the statement filed not later than the 45th day after the election must cover the preceding calendar year.

Subsection (b) of this section requires that statements filed by a political committee receiving contributions or making expenditures for more than one candidate must include the names and addresses of all such candidates and the date and nature of all corresponding elections. Such statements must also set forth—

(1) the name of the candidate for whom each expenditure was made;

(2) a breakdown showing the amount to be allocated to each candidate in the case of expenditures made in behalf of more than one candidate; and

(3) the total amount expended for each such candidate.

Subsection (c) of this section contains several provisions relating to the form, content, and filing of required statements.

Paragraph (1) of this subsection provides that any candidate who did not receive or expend any money or things of value in connection with any election in which he was a candidate for Federal elective office shall file a sworn statement to that effect not later than 4 p.m. of the 45th day after the election.

Paragraph (2) of this subsection provides that individuals (other than candidates) who make contributions which must be accounted for by others are not required to file a statement.

Paragraph (3) of this subsection requires that any statement filed under this section must set forth unpaid debts or obligations incurred in connection with any election for which the statement is filed. Such statement must also specify any balance remaining in the hands of the accounting person and the disposition intended to be made of such balance.

Paragraph (4) of this subsection requires the supervisory officer to prepare and furnish to candidates, without charge, a form for filing required statements.

Paragraph (5) of this subsection provides that any individual (other than a candidate) who has made a reportable expenditure for or on behalf of any candidate, committee, or association may, instead of filing a separate statement, attach his statement to the statement filed by such candidate, committee, or association.

Paragraph (6) of this subsection provides that if any money or thing of value was received from a candidate, political committee, or association, to be spent for or against any candidate for Federal elective office, the statement filed must be accompanied by an account setting forth in detail when, where, to whom, for what purpose, and in what sum such amounts were expended.

Paragraph (7) of this subsection requires every committee, association, or group of persons required to file a report under this section to

appoint a treasurer and furnish the supervisory officer his full name and address. The treasurer is required to keep a strict account of all moneys, from whom received, and the purpose for which expended.

Paragraph (8) of this subsection requires that every reportable payment in excess of \$25 must be vouched for by a receipted bill which states the purpose of the expenditure. Such receipted bill must be filed with the statement of expenditures.

Paragraph (9) of this subsection requires the supervisory officer to issue a receipt for each statement filed by a candidate or a committee and preserve a copy of such receipt for at least six years.

Paragraph (10) of this subsection provides that all statements must be open to public inspection in the office of the supervisory officer, and must be preserved for a period at least equal to the duration of the term of office for which the candidate was seeking nomination or election.

Subsection (d) of this section provides that the voluntary contribution of time by a person to a candidate or issue shall not be considered "a thing of value" unless such person is paid by another for such contribution of time.

Subsection (e) of this section requires that each statement be filed with the supervisory officer. It further requires the supervisory officer to notify every candidate of the requirements of this section on or before the twentieth day preceding any election for which statements are required to be filed. Such notification must be made by certified mail with return receipt requested.

#### *Section 6. Enforcement*

Subsection (a) of this section imposes certain duties on the supervisory officer.

Paragraph (1) of subsection (a) requires the supervisory officer to examine all statements filed under this legislation for compliance with sections 2, 3, 4, and 5. Section 2 deals with expenditure limitations for candidates. Section 3 deals with limitations on contributions accepted by candidates. Section 4 deals with limitations on expenditures by a candidate from his personal funds and contributions by an individual from his personal funds. Section 5 deals with reporting of expenditures and contributions.

Paragraph (2) of subsection (a) requires the supervisory officer to publish promptly in the Federal Register notice of a failure to file a statement and notice of any apparent violation disclosed by a statement filed under this legislation.

Subsection (b) of this section provides for a fine of not more than \$25,000 for any person who violates this legislation and who is a candidate for President or Vice President at the time of the violation.

Subsection (c) of this section contains several enforcement provisions applicable to any candidate for Federal elective office (other than a candidate for President or Vice President).

The first sentence of this subsection provides that no certificate of nomination or election may be issued to a candidate (other than a candidate for President or Vice President), and that no candidate elected to a Federal elective office (other than President or Vice President) may enter upon the performance of the duties of such office, until such candidate has fully complied with this legislation.

The second sentence of this subsection provides that any violation of this legislation by a person who, at the time of the violation, was a

candidate for Federal elective office (other than President or Vice President) will disqualify such person from becoming a candidate for Senator, Representative, Delegate, or Resident Commissioner for a period of five years (seven years in the case of a person who was a candidate for Senator at the time of the violation).

The last sentence of this subsection provides that any candidate who violates this legislation, who was a candidate in a primary election for Federal elective office (other than President or Vice President) at the time of such violation and who wins a nomination in such election, will forfeit such nomination. It further provides that the vacancy so created may be filled as if such candidate had withdrawn.

Subsection (d) of this section provides for a fine of not more than \$1,000 or imprisonment for not more than one year for any person who violates this legislation and was not a candidate for Federal elective office at the time of the violation. However, in the case of a willful violation, the penalty is increased to a fine of not more than \$10,000 and imprisonment for not more than two years.

*Section 7. Repeal of Federal Corrupt Practices Act, 1925*

This section repeals the Federal Corrupt Practices Act, 1925.

*Section 8. Amendment to title 18, United States Code*

This section adds a new paragraph to section 610 of title 18 of the United States Code, relating to prohibitions against political contributions or expenditures by national banks, corporations, or labor organizations. The new paragraph provides that, as used in section 610, the phrase "contribution or expenditure" includes any direct or indirect payment, distribution, loan, advance, deposit, or gift, of money, or any services, or anything of value to any candidate, committee, or political party or organization, in connection with any election to any of the offices referred to in such section 610 (including any expenditure in connection with get-out-the-vote activities). The offices referred to in such section 610 includes presidential and vice presidential electors, Senator, Representative, Delegate, and Resident Commissioner.

The new paragraph further provides that nothing in section 610 shall preclude an organization from establishing a separate contributory fund for any political purpose (including voter registration or get-out-the-vote drives) if all contributions or payments thereto are made voluntarily and are not related to dues or fees required as a condition of membership in such organization or as a condition of employment.

*Section 9. Effective Date*

This section provides that this legislation (including the repeal of the Federal Corrupt Practices Act, 1925, and the amendment to section 610 of title 18, United States Code) shall apply with respect to elections occurring after December 31, 1971.

**CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED**

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

## FEDERAL CORRUPT PRACTICES ACT, 1925

### 【TITLE III.—FEDERAL CORRUPT PRACTICES ACT, 1925

【SEC. 301. This title may be cited as the “Federal Corrupt Practices Act, 1925.”

【SEC. 302. When used in this title—

【(a) The term “election” includes a general or special election, and, in the case of a Resident Commissioner from the Philippine Islands, an election by the Philippine Legislature, but does not include a primary election or convention of a political party;

【(b) The term “candidate” means an individual whose name is presented at an election for election as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected;

【(c) The term “political committee” includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors (1) in two or more States, or (2) whether or not in more than one State if such committee, association, or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization;

【(d) The term “contribution” includes a gift, subscription, loan, advance, or deposit, of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution;

【(e) The term “expenditure” includes a payment, distribution, loan, advance, deposit, or gift, of money, or any thing of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure;

【(f) The term “person” includes an individual, partnership, committee, association, corporation, and any other organization or group of persons;

【(g) The term “Clerk” means the Clerk of the House of Representatives of the United States.

【(h) The term “Secretary” means the Secretary of the Senate of the United States;

【(i) The term “State” includes Territory and possession of the United States.

【SEC. 303. (a) Every political committee shall have a chairman and a treasurer. No contribution shall be accepted, and no expenditure made, by or on behalf of a political committee for the purpose of influencing an election until such chairman and treasurer have been chosen.

【(b) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

【(1) All contributions made to or for such committee;

【(2) The name and address of every person making any such contribution, and the date thereof;

【(3) All expenditures made by or on behalf of such committee; and

【(4) The name and address of every person to whom any such expenditure is made, and the date thereof.

[(c) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure by or on behalf of a political committee exceeding \$10 in amount. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items.

[SEC. 304. Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the name and address of the person making such contribution, and the date on which received.

[SEC. 305. (a) The treasurer of a political committee shall file with the Clerk between the 1st and 10th days of March, June, and September, in each year, and also between the 10th and 15th days, and on the 5th day, next preceding the date on which a general election is to be held, at which candidates are to be elected in two or more States, and also on the 1st day of January, a statement containing, complete as of the day next preceding the date of filing—

[(1) The name and address of each person who has made a contribution to or for such committee in one or more items of the aggregate amount or value, within the calendar year, of \$100 or more, together with the amount and date of such contribution;

[(2) The total sum of the contributions made to or for such committee during the calendar year and not stated under paragraph (1);

[(3) The total sum of all contributions made to or for such committee during the calendar year;

[(4) The name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of \$10 or more has been made by or on behalf of such committee, and the amount, date, and purpose of such expenditure;

[(5) The total sum of all expenditures made by or on behalf of such committee during the calendar year and not stated under paragraph (4);

[(6) The total sum of expenditures made by or on behalf of such committee during the calendar year.

[(b) The statements required to be filed by subdivision (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

[(c) The statement filed on the 1st day of January shall cover the preceding calendar year.

[SEC. 306. Every person (other than a political committee) who makes an expenditure in one or more items, other than by contribution to a political committee, aggregating \$50 or more within a calendar year for the purpose of influencing in two or more States the election of candidates, shall file with the Clerk an itemized detailed statement of such expenditure in the same manner as required of the treasurer of a political committee by section 305.

[SEC. 307. (a) Every candidate for Senator shall file with the Secretary and every candidate for Representative, Delegate, or Resident Commissioner shall file with the Clerk not less than ten nor more than fifteen days before, and also within thirty days after, the

date on which an election is to be held, a statement containing, complete as of the day next preceding the date of filing—

[(1) A correct and itemized account of each contribution received by him or by any person for him with his knowledge or consent, from any source, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person who has made such contribution;

[(2) A correct and itemized account of each expenditure made by him or by any person for him with his knowledge or consent, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person to whom such expenditure was made; except that only the total sum of expenditures for items specified in subdivision (c) of section 309 need be stated;

[(3) A statement of every promise or pledge made by him or by any person for him with his consent, prior to the closing of the polls on the day of the election, relative to the appointment or recommendation for appointment of any person to any public or private position or employment for the purpose of procuring support in his candidacy, and the name, address, and occupation of every person to whom any such promise or pledge has been made, together with the description of any such position. If no such promise or pledge has been made, that fact shall be specifically stated.

[(b) The statements required to be filed by subdivision (a) shall be cumulative, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

[(c) Every candidate shall inclose with his first statement a report, based upon the records of the proper State official, stating the total number of votes cast for all candidates for the office which the candidate seeks, at the general election next preceding the election at which he is a candidate.

[SEC. 308. A statement required by this title to be filed by a candidate or treasurer of a political committee or other person with the Clerk or Secretary, as the case may be—

[(a) Shall be verified by the oath or affirmation of the person filing such statement, taken before any officer authorized to administer oaths;

[(b) Shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the Clerk or Secretary at Washington, District of Columbia, but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the Clerk or Secretary of its nonreceipt;

[(c) Shall be preserved by the Clerk or Secretary for a period of two years from the date of filing, shall constitute a part of the public records of his office, and shall be open to public inspection.

[SEC. 309. (a) A candidate, in his campaign for election, shall not make expenditures in excess of the amount which he may lawfully make under the laws of the State in which he is a candidate, nor in excess of the amount which he may lawfully make under the provisions of this title.

[(b) Unless the laws of his State prescribe a less amount as the maximum limit of campaign expenditures, a candidate may make expenditures up to—

[(1) The sum of \$10,000 if a candidate for Senator, or the sum of \$2,500 if a candidate for Representative, Delegate, or Resident Commissioner; or

[(2) An amount equal to the amount obtained by multiplying three cents by the total number of votes cast at the last general election for all candidates for the office which the candidate seeks, but in no event exceeding \$25,000 if a candidate for Senator or \$5,000 if a candidate for Representative, Delegate, or Resident Commissioner.

[(c) Money expended by a candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or expended for his necessary personal, traveling, or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on billboards or in newspapers), for distributing letters, circulars, or posters, or for telegraph or telephone service, shall not be included in determining whether his expenditures have exceeded the sum fixed by paragraph (1) or (2) of subdivision (b) as the limit of campaign expenses of a candidate.

**(Note.—Sections 310 thru 313 were repealed by Public Law 772, 80th Congress.)**

[Sec. 314. (a) Any person who violates any of the foregoing provisions of this title, except those for which a specific penalty is imposed by sections 312 and 313, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

[(b) Any person who willfully violates any of the foregoing provisions of this title, except those for which a specific penalty is imposed by sections 312 and 313, shall be fined not more than \$10,000 and imprisoned not more than two years.

[Sec. 315. This title shall not limit or affect the right of any person to make expenditures for proper legal expenses in contesting the results of an election.

[Sec. 316. This title shall not be construed to annul the laws of any State relating to the nomination or election of candidates, unless directly inconsistent with the provisions of this title, or to exempt any candidate from complying with such State laws.

[Sec. 317. If any provision of this title or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

[Sec. 318. The following Acts and parts of Acts are hereby repealed: The Act entitled "An Act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," approved June 25, 1910 (chapter 392, Thirty-sixth Statutes, page 822), and the Acts amendatory thereof, approved August 19, 1911 (chapter 33, Thirty-seventh Statutes, page 25), and August 23, 1912 (chapter 349, Thirty-seventh Statutes, page 360); the Act entitled "An Act to prevent corrupt practices in the election of Senators, Representatives, or Delegates in Congress," approved October 16, 1918 (chapter 187, Fortieth Statutes, page

1013); and section 83 of the Criminal Code of the United States, approved March 4, 1909 (chapter 321, Thirty-fifth Statutes, page 1088).

**[SEC. 319.** This title shall take effect thirty days after its enactment.]

## TITLE 18, UNITED STATES CODE

\* \* \* \* \*

### Chapter 29.—ELECTIONS AND POLITICAL ACTIVITIES

\* \* \* \* \*

#### § 591. Definitions.

When used in sections 597, 599, 602, 609, and 610 of this title—

The term "election" includes a general or special election, but does not include a primary election or convention of a political party;

The term "candidate" means an individual whose name is presented for election as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected;

The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors (1) in two or more States, or (2) whether or not in more than one State if such committee, association, or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association or organization;

The term "contribution" includes a gift, subscription loan, advance, or deposit, of money, or anything of value, and includes a contract, promise, or agreement to make a contribution, whether or not legally enforceable;

The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift, of money, or anything of value, and includes a contract, promise, or agreement to make an expenditure, whether or not legally enforceable;

The term "person" or the term "whoever" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons;

The term "State" includes the District of Columbia and Territory and possession of the United States.

\* \* \* \* \*

#### § 610. Contributions or expenditures by national banks, corporations or labor organizations.

It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization to make a contribution or expenditure in connection with any election at which Presidential

and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section.

Every corporation or labor organization which makes any contribution or expenditure in violation of this section shall be fined not more than \$5,000; and every officer or director of any corporation, or officer of any labor organization, who consents to any contribution or expenditure by the corporation or labor organization, as the case may be, and any person who accepts or receives any contribution, in violation of this section, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if the violation was willful, shall be fined not more than \$10,000 or imprisoned not more than two years, or both.

For the purposes of this section "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exist for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

*As used in this section, the phrase "contribution or expenditure" shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift, of money, or any services, or anything of value to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section, including any expenditure in connection with get-out-the-vote activities. Nothing in this section shall preclude an organization from establishing and administering a separate contributory fund for any political purpose, including voter registration or get-out-the-vote drives, if all contributions, gifts, or payments to such fund are made freely and voluntarily, and are unrelated to dues, fees, or other moneys required as a condition of membership in such organization or as a condition of employment.*

## SEPARATE VIEWS

H.R. 11060 represents a tremendous improvement over the present unworkable, unrealistic and incomplete provisions for the disclosure and regulation of campaign financing.

However, H.R. 11060 in our view needs strengthening in several respects, and amendments to that end will be offered when the bill reaches the floor of the House.

Notably, we believe it is a mistake to make the Clerk of the House the "supervisory officer" for Congressional campaigns and the Secretary of the Senate the "supervisory officer" for Senatorial campaigns.

The bill passed by the Senate (S. 382) provides for an independent Electoral Commission. However, the idea of such a commission received scant support in the House Administration Committee and may be unacceptable to the House as a whole.

We believe that a satisfactory compromise would be to make the Comptroller General the supervisory officer for all federal elections (not just the Presidential elections). This will give the responsibility to an official who is independent and will assure uniformity in the interpretation of the new law. Under H.R. 11060 the same provision might be interpreted three different ways by the three different supervisory officers.

H.R. 11060 is also deficient in our view in that it eliminates the provision of the present law requiring political committees to report contributions and expenditures quarterly, and would require such committees to report only 10 to 15 days before an election and 45 days thereafter.

We believe the public is entitled to know of the ongoing activities of continuing political committees. They should be required to report in March, June and September so long as they are receiving contributions or making expenditures. Of course if a political committee is dissolved and so reports, no further reports should be required of it.

JONATHAN B. BINGHAM.  
LUCIEN N. NEDZI.  
AUGUSTUS F. HAWKINS.

(20)

## ADDITIONAL VIEWS

The undersigned Members of the Committee on House Administration are thoroughly committed to the principle that enactment of meaningful and effective Federal election laws at this time is of vital importance. It has long been conceded that the major laws now on the books to regulate Federal elections are completely outmoded and are incapable of doing the job for which they were intended.

We do, however, have various concerns about this election reform bill, H.R. 11060. We believe that we must approach the task of enacting new election legislation with a full appreciation of modern campaign needs and realities. The election process should not be encumbered with arbitrary, unrealistic restrictions. Nor should we under the guise of enacting election reform legislation produce what would amount to an incumbent's bill in the sense that it would have the effect of helping to maintain in office those who are presently there. Every caution must be exercised to preserve constitutionally guaranteed freedoms and rights. Maintaining a free and open election system goes to the very essence of those freedoms and rights. These in brief are some of the considerations and questions about which our primary concerns about the bill revolve.

We subscribe to the concept that reasonable limits on spending in campaigns could have a salutary effect. But what is a reasonable spending limit? One of the things that is so obvious from the Committee's hearings on this subject is that we simply do not have sufficient information available on the cost of campaigns on which to attempt to establish realistic spending limitations. How can spending limitations be logically established in the absence of reliable data or guidelines from previous campaigns on which to base limitations?

Not only is there a lack of information, but it was also clearly evident during the hearings that there is no overall consensus or meeting of the minds as to what we might set as limitations. States and Congressional districts differ greatly geographically and in economic, social, communications, and other factors. Campaign conditions, requirements, and costs thus vary greatly in different parts of simply the country. There is no magic formula with which to gauge what is a proper amount to spend for campaigns. Placing a limitation on total campaign spending thus amounts to a classic case of legislating in the dark.

Limitations such as contained in the bill also contribute significantly toward making this what might be called an incumbent's bill. Every political new-comer is confronted with the difficult problem of establishing name identification and issue identification with the voters. In the race against an incumbent he already faces an up-hill battle. If his attempts to communicate with voters are limited by an artificial and arbitrary formula he may well be facing an impossible task. Freedom in America is not well served by laws which represent serious obstacles to participation in the election processor to the opportunity to seek and hold public office.

It is our opinion that the real crux of election reform is full and complete disclosure of campaign financing. If the voters know how much a candidate is spending and the sources of his funds they will be able to judge for themselves on the basis of these facts. Excessive spending or other campaign activities which give rise to question will be self-defeating at the ballot box.

In order for an election law to serve the purpose of informing the public, and in so doing placing the restraints of an informed public on campaigns and elections, it is of course essential that the law be effectively administered. The bill provides that reports by candidates and committees be filed with the General Accounting Office in the case of Presidential election campaigns and with the Clerk of the House and the Secretary of the Senate in the case of campaigns for the House of Representatives and the Senate, respectively. The idea of a Federal Elections Commission was voted down in Committee. Continuing the office of the Clerk of the House and Secretary of the Senate as the offices to receive Congressional campaign information and disseminate it to the public represents, we feel, what at best seems to amount to a resignation to the idea that it is sufficient for these tasks to be performed in what in all probability will be a less than acceptable manner. We say this because, unfortunately, based on past experiences there seems to be little basis for any hope that in-House offices such as the Clerk and the Secretary, which are actually created for other purposes and which are filled on the basis of partisan elections, can be expected to perform the job in a manner to which the public is entitled.

There are aspects of H.R. 11060 which raise questions as to their constitutionality. One of these is a provision in the enforcement section of the bill which has as its purpose the denial of the right to hold office, or to run for office for a number of years, by individuals deemed violators of its provisions.

Section 6(c) would provide that no certificate of nomination or election shall be issued by a state officer to any candidate for Federal elective office, other than candidates for President or Vice President, and that such elected candidate would not be permitted to begin performing his duties until the candidate has fully complied with the Act. Also, any person who violates the Act while a candidate for such Federal office would be disqualified from becoming a candidate for Senator or Representative for a five year period. The disqualification would be for seven years if the violator was a candidate for Senator at the time of the violation. It provides for forfeiture of the nomination of a candidate for such Federal office who violates the Act while he is a primary candidate.

It seems to us that this section is of doubtful constitutionality. Article I, section 2, clause 2 of the Constitution sets forth the sole qualification for Representatives, and Article I, section 3, clause 3 sets forth the sole qualifications for Members of the United States Senate. Congress has no power to add to those qualifications. As was said by the Supreme Court in *Powell v. McCormack*, 395 U.S. 486, 522 (1969), "the Constitution leaves the House (or the Senate) without authority to *exclude* any person, duly elected by his constituents, who meet all the requirements for membership expressly prescribed in the Constitution."

It is true under the provisions of Article I, section 5, clause 1 of the Constitution that each House is the judge of the elections, returns,

and qualifications of its Members. This does not mean, however, that either House or the Congress as a whole has authority to *add* to the qualifications prescribed by the Constitution for the office of Representative or Senator, or to prevent a successful candidate from being seated who has qualifications. Yet this is the net effect of section 6(c). We therefore believe it is unconstitutional.

Section 4 of the bill limits expenditures from a candidate's personal funds and contributions to a candidate from his supporters. First of all, such limitations should be unnecessary—*provided* we have full, timely disclosure to the public of campaign financing. We think American voters are fully capable of safeguarding the integrity of the election process if they have the facts.

Beyond that, an objection to Section 4 is that it may be unconstitutional because it is, after all, a limitation on a key form of free speech—political expression. In his testimony on election reform before the Senate Commerce Committee earlier this year, Professor Ralph Winter of Yale Law School said:

In all of the debate surrounding the first amendment, one thing is agreed upon by everyone. No matter what else the rights of free speech and association do, they protect explicit peaceful political activity from regulation by the Government. But the legislation under consideration openly sets a maximum on the political activity in which persons may engage.

Such a law is indistinguishable from laws forbidding people from engaging in other kinds of political activity. A law forbidding someone from spending more than a certain amount cannot be distinguished from a law forbidding speeches of over 10 minutes in public parks.

In his appearance before the Subcommittee on Elections of this Committee, Deputy Attorney General Richard Kleindienst agreed that there "are obvious First Amendment implications in restricting political expression, even when the Congressional purpose is to purify the election process."

Also, it appears that, as a practical matter, limitations on campaign contributions are often unenforceable. In his testimony, Mr. Kleindienst indicated:

Our final objection to restrictions on campaign contributions is that they are virtually impossible to enforce. Funds are solicited not only by candidates but by a seemingly endless array of committees, some of which support slates of candidates. A person who contributed to several such committees might violate the restriction unintentionally. On the other hand, intentional violations could easily be made to appear inadvertent. A proscription of this type would be a sham, just as is Section 608 of Title 17 in existing law. We strongly recommend against the adoption of such a provision.

Turning to another section of the bill, we do note with approval the fact that the Committee approved for inclusion a provision, which is discussed in more detail in separate views by its author, to help strengthen section 610 of Title 18, the purpose of which is to prohibit

political contributions and expenditures by national banks, corporations, and labor organizations. In brief, the purpose of the amendment, which unfortunately was somewhat watered down before being accepted by the Committee, is to strengthen the prohibitions on the use for political purposes of money raised involuntarily by such entities as dues or fees.

In conclusion, we set forth these additional views about this bill solely because of our interest in seeing that the Congress comes squarely to grips with the problem of enacting needed legislation in this vital area. And in spite of our reservations about the bill, it seems fair to say that the mere fact that an election measure has been reported by the Committee is in itself encouraging because the needs in this area for too long have gone ignored and unattended. We hope this action turns out to be a meaningful indicator that before the conclusion of this session Congress can reach agreement on a bill to deal with Federal elections in an equitable and reasonable way.

SAMUEL L. DEVINE.  
WM. L. DICKINSON.  
FRED SCHWENGEL.  
JAMES HARVEY.  
ORVAL HANSEN.  
JOHN H. WARE.  
VICTOR V. VEYSEY.  
BILL FRENZEL.

## ADDITIONAL VIEWS OF MR. DEVINE

Abuse of credit privileges extended in connection with political campaigns by industries regulated by the Federal government represents a serious problem area. I regret that the Committee has not acted to include a provision in this bill, H.R. 11060, aimed at dealing with the problem.

Reports indicate that debts amounting to many hundreds of thousands of dollars run up in campaigns for such items as air transportation and telephone and telegraph services remain unpaid. In some cases, it is reported, debts have been written off as completely uncollectable. In other cases they have been negotiated and companies have settled for a fraction of the debt.

The result is that such industries are in effect contributing to campaigns. Political contributions by corporations are illegal under the law, so they are doing indirectly what they are forbidden to do directly.

Recently I wrote a letter to the Chairman of the Elections Subcommittee of the House Administration Committee discussing the problem of unpaid airline fares and requested that this matter be looked into in connection with our consideration of election reform legislation.

Following is the text of that letter:

AUGUST 18, 1971.

HON. WATKINS M. ABBITT,  
*Chairman, Subcommittee on Elections,*  
*Washington, D.C.*

DEAR MR. CHAIRMAN: When Congress reconvenes following the recess period, we will resume the consideration of election reform legislation, including the recently enacted Senate bill.

In this overall problem, I think it is of prime importance that major loopholes be closed relative to what might be properly called "contributions by indirection". By this, I make reference to the practice of "write-offs" by corporations which are already prohibited from making political contributions.

For example, American Airlines, as of April 30, 1971, was carrying campaign debts incurred by candidates for Federal office from 1962 as follows:

|                                            |            |
|--------------------------------------------|------------|
| National Democratic Committee.....         | \$426, 833 |
| Republican National Finance Committee..... | 151, 871   |
| Richard M. Nixon.....                      | 69, 376    |
| Hubert H. Humphrey.....                    | 138, 762   |
| Robert F. Kennedy.....                     | 415, 120   |
| McCarthy for President.....                | 135, 872   |

It is my understanding none of these obligations were either written off or settled to date.

United Airlines, as of April 30, 1971, shows:

|                                                                 |               |
|-----------------------------------------------------------------|---------------|
| Nixon-Agnew campaign.....                                       | \$75, 107. 55 |
| Humphrey-Muskie campaign.....                                   | 79, 083. 65   |
| Democratic National Committee (Robert F. Kennedy obligation)... | 12, 651. 97   |

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Further, United had \$1,213.66 freight charges incurred by Eugene McCarthy supporters. This was settled for half, with \$606.83 written off.

The McCarthy National Headquarters incurred \$34,386.03 with United during the period of May through September 1968. \$5000 was paid by National Headquarters, plus \$425.00. Litigation for the balance of \$28,961.03 was settled for \$22,500.

Eastern Airlines shows a balance due from the Democratic National Committee (Humphrey, Muskie) of \$208,867.12, and Republican National Committee \$112,823.44. Eastern says, "In keeping with accepted practices, the Democratic National Committee receivable was written off at the year-end 1969. However, the account remains under active collection procedures."

TransWorld Airlines report outstanding campaign debts of:

|                                    |                |
|------------------------------------|----------------|
| United Democrats for Humphrey..... | \$221, 519. 55 |
| Humphrey charter.....              | 25, 091. 04    |
| Republican National Committee..... | 13, 196. 05    |

TWA wrote off \$6,867.36 debt on February 24, 1969, incurred by McCarthy for President, and listed a total debt of \$16,352.36 with a negotiated settlement on November 4, 1968 of \$9,485.00.

Continental Airlines report a write off of \$4,497.96 on a Charter Flight debt of McCarthy for President of \$8,997.96.

Piedmont, Western, Aspen Airways, and Johnson Flying Service also show unpaid campaign debts of the Democratic National Committee, Robert F. Kennedy campaign incurred by Senator Ted Kennedy, and a Mr. Burke, with some write-offs.

It seems to me, Mr. Chairman, when we are considering limitations on campaign expenditures, we just cannot afford to give lip-service to election reform on the one hand, and permit campaign obligations, which amount to contributions, to be swept under the rug. Perhaps the Subcommittee should call in some of these Airlines with a view of possibly referring the matter to the Justice Department.

Sincerely,

SAMUEL L. DEVINE,  
*Member of Congress.*

A possible approach is a provision such as is contained in the Senate-passed bill, S. 382. Under it the Civil Aeronautics Board, the Federal Communications Commission and the Interstate Commerce Commission would each promulgate regulations concerning the extension of credit without security by regulated industries to candidates for Federal office or to persons on their behalf.

When H.R. 11060 was under consideration by the Committee an amendment was proposed to add such a requirement to this bill also, calling for the promulgation of regulations which should have the effect of preventing situations where huge charges are piled up and there is no real effort either to pay or collect them. Unfortunately the amendment was defeated. A provision such as this should be included in any election reform law that comes out of Congress. I do not see how the Congress can, in good conscience, pretend to enact comprehensive election reform legislation and omit a provision to deal with this serious problem.

SAMUEL L. DEVINE.

## SUPPLEMENTAL VIEWS OF MR. DICKINSON

It is a matter of concern that a number of provisions in H.R. 11060 could result in unintentional transgressions which could lead to sanctions against candidates and others. Individuals conceivably could be subjected to criminal prosecution even though they were completely innocent of any willful violations and even if they had no knowledge at all of what occurred.

First of all, the bill limits the "aggregate amount of expenditures made by any candidate for Federal elective office or on behalf of his candidacy," but nowhere is there an indication of just what is included within the meaning of aggregate expenditures. This puts a perilous burden of decision upon a candidate. Just a few examples:

(a) Campaign travel would presumably be subject to the limitations, but if a candidate uses his privately owned automobile should he report the value of that transportation as a contribution and an expenditure?

(b) Should a candidate report the costs of accommodations and meals while campaigning as expenditures?

(c) The costs of direct mailings would presumably be subject to the limitation, but should incumbents, who are Members of Congress and are under an obligation to serve and report to their constituents, report the value of franked mailings which happen to occur during the period campaigns are taking place?

(d) Do any portions of the costs of operating his district office during a campaign be included by an incumbent's report as campaign expenditures?

(e) Would spending by a candidate in connection with a business expenditure, which conceivably might also redound to his benefit in the election, come under a spending limitation?

These are only a few of the endless questions arising from factual situations which candidates, and committee treasurers, could be confronted with under a bill such as this. A failure to report a reportable expenditure, even in good faith, subjects the candidate to forfeiture of office in the case of candidates for House or Senate. And, aside from the fact that there are no guidelines as to what comes within the meaning of the term aggregate expenditures, it would be an officer of the State that would determine whether or not the candidate has complied with the law. This means there could be 50 different interpretations of whether candidates comply with the Act and it seems obvious that this could develop into a completely intolerable situation.

The situation in the case of candidate for the Presidency or the Vice Presidency, or other individuals who are non-candidates would be equally intolerable. Presidential or Vice Presidential candidates could receive a \$25,000 fine for violations of the act even if they, for example, in good faith failed to report a reportable expenditure. Non-candidates who violate the act would be subjected to a fine of up to \$1,000 or imprisonment of 1 year for non-willful violations.

Another pitfall for candidates is contained in section 2(c) of the bill, which purports to charge a candidate only with those expenditures made at the "direction, request or with the consent of the candidate or of any political committee supporting his election." Various political committees make expenditures in support of entire slates of candidates. An individual candidate may discover, too late, that the portion of such expenditures chargeable to him caused him to violate the limitation.

Candidates may also be forced into unintentional violations of law by section 4 of the bill which limits expenditures from a candidate's personal funds and the personal funds of his immediate family under his control and contributions by a candidate's supporters from his personal funds and the personal funds of his immediate family under his control. In both cases the bill defines "immediate family" to include a spouse, child, parent, grandparent, brother, or sister and the spouse of any of them. But what does it mean for a member of a family to be under the control of a candidate or an individual? Under-age children are obviously under the control of the parents. But would living in the same household, for example, constitute control? Or if a candidate employs a brother-in-law in a business, would such brother-in-law be under his control? And given the endless proliferation of groups and individuals soliciting campaign funds, how can a candidate be sure a member of his family will not subject him to criminal penalties by contributing to his campaign in an amount which would have the effect of exceeding the candidates limit? As a candidate I would hate to be at the mercy, in effect, of all my in-laws or blood relatives.

Instances such as these where because of vague or unclear requirements candidates and individuals could be subjected to sanctions due to inadvertent or unintentional violations detract seriously from the merits of this legislation.

WM. L. DICKINSON.

## ADDITIONAL VIEWS OF MR. CLEVELAND

It is certainly good news that the House Administration Committee has reported out an election reform bill.

One of the problems facing our Committee has been that it has jurisdiction over only certain aspects of electoral reform. For example, the election reform package, of which I am a co-sponsor with the principal sponsors Congressmen John B. Anderson and Morris K. Udall, has been divided up between four committees of the House. Besides the House Administration Committee, the Post Office and Civil Service Committee, the Interstate and Foreign Commerce Committee, and the Ways and Means Committee have all received for consideration the parts of the election reform proposal which come under their jurisdiction.

During consideration by the House Administration Committee of the election reform bill, a great deal of time and effort was devoted to the central issue of reasonable and responsible limitations of campaign contributions. It is my opinion that attempts to limit the amount of contributions by large contributors are unrealistic unless they are coupled with a serious and meaningful effort to increase substantially the number of small contributors to the political process.

An increase in the number of small contributors to election campaigns would provide an alternative to reliance on big contributions by rich individuals and powerful lobbies. The expanded citizen participation would also increase popular confidence in our electoral process.

It is my conviction that granting a tax credit is the way to accomplish this. I have co-sponsored a bill (part of the Anderson-Udall package), which would provide a tax credit of up to \$50 for political contributions. Many other Members have co-sponsored similar legislation and I am sure they are equally concerned about this aspect of the problem.

While H.R. 11060 was under consideration by the Committee, in an effort to help promote enactment of tax credit legislation I offered an amendment on the subject. It would have provided that the limitations on contributions as contained in the bill would take effect only upon the enactment into law of a provision granting a Federal income tax credit of up to \$50 for individuals making contributions in campaigns for Federal office. This amendment was not adopted.

Mr. Hayes, Chairman of our Committee, suggested it might be possible to obtain a rule that would permit a tax credit amendment to be offered on the Floor. This would be a better method of solving the problem.

JAMES C. CLEVELAND,  
*Members of Congress.*

(29)

## DISSENTING VIEWS OF MR. CRANE

I am pleased that the House Administration Committee agreed to include in the campaign reform bill my amendment which will curb the use of *involuntarily* raised monies for political purposes. However, I regret that the Committee deleted from my original proposal a provision which would have prohibited the expenditure of such *involuntarily* raised dues or fees whether by unions, corporations, or national banks, to support voter registration drives.

It is frequently alleged that these voter registration activities are nonpartisan. Nothing is further from the truth.

The Senate Finance Committee concluded in its 1969 report on the proposed Tax Reform Act that "it is impossible to give assurances in all cases that voter registration drives would be conducted in a way that does not influence the outcome of public elections. In fact, the usual motivation of those who conduct such drives is to influence the outcome of public elections."

The extent of AFL-CIO activity in such drives, including the manner in which they are financed, was highlighted by Mr. Richard J. Levine in the *Wall Street Journal* on October 3, 1969. He stated:

The federation has also begun to conduct annual, rather than biennial voter registration drives, financing them from its general treasury; in the past COPE had to depend on voluntary union contributions for such work. COPE expects to dole out about \$500,000 this year for registration activity. About \$250,000 has already been approved for operations in 17 states . . .

In the concluding paragraph of his article Mr. Levine reported that "it was Mr. Meany who proposed in February that registration drives be financed out of the AFL-CIO treasury and conducted on a continuing basis whenever and wherever registration books are open."

Justice, fairness, and honesty are all on the side of a prohibition against the use of any *involuntarily* raised funds for the support of any political activity including voter registration drives. Accordingly, I am seriously considering offering an amendment at the time this legislation is being considered by the House which would make such expenditures unlawful.

I have stated in prior testimony my constitutional objections to curbs on one's basic rights to freedom of speech and disposition of one's property according to the dictates of his own conscience short of trespass. Many of the efforts at so-called "reform" in the area of campaign spending do violence, in my judgment, to these constitutionally protected rights. But the constitutional safeguards of these rights are as clearly trampled upon when coercion is employed by non-governmental bodies as when coercion is employed by government. It is for this reason that I beseech the support of fair-minded colleagues in my effort to remove an injustice.

PHILIP M. CRANE.

(30)

## SUPPLEMENTAL VIEWS OF MR. VEYSEY

In addition to the views above, I would like to comment on the problem of campaign length and the inadequate solution offered by the Committee bill.

One of the overall aims of the campaign reform bills before this Congress is to cut down on the enormous costs of political campaigns. Our entire electoral process is being skewed and distorted by the huge amounts of money it takes to get elected. Nothing runs these expenses up more than the unnecessary length of most races. Presidential campaigns are becoming eternal and House and Senate races are growing like Pinocchio's nose.

No one benefits from the length of campaigns today except campaign follower consulting companies. The voters become apathetic, and too many incumbents ignore their legislative responsibilities and spend their time "showboating" emotional issues.

Direct controls on the length of campaigns are not practical. They would be unfair to unknown challengers, and might well be unconstitutional. The best we can hope for is an incentive to persuade candidates to concentrate their campaigning in the last months before an election. The Senate passed bill provides such an incentive by discounting broadcast rates 45 days before a primary election and 60 days before a general or special election.

The Committee bill, on the other hand, contains no such incentives. In fact it would generate even longer campaigns by encouraging candidates to spend as much as possible before the single required report is due ten days before the election. This problem is increased by the practical impossibility of analyzing the thousands of reports in time to make any sort of meaningful disclosure before the election.

To shorten political campaigns we need a number of cumulative reports spread over the campaign period and lower advertising rates before the actual election.

I voted to report the present bill so that these issues could be brought before the full House. Efforts will be made to substitute most, if not all of the Senate bill on the Floor. I hope my colleagues in the House will support these changes and help control the length of political campaigns in this country.

VICTOR V. VEYSEY.

(31)

## ADDITIONAL VIEWS OF MR. FRENZEL

H.R. 11060 is an apparently well-intentioned effort at election reform which falls far short of effecting reform. Rather, it is counter-productive. Its restrictions add significantly to the already enormous advantage of an incumbent seeking re-election.

The bill is flawed in many ways. It ignores demonstrated problem areas. It violates constitutional rights. Its disclosure provisions are deficient. It puts regulation in the hands of those who are to be regulated.

But the overriding defect is the devastating effect of this bill on a potential challenger in any conventional election contest. All of the bill's other inadequacies are overshadowed by the fact that it is an "incumbents' protective bill".

The bill had long hearings in subcommittee and extensive markup sessions in the full committee. The Chairman of the Subcommittee and the Committee are to be congratulated on the manner in which the Committee meetings were conducted. However, the testimony received by the Subcommittee was largely ignored by the full Committee. The product, H.R. 11060, deserves little commendation.

The Subcommittee testimony was almost unanimous in recommending (1) full disclosure, (2) effective supervision by an independent agency, (3) reasonable spending limitations directed at abuses. Testimony with respect to personal contribution limitations was both pro and con.

H.R. 11060 satisfies some of these criteria but leaves too many unsatisfied.

### *Disclosure*

The disclosure provisions are not all bad, but there are two major faults. First, the bill requires only two reports, one prior to election and one after election. The public will have no idea of what contributions and expenses are being made until only two weeks before an election. The bill, therefore, allows a year and one-half of cover-up before political committees begin their disclosures. This is a serious loophole.

Secondly, the listing of those who contribute \$25 or more is a needless reporting exercise which will place an undue burden on candidates and committees. It will impose a needless record-keeping function on the supervisory agency and subject contributors to later solicitation of all kinds. A more reasonable limitation would fall between \$100 and \$1000. Further, the revelation of contributions as low as \$25 may raise a constitutional question relative to "personal spheres of privacy". Publication of these minor amounts will undoubtedly discourage participation in political campaigns by many people. It is hard to imagine an abuse of a \$25 contribution that is worth discouraging participation.

### *Supervision*

Nearly every person who testified before the Subcommittee indicated the need for an independent regulatory agency to supervise elections and election reporting. A Federal Elections Commission would seem to be the best agency for this task. H.R. 11060 establishes paid employees of the House and Senate as supervisors and judges of what is right and not right under this bill. Again we have the fox in charge of the chicken coop.

This criticism does not mean to imply that Congressional employees are dishonest or easily influenced. The blunt fact is that there are some jobs like supervision of elections for which absolute independence is essential.

It is also necessary for an Elections Commission to have powers in excess of what has been granted under this bill. There ought to be a way to seek restraining orders through the courts when such are necessary in the opinion of the Commission.

### *Penalties*

An unwitting violation of the act will result in a penalty for a known candidate of \$1000 or one year in prison or both. The willful violator needs no sympathy, but the penalties against the unwitting violator will surely make it difficult for recruitment of persons to serve on political campaigns in positions of responsibility. Again the bill has the effect of restricting political participation.

### *Constitutionality*

The penalty section which provides for barring elected congressmen from taking office, and further provides that they may not file for office for several succeeding elections, would seem to be counter to the Court's decision in the case of *Powell versus McCormick* (1969). The penalty provisions clearly impose additional restrictions over those required by the Constitution.

The limitation of contributions by individuals may also be unconstitutional. The alleged inability to exercise independent judgment after receipt of a large contribution is based on conjecture rather than evidence. The suppression of free speech and the reduced participation in political processes is not justified.

The limitations also may be such that they prohibit candidates, especially minor or independent candidates, from participating fully in the process because they are not able to spend what is necessary to carry their message to the people.

A further defect of the bill is that it limits only money contributions and not service contributions. That is, a contributor can give \$10,000 worth of his personal time but only \$5,000 of his cash money. As long as only money limitations are included in the bill, there exists the large loophole for other "hidden" contributions and possibly another constitutional defect.

Finally, there is the constitutional question of whether the publication of contributions in amounts as low as \$25 violates any political rights of free expression. Certainly publicity about a modest contribution could limit the exercise of an employee's political participation if he felt his employer would not be pleased. The publicity might also be an intrusion into the donor's personal privacy which is not warranted absent a compelling need. The publication of lists of small contributors is hardly necessary to maintain a clean election process.

*Expense Limitations*

This is the section of the bill that almost guarantees successful re-election of incumbents. It is difficult to argue against incumbents in this Congress. Challengers have a mighty small constituency here, nevertheless every election includes at least half challengers.

In the elections of 1970, 93 per cent of incumbents that sought re-election were re-elected. Incumbents already have enormous advantages which need not be increased by excessive low-spending limitations.

A \$50,000 limitation for a congressional campaign may sound generous to incumbents whose re-election does not require spending of amounts anywhere near that figure. For the challenger the limitation imposes nearly impossible problems. With today's costs there is no way a challenger can make himself known over a well-identified incumbent under these restrictions.

Incumbents have a formidable array of weaponry available to them. They have staff allowances. Legitimate staff legislative work frequently overlaps the political function. They have the franking privilege. Legitimate use of the frank can be extremely helpful politically, and the use of postal patron mailings is commonly thought to be a very potent political device as well as a means of communicating with the district. Incumbents also have name and face recognition because of their legislative activities. Because they are news, they have ready access to the media. Since most political expense is directed toward name recognition, the incumbent need not spend nearly as much as a challenger.

In addition, the expense limitations include all expenses. Other limitation recommendations have normally confined themselves to verifiable expenses. The sweeping overall restriction may invite violations of the law because such violations may be extremely difficult to document or prove. If, on the other hand, only media or advertising expenses were included, all of these expenses would be readily auditable and violations could be well documented.

In setting limitations on the common man's ability to get himself elected to Congress, the bill fails to do anything about the problem of the man who brings not money but other resources to the election. The celebrity, the sports figure, the movie star, the astronaut, all have had their advertising done for them as a result of their occupation. They don't need to spend money on their political campaigns. Financial restrictions imposed on their opponents simply insure an unequal contest and deny the common man a chance to serve in this Congress.

The limitations also will provide a strong incentive for candidates to force primary campaigns. Since the limitation of \$50,000 applies to both primary and general elections, the candidate who needs to advertise or to promote his name or policies will be well advised to have a primary election whether he or the constituency needs it or not. Primary elections are healthy events in a democracy. But, it is doubtful wisdom to force primary elections on the public because of unwise expense limitations.

*Other Considerations*

In some needed areas, the bill is silent. Where restrictions are not needed the bill imposes them.

1. *Credit Cards*.—Over \$1 million is owed to regulated industries over the past half dozen years as a result of credit card campaign spending. These industries have been literally forced to contribute to campaigns against their will because of abused credit. It is a simple matter to give regulatory agencies the ability to set up rules to prevent this obvious abuse.

2. *Cost of Living*.—H.R. 11060 does not have a cost of living escalator. Since many other reform proposals included such escalators, and since it is a matter of record that election laws never seem to get updated, the lack of a COL factor is an obvious defect.

3. *Identification of Lobbyists*.—Contribution lists filed by committees must identify lobbyists. Since the penalty section does not forgive honest error, this requirement is another which will needlessly dampen enthusiasm for service on political committees and discourage political participation.

4. *No Encouragement for the People*.—There is no encouragement for “voters’ time” or free time, or for reduced rates in various media, for reduced rates in mailing. Both S. 382 and the Anderson-Udall Bill tried to meet these needs.

5. *Spot Broadcasts*.—Although the testimony clearly showed that spot broadcasts were a prime complaint area, no effort was made to deal with them. Instead, the blunt instrument of overall limitation was used.

5. *Large Contributions*.—The Bill gives a real incentive for Congressional candidates, at least, to seek large contributions rather than to rely on a broadened contribution base. To achieve the broadest financial base, a candidate must use direct mail, bar-b’cues, and other organized efforts that cost money to execute. The costs of these fund raising efforts will reduce the amount he can spend under the Bill’s limits. Any candidate will be better advised to find 10 “fat cats” and get \$5000 from each. Then he can spend his whole \$50,000 on his campaign.

#### *Recapitulation*

Because of the good intentions of H.R. 11060, I am most reluctant to identify its shortcomings: I am reluctant to criticize any law which purports to reform election procedures. I commend those who support it out of an earnest desire to improve our election processes, and I am pleased that the Committee has acted after years of inaction.

Nevertheless, despite its good intentions, the bill has so many deficiencies that an amendment in the nature of a substitute is required to make it whole. To make this bill reasonable, constitutional and effective, at the very least the following improvements must be made:

1. Timely reporting must be provided in the disclosure section and a listing of contributors of less than \$100 must be eliminated.
2. A Federal Elections Commission must be created to supervise the operation of this law with adequate powers.
3. Reasonable constitutional penalties must be provided.
4. Expense limits must be removed or they must be restricted to limitations of verifiable expenses in areas which have proved to be subject to abuse.
5. Personal contribution limitations must be eliminated.

Sweeping changes such as those noted above are unlikely in floor amendments. Therefore, I feel obliged to support an amendment in the nature of a substitute which would impose the provisions of S. 382, a bill which has already passed the Senate. I do not necessarily concede any superior wisdom to the Senate, but in this field, free from the pressures of competing committees, they have done a better job of balancing the equities and producing an effective bill. S. 382 is not necessarily my first choice, but it is acceptable while this bill is not.

BILL FRENZEL.

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**HOUSE FLOOR  
DEBATE  
ON  
H.R. 11060**



Also, committee resumed executive consideration of the nominations of William H. Rehnquist, of Arizona, and Lewis F. Powell, Jr., of Virginia, each to be an Associate Justice of the Supreme Court of the United States, and agreed to vote on such nominations on Tuesday, November 23, not later than noon.

### COMMITTEE BUSINESS

*Committee on Public Works:* Committee, in executive session, ordered favorably reported the following measures:

An original bill to authorize an additional \$628 million through 1973 for 13 comprehensive river basin plans to be administered by the Corps of Army Engineers. As approved by the committee, the bill would include miscellaneous and sundry items, including provisions of S. 2127, authorizing improvement of certain roads in the vicinity of Perry Reservoir, Kansas, and S. 2307, to provide for municipal use of storage water in Benbrook Dam, Texas; and

S. 1113, to establish a national environmental laboratory system (amended).

Committee also approved an amended prospectus for construction of the Consolidated Law Enforcement Training Center at Beltsville, Md.; and the following water resource projects under the jurisdiction of the Corps of Army Engineers: Frio River at Three Rivers, Tex.; Galveston Harbor and Channel, Tex.; Mississippi River at Winona, Minn.; and Murrells Inlet, Georgetown County, S.C.

Also, committee referred back to its Subcommittee on Public Buildings and Grounds S. Con. Res. 47, to provide additional temporary parking area for Senate employees.

### FINAL REPORT OF COMMITTEE

*Select Committee on Equal Educational Opportunity:* Committee met in executive session to consider its final report, but made no announcements.

## House of Representatives

### Chamber Action

**Bills Introduced:** 31 public bills, H.R. 11860-11890; four private bills, H.R. 11891-11894; and eight resolutions, H.J. Res. 976-978, H. Con. Res. 463-465, and H. Res. 712 and 713, were introduced. Pages 42114-42115

**Bills Reported:** Reports were filed as follows:

Conference report on H.J. Res. 946, making further continuing appropriations for fiscal year 1972 (H. Rept. 92-676);

H.R. 11394, to create an additional judicial district in the State of Louisiana, to provide for the appointment

of additional district judgeships, amended (H. Rept. 92-677); and

Report entitled "National Research Programs To Combat the Heroin Addiction Crisis" (H. Rept. 92-678). Page 42114

**Cancer:** House insisted on its amendments to S. 1828, to amend the Public Health Service Act so as to establish a Conquest of Cancer Agency in order to conquer cancer at the earliest possible date, and agreed to a conference asked by the Senate. Appointed as conferees: Representatives Staggers, Rogers, Satterfield, Kyros, Preyer of North Carolina, Symington, Roy, Springer, Nelsen, Carter, Hastings, and Schmitz. Page 42046

**Foreign Aid:** By a record vote of 269 yeas to 115 nays, the House agreed to H. Res. 710, providing for taking the bills S. 2819 and S. 2820 from the Speaker's table, amending both bills by striking out all after the enacting clauses and inserting in lieu thereof the provisions of H.R. 9910 as passed by the House, passing both bills, and amending the titles to conform to the title of H.R. 9910, insisting on the House amendments, requesting conferences with the Senate, and authorizing the Speaker to appoint conferees to attend said conferences. Subsequently, the Speaker appointed as conferees on the two bills: Representatives Morgan, Zablocki, Hays, Fascell, Mailliard, Frelinghuysen, and Broomfield. Pages 42046-42053

**Election Reform:** House concluded all general debate on H.R. 11060, Federal election reform, and began reading the bill for amendment when the Committee of the Whole rose.

H. Res. 694, the rule under which the bill was considered, was adopted earlier by a voice vote. Pages 42053-42059, 42063-42083

**Continuing Appropriations:** By a record vote of 367 yeas to 15 nays, the House agreed to H. Res. 711, providing for the consideration of a conference report on H.J. Res. 946, making further continuing appropriations for fiscal year 1972. Subsequently, by a record vote of 344 yeas to 26 nays, the House agreed to the conference report; and sent the measure to the Senate for further action. Pages 42059-42062

**Consent Calendar—Suspension of the Rules:** Objection was heard to a unanimous-consent request that it be made in order for the Speaker to entertain motions to consider business under "Suspension of the Rules", and to call the Consent Calendar on Monday, November 29. Page 42061

**Late Report:** Committee on Armed Services received permission to file a report by midnight Friday, November 19, on H.R. 9526, to authorize certain naval vessel loans. Page 42062

**Adjournment:** Adjourned at 7:21 p.m.

## Committee Meetings

### PERISHABLE AGRICULTURAL COMMODITIES ACT

*Committee on Agriculture:* Subcommittee on Domestic Marketing and Consumer Relations concluded hearings on H.R. 9313 and S. 1838, to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural products (reparation procedures). Testimony was heard from Representative Robinson, Department and public witnesses.

### NAVAL VESSEL LOANS—

#### REPORT AND CONTRACT APPROVALS

*Committee on Armed Services:* Concluded hearings on and ordered reported favorably to the House H.R. 9526 amended, to authorize certain naval vessel loans. Testimony was heard from Rear Adm. J. H. Dick, USN, Office, Chief of Naval Operations; and Thomas R. Pickering, deputy director, Bureau of Politico-Military Affairs, Department of State.

The committee also approved the following:

Report by Special Subcommittee on Transportation on proposed transfer of Military Sealift Command functions to Military Traffic Management and Terminal Service; and

Department of Navy contract with Standard Oil Co. for operation of Naval Petroleum Reserve No. 1 (Elk Hills), Kern County, Calif., submitted for committee consultation.

### TACTICAL COMMUNICATIONS EQUIPMENT

*Committee on Armed Services:* Subcommittee on Defense Communications continued executive hearings on the adequacy of the tactical communications equipment of the military departments and developments of new tactical equipment and secure voice equipment. Testimony was heard from Dr. Louis W. Tordella, Deputy Director, National Security Agency.

Hearings continue Tuesday, November 30.

### RECRUITING AND RETENTION PROBLEMS

*Committee on Armed Services:* Subcommittee on Recruiting and Retention of Military Personnel held a hearing on the effect of new directives concerning the selection of personnel for service in the National Guard and the problems of recruiting and retention peculiar to Guard and Reserve forces. Testimony was heard from Deputy Assistant Secretary of Defense for Reserve Affairs Theodore C. Marrs; and the Commanding Generals of the Office of Chief of Reserve Components; the National Guard Bureau; Army Reserves; and Air Force Reserves.

Hearings continue Wednesday, December 1.

### DISPOSAL PROJECT

*Committee on Armed Services:* Special Subcommittee on Real Estate met in open session and took testimony

on an Army disposal project from William J. Cronin, Office of the Director of Real Estate, Office of Chief of Engineers.

### IMPACT AID PROGRAM

*Committee on Education and Labor:* General Subcommittee on Education met in open legislative session and approved for full committee action H.R. 11809, to provide that for purposes of Public Law 874, 81st Congress, relating to assistance for schools in federally impacted areas, Federal property transferred to the U.S. Postal Service shall continue to be treated as Federal property for 2 years.

The subcommittee also discussed an agenda for hearings on financing of elementary and secondary education.

### EMPLOYMENT AND MANPOWER ACT

*Committee on Education and Labor:* Select Subcommittee on Labor continued hearings on H.R. 11167, and related bills, Employment and Manpower Act of 1972. Testimony was heard from Robert Cord, chairman, Manpower Committee, National Association for Community Development, Boston, Mass.; and Fred Curvy, Manpower Coordinator, Trenton, N.J.

Hearings were adjourned subject to call.

### AGRICULTURAL CHILD LABOR ACT

*Committee on Education and Labor:* Subcommittee on Agricultural Labor continued markup of H.R. 10499, Agricultural Child Labor Act, but did not complete action and adjourned subject to call.

### U.S. CONTRIBUTIONS TO UNITED NATIONS

*Committee on Foreign Affairs:* Subcommittee on International Organizations and Movements held a hearing on pending legislation to limit U.S. financial contributions to the United Nations. Testimony was heard from Representative Sikes and Arthur J. Goldberg, former Permanent U.S. Representative to the United Nations.

### SOVIET JEWRY

*Committee on Foreign Affairs:* Subcommittee on Europe met in executive session to consider resolutions on Soviet Jewry. No announcements were made.

### PROBLEMS OF THE AGING

*Committee on Government Operations:* Subcommittee on Special Studies continued hearings on problems of the aging and heard testimony from Mike Burk, National League of Senior Citizens.

Hearings were adjourned subject to call.

### INDIAN JUDGMENT FUNDS

*Committee on Interior and Insular Affairs:* Subcommittee on Indian Affairs held a hearing on and approved for full committee action the following bills:

## PERSONAL EXPLANATION

Mr. SPRINGER. On rollcall 408, on the conference report on House Joint Resolution 946, I was unavoidably absent from the Chamber. Had I been present, I would have voted "yea."

## FEDERAL ELECTION REFORM

Mr. HAYS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11060) to limit campaign expenditures by or on behalf of candidates for Federal elective office; to provide for more stringent reporting requirements; and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio.

The motion was agreed to.

## IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11060) with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Pursuant to the rule, general debate will continue for not to exceed 2 hours, 1 hour to be equally divided and controlled by the chairman and the ranking minority member of the Committee on House Administration, and 1 hour to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Interstate and Foreign Commerce. Under the rule, the gentleman from Ohio (Mr. HAYS) and the gentleman from Ohio (Mr. DEVINE) and the gentleman from West Virginia (Mr. STAGGERS), and the gentleman from Illinois (Mr. SPRINGER) will each be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, 46 years have passed since the Federal Corrupt Practices Act was enacted into law. No basic reform of our Federal political process has been enacted into law since 1925. Yet, every Member of this House knows that the Corrupt Practices Act is riddled with loopholes and hopelessly outdated.

This is scandalous, Mr. Chairman. The people of this country want political reform and they want it now. Today, we are beginning consideration of legislation which could be the most important step in providing that reform. When reduced to its simplest terms, this legislation as I see it, would eliminate money as the principal determining factor of who is elected to Federal office, or for that matter who can run for Federal elective office which in some cases is just as important. True, money will still be a factor in the elective process, but not the major determining one.

If we do not act effectively and responsibly on the legislation before the House today and election campaign costs and expenditures continue to skyrocket there is a serious threat that America will cease to be a democracy and will be-

come instead a plutocracy—with wealth or access to it the principal qualifications for Federal office. We know about the escalating costs of getting elected to this House and we hear stories of millions being spent in some Senate races and in the presidential election campaign. Each election it becomes more and more difficult for honest men of limited means to run and get elected to Federal office. I believe that this Nation was developed, grew, and prospered because the men elected to public office were the best qualified to hold public office. Today as never before we need the able men in Federal elective office. We must assure that wealth or access to great sums of money, with its attendant corrupting influence, does not become a qualification for Federal elective office. The legislation which is before the House today could be the most important step taken in that direction in 46 years.

Let me review briefly for Members of the House what the legislation, H.R. 11231, from the Interstate and Foreign Commerce Committee would do. It would:

First. Repeal the equal opportunity provisions of the Communications Act of 1934—hereafter the act—with respect to candidates for President and Vice President of the United States so as to permit the broadcast networks to donate broadcast time for the presentation of significant candidates for those offices—section 3.

Second. Provide that legally qualified candidates for public office may not be charged more than the lowest unit charge for broadcast time—section 4(a).

Third. Provide that legally qualified candidates for Federal elective office, or nomination thereto, may not be charged more for the use of advertising space in newspapers and magazines than the charges made for comparable use of such space for other purposes—section 4(b) (1).

Fourth. If space in a newspaper or magazine is sold to one legally qualified candidate for Federal elective office, or nomination thereto, entitles any other candidate for that office to buy equivalent space on the same basis—section 4(b) (2).

Fifth. Limit the amount which could be spent by or on behalf of any candidate for Federal elective office, or nomination thereto in any primary, runoff, special, or general election on radio, television, cable television, newspapers, and magazines to 10 cents times the voting age population of the area of the election—section 5(a).

Sixth. Provide that no such candidate may spend more than half his expenditure limitation on radio, television, and cable television—section 5(a) (1) (B).

Seventh. Include escalator provisions so the media expenditure limitations in the legislation reflect increases in the cost of the media—section 5(a) (4) (A).

Eighth. Be enforced with civil and criminal penalties—section 7.

Ninth. Take effect January 1, 1972—section 8.

Mr. Chairman, the Subcommittee on Communication and Power of our committee held 5 days of hearings on this legislation. This was also in conjunction

with a bill that was passed last year by this House and by the Senate and was vetoed by the President. It took the subcommittee 3 days to mark up the bill, and it took the full committee 5 days to mark up the bill. We have worked our will to the best of our ability, and it is now up to the House to do what it thinks best. As I say, this bill is not perfect, but it is a good start.

Under our bill, we have set out to eliminate money as the determining factor getting elected to Federal elective office. Money will always be a factor, we know, but this means that some person with millions cannot come up and say, "I want to be a Congressman or a Senator."

Costs are skyrocketing. There is a serious threat that America will cease to be a democracy but will become a plutocracy with wealth or access to it as the principal qualification for elective office.

Fantastic sums are being spent now by some candidates in running for office. They are not always elected, but many are.

The bill, as I said, can be amended, and the House will be able to work its will. I know of no better way to bring this bill to the House. In a democratic way, the House can work its will.

If this is not done, we will be able to find in some newspapers in the future, probably, some ads such as these—and I should like for the Members of the House to listen—

One of the future ads might be:

Votes for sale in blocks of thousands.  
Lowest cash prices. Delivery guaranteed.

Another ad might be:

Why campaign? See us for best deals.

Still another might be:

Political assassinations arranged.  
Strict secrecy assured.

A fourth:

Unlimited expenditures. Unlimited corruption.

Another might be:

Constantine bought the imperial crown.  
Who will be the modern Constantine?

Another:

America, the land of the civil office for hire.

Another:

Buy your way to power.

I believe if we continue the way we are going any of these could fit the future political trend. We must do something to stop it and to see that men with qualifications to serve in the Congress of the United States have an opportunity to come here and serve the people of the Nation; not just those who have great sums of money or access to such sums.

So this is a start. The House has an opportunity to work its will. Let us not hear any more of people saying this is the wrong time or the wrong way to write this legislation. This is the democratic way, with the whole House having an opportunity to work its will.

I hope that this will not be a completely partisan issue. I disagree with some aspects of the bill as it is now constituted, but I trust we can adopt necessary amendments and pass this legislation.

Mr. SPRINGER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I believe it would be most easy for those who wonder about whether this is a good bill to read the minority views, which are found on page 28 of the report which accompanies the Macdonald bill to the floor. The minority views, as expressed by 12 of us, are on page 30.

There are additional views submitted by the gentleman from Massachusetts (Mr. KERR), the ranking Republican on the subcommittee.

There are also additional views, on page 33, by the gentleman from North Carolina (Mr. BROYHILL).

There are also separate views of Mr. BROWN of Ohio, Mr. NELSEN, Mr. COLLINS of Texas, Mr. MCCOLLISTER, and Mr. DEVINE on pages 34 and 35; all of them finding the Macdonald bill inadequate to cover the matters that they believe ought to be included in any fair campaign elections bill.

Now, what does this bill provide?

First with reference to section 315 of the Federal Communications Act of 1934, as amended in 1958, this bill repeals as to the President and the Vice President.

Now, what has been the history of that provision? In 1960 it was suspended temporarily only for the 1960 campaign. In 1964 and 1968 this body did nothing. Now, in 1972 there is a great rush to do it. I cannot say there is not politics in this, because there is. This is the first time that this body has sought to repeal section 315 as to the President and the Vice President since 1960. It was blocked in both 1964 and 1968 by the President of the United States, Mr. Johnson. I think that is pretty well known. They are now trying to repeal it rather than suspend it as to President and Vice President so that there will be no misunderstanding about it in the future.

Now let us go to the second, which has to do with expenditures for broadcasting. It covers only those matters which our committee has jurisdiction of.

The Macdonald bill provides for 10 cents per potential vote for all media, but not over 5 cents of it can be spent for broadcasting on radio and television. That is the second provision.

Now, the third provision pertains to charges for broadcasting and newspapers. The Macdonald bill provides first the lowest unit rate for broadcasting. In other words, anyone who goes into a television station who is a candidate, must be given the lowest unit rate of that station.

Now you come to newspapers, and it uses these words: "Comparable rates for newspapers." There is serious doubt in my mind as to whether that provision is constitutional, because if you could do this, then they could do it for 5 cents a line, I suppose you could say, which would clearly be found unconstitutional by any court, because it would be below cost.

There is a serious question, also, as to whether the other newspaper provision in the Macdonald bill is constitutional. It provides that a candidate must have equal access to a newspaper. In other words, if that newspaper editor allows one candidate to have an ad in the paper, then he must allow the other candidate

to have access to the same amount of space at the same cost. There is a serious question as to whether that is constitutional.

Now on the matter of contributions, I might say first of all that there is a provision in the Senate bill which does handle those matters.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPRINGER. Mr. Chairman, I yield myself 2 additional minutes.

In the Senate bill there is a provision which takes care of credit by airlines and utilities, including the telephone and telegraph utilities. There is no provision in this bill and there is no such provision in the Hays bill to that effect, either.

I think one of the worst matters we had in the last two elections of 1968 and 1970 was the amount of money charged off as credit by the airlines and by the telephone companies. These moneys have not been collected even to this day.

Now with reference to total contributions. The House Committee on Interstate and Foreign Commerce does not cover that matter. However, it is covered in the Senate bill and in the House Administration Committee bill.

As to reporting and disclosure, that is in the Senate bill as well as in the House bill, but there is nothing in the bill which has been reported out by the Committee on Interstate and Foreign Commerce as to enforcement.

The House Commerce Committee has a \$1,000 civil penalty and a \$10,000 penalty as to willful violation of the provisions of our bill.

Mr. Chairman, pulling together the two House bills on political expenditures, with major revisions, one or the other would result in some possible contradictions like this:

First. A congressional candidate could use up to 5 cents per potential voter for broadcasting.

Second. He could spend the balance of 10 cents per potential voter for other media.

Third. He could spend the difference between these—as adjusted by the price index—and 6 cents per person—or \$50,000—for all other campaign expenses.

Fourth. The candidate would be certifying to TV stations and newspapers on one criteria—under rules of FCC and the Attorney General—and to the "supervisory officer" for the balance under another criteria.

Fifth. It also appears that on a national basis the 10 cents for media based on voters may be more money than the 6 cents on population which the Hays bill allows for everything.

Now, Mr. Chairman, what is the real objective? May I say that we said this was a "sweetheart" bill designed to assure as far as legislation can do so the continuation of incumbent Congressmen in office, and I think it is. What do I mean by "sweetheart" bill?

Mr. Chairman, I picked up an old Illinois colloquialism which is very common in the newspapers out there since the Powell scandal, which indicates this is a bill for incumbents, it is a bill for incumbent Members of Congress, and it is a bill for incumbent Presidents of the United States.

If I were down at the White House, I would be tickled to death if we took the provisions of this bill, because it would limit it to about \$6.5 million, that is the expenditures of the challenger, and I do not believe anyone would have a chance against the present incumbent President who would probably get \$15 or \$20 million of free time in the year 1972. So, Mr. Chairman, I say it is an incumbents' bill.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. Let me proceed with this thought. I cannot yield to the gentleman at this time.

This is an incumbents' bill, and I do not see how if this is enacted you would ever get a Member of Congress out of office with all of the mailing privileges that he has—and that is the biggest single advantage he has, with the limitation on the amount of expenditures that one challenger can make.

We know very well that in some of these districts it is very common to spend \$100,000 or \$200,000 in order to get elected, and in some instances it will take more. This limitation of \$50,000 would be adequate in my district, but I could name you at least 25 other districts throughout the United States where in every election they spend \$100,000 or more.

I do say that we went into this, in my opinion, extensively, and we on the minority side feel that this is an incumbents' bill, whether it is a Democratic or a Republican, it is an incumbents' bill.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SPRINGER. I yield myself 2 additional minutes.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Minnesota.

Mr. NELSEN. I would like to refer to the media rate requirements in the Macdonald and the Brown-Frenzel bill. In the committee I offered the amendment to strike section 4 which requires the lowest rate from broadcasters. That means making the lowest rate available, and also the "comparable" rates for newspapers. In addition a newspaper must make space available to all candidates if it makes it available to one. In other words, you must make it available to others, giving the media no discretion whatsoever in the matter.

I will again offer this amendment when we get to the amendment stage on this bill because I do believe that this feature contained in both bills is totally unfair and should be changed by amendments.

I thank the gentleman for yielding.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to my distinguished colleague, the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. I would point out to the gentleman that I agree with him about charging airline tickets and not paying for them. The distinguished gentleman from Ohio (Mr. DEVINE) brought that up in the markup of the bill and on page 3 in the item under the term "contribution" we include gifts, subscriptions, loans, ad-

vances, or deposit of money or property or services of significant value.

That means if a candidate charges airline tickets he has to report that. However, we did not feel that we should become a collection agency for the airlines if they are foolish enough to let someone charge tickets for which they do not think they will be paid.

But at least he has put that down, and it comes within the limits that he can spend. If the gentleman knows of a better way to handle it let me say I am open to suggestion and acceptance of an amendment that will do it better.

Mr. SPRINGER. I thank the gentleman from Ohio for his contribution. At least he recognizes the problem. I think we can offer an amendment which I believe would be persuasive, and I think might solve the problem.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SPRINGER. Mr. Chairman, I yield myself 1 additional minute.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, the gentleman has indicated that this is an incumbent's bill. It would seem to me that that is true in the occasional case where an incumbent is faced by some multimillionaire who comes along with vast sums of money, which does happen time after time, and who can buy his way in. In this case the incumbent would be protected against that type of person.

But it seems to me normally the incumbent can raise more money than the challenger. I have seen that happen time and time again. The incumbent because he is in office, can raise the money. So I do not think for the most of us this is an incumbent's bill.

Mr. SPRINGER. I can cite you at least 25 that come to my mind, and I can name them if you wish. And I can name you the case of our former colleague, the gentleman from New York, Mr. Ottinger. I do not know how much money he spent in order to get into the Congress in the beginning. That is just one example. You asked me for examples, and I give that one to you. And I am not citing that example in any way so as to impugn Mr. Ottinger. He was on our committee, and he was a fine gentleman.

Mr. LONG of Maryland. I can give you 110 instances that are not.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STAGGERS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, just in reply to the gentleman from Illinois, and to some of the suggestions made in his statement, section 315 of the Communications Act was suspended for the presidential election of 1960. We passed a bill in both Houses to suspend section 315 for the 1964 presidential election, and we had a Democratic President then. But it never came out of conference.

In 1968, we passed a House bill that was killed in the Senate. I think most of you know why it was killed over there. It was filibustered by the Senator from Illinois, who has now passed away.

But we passed a bill in 1970, both

Houses, and it was vetoed by the President.

This should not be a partisan bill and it is not intended to be. Nor is it intended to be an incumbent's bill.

I think it is certainly unfortunate that anyone would say that, because that is the type of misinformation that could spread across the country. I certainly do not think it is an incumbent's bill in any way.

I think the way to campaign is to get out and talk to the people, and give them your views. I do not think that you can just merchandise a person on TV and say that this person should sit in the Congress of the United States. I believe that the candidates must get out and meet the people, shake hands with the people, and tell them their views, and let them know what kind of a man they are, instead of being merchandised like toothpaste or razor blades.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts (Mr. MACDONALD).

Mr. MACDONALD of Massachusetts. Mr. Chairman, and Members of the House, I am sorry that there are not more Members present, because this is a very complicated and important bill.

I did not choose to have the bill of our Committee on Interstate and Foreign Commerce put together with the bill submitted by the very distinguished gentleman from Ohio, but that is what was decided.

I think what we do need, though, is a reform bill. I believe that my chairman was so right in saying that House seats and Senate seats should not be up for sale.

It is a proven fact lately that if you get an awful lot of money, you have a really pretty good chance of coming here to Washington and representing either a State or a congressional district.

There are two parts to the presentation which I would like to make.

First, the reason why we need a bill. Second, what is contained in the bill that the Commerce Committee brought through the Committee on Rules and which is to be joined together here on the House floor with the Hays bill.

I respect the senior Republican member of my committee very much, but I do not understand why he talks about this as being an incumbent's bill. Because it really is a public interest bill. I think our political system can end up in grave trouble if people can just put up enough money and buy a seat in the Congress. This is what, at least, title I of the bill will prevent. It has been proven that the most effective way to campaign these days is to campaign by means of television.

I would just like for a moment to talk to those who were not here or maybe to those who have forgotten about a very similar bill which we passed a year ago. We passed it here in the House by a vote of 272 to 97. The other body passed it by a vote of 58 to 27. We went to conference and, for once, the Members of the other body accepted practically line by line and word by word our version of the bill. That was because both parties

worked together on the legislation and we all saw the specter of money running politics.

I think the only thing we gave in on was the effective date.

The conference report was passed by a vote of 247 to 112 in the House and in the Senate it passed by a vote of 60 to 19.

Now, I think it is a grave mistake to turn this bill into a partisan thing. We all know—or we all think we know at least—that people on the other side of the aisle, the Republican Party in general anyway, usually have more money than we do over here.

But members of my party also abuse campaign sending. Therefore, I do not think there should be partisanship in this bill.

I look with dismay at the fact that this could become a partisan issue. My distinguished colleague—and, as I have said, a man who I know is a very, very good Member of this Congress—talked about political things. I do not think it should be political in the slightest. If our bill is accepted and passed, it is not you and I who are being protected—it is the public interest that is being protected.

Do you think we should go back to an era in which money just buys a seat here? Do you think a man should be elected on the basis of the advertising agency he retains and the 30-second TV spots the agency makes for him?

In my area someone with a deep voice, with the background of the ocean rolling, is talking. It is not the candidate. It is not the candidate at all. It is an advertising agency, and I think that that is something that should be stopped.

There are probably other things in political campaigns and in the political area that should be cleared up. I believe Mr. Hays has tried very hard to do that. But what I am concerned with is title I of the bill.

I would just like to call to your attention that last week Senator HARRIS had to drop out of the race to become a presidential candidate because he lacked funds. According to the figures I have had given me, he spent over a quarter of a million dollars in 2 months and now, currently, he is \$400,000 in debt. His efforts to wage a campaign for the presidential nomination floundered because he did not have enough money. So, more and more, politics in our great country are becoming a rich man's preserve.

I should like to give you a concrete example, and I was surprised when I was furnished these figures. In the Nation's seven largest States in 1970, 11 of the 15 major senatorial candidates were millionaires. The four who were not millionaires lost their bid for election. Again I say that is not a partisan issue, and I hope we do not get partisan. I understand that the President is afraid of having to engage in debates if this legislation is passed. But there is nothing in this bill that would make the President debate. It would merely relieve the networks of the duty, if they give broadcast time to a major-party presidential candidate, of having to give equal time to the presidential candidate of the Vegetarian Party, the Greenback Party, or you name the party.

That is why in our bill we have re-

pealed the provision relative to the President and the Vice President.

Do you know that if we repeal section 315, as applied to candidate for the House, the broadcasters could give time to your opponent and then refuse to sell you time? That is one reason, as I said earlier, I feel we should have more Members here to hear this debate.

Last year we sent a good bill down to the White House and the President vetoed it. He said that it discriminated against the broadcasting industry, since the other advertising media were not included. So we have included the print media. We have tried—and I mean not only the Democrats on our subcommittee and the committee, but all the members of the full committee tried very hard to come out with a fair bill. I know time is limited, so I would like to give a brief summary of what my bill would do.

First, it repeals section 315—that is the equal-time provisions of the Communications Act, for the presidential and vice-presidential candidates. The broadcast industry goes along with us on this.

Second, the bill places an overall limitation on the amount of money which can be spent by or on behalf of any candidate for Federal office. The limit is obtained by multiplying 10 cents by the voting age population of the district or State. The bill further limits the amount which a candidate can spend on the broadcast media to 50 percent of the overall limit.

Third, we have separate limits which apply both to primaries and to general elections. In the case of presidential primaries, candidates' expenditures are limited on a State-by-State basis with the candidate able to spend no more than a candidate for the Senate could spend within that State.

Fourth, and I think this is important to all of us, broadcast stations are required to extend to the candidates their lowest unit rate—and if any broadcasters write Members that we are telling them what rates should be charged, they are just wrong. They have a rate card, and they determine what rate.

Also, no advertising can be accepted from or on behalf of any candidate unless the candidates certify themselves in writing that the expenditure involved is within his spending limit.

So it seems to me that partisan politics should not be a part of this. We represent all. I have any number of Republicans in my district and I hope I represent them as well as I hope I represent the Democratic people in my district. I think it is long overdue that this Congress should do something about the abuse of money and of media in campaigns for Federal elective office.

Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, the gentleman stated the broadcast industry wanted the equal time provision repealed.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I did not say they wanted it.

Mr. HAYS. I thought the gentleman did, I am sorry.

Mr. MACDONALD of Massachusetts.

What I did say was that they would go along with it.

Mr. HAYS. I understood from the gentleman's chairman and others that the broadcast industry wanted the equal time provision repealed, period.

Mr. MACDONALD of Massachusetts. That is correct. But they will go along with repeal for presidential and vice presidential candidates.

Mr. HAYS. Of course, this is one of the things I am bitterly opposed to, because it is becoming more and more popular, and we have had a case in the district next to mine in the last election in which an announcer for the local television station had exposure after exposure after exposure and decided to run.

He decided to run for Congress, and he got the nomination of one of the parties, and if it had not been for the equal time provision, he would have had all the time, and his opponent would not have had any time at all unless he paid for it.

That situation can pervade and spread like mushrooms.

Mr. MACDONALD of Massachusetts. It happened in Dallas in the mayoralty campaign. The television announcer got elected.

Mr. HAYS. Then would it be fair to call the substitute bill a television announcer's bill, as some of the opponents are calling this an incumbent's bill?

Mr. MACDONALD of Massachusetts. I am not familiar with the substitute. I am talking just talking about our bill—title I.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, would the gentleman please explain to me what he means by the unit price?

Mr. MACDONALD of Massachusetts. Yes. The lowest unit rate means the gentleman under the bill would get the same rate on a television station as somebody who, because of the volume of his advertising the year around, gets the station's lowest price.

But we do not set that. The stations do.

Mr. KAZEN. Let me tell the gentleman that I was one of those who voted against the bill last year because of this specific thing. I will tell the gentleman why. I represent a rural district, with several small radio stations. The people who keep those radio stations on the air are the corner grocery store and the corner drugstore, day in and day out, year in and year out, who have the same news programs and weather programs, and they get a special rate.

Mr. MACDONALD of Massachusetts. Let me cut in on the gentleman. I remember the gentleman's argument.

But what do these people on TV and radio get a license to do? The license says, "public interest, convenience and necessity." If they want to sell automobiles or second-hand furniture or something else, that is up to them, but if they receive a broadcast license they have a duty to the community they serve.

Mr. KAZEN. I agree with the gentleman.

Mr. MACDONALD of Massachusetts. Then why did the gentleman vote against it?

Mr. KAZEN. But there are so many fields of service they perform every single day for local clubs and local churches.

Mr. MACDONALD of Massachusetts. I guess the gentleman did not understand what I said. They get a license to operate on a public radio frequency. They do not own anything except perhaps the physical plant. They are given by the Federal Government a right to have a monopoly on radio frequency. They are supposed to operate in the public interest.

The CHAIRMAN. The time yielded to the gentleman from Massachusetts has again expired.

Mr. STAGGERS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Arizona.

Mr. UDALL. I want to commend the gentleman. The public at large, the American people, owe the gentleman in the well a great debt of gratitude. He has fought this battle for 2 long years.

I should like to comment on something the gentleman said. He said that we needed bipartisanship. The gentleman had it a year ago. The committee adopted the bill by a bipartisan vote, and it was adopted in the House by a bipartisan vote. Now we seem to be in danger of losing that.

I believe this is wrong, because all of us have an interest in giving our people a better system. We ought to be looking to the needs of the next generation, as well as to the needs of the next election.

I should like to ask the gentleman a question. There has been a great worry about 315, for the Presidency. Does not the gentleman agree that no incumbent President is going to be embarrassed by refusing to debate with a nonincumbent opponent?

Mr. MACDONALD of Massachusetts. He may be embarrassed; he does not have to do it.

Mr. UDALL. Does the gentleman believe it would be any great handicap for Lyndon Johnson in 1964 to say, as he did:

I do not want to debate Senator Goldwater. I know national secrets. I have all these other questions and considerations, and I cannot do it.

It is said this is an anti-Nixon provision.

Mr. MACDONALD of Massachusetts. It is not.

Mr. UDALL. I do not believe he will lose one vote if he refuses to debate on the ground he is an incumbent and his opponent is not.

Mr. MACDONALD of Massachusetts. He will not.

Mr. HARVEY. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Michigan, a very distinguished gentleman who used to serve on the subcommittee.

Mr. HARVEY. I thank my good friend from Massachusetts for yielding.

I would point out to the Members in the House that the facts speak for themselves. This Congress refused in 1964 to pass a bill out that would have permitted debates or would have suspended the equal-time provision for the President. It

passed a bill out in 1968, and now again is urging it. I think one can say this is nonpartisan, but it speaks for itself.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. STAGGERS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. MACDONALD of Massachusetts. The gentleman from Michigan, I believe, is very incorrect, because there is nothing in this bill that makes any President—whether he be President Nixon, President Johnson, or any other President—debate. It just gives the networks a chance to present the significant presidential candidates to the public, which they are supposed to do anyway, so the public can look at those candidates.

Mr. HARVEY. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Michigan.

Mr. HARVEY. The real question before the Members of the House is the decision that they have to make whether the broadcasters have really reached a degree of maturity where they will treat all candidates for political office fairly. It is not any different for Richard Nixon than it is for Mr. KENNEDY in Massachusetts or Mr. MACDONALD in Massachusetts, whether he be a Congressman or a Senator or a President.

The question is whether the broadcasters will treat the candidate fairly.

Mr. MACDONALD of Massachusetts. The fairness doctrine is one thing; equal time is another.

Mr. HARVEY. I will say to the gentleman—and he knows this very well, because certainly he is the chairman of the subcommittee and the most knowledgeable—he knows the fairness doctrine will stay in regardless of what we do here.

Mr. MACDONALD of Massachusetts. But it is just a doctrine; it is not the law.

Mr. HARVEY. But the real question is whether the broadcasters are going to act fairly. Will my friend agree with me?

Mr. MACDONALD of Massachusetts. Section 315 gives us the protection of equal broadcast treatment. If we give that up we would be turning over the country to the broadcasters.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Chairman, I yield the gentleman 1 additional minute. That is all the time that there is left, and I yield him the last minute.

Mr. BROWN of Ohio. Will the gentleman yield to me on that?

Mr. MACDONALD of Massachusetts. I yield to the gentleman.

Mr. BROWN of Ohio. How did we survive in the years when we had no broadcasting and just had newspapers in this country? There was no equal time provision for newspapers, and yet the republic survived.

Mr. MACDONALD of Massachusetts. I cannot tell you. I have no expertise about that. I was not here.

Mr. KEITH. Mr. Chairman, this is a rather difficult presentation to follow.

I will be happy to yield to the gentleman from Massachusetts (Mr. MACDONALD) 1 minute if he would like to further enlighten us.

I yield to the gentleman from Maryland for a unanimous consent request.

Mr. HOGAN. Mr. Chairman, the complexity of the parliamentary procedure under which we are considering the various campaign reform bills before this body is matched only by the complexity of the legislation itself and the problems which it seeks to resolve.

We are faced with a choice of three different bills, reported from different committees and even from different bodies of this Congress. From the number of complaints that have been circulating during the last week about the deficiencies in each of these bills, it is clear that a firm and strong campaign reform bill will have to be written in this Chamber. Although I ordinarily disapprove of this type of legislating, in this case the entire House membership will have to be called into action because of the deficiencies arising from the jurisdictional conflicts over the subject matter of these bills.

Basically, the three bills before us, H.R. 11060, 11231, and 11280, include various provisions regulating the following aspects of election reform: ceilings on expenditures and contributions allowed, reporting requirements for both campaign contributions and expenditures, enforcement provisions for violations of the law, partial or total repeal of the equal time provisions of the Communications Act, and establishment of a political advertising rate in all media.

When taken at face value these are all laudable provisions, but the language and practical ramifications of some of the provisions would still allow some unscrupulous politicians to evade the law through the available loopholes. Many amendments will be offered in the following days to close these loopholes and I hope that we will choose wisely and well to approve only those amendments which will strengthen this legislation and formulate a law which is fair to the American public and to their candidates for public office.

For my own part, I expressed my major concerns in this area in testimony before the Committee on Standards of Official Conduct. I am pleased to see that one of my suggestions, relating to the loophole in the present Federal Corrupt Practices Act which allows a candidate to accept loans for his campaign from corporations and not repay the loans. This has been corrected in the bill reported by the Committee on House Administration. Under the definition of "contributions" in H.R. 11060 is included "a gift, subscription, loan, advance, or deposit, of money, or property or services of significant value, except a bona fide loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business, and includes a contract, promise, or agreement, whether or not legally enforceable to make a contribution." I urge my colleagues to retain this definition as included in section 1(a)(6) of H.R. 11060 in whatever bill we finally approve. I hope that, if this provision is included in the bill passed, the legislative history will show that this prohibition also includes the extending of credit to a candidate. A corporation

can under present law extend credit and never get paid, thereby evading the prohibition against corporate contributions.

My second recommendation for improvement of the campaign spending laws has not been included in the bills before us and I will direct my energies to securing the passage of an amendment to be offered by our colleague from Minnesota (Mr. FRENZEL) which will, hopefully, rectify this situation. This amendment to H.R. 11060—if it is deemed in order as we proceed under the amending process which has been set for this legislation—will direct that "any amount expended for entertainment, or food at, or direct mail advertising for, any fundraising event shall not be considered to be an expenditure" for purposes of section 2—Expenditure Limitations for Candidates for Federal Elective Office—of this bill.

To backtrack for a moment, Mr. Chairman, and examine the reasons behind the need for such an amendment. I believe that all of us in this Chamber will agree that it is in the best interests of the public to broaden the base of campaign financing. The more individuals we have contributing small amounts of money to political campaigns, the more effective our democracy will be and the more independent the elected Representatives' votes on the issues will be.

If every voter would contribute \$1 to the candidate of his or her choice, the campaigns would be adequately financed and the elected representative would feel no debt of gratitude to special interest groups who might have contributed heavily to his campaign, but merely to the electorate at large, which in a very real sense elected him.

Mr. Chairman, if the committee will forgive a personal reference, in my own 1970 campaign for reelection, a total of 4,294 individuals contributed financially, of which number 3,953 contributed \$50 or less. Of that number, 3,200 contributed less than \$10. These figures should be compared to the 344 contributors donating over \$50 to my campaign.

In my first congressional campaign in 1968, I received contributions from more than 5,000 people, the average contribution being \$22.50.

I mention this as a prelude to establishing the need for this amendment. If we are going to place a limitation on the amount of money which can be spent in a campaign, then we must give some consideration as well to the amount of money "wasted" by the candidate in raising money from a large group of contributors.

My own broad base of support from contributors of small amounts of money resulted primarily from mass mailings. This is a very costly way to raise money because only a small fraction of the people receiving such letters respond with donations. On the other hand, another candidate might, through a few phone calls or personal visits, raise his war chest for his campaign from special interest groups. Similarly, if a candidate were independently wealthy, he would not have to rely upon financial support from the mass of voters.

If, for example, Mr. Chairman, we approve H.R. 11060 with a spending limit

of \$50,000 or 6 cents per constituent; or if we approve H.R. 11231 with a spending limit of 10 cents per eligible voter; or even H.R. 11280 with either a \$60,000 or 10-cent-per-voter limitation on spending, the candidate who must rely on broad-based support from small contributions might have to expend nearly half of the authorized limit in order to raise his \$50,000 or \$60,000. So we can see very obviously and blatantly, that a dollar limitation of the sort envisioned in all three bills, while being basically a highly laudable reform, would favor the wealthy candidate and the candidate who relies on special interest groups for his campaign financing, unless an amendment such as that to be introduced by our colleague from Minnesota (Mr. FRENZEL) is approved. The wealthy candidate and the special interest group candidate would receive full benefit from the \$50,000 or \$60,000, whereas the candidate seeking broad-based support would receive only half benefit.

Mr. Chairman, in sum I would hope that this amendment would be approved, and that a healthy compromise incorporating the most workable and most worthwhile provisions of these three campaign reform bills will be approved by this body.

Mr. KEITH. Mr. Chairman, I yield as much time as he may consume to the gentleman from Massachusetts (Mr. CONTE).

The CHAIRMAN. Will the gentleman yield a specific amount of time?

Mr. KEITH. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. CONTE) 5 minutes.

Mr. CONTE. Mr. Chairman, if we are to maintain a truly democratic system of government, we must agree today to enact the strongest bill possible to control campaign spending. It is no secret that the present procedures for controlling, reporting, and monitoring elections are woefully inadequate.

Unless we take decisive action we will soon end up with a Congress that is little more than a club for millionaires and those beholden to wealthy interests. This was not the intent or the desire of our Founding Fathers, nor is it the desire of the people we represent.

No one in this Chamber has to be reminded of the awesome power of the dollar in waging an effective campaign. The best of intentions, the highest qualifications, an admirable record—all of these can be overridden by massive, expensive campaign practices and gimmicks. We now have the opportunity to curtail the influence of the dollar, and we must take advantage of that opportunity.

Our distinguished Committees on Commerce and House Administration have reported to us two bills designed to close up some of the present loopholes. I commend them for their efforts, but I respectfully disagree with the approach they recommend.

In comparing the bills before us with that already passed by the other body, I am convinced that the Senate version will be more effective in accomplishing the reform we desire. For this reason, I support and will vote for the amendments to write the more preferable pro-

visions of the Senate bill into our legislation.

Immediate public disclosure of campaign spending and the monitoring of campaign practices by an independent body is one of the best ways to keep campaign financing honest. Spending and contribution limitations will be meaningless unless we have an effective means of enforcement. The Senate version, with its reporting requirements and provisions for an Independent Federal Elections Commission, affords this means of enforcement.

I fear that all of our good intentions will end in frustration if we fail to adopt these provisions.

I do not want to create the impression, however, that I am completely satisfied with the bill passed by the other body. It too can be strengthened. While I favor limits on broadcast and other media spending, I would like to see us go even further and adopt a limitation on all expenditures. I know that some have claimed that the total expenditure limitation will give the incumbent an advantage, but I do not agree with this argument. An incumbent has a record. Whether it is good or bad, he has earned it and will run on it. Given our present laws against the misuse of franking privileges, I believe that any unfair advantage arising from being an incumbent will be offset by the fact that he must run on his performance rather than promises.

I am also dissatisfied with the Senate bill's provisions relating to contributions. They pertain only to contributions of the candidate and the candidate's immediate family. The evils of large contributions are too apparent to warrant discussion. We need a limitation on individual contributions without regard to who the donor may be.

I urge that we all cooperate in enacting a bill that will be free of loopholes, that will end the abuses that threaten our system of representative government.

Mr. KEITH. Mr. Chairman, I now yield 5 minutes to the gentleman from Florida (Mr. FREY).

Mr. FREY. Mr. Chairman, we have had partisanship in this bill, I think, in our committee. The final vote in the committee, if my memory is correct, was 23 to 20. I do not think that this is a good thing, because we need reform in this area.

Mr. Chairman, one of the things that turns many of the young people off is the fact that we do not police ourselves. If we do not want to do it now and approach this problem at this time, I think we can write it off for a number of years.

As the chairman of the subcommittee, whom I respect very much and who was extremely fair during the consideration of this legislation, knows, I fought him very hard on several amendments with reference to section 315 across the board on the 10-cent limitation with the 5-cent subcelling for radio and TV.

I, personally, feel very strongly that the sin is not where the money is spent but the amount in which it is spent. We know that the cost of buying votes has gone up from 19 cents in 1952 to about 60 cents in 1968. We know further that it has practically become a geometric

proposition and it must be solved at this point.

Frankly, because of my feelings in this area I think we all, maybe, have to give a little in order to get a decent bill. However, I intend to offer an amendment to the Macdonald bill which will do two things:

First, we hope to add billboards to the type of controllable expenses. Right now we have four items which include radio, TV, newspapers, and magazines. I would like to add billboards and to add other things such as telephone and postage expenses. However, I recognize the fact that we cannot get it through the House.

I think with respect to the 10-cent limitation I would like to retain it, but as far as the radio and television goes, I would like to allow them a little more leeway. I would like to allow them 60 cents instead of 50 cents. This will increase it a little bit. It does not go as far as I want to go but it would allow some discretion.

Mr. Chairman, every candidate who runs in a congressional district in this country is confronted with different problems. A candidate running for office in Boston or New York cannot afford to go onto television and radio, but in the Far West you have to do it. However, this amendment will give them flexibility.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. FREY. Yes, I yield to the gentleman from Ohio.

Mr. HAYS. The gentleman said he fought the subcommittee chairman on section 315?

What is the gentleman's position on section 315?

Mr. FREY. My personal conviction was that I thought it should be repealed for the Presidency, and the Senate and the House of Representatives. It seemed to me that we were in a peculiar position and in effect saying you go ahead and debate but we are not going to debate ourselves. This was my position.

Mr. HAYS. Mr. Chairman, if the gentleman will yield further, the thing that bothers me and which I do not understand is if you repealed it totally—

Mr. FREY. "Debate" is a wrong term.

Mr. HAYS. In other words, a radio station would give the potential opponent as much as they like and give discretion in that manner?

Mr. FREY. I think there is this danger. I do not believe there would be as many people on the TV stations with reference to what they are going to do.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. FREY. I yield to the gentleman from Washington.

Mr. ADAMS. Does not the gentleman believe there is a qualitative difference in the effect of section 315 as it relates to the Presidency as opposed to a congressional district race?

Mr. FREY. Certainly, there has to be.

Mr. ADAMS. Should there not be a distinction made between the two for handling this matter?

Mr. FREY. Obviously the gentleman is taking one direction which is the Presidency, but the total impact of section 315 as to the House of Representatives versus the Presidency, I do not think so.

I think this is an equal branch as much as the executive branch and I think the people should have the right to know what is going on. We are talking about spending and a buying situation. Section 315, in my opinion, is one way you can assure that you do not have to spend too much. The record shows that in 1966 the cost was about 10 or 11 times as much as any other year. I think this would carry over to the Senate and also the House.

Mr. Chairman, in conclusion I would like to say that on this amendment I am willing to go a certain length on this thing because of my overriding feeling that we do need a bill on this and this is really, I think, our last chance to get it.

I will offer this amendment for the purpose of compromise and hope that the chairman and the other Members will accept it.

Mr. KEITH. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, the gentleman from Minnesota (Mr. FRENZEL) and I introduced H.R. 11280 after the Committee on House Administration and the Committee on Interstate and Foreign Commerce had each completed consideration of the respective bills on election reform, which fell under their respective jurisdictions. After seeing those two bills, the ones being discussed today, it was apparent to us that the prospects were slim of resolving the conflicting principles and language in the two bills during any floor consideration of the Committee of the Whole.

Although the Senate bill on this subject, S. 382, did not completely conform to our individual views on campaign reform, it seemed a much more sensible vehicle for us to use in attempting to achieve any orderly reform.

Since the Senate bill had been considered as a single unit by one committee of the Senate, its original draftsmanship had few conflicts. Many amendments were considered on the floor of the Senate, several were adopted, and the bill was passed by an overwhelming, bipartisan vote of 88 to 2.

I serve on the Communications Subcommittee of the Committee on Interstate and Foreign Commerce which worked on the Macdonald bill, and the gentleman from Minnesota (Mr. FRENZEL) serves on the Elections Subcommittee of the Committee on House Administration which worked on the Hays bill and each of us feels that those bills were both partisan and proincumbent when they came from those committees.

The Senate bill seemed to avoid those obvious pitfalls.

Since the Senate bill had never been referred to a committee here in the House, we introduced it as our own, and asked the Committee on Rules to make it in order as an amendable substitute, and permit its amendment. That was done and our substitute itself will be amendable under the rule.

It is our hope that the Macdonald bill will be amended to conform it toward the broadcast provisions of the Senate bill, our substitute H.R. 11280. And then that our bill will be substituted for the Macdonald bill and the Hays bill.

In that interest, Mr. Chairman, I ask unanimous consent to insert at this point in the RECORD an outline of the differences in the three bills which will be under consideration. This chart also includes comparison with the present law.

The CHAIRMAN. The Chair will ask the gentleman from Ohio whether this is the gentleman's own compilation?

Mr. BROWN of Ohio. A form of this compilation has already appeared in print.

The CHAIRMAN. The Chair will state to the gentleman from Ohio that the problem is whether permission can be granted by the Committee of the Whole, or whether permission has to be given in the House. If this is the gentleman's own compilation then permission can be granted by the Committee of the Whole. If it is not the gentleman's own compilation, if there is extraneous matter, then permission will have to be granted in the House.

Mr. BROWN of Ohio. It is a personal compilation.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. HAYS. Mr. Chairman, reserving the right to object, and I do so in order to ask the gentleman from Ohio a question:

The gentleman referred to the compilation in a local newspaper, and presumably he is going to follow that as a guideline in his own compilation. Is he aware that that had a mistake in it in which they said that the Committee on House Administration had allowed \$5,000 for all purposes, and it should have been \$50,000?

Mr. BROWN of Ohio. I am aware of the error.

Mr. HAYS. And in the estimated example again they used \$5,000 instead of \$50,000? Will the gentleman from Ohio correct that?

Mr. BROWN of Ohio. That portion will be omitted.

Mr. HAYS. I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The material referred to follows:

**THE CHOICES BEFORE THE HOUSE  
SPENDING LIMIT PER CANDIDATE**  
*Hays bill—House Administration  
Committee*

Fifty thousand dollars for all purposes or 6 cents per constituent—(Whichever is higher).

*Macdonald bill—House Commerce  
Committee*

Five cents per voting-age constituent for broadcast ads.

Ten cents per voting-age constituent for newspaper, magazine, and broadcast ads.

*Senate bill—Sponsored by House  
Republicans*

Six cents per voting-age constituent for broadcast ads.

Six cents per voting-age constituent for newspaper, magazine, billboard ads, but not over 10 cents per voting-age constituent for broadcast, newspaper, magazine and billboard ads or \$30,000 minimum limit for each category.

*Present law—Corrupt Practices Act  
of 1925*

Twenty-five thousand dollars for U.S. Senate, all purposes.

Five thousand dollars for U.S. House, all purposes.

**SPECIAL MEDIA PROVISIONS**

*Hays bill—House Administration  
Committee*

Not in committee's jurisdiction.

*Macdonald bill—House Commerce  
Committee*

Repeal of "Equal Time" provision for presidential race only.

Broadcast rates cannot exceed "lowest unit charge" for same time period.

Print media rates cannot exceed charge for comparable commercial ads.

Equal space required for print media.

*Senate bill—Sponsored by House  
Republicans*

Repeal of "Equal Time" provision for all federal races.

"Lowest unit charge" broadcast rates just before elections.

**LIMITS ON CONTRIBUTIONS**

*Hays bill—House Administration Committee*

From any individual: \$35,000 to any presidential candidate; \$5,000 to any Senate candidate; \$5,000 to any House candidate; Plus limits on candidate's use of his own money.

*Macdonald bill—House Commerce Committee*

Not in committee's jurisdiction.

*Senate bill—Sponsored by House  
Republicans*

Limits on candidate's use of his own money only.

*Present law—Corrupt Practices Act of 1925*

Individual contributions limited to \$5,000 per candidate.

**REPORTS OF CONTRIBUTIONS, EXPENDITURES**

*Hays bill—House Administration Committee*

To: Clerk of House, Secretary of Senate. Required only 10-15 days before election, and 45 days after election.

Reports include all items over \$25.

*Macdonald bill—House Commerce Committee*

Not in committee's jurisdiction.

*Senate bill—Sponsored by House  
Republicans*

To: Federal Elections Commission, Clerk of local U.S. district court.

Required four times yearly plus before elections.

Reports include contributions \$100 or more; expenditures over \$100.

*Present law—Corrupt Practices Act of 1925*

To: Clerk of House, Secretary of Senate.

Four times yearly plus before elections.

**PENALTY FOR VIOLATION**

*Hays bill—House Administration Committee*

Candidate for President: \$25,000 fine. Others: denial of seat, disqualification for future elections.

*Macdonald bill—House Commerce Committee*

\$10,000 fine and 1-year prison term for willful violation.

*Senate bill—Sponsored by House  
Republicans*

\$5,000 fine and five years prison for media sections.

\$1,000 fine and one year prison for reports section.

*Present law—Corruption Practices Act of 1925*

\$10,000 fine and 2 years prison.

(All bills apply to candidates for federal office only. Figures given are for general elections; equal additional sums permitted in most cases for primary, special or runoff elections.)

Mr. BROWN of Ohio. Mr. Chairman, the principal differences in the Macdonald bill and our substitute are that the Macdonald bill repeals the equal time provision, section 315(a) of the Commu-

nications Act, for the President only. Our substitute would repeal it for all Federal elective offices, President, Vice President, Senate and House. We feel that what is sauce for the goose is sauce for the gander.

The Macdonald bill provides a 10-cent spending limit per person of voting age, as does the substitute, but the Macdonald bill's limits apply to broadcasting, newspapers and magazine advertising, while the substitute also covers billboard ads. But the Macdonald bill further limits spending on television and radio to 5 cents, while the substitute permits candidate discretion to spending up to 6 cents on broadcasting or print media so long as the total does not exceed 10 cents in the covered areas.

One other problem that exists in the Macdonald bill which does not exist in the substitute at all is the provision that requires newspapers to provide the same space to all candidates for the same office if it provides space for any candidate for that office. It is our hope that there will be amendments to the Macdonald legislation so that we can move that legislation toward the Senate substitute, the bill H.R. 11280, which we have introduced, and then the substitute will be approved.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEITH. Mr. Chairman, I yield myself 5 minutes.

Mr. KEITH. Mr. Chairman, once again I would like to compliment the chairman of the Committee on Interstate and Foreign Commerce and in particular the chairman of the Subcommittee on Communications and Power. These gentlemen and their committees and staff worked long and diligently to make this bill one which would be in the public interest.

But the kinds of reforms, it seems to me, that Chairman STAGGERS indicated were necessary in order to cope with the kinds of advertisements that he prophesied for the future, were really not within the sphere of the Commerce Committee. That is, except in the limited way it related primarily to the media. We tried to reform or improve the bill in other respects, but it was not just an adequate vehicle for us to do that.

I have one amendment in particular which I referred to on the floor earlier, relating to the use of credit in regulated industries. It will be discussed when the time comes for amendments.

But in my view, this bill does not enable us, as it comes from the Commerce Committee, to accomplish the reforms that we so badly need. Nor am I certain that the Hays bill speaks to or reflectively speaks to the reforms that were outlined in the Anderson-Udall bill which I cosponsored many months ago.

The Senate bill seems to me to get the closest to the subject of true reform.

It does not matter whether we do our work here, under the rules that have been devised to assist us to work our will on this legislation. It will be necessary, I believe, to get it closer to the people. In this matter, the States must take action.

It is all very well to have adequate laws in Washington, but it is much better if you can have them in the State, where

the facts will be readily available to the local press in a timely fashion.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I yield to the gentleman.

Mr. HAYS. Many States do have very restrictive reporting laws. The State of Ohio's laws are very similar to the House Administration Committee bill. But what do you do about States who do not have any laws?

Mr. KEITH. I am just using this forum to say that no matter how well we should or could perfect this legislation, it is not going to be adequate unless it not only requires full disclosure—but is at a place that is easily accessible.

If I recall correctly, your particular bill only requires reporting and disclosure 10 days before the election and 45 days afterward.

Mr. HAYS. That is right.

Mr. KEITH. Why did not you incorporate the Ohio provisions in your bill?

Mr. HAYS. The Ohio provision does not require any reporting before and one report 45 days afterward. I went beyond that.

Mr. KEITH. I believe the law that we have in Massachusetts is better than that. It provides for continuing reports and is quite effective.

Mr. HAYS. Let me say to the gentleman, and I will yield him some time if I transgress too much on his time—we tried to get a consensus. Some people did not want any report until after the election. But there was an amendment offered that they would have to report between the 15th day and the 10th day—in that interval—how much they spent up to then. That is an improvement over what we have now, I think.

Mr. KEITH. It certainly is an improvement over what we have now.

Mr. HAYS. If the House wants a tougher amendment, they will have an opportunity to offer one.

Mr. KEITH. I rather hope we will.

May I say I think it is very late. In any event I realize my time is running out.

I would call to your attention an excellent article written in last Sunday's Post by John Oberdorfer. The editor of the newspaper excerpted the following phrases—

Unless the House acts without further delay, the struggle to regulate campaigns for Federal office will be dead for this year and years to come.

There is, it seems to me, a decided possibility that if we do not do an adequate job, we will have to live for another 50 years with a half-way measure. So I propose, Mr. Chairman, that we use these rules to work, not the politicians' will, but the peoples' will!

If there are no further requests for time, I yield back all my time.

Mr. HAYS. Mr. Chairman, this is what I like about general debate and always have liked. It is pretty near useless because there is nobody here to listen to it, and I am sure very few people will read it. So I do not propose to use very much time.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Texas.

Mr. KAZEN. Would the gentleman like me to call for a quorum?

Mr. HAYS. No; I would not, because if the gentleman calls for a quorum, I will move that the Committee rise.

Mr. KAZEN. I would like to get some Members here.

Mr. HAYS. I do not think you would. Most of them are gone for the week.

Be that as it may, I am sure we will have some time in the amending procedure to answer any questions. I would merely like to say that the House Administration Committee bill was worked on for 7 days in hearings and 7 days in markup, and everybody, I think even the four who voted against the bill, will say that in the markup every member of the committee had adequate time to present his amendments. I hope Mr. FRENZEL is listening. Every Member had adequate time to present his amendments. There was no attempt to steamroller the bill. Every amendment was discussed and was put to a vote.

The end product, let me say, in my judgment is not perfect. I must say that this is the first time since I have been here that speaker after speaker seemed to demand instant perfection in a bill when it was brought to the floor. But the bill was near enough perfect that there were 20 members out of the 25 who voted for it; one was not present, and four voted against it.

All I would ask is that if it is the will of the House—and I intend to vote that way—to accept the Macdonald bill with whatever amendments are agreed upon as title I, that they would turn down the Senate bill, the remainder of the bill, and let us go to conference with the Senate. I do not subscribe to the theory that the Senate is perfect, and we ought to swallow what they have done hook, line, and sinker.

Finally, as I said, I am not going to attempt to explain this bill because the audience is very small, the time is late, and we will have plenty of time in the amending process. But I do not think there is a majority on either side of this House that wants to repeal section 315 in toto and turn over to the television broadcasting stations in our districts the right to name the next Congressman from that district, which they would do in many instances.

I gave the example of television broadcasters running for Congress. They have a lot of exposure, and I think it would certainly be about as unfair a thing as you could think of.

As I said earlier, some people have called this an "incumbent's bill." I do not agree with that. But if you repeal section 315, you had better call it "the television announcer's bill."

What about the "incumbent's bill" charge? Well, the incumbent has certain advantages by being an incumbent with or without any regulation. But what about the challenger? We are here tonight. We are going on record every day. You can have a challenger back home now running around footloose and fancy free for a year before election, making all the meetings you have to miss for being here, challenging whatever votes he wants to challenge, attacking your record, and you have to run on a record and he has to run on promises.

Well, let me tell you something. I found in my time that it is sometimes easier to be a challenger than it is to be an incumbent.

I do not propose to load the bill the other way. I hope we can come out with a bill that is fair to everybody and not loaded in favor of either side, and I think this House administration bill will be that kind of bill if some of the amendments we propose to offer are adopted to make it even better than it is—and I am sure there are people who have some amendments I do not know about, some of which may very likely be acceptable, and some of which may make it an even better bill than it is now.

Mr. DEVINE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I would like to record a little bit for posterity here. We wonder about the great clamor for legislation of this nature. I counted the House just before assuming the floor, and I find less than 10 percent of the Members are present on the floor.

We are not supposed to mention the press gallery, so I will not mention the fact that there are less than half a dozen reporters up there.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, if my eyes do not deceive me, the fellow who has written the most about it in criticizing the Congress is not up there either.

Mr. DEVINE. Mr. Chairman, also the clock now reads exactly 19 minutes before 6 o'clock.

Mr. Chairman, I commend the chairman of the House Administration Committee for bringing the Federal election reform legislation to the floor of the House for consideration.

This is one of the matters that has been discussed and cussed over the years. I remember the Committee on House Administration a few years ago did get an election reform legislation bill out, but the House leadership did not see fit at that time to set it for action, but at least we have reached this stage, so we will have an opportunity to vote it up or down.

It has been long recognized that there are many inadequacies in the laws on the books relating to campaign spending on Federal elections and efforts to do something about it always seemed to fall short of success, so it is definitely a very encouraging step forward to have this legislation before us today. The unfortunate part is that this bill has various undesirable features which detract seriously from its merits. Many of these are set forth in the additional and supplemental views in the committee report, and I certainly recommend that these views deserve the attention of all Members.

As we go through the committee report—and I am making reference to the bill as it emerged from the Committee on House Administration—we will see there are separate views signed by the gentleman from New York (Mr. BINGHAM), the gentleman from Michigan (Mr. NEDZI), and the gentleman from California (Mr. HAWKINS); and additional views, signed

by the gentleman from Ohio (Mr. DEVINE), the gentleman from Alabama (Mr. DICKINSON), the gentleman from Iowa (Mr. SCHWENGL), the gentleman from Michigan (Mr. HARVEY), the gentleman from Idaho (Mr. HANSEN), the gentleman from Pennsylvania (Mr. WARE), the gentleman from California (Mr. VEYSEY), and the gentleman from Minnesota (Mr. FRENZEL); and supplemental views of the gentleman from Alabama (Mr. DICKINSON); and additional views of the gentleman from New Hampshire (Mr. CLEVELAND); and dissenting views of the gentleman from Illinois (Mr. CRANE); and supplemental views of the gentleman from California (Mr. VEYSEY); and additional views of the gentleman from Minnesota (Mr. FRENZEL).

So the Members will see there is anything but unanimity on the handling of this particular legislation. The major drawback in H.R. 11060 in my opinion is the unrealistic limitation it would place on campaign expenditures. All of us here are aware that the makeup of congressional districts across the country varies greatly. Geographically, districts come in all shapes and sizes from large to small; some are entirely urban and some entirely rural; they differ greatly economically; there are vast differences in the communications and transportation facilities among congressional districts.

In spite of these and other significant differences, which produce widely varying campaign spending needs from district to district, the bill arbitrarily lumps all of them into one category and places essentially the same limit on all.

We did in committee increase the top limit from \$30,000 to \$50,000 to try to take care of what appears to be gross inequity. Our hearings certainly produced no information or unanimity of opinion in support of such a campaign spending limitation or concerning what might be a proper limit, so this really amounts to a classic case of legislating in the dark.

There are other features in the bill which give cause for concern. It has no guidelines as to precisely what spending would come under the limitations. This means that scores of questions could arise. Does the use of a candidate's private auto, for example, amount to a campaign expense, or his lodgings or meals? Do incumbent's activities have to be included, such as including the cost of his district office space, mailings to constituents, and so forth. Expenditures in a business which conceivably could rebound to the benefit of a candidate presents questions. These are only a few of the many potential questions that could arise.

It is a matter of concern that a candidate for office would be subject to the far-reaching sanctions of such a law which contains indefinite and vague guidelines as to its requirements.

It could be stated that if the bill contains so many potential questions as to what would come within the spending limitation, why not spell out what would be included. The trouble is that you run squarely into the same old problem all over again. What should be included in

the definition? Certain types of spending are easily identified as campaign expenditures, but there could be many that are not so easily categorized. What is a campaign expenditure from one point of view is not in another. Essentially the problem arises from the fact that an attempt is made to limit overall expenditures.

Coupled with this serious drawback to the bill is the fact that in part it would be the officials of the States, in the case of congressional candidates, who would make the determinations as to whether the law had been violated. There could thus be as many different interpretations of the law as there are States and it seems to me this could result in a completely intolerable situation.

The section of the bill that would deny individuals the right to run for public office for a number of years if they are deemed violators of its provisions is of doubtful constitutionality. The portions of the bill that limit contributions and expenditures from candidates personal resources are also of doubtful constitutionality. The reporting requirements of the bill are inadequate.

I should like specifically to invite the attention of Members to the views which appear on page 25 of the report. We are lacking in this, and the chairman very graciously stated he would hope to cure the credit card situation. In here it shows that as a result of the last election the National Democratic Committee has unpaid airline bills with American Airlines alone as of last April of \$426,000 plus.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DEVINE. Mr. Chairman, I yield myself 1 additional minute.

Without going into the figures here, I can say this is nonpartisan, because there are hundreds of thousands of dollars owed by both political parties and candidates, and by deceased candidates, which have not been paid. But it appears to me to be a violation of the Corrupt Practices Act. Indirectly these corporations are making writeoffs, doing what they cannot do directly. This is something to which we did not address ourselves.

I have touched on major drawbacks in the bill before us today. It seems clear that further modification is needed if we want to make this a workable and reasonable law to update our Federal elections.

We have an open rule on H.R. 11060, the rule also makes it in order to consider as an amendment in the nature of a substitute the bill H.R. 11280, which is identical with the Senate-passed election bill, S. 382. The membership will have an opportunity to improve this legislation. If we do not, perhaps a recomittal would be the better course for a new start to meet the real problems head on, and legislate meaningful reform—not just a political approach to protect incumbents and an effort to single out the President, through repeal of section 315 in the Macdonald approach. We are supposed to legislate for the good of the country—not just for the 1972 campaign.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. My time has expired.

Mr. HAYS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. DEVINE. I yield to the gentleman from Ohio.

Mr. HAYS. Does the gentleman have any specific amendment in mind that would cure the airline credit card thing?

Mr. DEVINE. Yes, I have an amendment. It is the same amendment I offered in the committee, if the chairman remembers.

Mr. HAYS. Yes.

Mr. DEVINE. At the proper time I intend to recommend it. In effect, it goes to the three regulatory agencies involved, to have them set up rules and regulations to cure this problem. Those would be the CAB, the FCC, and the ICC.

Mr. HAYS. The gentleman from Ohio who is the chairman of the committee would be glad to take a good look at any amendment the gentleman has on this, and if it seems remotely workable, so far as he is concerned, would say he would accept it, because this is an evil which should be cured.

Mr. DEVINE. If I am not mistaken, when this amendment was offered in the committee the chairman did support it.

Mr. HAYS. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. First, Mr. Chairman, I should like to commend very highly the Committee on Interstate and Foreign Commerce, and in particular the gentleman from Massachusetts (Mr. MACDONALD) who has worked on this legislation for a number of years.

I believe it is impossible to exaggerate the importance of the three bills which are under consideration, because in the long run our democratic society will endure only if our democratic elections system is protected and maintained.

One of the hallmarks of that system, first, is that the franchise must be broadly based. I am delighted, incidentally, that the 26th amendment has now extended the franchise to 18-year-old citizens.

Just as important, the system must be honest and open, free of corrupt practices and insidious influences by a few powerful interests.

The history of this legislation in the Committee on House Administration is not limited by any means to the 7 days of hearings and the 7 days of mark-up to which our distinguished chairman alluded. The history of it goes back many years. I happen to have served on the committee for 17 years, and I have been active in trying to develop some form of election reform legislation over a period of at least 7 years myself.

There is not one single person here, as a newspaper recently wrote, who cannot qualify as an expert at least to a degree in elections.

Some of us might be better and thereby have larger margins, but all of us at least are expert enough or have others who are expert enough around us so we are here.

Implicit in any legislation involving Members of this and the other body is the fact that incumbents have an advantage.

We all know that all an incumbent needs to do to have an advantage is to be a diligent representative, to have a good staff, and to vote the way in his conscience he feels he should and hope to satisfy the majority of his constituents. We all get during a 2-year period of incumbency infinitely more publicity than any potential incumbent, aside from a very, very few isolated ones, can get in our districts. It seems to me that we simply cannot legislate away these advantages, but what we can do and what we made an honest attempt to do is to prohibit the purchasing of seats in the House of Representatives and the purchasing of seats in the other body and the President's seat.

There is a lot of talk about partisanship and of bipartisanship. I know a great many Members on both sides who have a real, genuine interest in this. I know a great many Members who have some heat on them as a result of their activities to try to bring about election reform. The fact is, as our colleague from Indiana (Mr. MADDEN) said so colorfully earlier in the day, the eyes of the people are upon us and there is in fact and in deed a nationwide demand for this type of legislation.

We are going to come back here following a recess and we are going to begin the 5-minute rule. The chairmen and the subcommittee chairmen of the respective committees involved and a number of others of our colleagues, all perfectly able and capable of answering any questions among the group of them that can be raised, are willing, as Chairman HAYS indicated just a minute or so ago, to the distinguished gentleman from Ohio (Mr. DEVINE) are willing to consider constructive, workable amendments at any stage of the game. Mr. HAYS, my chairman, has said time and time again that he has a major objective, and I consider that that major objective is a reasonable one, and he has also talked about compromise day in and day out, up and down, and all around until I am sure he is going to be glad for a few days of respite between now and the time that this thing is debated.

Any suggestion in advance, however, that this matter should be disposed of by a motion to recommit and sent back for further study is pure unadulterated poppycock. It cannot wait; it will not wait; the people will not wait. I assure you of that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THOMPSON of New Jersey. If I may have 1 more minute.

Mr. HAYS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. THOMPSON of New Jersey. I would suggest that we approach this in the manner as has been suggested by the two committee chairmen; namely, that we work on this and work the will of the House and we get a bill and pass a bill and indeed not that we recommit one, even though it might be more comfortable for some of the brothers, as Mr. UDALL would say, not to have anything.

Mr. Chairman, it would be impossible to exaggerate the importance of the three bills under consideration today:

In the long run our democratic society will endure only if our democratic election system is protected and maintained. What are the hallmarks of a truly democratic election system? First, the franchise must be broadly based; and I am delighted that the 26th amendment has now extended the franchise to 18-year-old citizens.

Just as important, the election system must be honest and open; it must be free of corrupt practices and insidious influence by a few powerful interests. Mr. Chairman, it is an unfortunate but undeniable fact that the cost of conducting a political campaign has soared during the last decade. It is also an unfortunate but undeniable fact that in order to meet rising campaign costs, candidates have become increasingly dependent upon either their own personal wealth or the wealth of a few large contributors. This dependence of candidates upon the concentrated wealth of a few individuals or organizations is basically undemocratic. Furthermore, it opens the door to corrupt and insidious influences on our election system.

When candidates are dependent upon a small number of large contributions, the contributors may be in a position to exert an unhealthy influence on the conduct of Government by promoting special interests at the expense of the public welfare. In a democratic society, competition between candidates should be determined on the merits of their qualifications and political views, not on their ability to attract support from sources of concentrated wealth, whether the wealth of the candidate, his family, or outside individuals and organizations.

Mr. Chairman, there are a number of ways to counteract the growing dependence of candidates on large contributions from concentrated wealth. First, one could place a strict limit on the amount a contributor may give to a candidate. Second, one could require large contributors to report their contributions, hoping that public disclosure would inhibit contributors from attempting to influence the conduct of government in unjustifiable ways. Third, one could establish a tight limit on the cost of campaigns, thereby making it unnecessary for a candidate to depend on large contributors. Fourth, one could generate adequate finances for campaigns by using tax incentives to encourage a large number of people to make modest contributions. Last, one could provide direct Government subsidies to candidates from public funds.

Frankly, Mr. Chairman, I believe the fourth alternative, using tax incentives to generate widespread grassroots financial support for candidates, is the best alternative for the long run. However, the bills under consideration would use various forms of the first three alternatives—limitations on contributions, reporting requirements, and limitations on expenditures. These measures are desirable first steps in the process of developing legislation to guarantee a democratic election system in an age of soaring campaign costs.

H.R. 11060 would establish limitations on overall campaign expenditures, limitations on contributions, and require

reporting of expenditures and contributions. H.R. 11231 would establish limitations on communication media expenditures and repeal the equal-time provision on broadcasts connected with the presidential general elections. H.R. 11280 is the Senate-passed bill and would repeal the equal-time provision establish limits on communication media expenditures, limit the amount a candidate may contribute to his own campaign, and require reporting of expenditures and contributions.

Mr. Chairman, as we begin work on this very complex issue, I believe we should keep three goals in mind. First, an informed electorate is the foundation of a democratic election. Therefore, we should support measures which encourage widespread debate on public issues and on candidates for public office. Second, we should reduce the opportunity for a candidate with a large campaign fund to distort the election process by monopolizing communication facilities during a campaign. Third, we should reduce the dependence of candidates on support from a few sources of concentrated wealth. Above all, Mr. Chairman, we should oppose any proposal which would have the effect of prohibiting widespread participation in nonpartisan election activities, such as voter registration and get-out-the-vote drives. We should defeat measures which outlaw the use of contributions of money and services from great numbers of workers, since such proposals are profoundly undemocratic, and would tend to close our election system rather than make it more open.

Mr. HAYS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I have heard a statement made today and many times previously that any campaign limitation bill cannot be enforced.

Well, let me tell you something. The British have a campaign expenditure bill that limits them to something like \$2,000 per candidate and 3 weeks of campaigning, and it is enforced and can be and it has been.

So, if that kind of a stringent bill can be enforced, certainly one with a \$50,000 limitation and some reporting can be enforced if they want to enforce it.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Missouri.

Mr. HALL. Did the gentleman's committee consider a time limitation as well as the other items in the writeup of this bill?

Mr. HAYS. I will say to the gentleman that we did not. I wish we had. I wish it were possible to have one. I think it would be wholesome if we could limit it to about 60 days or so.

Mr. HARVEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. LLOYD).

Mr. LLOYD. Mr. Chairman, it is appropriate and necessary that we make an honest effort to place tighter and more understandable control on contributions which we made to candidates for public office and the purposes for which those contributions are spent by the candidate. It is not only our obligation to make this

attempt because we have experience in the mechanics of the political process and should be most familiar with its shortcomings, but it is also a clear mandate from the citizens we represent that this action be taken. I compliment the gentleman from Ohio (Mr. HAYS) and his committee for bringing this bill before us for action.

I do not believe we can devise a perfect campaign contribution and expenditure system, but we can do the best we can with the tools we have. We can improve existing legislation on the subject by taking certain necessary steps, for example:

First. We can improve disclosure provisions and provide for reporting which will be meaningful. I believe we should create independent enforcement machinery for this purpose.

Second. We should provide that spending limitations be meaningful; that wealthy candidates do not have an unfair advantage over candidates who do not represent wealthy families or associations. We can provide that the candidate shall not be at the mercy of specific advertising media. In this respect I believe it is unfortunate that the current most popular medium for political candidates, namely television, has within its power granted by the federal government the means to give favored treatment, despite current legislation designed to the contrary. We can, however, aim to reduce the chances of affording such favorite treatment. It is not only in the interest of the candidate, but certainly in the interest of public-minded citizens who make contributions for political campaigns, that the difficult effort to secure and provide adequate funds for campaigning is not exploited by irresponsible advertising media of any kind. Political campaigns can provide a windfall of excessive profits for some advertising media who follow discriminatory or selfish practices aimed at soaking up the political dollar. Actually it is not enough to provide equal time. True fairness is the result of honest and sincere policy which prevents employees of television stations or other advertising media from exercising cute and harmful practices to the injury of the candidates whom they hold in disfavor.

Third. Our political system should be open to new ideas and new candidates. No policy should deliberately and intentionally discriminate in favor either of the incumbent or the challenger.

Fourth. Spending limitations should be nondiscriminatory as to specific media.

Fifth. Disclosure and reporting should apply to nonelection years as well as election years. The sometimes phony "get well parties" have provided easy evasion of some laws where reporting is required only during the election season.

I believe that ultimately we should adopt campaign expenditure control which has more effective enforcement potential built right into the system. This would be a control which would be exercised by the political candidates themselves who, after all, are the most sensitive and concerned.

For example, if a candidate were required to report at proper intervals all

money spent in his behalf for public advertising; specifically where such advertising was placed with the correct specifications; and the amount spent for each advertisement, his opponent would know immediately in most cases whether the report was complete and honest and also importantly, whether the advertising media were giving fair and impartial treatment in charges and placements of advertising.

If this Congress is unsuccessful in enacting meaningful, understandable, fair and essential campaign spending legislation, then we inevitably face the stern alternative of public financing of election campaigns. If we provide legislation in which the public can have faith, then a greater number of citizens will voluntarily share the expenses of campaigning in behalf of their favorite candidate. If we fail to enact meaningful legislation, or enact legislation in which the public has no confidence, then the list of those who contribute to political campaigns will be narrowed and one way or the other, candidates will be exposed to excessive influence of those on whom they must depend for financial support to finance the campaign.

Finally, I repeat, the public should not expect perfection or even near perfection. There are too many ways for evasion of even the tightest legislation. For example, a \$1,000 limitation on a single contributor could be evaded simply by a \$5,000 contributor dividing up his financial influence among five associates. Organizations could supply free labor which is not susceptible at this point to legislative restriction. Anyone in public life can make a long list of evasions of the spirit of control which no legislation can prevent. We can do much, however, and we have the obligation and the mandate to do as much as we can and to be candid and forthright in our explanation to the citizenry.

Mr. HARVEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, with the beginning of debate this afternoon on a Federal Elections Campaign Act, the House is facing one of the most important issues in its long history. The importance of the Federal Elections Campaign Act lies not in the specifics of the various bills before us today, but rather in the implications such legislation has for the future of the American political system. Because of the fundamental changes any bill, which would effectively limit campaign contributions or expenditures, will have on our two-party system, it is absolutely essential that every Member of this great body be aware of the issues at hand. I urge my colleagues to take this time, if they have not already done so, to familiarize themselves with the arguments on both sides of the issues; the consequences are too significant to be left to snap decisions.

I have done a great deal of thinking and reading on this vital subject, and I would like to share some of my thoughts with my colleagues at this time. Last spring, I introduced legislation to grant a Federal income tax credit for election campaign contributions to strengthen disclosure and reporting requirements. In my statement that accompanied that

bill, I indicated that the best political finance system is one based on a large number of small contributions, and the only way to achieve this goal was to instill confidence in the voters. Stiff reporting and disclosure requirements were aimed at doing just that. At that time, I did not feel it was necessary to legislate limits on contributions and expenditures.

I have long considered attempts to limit campaign contributions and expenditures as a violation of the first amendment. As Prof. Ralph Winters, of Yale University, so eloquently stated during the Senate hearings on this subject:

The first Amendment plainly prohibits the setting of a legal maximum on the political activities in which an individual may engage.

Any limit on the amount of money a candidate may spend can be viewed as an attempt to limit his political speech. The situation is somewhat analogous to saying that a speaker in public parks can only speak for 10 minutes.

The charge has also been made that limitations on campaign contributions and expenditures discriminate against some candidates and in favor of others. To limit campaign contributions and expenditures is to increase the relative importance of those groups that conduct extensive educational programs for political purposes. Labor unions, for example, can support these limitations because their political activity extends to other areas. Limits on direct spending increase the importance of voter registration drives, news releases, and so forth, none of which would be affected by the proposed legislation. Now I am not saying we should limit these activities; I simply want to point out to my colleagues that contribution and expenditure limits can be viewed as discrimination against candidates who receive money from individuals and in favor of candidates who have interest groups working on their behalf.

The Members of the House and Senate, however, seem to favor some form of limitations, as witnessed by the three bills the distinguished Rules Committee has determined should be considered under one rule.

Mr. Chairman, I have studied all of these measures very carefully, and I have come to the conclusion that of the three, the Senate-passed bill—the bill the Rules Committee has permitted to be introduced as a substitute—is by far the best and the one that should be adopted by the House.

My decision to support the Senate bill is based not only on practical reasons, but also on its treatment of the issues. In the realm of the practical, I believe the Senate bill is the vehicle that will lead to immediate reform. If this Congress is going to pass legislation in time for the 1972 elections, it will have to do so quickly. The Senate bill has the advantage of already having overwhelming Senate approval, and any minor amendments in the House could easily be reconciled in conference.

The second practical reason for supporting the Senate bill is that it has Presidential support. The President has stated his strong opposition to any attempt at imposing limitations on campaign contributions. As I read this

“strong opposition,” it spells “veto” for any bill that would include such limitations, a measure that I am sure the President and the House would find most embarrassing. In addition, I believe it would erode the public's confidence in their elected officials once they realized that they could not agree on such a fundamental issue as election reform.

If there were no other arguments in favor of adopting the Senate bill, I believe these two practical reasons would strongly support its treatment of the problem, I believe there are several reasons for selecting the Senate version over either the Hays or the Macdonald bills.

First, the Senate bill, and only the Senate bill, establishes what I consider to be adequate disclosure provisions. As I stated previously, strong disclosure provisions can only strengthen the public's confidence in its representatives. The Senate bill provides for an independent Federal Elections Commission and quarterly reports with additional reports prior to the election of all contributions and expenditures of \$100 or more. The Hays bill only provides for two disclosures—10 to 15 days prior to the election and 45 days after the election—and many people consider this to be worse than the present law, which we all admit has more loopholes than we know what to do with. The Macdonald bill has no disclosure provisions.

A second argument in favor of the Senate bill is its flexibility with regard to media spending. While it does not place an overall spending limit on candidates, it does place spending limits on broadcast and nonbroadcast communications. It initially sets a limit to 5 cents per person of voting age—or \$30,000, whichever is greater—for broadcast spending and an additional 5 cents per person—or \$30,000—for nonbroadcast spending. It does provide for a 25-percent interchangeability within these two categories, making the final breakdown 6 to 4 cents for broadcast and nonbroadcast spending respectively.

While some may consider broadcast spending excessive, it is sometimes the only way for a candidate to overcome the built-in advantages of the incumbent. Since, as we all know, recognition is essential to election, television and radio exposure are sometimes the only way a challenger can get his name before the public, especially when the opponent is a well-known politician, or a sports or movie star. And for those who claim that excessive broadcast advertising can buy an election, I need only cite the experiences of our former colleague from New York, Richard Ottinger, or Senator TART's opponent in Ohio, Howard Metzenbaum.

Finally, the Senate bill treats the matter of section 315 of the Communications Act fairly. I have grave personal doubts about the repeal of section 315, but I do believe that any action taken should treat all Federal elections equally. The Senate bill, of course, repeals section 315 for all Federal elections; the Macdonald bill provides for the repeal of the “equal time” provision for Presidential races only.

One of the arguments made in support

of this action states that the repeal makes time available for the candidates while saving these parties money. This reason, I believe, is only a surface argument. The President always has minor party candidates opposing him, and our experience in the 1970 general elections shows that minor party opposition in House and Senate elections is definitely a factor that must be considered.

To say that section 315 should not be repealed with regard to House and Senate elections is nonsense. According to the official election returns for the 1970 general election, 35 minor parties fielded candidates in House and Senate elections. Eighteen of these parties nominated a total of 41 senatorial candidates, and six additional individuals listed themselves as “independents.” The numbers in House elections were even greater: 30 minor parties and 163 candidates are listed in the 1970 returns. Together with the 20 House candidates running as independents, 183 individuals not of the Democratic or Republican Parties sought election in 151 House districts.

For these reasons, Mr. Chairman, I am supporting the Senate version of the Federal Election Campaign Act. When the proper time comes to offer the Senate bill as a substitute, I would hope a majority of my colleagues would lend their support, so that we can pass it without amendment.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. I yield to the gentleman from Ohio.

Mr. HAYS. I would say to the gentleman that they may very well be unconstitutional. I do not know. But I have heard since I came to this body on nearly every piece of legislation someone say that it was unconstitutional.

If there is anyone around here who can predict what the nine gentlemen across the street or the seven gentlemen at the present time are going to rule as to what is constitutional or unconstitutional he is a lot better off than most of us. I have always felt that we should legislate the best way we could and then if someone wanted to take it to the Supreme Court then the Supreme Court would have to make that decision. We have limitations in the Ohio law and no one has ever challenged it in the courts and made it stick.

Mr. HARVEY. I say again that this was one of my own thoughts. I felt it was unconstitutional. I felt that it also sharply discriminated in the treatment of people who wanted to participate in our political system, some of whom want to contribute money, some whom want to contribute time and other things. However, when you put a limitation on the amount a person can give, you discriminate against that person who wants to participate by contributing money, and I might say you discriminate against him in favor of organizations who want to do it through one fashion as, for instance, labor unions do in registering the vote and getting out the vote and doing this sort of thing.

Mr. HAYS. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. PODELL).

Mr. PODELL. Mr. Chairman, I thank the gentleman from Ohio for yielding.

Mr. Chairman, I have I suppose the unique position of having the opportunity of serving on both the Committee on Interstate and Foreign Commerce, as well as the Committee on House Administration and, along with the gentleman from Ohio (Mr. DEVINE), found myself running back and forth to both committees in connection with the markup of legislation that was before us.

The major problem that presented itself was that while the matter before us under the jurisdiction of the Committee on Interstate and Foreign Commerce and the matter that was under the jurisdiction of the Committee on House Administration were interrelated, they are quite different. They are as different as apples and oranges.

Sure, the Senate bill was passed almost unanimously. Do you know why? Simply because the Senate was concerned with those matters that affect the Senate, primarily radio and television.

Radio and television is of no concern in my district. Shall I spend money to reach 20 million people, the money it would cost for a 1-minute spot on CBS or ABC for the purpose of soliciting the votes of 500,000 people? That does not make sense.

So the first problem we must immediately resolve is that the Senate is interested primarily in radio and TV because they operate statewide. A House candidate has other concerns.

Leastwise this Member does not care about radio, or TV nor will he place even a 10-cent ad in a newspaper because it is of no value to the limited confines of his congressional district.

Obviously we must treat these problems differently but at the same time try to resolve all of them, if we possibly can. This is the dilemma which will require give and take as well as compromise by all concerned.

I recall in 1968 when I was asked by a number of individuals whether or not I wanted to run for Congress to fill a vacancy that occurred because my predecessor had been elected to the bench. I said I might be interested. They then stated and I quote: "There is one qualification I want to talk to you about."

I thought they would ask me whether or not I agreed with my party on certain issues. They did not—the qualification was—"How much money can you raise?" That was their first question. I said—"Well, do you not want to hear my position on the issues? Shall we discuss my national policy or my domestic policy?" Their response was simply—"No, first tell us how much money you can raise."

I really did not know. I never tried to raise large sums of money. But surely it is frightening that while we approach the problems of the seventies, the criteria was "how much money you can raise before you can run for public office?"

While the Senate bill has some excellent provisions and indicates major areas of concern, the fact that the bill does not contain a limit on the amount of money a candidate can spend in a political campaign, then it is not worth the paper it is printed upon so far as

the Congressman from the 13th Congressional District is concerned.

In 1968 in that special election, I ran against a man who spent a quarter of a million dollars—and none of it for advertising on radio or TV or the newspapers. But you take seven first-class districtwide mailings, each containing a brochure labeled and addressed at a cost of \$14,000 for each mailing. Do you know where the postage came from? It was postmarked in Yonkers which is about 60 miles north of my district because that is where his business factory was—that was who paid for it, his business.

The Hays bill seeks to put a stop to that. I cannot afford to run against a multimillionaire. I do not know how many Members of this House can. This man ran not as a Republican, not as a conservative and not as a liberal party candidate. He organized his own party and called it the New Leadership Party. He had the support of no major party and no major organization. I had the support of the Democratic Party plus 14 years in the State legislature plus having the experience of having run in something like 16 different elections and primaries. I beat him by 4,000 votes out of about 60,000 votes.

That is what could happen. I came pretty close to losing. Three months later the same gentleman ran against me as a candidate in the Democratic Party in the primary. By this time, of course, I had the advantage of an incumbent and I won by a considerably larger margin.

Someone said that this is an incumbent's bill. True—the incumbent does have some advantage; are we not entitled to some small advantage?

Let me tell you that if I voted for a bill that was not at least somewhat advantageous to an incumbent, I think the people back in my district would think I am out of my head. I am sure that would be their view if I would vote for a bill that would give anyone seeking to run against me additional advantage.

Briefly, the Hays bill and the Macdonald bill does three things that are important.

First, it sets a limit. \$50,000 is more than enough to spend for a seat in the House of Congress.

Second, it limits the amount an individual can contribute to a political candidate. No one can make out a check for \$10,000, because if they did, you would be beholden to that individual. When a person gives you that kind of money for a campaign, you will owe him something, and do not kid yourself.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I yield to the Chairman.

Mr. HAYS. The gentleman will remember that the gentleman from Michigan (Mr. HARVEY) said that he did not want to limit campaign contributions because he did not want to interfere with somebody's right to participate, if spending money was the way they wanted to participate.

Well, I had an opponent running against me who had a \$250,000 contribution in five separate checks, through five different committees, and from the same fellow in Texas. He had to ask my campaign manager who the guy was. He

had never heard of him. He did not know him. Well, the fellow knew me, and he did not want me down here. I do not really consider that to be the kind of freedom we ought to be handing around to people.

Mr. PODELL. I thank the Chairman. I might add that I think it would make it more logical if we could limit campaign contributions to \$1,000. The Hays bill does something else. It limits the amount that an individual can contribute to his own campaign. It would take care of the situation of money spent in Ohio by Mr. Metzenbaum in which a daughter 12 years old contributed \$60,000 to her daddy's campaign. Those are the kinds of things that are important to us, in addition to the other problems that Mr. MACDONALD has talked about.

With a limitation on TV, if a man can spend \$50,000 and he wants to spend \$40,000 on television or radio, that is his business. He can do so.

I can only say this, gentlemen: If we do not put a stop to the kind of proliferating expenses that accompany political campaigns, as has happened in recent times, we shall be making a terrible mistake. We have got to do it. Give us a bill that will stop this spending. That is what we need. That is what the Hays bill does. Surely it is not perfect, but it is an important step in the right direction.

Mr. HAYS. Mr. Chairman, I yield to the gentleman from Missouri for a unanimous-consent request.

Mr. ICHORD. Mr. Chairman, I wish to commend the House Administration Committee, its chairman and the members of that committee, as well as the chairman of the Interstate and Foreign Commerce Committee and the members of that committee for bringing these two measures to the House. Anyone who has examined the problem of campaign expenditures well knows the difficulty under which these two committees have labored. It is very easy, Mr. Chairman, to complain about campaign expenditure abuses, but it is very, very difficult to draw effective campaign expenditure control without rewarding the unscrupulous participants and candidates at the expense of the scrupulous. So I commend the chairman and the members of the committee.

Mr. Chairman, the framers of the Declaration of Independence and the Constitution of the United States especially intended to establish a representative form of government as the best way to preserve man's God-given right to be free and enjoy equality under the law, as well as the right to freely compete. Their theory was that such a system would work best if people from various walks of life, occupational backgrounds, religious convictions, and geographical regions were brought together to make the laws and supervise the operation of the Government.

It is for this reason that the statutory and established provisions regulating public officeholders contain few stipulations concerning the qualifications of a candidate for public office, except such basics as citizenship and minimum age requirements. With the exception of a few offices such as prosecuting attorney or attorney general, where a legal back-

ground is required, there are no educational, professional, ancestral, financial, or status requirements to be elected to represent the people.

We have pointed with pride over the years to the fact that only in this country could a man rise from such humble beginnings to become President of the United States as did Abraham Lincoln. In my opinion, Mr. Chairman, the spiraling costs of campaigns have brought into quest this basic American tradition. If we do not take effective steps to control and limit the amounts of money that can be spent on the various political campaigns, we stand in danger of limiting the holding of elective office to those who are either very rich, or to those who are willing to accept the large contributions from individuals or organizations with special interests along with the possible obligations that accompany such contributions.

I submit to you today that our Government cannot function in such a way to preserve our heritage and way of life if we reach the point that most or all elected officials have great wealth or owe their political life to special interest groups. If this development ever takes place, the people will not be fairly represented.

In an affluent society where people are conditioned to buy certain products by high-powered public relations and advertising specialists trained to produce the TV commercial which will get results, it is becoming easier to "sell" a candidate with the money to buy the TV time. In the State of New York the successful candidate for Governor has spent from \$5 to \$10 million in each of the last two campaigns. In my own State of Missouri, which has a population of slightly less than 5 million people, the losing candidate in a recent U.S. Senate race allegedly spent over \$1 million, while a congressional candidate reportedly spent around \$200,000 also in a losing effort. A number of candidates for the U.S. Senate have been reported spending in the neighborhood of \$1 million in primary campaigns alone. Figures compiled in 1969 on the total amount of campaign spending as reported in Washington was \$70.1 million, compared to the previous record spending of \$47.8 million in 1964. Of course, these figures represent less than a third of the total spending since no reports are required to be filed in Washington on primaries or State-level spending. It has been estimated that \$300 million was spent in 1968 on campaigns for candidates on all levels of government. This figure is also estimated to be a 50-percent increase of total campaign spending in 1964. I am strongly inclined to believe that the figure of \$300 million could be on the low side.

In the State of Illinois, for example, no reports of contributions and expenditures for campaigns are required to be filed in the State capital. In my own State of Missouri there is no requirement to report any money collected or spent in advance of 90 days before the primary election. This means if a candidate is able to purchase TV time prior to the applicable date for reporting—TV time that may be used at any point in the primary campaign—he has no legal obligation to file any report concerning this expenditure.

The statute concerning the filing of political contributions and expenditures in Missouri simply states that the report of a political committee for a candidate must be filed in the county of residence of the committee treasurer. In another recent campaign for the U.S. Senate in Missouri at least two committees for one candidate filed their reports in other States. One report of \$53,000 was filed in one neighborhood State, and another report involving sums unknown to me was filed in a second neighboring State. I obviously have no way of knowing whether or not this action was taken with the candidate's knowledge of the same. But, surely, someone in the campaign organization should be responsible for supervising the filing of reports to conform with the law. This would appear to be a violation of the spirit of the law, if not the letter of the law. Whatever may be the case, it is a good example of how loosely State corrupt practices acts are drawn or not enforced.

Mr. Chairman, I am well aware that it is extremely difficult to control totally the receiving of contributions and campaign spending in any election. However, it is incumbent upon this House to take some action to limit individual and committee contributions to a candidate; to limit overall spending in campaigns especially in regard to the media; and to set up a system of overseeing and enforcing these regulations.

Admittedly the measure H.R. 11066 is not a perfect bill. The area of campaign expenditure control is a difficult area in which to legislate effectively and we must be careful that the unscrupulous candidate is not given an advantage over the scrupulous candidate because of the great difficulty of enforcing such controls. At least three different approaches will be presented to the House in the course of debate. I sincerely hope that what does emerge will place a realistic limit on campaign expenditures, provide full and detailed disclosure of the source of campaign contributions, and also provide for fair and effective enforcement with penalties for violations of the law.

Mr. FRENZEL. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Chairman, every Member of Congress is vitally concerned with a campaign reform bill, but in the three approaches that we are taking to this, all of the provisions are heavily weighed in favor of the incumbents. Since none of the potential challengers are here, it is well that we consider both sides of the campaign bill when we evaluate it.

We are designing legislation here that will absolutely guarantee the reelection of every man that is in Congress. There is no question about it. This bill will bring back every man to Congress except in two particular situations. One occurs, if the area is redistricted, and the incumbent gets relocated, and the other is if an incumbent retires. But other than these two instances, we will absolutely guarantee the reelection of every Congressman.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, will the gentleman leave that last sentence in the RECORD about returning every Member to Congress?

Mr. COLLINS of Texas. This is a personal expression, I will say to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. I just thought if the gentleman would leave it in, we could get these bills passed by acclamation.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from Arizona.

Mr. UDALL. I am surprised by the gentleman's statement that he prefers to have the present system which, at least, gives the outside a showing. The Congressional Quarterly shows that in the last presidential election 90 percent of the House contests were won by incumbents, and in 1970 in the mid-term election, 96.7 percent of the House incumbents were elected.

How much more showing for the incumbent can we have than we have now?

Mr. COLLINS of Texas. I agree that under the present system the incumbent has a pretty good chance of returning, but under any new plan suggested the incumbent has a guaranteed reelection. This is what will happen. We will absolutely guarantee the incumbent will return in the future, unless we provide a higher spending limit for the challenger over the incumbent.

Let me mention some of the advantages we, as incumbents, have, and my fellow Members know them. We get excellent newspaper coverage. We are in newspapers every day. We get television and radio exposures, and when we go home, we get full televised programs. We send out newsletters to all our constituents. When we go home, we have an opportunity to speak to luncheon groups, high school graduations, and civic meetings.

I think we have tremendously favorable name identification. I can think of only two situations where there is equally good name identification. One of them is if a person is a famous athlete and the other is if a person is a well-known television announcer. But outside of those situations, it would be pretty hard for a businessman or a lawyer or the average civic leader to start out from scratch and be able to get political name identification and win.

We could provide one thing, which would be a tremendous help. We could provide extensive debates.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I would just mention there was a candidate in Ohio who had a pretty good name identification. The name of the candidate was John Glenn. Does the gentleman know what he did for a living?

Mr. COLLINS of Texas. Apparently he was not well known in Ohio.

Mr. BROWN of Ohio. He was the first man in space and an astronaut. That is why he thought he would not need to spend a great deal of money in Ohio.

Mr. COLLINS of Texas. I might say astronauts' political record is not as good as that of athletes and television announcers.

Mr. HAYS. If the gentleman will yield, if there is anything in Ohio that is not named for John Glenn, I do not know what it is. He might have been over-exposed.

Mr. COLLINS of Texas. I thank both gentlemen for their very sage comments.

We could provide help to the challenger by providing for debates on television and radio, where every incumbent would face every challenger and in that way make them thoroughly familiar. We had debates in a recent mayor's election in Dallas, and it was very effective in bringing an unknown challenger to the attention of the public.

When this bill was discussed in our subcommittee, I submitted an amendment that provided the challenger would be allowed twice as much campaign spending limit as an incumbent. I again submitted this amendment before the general committee, and we had more support in the general committee, but again we did not receive a majority vote, so it was not accepted.

Mr. HAYS. Mr. Chairman, if the gentleman will yield, will the gentleman offer that amendment on the floor and see how many backers there are?

I would be tempted, if this would not embarrass the gentleman, to put it to a teller vote and see how many supporters there are for this.

Mr. COLLINS of Texas. I would be glad to, if the gentleman recommends this. Some of my colleagues say they would rather not follow that suggestion but would prefer to have a voice vote. But, before our general committee, it did not get much enthusiasm. The only really favorable comment was from one of my colleagues, who said he thought it was a good idea if it would apply only to the Third District of Texas.

In my district we would not consider it much of a contest if we had the Irving High School football team try to take on the Dallas Cowboys or to have a Golden Gloves boxing match between a 250-pound heavyweight who would take on a 160-pound middle-sized fellow.

In other words, it is not a fair match under the proposed campaign bills.

Mr. HAYS. What was the name of that high school team again?

Mr. COLLINS of Texas. Irving, Tex.

Mr. HAYS. Well, everybody but them would beat the Dallas Cowboys, lately. Perhaps they ought to take them on.

Mr. COLLINS of Texas. I thank the distinguished gentleman from Ohio. I hope he has an opportunity to come out to see the football game next Sunday between the Washington Redskins and the Dallas Cowboys.

If all things were balanced equally like this game—for this is going to be an even football game—we would have balanced, fair, and challenging elections.

Even in a horse race, if a horse has a record of winning and winning and winning, usually they weight him to give the challenger a fair chance.

I hope that some of us on the floor can find ways to provide in this legislation for balanced competition, to pro-

vide equity for a challenger, so that a challenger will be given a fair chance.

Mr. HAYS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. PRICE), the chairman of the Committee on Standards of Official Conduct.

Mr. PRICE of Illinois. Mr. Chairman, I want to commend the chairman of the Committee on House Administration and also the chairman of the Subcommittee of the Committee on Interstate and Foreign Commerce for the work they have done in this very important area. I know the hard job they have had and the difficult problems with which they have had to deal. I believe they have given the House now an opportunity to deal with this subject.

Mr. Chairman, I hope Members will have an opportunity to read my statement on this subject.

Mr. Chairman, no literate American, in or out of elective office, could possibly have escaped the present demand for reform in the way we pay for American politics. But it seems that some of those not in office ascribe to those who are, motives which amount to a conspiracy not to bring about this reform. Any elected official knows this just is not so that the reason reform has been slow in coming is that we must be sure what we do is in fact reform, and not a cure worse than the disease.

As chairman of a committee which has some limited jurisdiction in this area, I have spent many hours studying this problem. From this, I am able to offer some observations in three areas which I respectfully ask my colleagues to consider carefully, lest we end up with a cosmetic gesture, which may only change the form and not the substance of the problem.

First, I want to size up the problem; second, I want to ask whether the measures we are about to consider reach the problem; and third, what other facets of the problem are we ignoring.

In sizing up the problem, I must first take exception to the incessantly repeated proposition that campaign costs in this country are astronomically high. Surely some campaigns are too expensive, often so much so that they manage to defeat the leading spender. But averaged out and leveled over a 4-year period, the total election process costs us less than \$1 per person per year, or less than the bookmaking take in just one large city. Shall we take a shotgun approach against the overall process or shall we legislate only to the needs?

Mr. Chairman, let us make it clear that it is not just how much money the overall process costs, but rather the overconcentration of costs in some particular races that present the evil we are seeking to remedy. But most of all, let us not obscure the real problem, in any instance, and that is, whether our present system or any new ones we may adopt, afford the potential for that elusive concept, conflict of interest. However reform appearing it may be, it will, in fact, not be that, unless we test our propositions against this principle and the proposition survives the test. My second point reaches essentially to these tests.

In effect we have before us three bills,

each containing some good points and some weak points. If our efforts are to be worthy we must somehow lift out the best features of all three and arrange them into a meaningful whole.

In one of these, the so-called modified Senate bill, we will be considering limits on some campaign expenditures. But I ask, is a partial limit—that is, one that covers TV media cost alone and excludes cost of production, and excludes alternative channels into which campaign money may pour—really any limit at all? It is true that media-only costs could be policed, but is it not also true that unless you can police the others, we have half a loaf? Will halfway measures really reduce our costs of elections? Is it not possible that we will revive ward-healing practices of decades ago by driving the unenforceable portion of the spending underground? And who knows, we may be stalking the ghost of TV spots, which by the time we can redo this effort may have faded in favor of new techniques like computerized direct mailings to prejudice profiled mailing lists which the modified Senate version of limits ignores? And how will this type of expenditure ceiling hold accountable committees established to oppose a candidate? Deduct those figures from his opponents limits?

But above all, can we invoke a uniform ceiling proposed at \$50,000 on 435 seats in this body without bringing up to that ceiling the cost of the 90 percent of those seats which now cost less, and at the same time, possibly limit legitimate political communication on the remaining 10 percent?

Mr. Chairman, I make these observations not in opposition to spending ceilings. I firmly support the proposition of realistic and enforceable limitations. But I must point out that limitations in name only will not solve the problem.

Another proposition we will consider will be so-called full disclosure. As worthy as this concept is in general, it also contains some hazardous areas. Most important of these is what will be the effect on contributors? Will even the most legitimate contributions dry up? Our goal must be to broaden the base of contributors.

An important failing of disclosure as a discipline is one simple reality—cash. If the purpose of this whole exercise is to hold accountable those who give and those who receive, is it not hollow to rely on a technique so open to circumvention?

I emphasize I am not opposing full disclosure. Among the several devices we will be discussing, it is by far the most reasonable. But what I am suggesting is that along with full disclosure we need more emphasis on developing legitimate sources of broad-based participation, which will permit disclosure with no fear of drying up legitimate campaign money.

The essential deficiency of the unenforceable limitations and any degree of disclosure is that both will tend to restrict, rather than wholesomely generate, the needed money for the process most elementary to our entire system.

Looking to the third area of my observations, let me take a more positive position and suggest additional consid-

erations that ultimately must be elements in any true reform of this process—elements so far ignored:

First. The focus must be on how to raise the money properly—the source, not the amounts. This should take the form of establishing a public mechanism for contributions in increments small enough for the donor to expect nothing in return, yet large enough for him to feel a sense of involvement.

Second. Public support of the process, but channeled so that the taxpayer-contributor has some say-so about who he is supporting.

Third. Support year-round political party organizations. This alone would do much to reduce overall costs of elections by simply providing for better planning and more effective full-time political communication.

Fourth. And, we must consider all elective offices in the country, Federal, State and local. The mixture of governmental responsibility today, can no longer ignore this aspect.

Mr. Chairman, I am mindful that what I have said is once again more of a restatement of the problem than an open sesame formula to resolving it. My urging here is not for inaction, but for constructive, true, bona fide reform—reform that will merit the confidence of the American people and not merely some gesture to placate for the time being, awaiting that moment of truth when all is revealed. I stand prepared to support all that accomplishes true reform. I cannot be a party to that which merely embalms it.

Mr. Chairman, true reform of this vital process is clearly not beyond our ability to attain. For over 2 years now I have been working on an entirely new and separate approach. It involves some methods which government in other areas has already clearly demonstrated can work. It amounts to its own internal discipline—it is not of the proscription, sanction, enforcement school of problem solving. I hope as soon as some few more refinements are worked out, to offer a program called operation clean bill.

This program will be directed toward raising funds from a very broad base and establish a kind of public marketplace in which legitimate campaign contributions can be made.

I can also assure you that it will have thoroughly considered all of the other questions I earlier raised.

Mr. FRENZEL. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, very few Members of this House would take the position that our election laws do not require updating and reform. Since each of us is a certified election expert, and since each of us has different kinds of districts, the definitions of reform and updating are as diverse as our membership.

Personally, while I am inclined very strongly toward full disclosure, a broadened base of participation in all campaigns and effective independent supervision of election laws, I have strongly opposed limitations on contributions or

on spending as contrary to our democratic spirit and to the principles of our Constitution.

But, as in most legislative endeavors, at the time of the moment of truth, some compromise is necessary. Therefore, I have authored, along with Congressman CLARENCE BROWN of Ohio, H.R. 11280, which as S. 382 passed the other body in August by a vote of 88 to 2. It is not, and never was, my personal first choice for election reform. Nevertheless, it is so far superior to the alternatives available to us today that I have felt compelled to author it and to now give it my unqualified support.

H.R. 11060, the Hays bill, is in my judgment, a poor choice for an election reform vehicle. Coupled as it may be to H.R. 11231, the Macdonald bill, it becomes a package that simply does not fit either election conditions or our Constitution.

Generally, Hays bill will tend to restrict rather than broaden political participation. Its disclosure provisions are inadequate, and it provides for inappropriate supervision. Specifically, it has the following major flaws:

First. Inadequate disclosure—The Hays bill disclosure is inadequate since only two reports per year are required. Our—Harvey—substitute requires quarterly reporting and also on the 15th and 5th days next preceding an election.

Second. Inappropriate supervision—The Secretary of the Senate and the Clerk of the House provide supervision under the Hays bill. They are good people, but because they are employees of incumbent candidates, they are inappropriate supervisors. Our—Harvey—substitute provides for a balanced Federal Elections Commission with adequate powers.

Third. Unconstitutional penalties—The Hays penalties are so doubtful constitutionality. State government officials are authorized to withhold election certificates, and candidates may be prevented from filing again for 5 years. Our—Harvey—substitute provides tough fines and jail sentences, but no denial of election certificates. These very harsh and unconstitutional penalties will encourage mischief. Since they provide an opportunity to deny the election victor his seat, we may expect plenty of contests. The contests will probably involve campaign committee members as well as candidates.

Based on the way the Hays bill is written and the probability of contests, I believe it will be extremely difficult to get anyone to serve on your campaign committee, much less to serve as your chairman or treasurer. The risk is just too great. It does not require a willful violation to send a committee officer to jail. Who among your supporters wants to take the risk of spending a year in jail.

Fourth. Unequal equal time—The Macdonald bill repeals equal time for presidential candidates only. Our—Harvey—substitute repeals equal time for all Federal elections. I believe that equal time is either fair for everybody or for nobody.

Fifth. Unfair spending limits—The Hays bill sets an overall limit of 6 cents per person, subject to a minimum of

\$50,000. The Macdonald bill sets a limit of 5 cents per eligible voter for broadcast media and 5 cents for print media. Our—Harvey—substitute is similar to the Macdonald version, but includes an option to shift 20 percent—1 cent—at the discretion of the candidate. The fixed limits in the Hays bill do not consider district differences and give incumbents enormous advantages over challengers.

We incumbents are knowledgeable and experienced. We have the frank. We have staff. We have access to the media. We have recognition. The challenger must spend, but our need to spend is less. The Hays bill would strip from the challenger his only weapon in this unequal struggle—93 percent of the incumbents were successful in the 1970 elections.

These spending limits will also narrow the base of political participation because fund-raising costs are included in the limits. Candidates who seek the broadest financial base of support will find themselves penalized because the costs—direct mail or food—will be included in their spending limits. Under the Hays bill there is a strong incentive to find 10 big donors rather than 1,000 small ones.

Sixth. Unreasonable personal contributions limits.—The Hays bill limits personal contributions to \$35,000 for President and \$5,000 for Congress. Our—Harvey—substitute has no limits on contributions by noncandidates, but has similar limits to the Hays bill on candidates' contributions to their own campaign. During hearings the Justice Department raised constitutional questions about limits on contributions.

There are other differences. Our—Harvey—substitute, H.R. 11280, has features such as a cost-of-living escalator, credit card restrictions, prohibitions on contributions in the name of another, immediate reporting of large contributions, and other items which are not dealt with in the Hays or Macdonald bills.

Any elections bill that limits anything cannot help giving special assistance to incumbents. On September 23, 1971, I introduced into the CONGRESSIONAL RECORD a study conducted by Professors Lott and Warner of the University of Connecticut. Their conclusions were that equal and absolute limits on campaign spending will increase the possibility that the incumbent will be elected. Based on the 1970 returns, that possibility is already above 90 percent. Professors Lott and Warner go on to state that the spending ratio between challenger and incumbent, which varies with amounts and voter registration, show that a challenger must spend in the neighborhood of 10 times what an incumbent must spend to get the same number of votes in a similar district. Mr. Chairman, I insert tables 1, 2, 3, and 4 and the conclusion section of the Lott-Warner papers, following my remarks.

Today this House has the opportunity to pass a reasonable compromise, which is certainly not my first choice and probably not any other Member's first choice, or to pass a combination bill which is probably partially unconstitutional, does not fit together, is shot full of loopholes and which may never emerge from the

conference committee. If we really want election reform, in my judgment we would be well advised to pass the Harvey substitute amendment. If not, we may have lost the country's best chance to achieve significant election reform.

**THE CONCLUSIONS**

The results of our analysis are preliminary and incomplete, and do not do justice to the enormity or importance of the problem. On the basis of our research, however, some tentative conclusions can be drawn:

1. That there is an extremely small marginal return to campaign expenditures. This return is even smaller if, as we suspect is the case, actual expenditures exceed reported expenditures by a factor of, say, 20 percent.

2. That equal and absolute limits on campaign spending will move in the direction of a more "competitive" election but not far enough. Ordinarily by limiting the amount a challenger could spend the possibility that the incumbent will be re-elected will be increased. We would argue that remedial legislation ought to *equalize*, rather than magnify the imperfections in present election procedure.

It is clear that our analysis needs to be expanded. We have analyzed only three of a vast number of variables in the election process. Our results cannot help but benefit from further research.

TABLE 1.—ESTIMATES OF CONDITIONAL MEDIAN PERCENTAGE VOTE FOR CONGRESSIONAL CANDIDATES IN 1970; BY PERCENTAGE OF VOTERS REGISTERED IN CANDIDATES PARTY AT VARIOUS LEVELS OF CAMPAIGN EXPENDITURES—INCUMBENT

| Levels of campaign expenditure | Voters registered in candidates party (as a percentage of total voter registration) |       |       |       |       |
|--------------------------------|-------------------------------------------------------------------------------------|-------|-------|-------|-------|
|                                | 30                                                                                  | 40    | 50    | 60    | 70    |
| 10,000                         | 42.26                                                                               | 49.08 | 55.10 | 60.54 | 65.55 |
| 20,000                         | 46.74                                                                               | 54.29 | 60.95 | 66.97 | 72.52 |
| 30,000                         | 49.55                                                                               | 57.57 | 64.63 | 71.03 | 76.91 |
| 40,000                         | 51.65                                                                               | 60.00 | 67.37 | 74.04 | 80.17 |
| 50,000                         | 53.33                                                                               | 61.96 | 69.57 | 76.46 | 82.79 |
| 75,000                         | 56.52                                                                               | 65.67 | 73.74 | 81.04 | 87.76 |
| 100,000                        | 58.89                                                                               | 68.42 | 76.84 | 84.45 | 91.45 |
| 150,000                        | 62.38                                                                               | 72.49 | 81.41 | 89.48 | 96.90 |

TABLE 2.—ESTIMATES OF CONDITIONAL MEDIAN PERCENTAGE VOTE FOR CONGRESSIONAL CANDIDATES IN 1970; BY PERCENTAGE OF VOTERS REGISTERED IN CANDIDATE'S PARTY AT VARIOUS LEVELS OF CAMPAIGN EXPENDITURES—CHALLENGER

| Levels of campaign expenditure | Voters registered in candidate's party (as a percentage of total voter registration) |       |       |       |       |
|--------------------------------|--------------------------------------------------------------------------------------|-------|-------|-------|-------|
|                                | 30                                                                                   | 40    | 50    | 60    | 70    |
| 10,000                         | 29.97                                                                                | 34.79 | 39.04 | 42.88 | 46.41 |
| 20,000                         | 33.14                                                                                | 38.47 | 43.18 | 47.73 | 51.34 |
| 30,000                         | 35.14                                                                                | 40.80 | 45.78 | 50.30 | 54.45 |
| 40,000                         | 36.62                                                                                | 42.52 | 47.72 | 52.43 | 56.75 |
| 50,000                         | 37.81                                                                                | 43.91 | 49.28 | 54.14 | 58.61 |
| 75,000                         | 40.07                                                                                | 46.53 | 52.23 | 57.38 | 62.13 |
| 100,000                        | 41.75                                                                                | 48.48 | 54.42 | 59.80 | 64.74 |
| 150,000                        | 44.23                                                                                | 51.36 | 57.66 | 63.35 | 68.59 |

TABLE 3.—70 PERCENT CONFIDENCE INTERVAL ON CAMPAIGN EXPENDITURE NECESSARY TO OBTAIN AN EQUAL A PRIORI CHANCE OF ELECTION

[Voter registration in the party of the candidate, as a percentage of total registration]

| Per cent | Incumbent    |             | Challenger     |             |
|----------|--------------|-------------|----------------|-------------|
|          | Upper limit  | Lower limit | Upper limit    | Lower limit |
| 30       | \$295,166.50 | \$3,300.17  | \$4,225,512.00 | \$40,620.05 |
| 40       | 97,437.69    | 1,045.36    | 1,272,803.00   | 14,100.94   |
| 50       | 43,088.61    | 410.21      | 524,373.25     | 5,939.43    |
| 60       | 22,712.07    | 186.05      | 261,606.31     | 2,846.19    |
| 0        | 13,440.64    | 93.76       | 148,247.88     | 1,497.87    |

TABLE 4.—MAXIMUM LIKELIHOOD POINT ESTIMATE OF CAMPAIGN EXPENDITURE NECESSARY TO GIVE CANDIDATE AN EQUAL A PRIORI CHANCE OF ELECTION

| Vote registration in the party of the candidate, as a percentage of total registration | Expenditures |              |
|----------------------------------------------------------------------------------------|--------------|--------------|
|                                                                                        | Incumbent    | Challenger   |
| 30                                                                                     | \$31,335.59  | \$343,960.69 |
| 40                                                                                     | 11,091.46    | 121,747.36   |
| 50                                                                                     | 4,955.96     | 54,399.96    |
| 60                                                                                     | 2,566.08     | 28,167.05    |
| 70                                                                                     | 1,470.89     | 16,145.54    |

Mr. TAYLOR. Mr. Chairman, it has long been my concern that Congress should enact legislation to place meaningful limitations on campaign spending and it is my intention to vote in favor of a bill which promises to accomplish this objective. There must be a lid on campaign spending.

Action must be taken to preclude any possibility of an individual or his political party buying the Presidency or likewise, a seat in the U.S. Senate or the House of Representatives. A candidate should not win just because he has the largest campaign budget or can hire the best advertising agency. People of Abraham Lincoln's background and means are needed in government and should be afforded an opportunity to seek and be elected to responsible offices for which they are qualified.

In my judgment, whatever reforms are ultimately adopted should establish limits on spending for television and radio and newspaper advertising and should also contain a total limitation on campaign spending for all purposes. I further feel that we should impose a limit on the amount of money that any candidate can receive from any one source and should require a complete disclosure of all campaign donations.

Studies on campaign spending during the last decade suggest that we have arrived at a point in our political life when a candidate's financial resources, or his ability to muster them, overshadow the importance which should be directed toward his attitudes and personal qualifications. If this trend is permitted to continue, American voters could well be forced into the habit pattern of picking their public leaders on the basis of their ability to utilize television and other high-priced advertising media to guarantee the projection of a well-coached image rather than upon an objective evaluation of their true substance.

It is my further concern that an effective mechanism must be devised to discourage the offering and acceptance of large contributions which might compromise the integrity of either donor or recipient. As was so eloquently stated recently by my distinguished North Carolina colleague, Senator B. EVERETT JORDAN:

We cannot afford a system under which only the rich can succeed in politics—or, probably worse, a system under which only a man or woman willing to accept really big money can win public office.

Candidates should not be pro industry or pro labor, but should be for all the people.

It is merit, not money, which we are obligated to keep instilled in the American political system. I urge that Congress embrace this opportunity to keep the doors of the public offices in America opened wide to all of its citizens.

Mr. VANIK. Mr. Chairman, traditionally the House floor has been the burial ground for effective, enforceable election legislation. As a result, we are now reaping the harvest of 46 years of accumulated legislative loopholes and inconsistencies.

The problem, simply stated, is that American candidates are more and more dependent on large sums of campaign cash, and public officials are increasingly tied to those individuals and groups who can supply the money. High elected office, particularly statewide and national races involving expensive advertising campaigns, is becoming a career open only to the rich or those who can somehow win the support of major economic interests. As the costs of campaigning skyrocket, so does the influence of the dollar.

Neither regulation nor restraint has been provided by the law on the books, the Corrupt Practices Act of 1925, which is laced with loopholes and invitations to evasion. Not only is the law ignored by officeseekers and officeholders but also by the Justice Department which is supposed to enforce the law.

The result is a situation where ability will not be necessary to run for public office—only personal wealth or the ability to acquire financial backing.

Eighteen years ago, during my first congressional campaign, I spent \$6,000 in order to be elected. Between 1956 and 1966 I never spent more than \$3,500 for a campaign. Until the 1968 election I was able to maintain that low level of campaign spending. However, in 1968 my district was abolished and I was forced to run in another district against a 28-year incumbent, if I wanted to remain in Congress. During this campaign, almost \$90,000 was spent in my campaign while over \$240,000 was spent in campaign expenditures by both candidates.

My 1968 experience is certainly not an isolated incident. Throughout the country, similar campaign expenditures are a normal occurrence, and the level of campaign spending is increasing.

In 1968 an estimated \$300 million or 60 cents a vote, was spent on all political campaigns. This compares with 29 cents in 1960 and 10 cents in 1944.

The national Democratic and Republican committees' expenditures on national elections has risen from \$11.6 million in 1952 to \$44.2 million in 1968. Total broadcasting charges for general election campaigns amounted to \$40.4 million in 1968 compared to \$9.8 million in 1956. Presidential and vice-presidential candidates alone accounted for a staggering \$28.5 million of the total in 1968. In the non-broadcasting media, it has been estimated that \$11.6 million was spent on newspaper ads alone in 1968 with \$2.8 million of it being spent for presidential candidates during the general election period.

In the Nation's seven largest States in 1970, 11 of the 15 major candidates were millionaires. I certainly applaud any man who can make a million dollars honestly, but a mandate of personal wealth for public office takes us back to the monarchies of Europe.

The present spectrum of legislation before us does not provide enough control of election spending. But I will support the strongest bill, which is the Senate version.

S. 382 will establish a Commission for Federal Elections. This Commission will be responsible for overseeing the entire campaign expenditure process, and will have the power to investigate and initiate prosecution against the violators of the provisions of that bill. It provides for expenditure ceilings on campaigns and makes other necessary reforms.

While I favor the Senate bill and intend to support it, there are still major areas of campaign procedures that are not effectively equalized in the bill.

I believe that the high degree of incumbency in both Houses is due to the unfair advantage that the incumbent has during a campaign. In the House, the average length of service is presently 11.8 years. In 1968, out of 400 elections where incumbents were trying to regain their seats, only 10 lost. This amounts to a 97.5-percent return rate for Members of the 90th Congress to the 91st Congress. In the 1970 congressional election there was a similar figure of over 95 percent. The maintenance of such astonishing rates of return for those wishing to keep their seats illustrates a decisive advantage to the incumbent and a decisive edge against a challenger.

A Member of Congress has franking privileges, staff access to the press, office space, and long-distance phone privileges, that most challengers just cannot match. This gives a tremendous advantage to the incumbent since he can send out newsletters up to election day, or have his name in any newspaper almost at will.

Several weeks ago the Republican Party raised an estimated \$5 million campaign war chest for 1972 by selling \$500 dinner tickets to major contributors throughout the Nation. Some companies bought entire tables; the oil industry alone purchased 400 tickets for a single regional dinner in Houston—a total of \$200,000 by one industry—an industry deeply interested in Federal policies. Because of the loopholes in virtually all of the Federal laws regulating elections, none of those contributions to the Republican war chest will be disclosed.

With political contributions of the magnitude I question whether the loyalty of a public official is closer to his constituents, or his contributors. I feel this is a great irony of democracy, and a challenge to the responsiveness of our system.

I will continue to push for stronger controls over election spending than have been proposed at this time. But the first step must be taken. The irregularities that have existed in our electoral system have severely limited the qualifications of potential public officials to the wealthy or those who can rally the support of major economic interests. The financial

burden of campaigning is a challenge to the democratic process. I urge my colleagues to support S. 382 to preserve integrity within our elective process.

Mr. MATSUNAGA. Mr. Chairman, as we consider the various proposals to reform Federal campaign finance practices, I think we can all agree that some legislative action is imperative. Indeed, of all the bills before this Congress, perhaps this legislation will be the measure with the most profound effect on our national politics and our system of government.

There can be little question that the rapidly mounting costs of political campaigns are undermining the integrity of the electoral process and progressively narrowing the pursuit of public office to those who possess great personal wealth or have access to large sums of money. Estimated 1968 total expenditures of \$300 million, for example, represent an increase of 50 percent just in the 4 years since 1964. If these trends continue, by 1980 we will be speaking of multibillion-dollar campaigns.

Clearly, Mr. Chairman, we cannot allow this trend to continue. The great social thrust of the last decade has been to reaffirm equality of opportunity for all Americans, especially with regard to the power of the ballot. We must not let these important advances to be eroded by a growing inequality in campaign finance and access to public office.

Vital elements in whatever plan the House approves should be timely, enforceable provisions for disclosure of what has been spent and where it came from, and reasonable, enforceable limits on spending.

There is one area not covered by any of the bill before the House, Mr. Chairman, to which I should like to address myself briefly. Like many other Members, I have sponsored bills which provide tax incentives for political contributors of small amounts. As some of my colleagues may know, my own State of Hawaii is one of at least nine States which provide some type of tax incentive for political contributions. The others are Iowa, Minnesota, California, Utah, Oklahoma, Missouri, Oregon, and Arkansas. In Hawaii, the taxpayer may deduct up to \$100 each year, provided that his contribution is made to an active political party.

The Senate, I understand, has adopted, as part of the revenue bill, a proposal similar to those I have advocated. I do hope the House will concur at the proper time.

Mr. Chairman, the present statute, the Federal Corrupt Practices Act of 1925, has been described as "more loophole than law." It does not serve to curb the evils that are associated with high finance in political campaigns.

Public office should not be for sale, either to wealthy contributors who pile up influence through large contributions, or to wealthy candidates who pay their own way.

Although we do not know the precise effect of spending on a particular election result, we cannot ignore the fact that money translates easily into political power, and political power, in turn, attracts new and increased amounts of money.

It is not an overstatement, then, to observe, as one writer did recently, that "the future of American politics is up for vote this week on the floor of the House of Representatives."

Mr. Chairman, that vote must come out correctly. I pledge my best efforts to achieve that result.

Mr. SCHWENGEL. Mr. Chairman, I rise in support of the substitute containing language identical to the Senate-passed bill, S. 382. I feel this bill is a much better bill than the committee bill, H.R. 11060, and I intend to support it with certain amendments which I shall discuss later.

Let me start, Mr. Chairman, by commending the leadership of the House, of the House Administration Committee, the House Commerce Committee, and the Committee on Standards of Official Conduct for the various roles they have played in finally bringing this issue before the House for action. Quite frankly, it is my conviction that the House has not acted as responsibly in this matter as has our Senate. The other body has passed an election reform bill on four occasions in the recent past only to have it die in this body. I hope, therefore, that the House will not disappoint our colleagues in the Senate for the fifth time by failing to act affirmatively on a strong bill. Perhaps, if we pass an especially strong bill we can make up in some degree for our earlier failure to act on this problem.

The need for reform of our procedures for financing campaigns is clear to nearly all citizens. They can see this just from looking at the astronomical figures spent in the 1968 and 1970 elections. In fact, some of us have had even more pointed personal experiences with the problem. My opponents spent over \$500,000 in their attempts to defeat me in 1970.

The case is further documented in two recent publications. The first, entitled "Electing the Congress, the Financial Dilemma," was published by the Twentieth Century Fund of New York in 1970. The second is entitled, "Making Congress More Effective," and was published by the Committee for Economic Development in September 1970. Pertinent excerpts follow:

[Excerpts from "Electing Congress, the Financial Dilemma"]

#### I. PUBLICIZING CAMPAIGN FINANCE

##### 1. FULL DISCLOSURE

We believe that full public disclosure and publication of all campaign contributions and expenditures are the best disciplines available to make campaigns honest and fair. We also believe full public reporting will tell the public where political contributions are going, where they are needed, and thus encourage more people to make contributions to political campaigns.

More than half the money spent in congressional elections today is not reported to the public. The federal Corrupt Practices Act requires candidates and committees to file reports on contributions and expenditures, but the law is riddled with loopholes and, as a result, few campaigns are fully reported. In 1968, 132 candidates for Congress filed reports stating that they had personally spent nothing and knew of no committee expenditures that needed to be reported at the federal level.

Some of those who reported nothing at the federal level filed more complete campaign

income and spending reports with state or county agencies. However, thirty-one states either have no reporting laws or require reports of varying degrees of completeness only after an election. Almost no state has adequate auditing or enforcement procedures to deter or uncover illegal activities. As a result of the weaknesses of federal and state laws, some candidates spend more than \$1 million in their campaigns without reporting any of it to the public.

Total spending on the 1968 congressional campaigns reported under the federal statutes totaled \$8,482,857. Actual spending was probably more than \$50 million. We believe the public has the right to know who is paying how much for congressional campaigns. So long as the public is denied this information, beliefs about political finance that undermine respect for our political institutions will persist. The routine failure of candidates for high public office to disclose how much they spent in their campaigns and where they got the money contributes to this growing cynicism. If respect for our political institutions is to be restored, finance regulations must be changed. The public cannot be expected to respect the law when those who would be its lawmakers avoid or break the law to get elected.

Information about campaign finance should be available to the public in easily comprehended form during the campaign. Both the public and the candidates should be confident that attempts to conceal campaign contributions or expenditures will be investigated, exposed, and penalized.

At present, the federal statute specifically excludes primary elections from reporting requirements. In many areas primaries are more important than general elections. We believe that money contributed and spent to influence the selection of the party nominees in a federal election should be as fully reported to the public as the contributions and expenditures of the election itself.

We recommend that every political organization and committee that spends money or other resources to influence a primary or general election for federal office be required to register with a federal elections commission and to keep orderly and open records of its activities.

Any such organization or committee that raises or spends \$1,000 or more in any year should be required to file a report with a federal elections commission quarterly and fifteen and five days prior to a primary or general election.

Reports should be clear, simple, and easy for the public to understand. They should provide complete information about the source of all contributions, pledges, and new or outstanding loans; and about the recipient and purpose of all expenditures.

We recommend that firm and realistic penalties be established and enforced to deter late, inaccurate, or incomplete reports. Candidates and their authorized agents should be held responsible for the accuracy and completeness of reports filed by their campaign committees.

## 2. FEDERAL ELECTIONS COMMISSION

No agency is now responsible for supervising compliance with federal campaign finance regulations. The Secretary of the Senate and the Clerk of the House are the statutory repositories for campaign spending reports but they do not have the authority, the staff, or the motivation to do anything but accept the reports that are filed. Further, there is no office that keeps records and provides information about political contributions and expenditures of committees seeking to influence federal elections.

There is no federal agency that regularly investigates serious charges of illegal conduct during a campaign. Nor is there any agency competent to give legal advice about campaign activities. We believe this admin-

istrative void must be filled if campaign finance regulations are to be effective.

We recommend the establishment of a bipartisan federal elections commission to administer regulations affecting federal campaigns. The commission should audit and publicize all campaign finance reports and report possible violations, including late filing, to the appropriate enforcement agencies for action. The commission should have the staff, resources, and independence to do the jobs assigned to it. It should have the power to investigate charges of illegal activity in federal campaigns, to subpoena evidence, and to establish uniform accounting and reporting procedures for political committees.

## 3. SPENDING LIMITS

The traditional intent of campaign finance regulation in the United States has been to limit the size of campaign contributions and expenditures and to prohibit contributions from certain sources. The Corrupt Practices Act limits the amounts candidates and political committees may spend in any one year and limits the contributions an individual may make to political committee in any year. Contributions from corporations, unions, and government contractors are prohibited entirely.

We do not believe this policy of ceiling has served the public well because expenditures have been neither limited nor disclosed. The limits now in the law—\$5,000 for a House candidate, \$25,000 for a Senate candidate, and \$3 million a year for a political committee—are unrealistically low. They do not significantly affect the amount of campaign spending. They are unenforceable and while some members of the Task Force would prefer legal limits we believe that no workable set of limits can be devised.

Many people are concerned that candidates spend too much in their campaigns. At least one candidate for the House in 1968 spent \$2 million in the general election alone. In some Senate campaigns, in the primary and general elections, as much as \$5 or \$6 million have been spent. Current laws have been ineffective in preventing or disclosing these expenditures.

If there were full public disclosure and publication of all campaign contributions and expenditures during a campaign, the voters themselves could better judge whether a candidate has spent too much. This policy would do more to protect the political system from unbridled spending than legal limits on the size of contributions and expenditures.

Some candidates probably spend too much, but that is not the point; the larger problem is that many candidates, especially challengers, do not have enough money for their election campaigns.

We recommend that all spending limits for congressional campaigns be eliminated.

## 4. LIMITS ON INDIVIDUAL CONTRIBUTIONS

This Task Force was concerned that removing all limits on individual contributions to political committees might open the prospect of rich individuals buying federal elections. We would like to protect our political system from that threat. The Task Force agreed that neither rich candidates spending their own money, nor rich contributors supporting a candidate should be allowed to have undue influence on elections. Full disclosure will warn the voters when such an attempt is being made.

The Corrupt Practices Act prohibits individuals from giving more than \$5,000 to a political committee in any year. This law has not deterred people who wanted to make large contributions to candidates. They simply give their contributions to several committees supporting the same candidate.

Gifts, including political contributions, of more than \$3,000 to any single recipient in any year are subject to the gift tax provisions

of the internal revenue code. This may be a more effective restraint on individual contributions than the limit in the Corrupt Practices Act.

Several members of the Task Force favor a limit on the amount an individual, including the candidate himself, may contribute to a campaign. Mary Zon and Thomas B. Curtis believe that such a limit should be enacted and can be enforced. However, we were unable to prescribe an effective device for enforcing such a recommendation.

We considered recommending a \$5,000 limit on individual contributions even though it might not be fully enforceable. But since we believe one of the principal challenges of our electoral system is to restore its credibility with large numbers of the American people, we were reluctant to recommend anything that we did not think could be enforced. Moreover, we feel that unreported large contributions are much more of a danger than large contributions that are publicly reported.

The principal burden for reporting campaign contributions and expenditures ought to be borne by campaign organizations. However, reports from individuals who contribute substantial amounts of money to politics will serve as a valuable addition and cross-check to these reports.

We recommend that limits on the size of individual contributions to political committees be eliminated.

We recommend that individuals who contribute more than \$5,000 in a year to federal candidates and political committees be required to file a report with a federal elections commission listing the date, recipient, and amount of all contributions (including purchases of tickets to fund-raising events), pledges and loans of \$100 or more, and the aggregate total of all contributions of less than \$100. Such donors should be required to certify that they have contributed their own money and that they will not be reimbursed in any way.

## 5. BAN ON CONTRIBUTIONS FROM CORPORATIONS, UNIONS, TRADE ASSOCIATIONS, AND GOVERNMENT CONTRACTORS

Corporations, unions, and government contractors are now prohibited from making contributions to federal campaigns. Several ways have been developed to evade this prohibition. In the past, however, there have been only sporadic efforts to enforce this ban.

But we believe that corporations, unions, trade associations, and government contractors are unacceptable as sources of money and resources for federal campaigns. Contributions from these sources create too many potential, ethical problems for both the contributors and the recipients. We believe candidates should guard against such contributions. When illegal contributions are discovered and prosecuted, the names of the candidates who received them should be released to the public. This has not happened in the recent prosecutions.

Mary Zon objects to the equating of unions and corporations because of their wholly different purpose, constituencies, and methods of adopting and administering policies are different.

We recommend corporate and union non-partisan efforts to encourage employees and members to contribute personal money and time to political campaigns and parties. We encourage corporations and unions to expand these activities. They should be allowed to continue financing them with regular operating funds.

We recommend that current prohibitions against corporate, union, and government contractor contributions to federal campaigns be continued and vigorously enforced. When a corporation, union, association, or contractor is prosecuted for making illegal contributions to federal campaigns the names of candidates who received such contributions should be released to the public.

We recommend that nonpartisan political solicitation programs financed by corporate and union operating funds be encouraged.

#### 6. A SINGLE RESPONSIBLE CAMPAIGN COMMITTEE

A common way for candidates and their managers to avoid the current limitations on spending and reporting is to establish many committees to finance and organize a single campaign. This procedure usually obscures information about the amount and sources of money spent in their campaigns. We believe that the elimination of contributing and spending limits removes any possible justification for the establishment of multiple financial structures for any congressional election campaign. To simplify disclosure of the sources of funds and use of money being spent in any campaign, only one official campaign committee should be established.

The majority of the task force members believe that if this recommendation is to be effective, individual contributors should make all of their contributions to one committee. Neil Staebler and Charles Barr are concerned that limiting individuals in this manner is impractical and may, in fact, have an adverse effect on broadening the base of campaign givers.

We know that many candidates and managers believe it is useful to organize their campaigns around many specialized committees. We have no intention of interfering with the proliferation of political committees unless this practice is carried out to evade the law and obscure financial data. This recommendation would not stop truly independent committees supporting a candidate from being set up.

We recommend that all candidates for federal office be required to designate one official campaign committee. All subsidiary and specialized committees should be responsible to the official campaign committee which shall file all required income and spending reports for the entire campaign. Individuals should be prohibited from making contributions to more than one committee organized specifically to support the same candidate.

[Excerpts from "Making Congress More Effective"]

#### THE PRESSURES OF CAMPAIGN FINANCING

The stakes involved in issues before Congress are extremely high, involving tens of billions of dollars in taxes, expenditures, and the impacts of regulatory requirements. Pressures upon Members by lobbyists for every kind of special interest are increasingly severe, gaining strength from swiftly rising costs of Congressional election campaigns. Candidates need heavy financial support, and the resulting temptations are far greater than any that might lead Members or their assistants to use power or influence for direct personal gain.

Congress has recognized that loss of faith in the integrity of government and in the probity of its officials poses grave dangers. It has encouraged establishment of higher standards to minimize conflicts of interest in both the Executive and the Judicial Branches. The Corrupt Practices Act of 1925 and the Legislative Reorganization Act of 1946 sought to eliminate improper campaign funding and require registration by lobbyists although neither measure has had much effect.

In 1068 the House and the Senate each adopted a "Code of Ethics." The Senate Code requires Senators, Senatorial candidates, and key Senate employees to report publicly all contributions and each honorarium of \$300 or over. It also requires them to give under seal to the Comptroller General income tax returns, itemization of legal fees over \$1,000, and disclosure of all business connections, trusts and properties, major liabilities, and gifts received. These documents may not be

opened except by a majority vote of the Senate Ethics Committee.

Under the Code of the House of Representatives, Congressmen and key assistants are required to file two types of annual reports: one public, disclosing major sources of outside income; and one sealed, specifying amounts, which may be examined only upon majority vote of its Ethics Committee. The House Code forbids acceptance of money or services from sources with any interest in official actions and further regulates campaign funding.

There is dissatisfaction with these Codes in both House and Senate because they are incomplete in their reporting requirements and do not provide adequate public disclosure of financial interests involved in legislation. Measures to improve these Codes are under consideration in both chambers, most actively in the House of Representatives. The highest officials of the Executive and Judicial Branches have begun to publish the basic facts about their personal finances. Congress ought not to permit itself to become the last stronghold of secrecy in these matters.

CEM's 1968 Statement on National Policy, *Financing a Better Election System*, pointed out the dangers to this democratic society from the rapid escalation of campaign costs and the means being used to fund them. Each year the situation grows more serious. Yet Congress has not acted to assure full disclosure nor to provide strong incentives for campaign gifts through tax credits, as recommended. Consequently, the situation permits lobbies for every kind of special interest to influence public policies and affect the careers of Members.

Lobbies provide information that busy Members would not otherwise have. They inform the public about prospective legislation and may serve as a collective voice for groups of scattered individuals who are otherwise helpless. However, Congress has recognized the need for some degree of regulation of lobbying activities. The Legislative Reorganization Act of 1946 did not limit lobbying except to require registration as a means of identifying pressures on legislators.

In the nearly 25 years that the law has been in force, there has been only one conviction for failure to register. Obviously, the law calls for only a minimal disclosure. Less obviously, the law contains loopholes that permit lobbyists to avoid registration and to mask the actual amount of funds spent and the way in which these funds are channeled. The law as presently administered is unfair to those few organizations that faithfully report the exact terms of their operations.

There are at least three things that can be done in this sphere to prevent further erosion of public confidence in Congress.

We recommend (a) a thorough reform of campaign finance arrangements, including fuller disclosure and tax incentives to encourage campaign contributions; (b) stronger control and full reporting of all lobbying activities; and (c) establishment of more stringent Congressional "Codes of Ethics," actively enforced.

In order to achieve meaningful reform of our campaign financing the bill must meet a minimum of the following objectives:

First, There must be strong, timely reporting and disclosure provisions along with an independent enforcement mechanism so that voters have a fair opportunity to learn the source of campaign funds and express their preferences accordingly.

Second, Election laws must be fair to challengers as well as incumbents so that our political system may remain open to new ideas and candidates; pro-incumbent legislation would tend to

freeze the Republican Party into its current minority status.

Third, Spending limitations must be reasonable, flexible, enforceable, not discriminate against one media or plug just one hole in the spending sieve.

Fourth, Reform legislation must be genuinely in the public interest and not designed with partisan motivations or intentions to politically embarrass the President.

The language contained in the substitute comes much closer to meeting these objectives than the committee bill.

While the language referred to in the substitute is the more preferable bill, there are two areas where I feel it is significantly deficient. The first is the enforcement mechanism, and the second deals with repeal of the equal time regulations of the Federal Communications Commission as they apply to House candidates.

With all due respect to the incumbents of the office of Clerk of the House, and the office of Secretary of the Senate, it is inconceivable to me that an employee is going to be terribly aggressive in enforcing laws against his boss. And that is exactly what you would have under the provisions of either H.R. 11060 or the substitute. We simply must make those persons responsible for enforcement more independent. For that reason, I will support an amendment to the substitute establishing a Registry of Election Finance in the General Accounting Office. The Registry would have the same duties and power as the Independent Election Commission contained in the substitute. It would, however, be governed by a seven-member board, with two members appointed by the Speaker of the House, two by the President pro tempore of the Senate, two by the President, with the Comptroller General serving as the seventh member. The amendment also provides that no Member of Congress or congressional employee may serve on the board and that appointments shall be made on a bipartisan basis.

The second deficiency in the bill deals with repeal of the equal time provisions of the FCC. While I favor repeal of this section, a sudden termination without proper controls could work a serious hardship on House candidates. In those congressional districts served by a handful of broadcasters repeal of the equal time provisions without a corresponding adjustment of the fairness doctrine could confer inordinate political power on a few stationowners. It would be extremely difficult to develop here on the floor, adequate provisions to deal with this problem. Therefore, I will support an amendment to the substitute to delay repeal of the equal time provisions as they relate to House candidates, and to require the FCC to study the question and develop adequate legislation to deal with it.

Mr. FRENZEL. Mr. Chairman, I have no further requests for time, and I yield back the remainder of my time.

Mr. HAYS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Mr. HAYS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker, having resumed the chair (Mr. BOLLING), Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11060) to limit campaign expenditures by or on behalf of candidates for Federal elective office; to provide for more stringent reporting requirements; and for other purposes, had come to no resolution thereon.

#### GENERAL LEAVE

Mr. HAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks during general debate on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? There was no objection.

#### PERSONAL ANNOUNCEMENT

(Mr. PICKLE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, on rollcall No. 405 I am not recorded. I was en route to Washington from a longstanding speaking engagement in another city. If I had been present I would have voted "no" on Rollcall No. 470.

I wish the CONGRESSIONAL RECORD to show that I was in favor of sending the foreign aid bill to committee rather than to conference.

#### WASHINGTON SUBURBAN TRANSIT COMMISSION RESOLUTION 5-71

(Mr. GUDE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GUDE. Mr. Speaker, in 1966 as a member of the Maryland State Senate representing Montgomery County, Md., I worked with considerable interest and enthusiasm to refine and firm up Maryland's part of an interstate compact with Virginia and the District of Columbia for the creation of the proposed Washington Metropolitan Regional Transit System. I felt then and have continued to believe that through this ratified compact, we had devised a most effective and representative instrument for intergovernmental cooperation.

Today, however, the planned transportation system for which this compact was created is critically threatened because the District of Columbia's financial commitment has not been met. Already Maryland and Virginia jurisdictions have contributed \$133 million into Metro, but as of today Congress has continued to withhold \$72 million of District of Columbia contributions money which District of Columbia is committed to spend as its share of the regional system and its obligation to that compact.

Mr. Speaker, I commend to my colleagues the following resolution of the Washington Suburban Transit Commission, and I join in its support:

#### WASHINGTON SUBURBAN TRANSIT COMMISSION RESOLUTION 5-71

Whereas, the viability of a regional rapid rail transit system for the Metropolitan Washington area is heavily dependent upon the ability of the Washington Metropolitan Area Transit Authority (WMATA) to adhere to its "critical path" construction schedule; and

Whereas, the capital contractual obligations of Maryland, Virginia and the District of Columbia to WMATA must be met in a timely fashion; and

Whereas, the Washington Suburban Transit District has, in the past, met its capital obligations due WMATA as required; and

Whereas, the District of Columbia, due to the highway impasse, has failed to meet its contractual obligations to WMATA for Fiscal Years 1971 and 1972; and

Whereas, the highway impasse for which the funds of the District of Columbia are being held "hostage" is not a matter under the WMATA's control, nor the responsibility of all the members to the interstate compact; and

Whereas, solutions to the highway impasse are being sought through the courts; and

Whereas, the Maryland and Virginia participating governments of the interstate compact have faithfully and promptly contributed the shares for which they have contracted; and

Whereas, the lack of action on the part of the Congress of the United States is in effect penalizing the suburban participating jurisdictions to the interstate compact, adding daily to the cost of construction; and

Whereas, the continued delay of Congress in appropriating funds to the District of Columbia threatens to increase the cost of the regional rail system above that which the participating governments can be reasonably expected to assume.

Now, therefore, be it resolved, that the Washington Suburban Transit Commission urges the President of the United States and the Congress to release the funds requested in the District of Columbia appropriations request for Fiscal Years 1971 and 1972, allowing the District of Columbia to meet its contractual obligations to WMATA in order to avoid further delay to the regional project.

#### USE OF SATELLITES TO DETECT POPPIES

(Mr. FREY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FREY. Mr. Speaker, one of the greatest weaknesses in present narcotic enforcement efforts is the inability to obtain accurate information concerning the amount of and specific location of poppy fields. The International Narcotic Control Board created by the Single Convention on Narcotic Drugs in 1961 has been unable to monitor the illegal cultivation of opium because signatories to the convention have not reported accurately and the Control Board lacks the means to ascertain what the true facts are.

The earth resources technology program—ERTS—which I have spoken of so highly in past remarks on the House floor, may provide the means for effective international control of illegal opium cultivation.

The ERTS program is a satellite system that is aimed eventually at a comprehensive as well as specific survey of the earth's resources. According to NASA officials with whom I have discussed the ERTS program, it should be possible by remote sensing to detect poppy fields. Poppies cannot be concealed from above since they are varicolored when in bloom and must grow in direct sunlight. Thus, they can be detected, providing the growth is not sparse.

Detection of the marijuana plant presents difficulties in that illicit growth is usually found mixed with other growth, especially other grasses and particularly corn. In general, marijuana cannot be separated out from the other growth, but some work is being contemplated on detecting the plant. The separation of the plant may be possible because the male plant becomes senescent before the female, and this fact may give a lead to detection by remote sensing techniques. Thus, there is some hope for detection of marijuana plants, although some refined techniques will have to be found before a remote detecting system is usable.

Cocaine-yielding coca plants cannot be detected by aircraft or satellite, since this plant grows lower to the ground beneath a multistory rain forest canopy.

The first NASA satellite that could be of use in detecting poppy fields is the earth resources technology satellite—A—ERTS-A—to be launched in the spring of 1972. It is believed that fields as small as 10 acres can be detected from ERTS. NASA hopes a proper experiment can be devised to study this problem from the ERTS spacecraft.

NASA earth resources survey program officials have had discussion with the U.S. Department of Justice on remote sensing of drug-producing plants. If the initial experiments verify the feasibility of detecting poppy fields with ERTS, I would strongly urge the President to propose that the International Narcotic Control Board in cooperation with the U.S. Government use the ERTS program for more effective international narcotic enforcement.

#### NATIONAL BIBLE WEEK

The SPEAKER pro tempore (Mr. KEE). Under a previous order of the House, the gentleman from Alabama (Mr. BUCHANAN) is recognized for 60 minutes.

Mr. BUCHANAN. Mr. Speaker, the week of November 21-28 marks the 31st anniversary of National Bible Week. Founded in 1940 to encourage the reading and study of Holy Scriptures, National Bible Week is celebrated annually during the week of Thanksgiving. This annual observation is sponsored by the Layman's National Bible Committee of New York City, John F. Fisler, executive director, in cooperation with the American Bible Society, the Greek Orthodox Archdiocese Department of the Laity, the Jewish Committee for National Bible Week, and the U.S. Center for the Catholic Bible Apostolate.

This year's national chairman is former Supreme Court Justice Arthur J. Goldberg, serving as chairman of the Governor's committee is Gov. Luis Ferre, of Puerto Rico, with Mayor Louie Welsh,



HOUSE  
FLOOR DEBATE  
ON  
H.R. 11060  
**NOVEMBER 29, 1971**



# House of Representatives

## Chamber Action

**Bills Introduced:** 24 public bills, H.R. 11915-11938; seven private bills, H.R. 11939-11945; and three resolutions, H. Con. Res. 468 and 469, and H. Res. 716, were introduced. Pages 43188-43189

**Bills Reported:** Reports were filed as follows:

Conference report on S. 1116, to require the protection, management, and control of free-roaming horses and burros on public lands (H. Rept. 92-681);

Conference report on S. 2007, Economic Opportunity Amendments of 1971 (H. Rept. 92-682);

Report entitled "Third Party Prepaid Prescription Programs" (H. Rept. 92-683); and

H.R. 11932, making appropriations for the District of Columbia for the fiscal year 1972 (H. Rept. 92-684). Page 43188

**Presidential Message—Mine Health and Safety:** Read a message from the President received on Tuesday, November 23, transmitting to Congress the first annual report on health matters covered by the Federal Coal Mine Health and Safety Act of 1969—referred to the Committee on Education and Labor. Page 43114

**Defense Appropriations:** House disagreed to the amendments of the Senate to H.R. 11731, making appropriations for the Department of Defense for fiscal year 1972; and agreed to a conference asked by the Senate. Appointed as conferees: Representatives Mahon, Sikes, Whitten, Andrews of Alabama, Flood, Addabbo, McFall, Minshall, Rhodes, Davis of Wisconsin, Wyman, and Bow. Page 43117

**Late Report:** Committee on Appropriations received permission to file a report by midnight tonight on a bill making appropriations for the District of Columbia for fiscal year 1972. Page 43117

**Revenue Act:** House disagreed to the amendments of the Senate to H.R. 10947, Revenue Act of 1971; and agreed to a conference asked by the Senate. Appointed as conferees: Representatives Mills, Ullman, Burke of Massachusetts, Griffiths, Byrnes of Wisconsin, Betts, and Schneebeli. Page 43140

**Ocean Dumping:** House disagreed to the amendments of the Senate to H.R. 9727, to regulate the dumping of material in the oceans, coastal, and other waters; and asked a conference with the Senate. Appointed as conferees: Representatives Garmatz, Dingell, Lennon, Pelly, and Mosher. Page 43141

**Election Reform:** House continued consideration of H.R. 11060, to limit campaign expenditures by or on behalf of candidates for Federal elective office; to pro-

vide for more stringent reporting requirements; but came to no resolution thereon.

Further consideration will continue tomorrow.

While in the Committee of the Whole, took the following action:

Agreed to:

An amendment (text of H.R. 11231), which limits media spending and repeals section 315 (equal time provision) of the Communications Act for Presidential and Vice Presidential candidates.

Agreed to the following amendments to the previous amendment:

An amendment that includes "outdoor advertising facilities" into definition of "communications media";

An amendment that permits broadcasting stations to charge comparable rates in lieu of lowest unit charge (agreed to by a record teller vote of 219 ayes to 150 noes); and

An amendment that forbids carryover of any unused funds from primary elections to general elections; and

An amendment that provides equal time for all Federal elective offices; and

A clarifying amendment regarding advertising in newspapers or magazines (agreed to by a division vote of 46 yeas to 32 nays).

Rejected:

An amendment that would repeal section 315 for elections of Senators (rejected by a division vote of 23 yeas to 83 nays);

An amendment that sought to eliminate the rate section for TV and newspapers and language that requires newspapers equal access for advertising (rejected by a record teller vote of 145 ayes to 219 noes);

An amendment that sought to strike out section 315 provision (rejected by a record teller vote of 95 ayes to 277 noes); and

A point of order was sustained against an amendment that would direct the CAB, FCC, and ICC to promulgate regulations regarding unsecured credit to any candidate for Federal office. Pages 43141-43175

**Referrals:** Nineteen Senate-passed measures were referred to the appropriate House committees. Page 43186

**Adjournment:** Adjourned at 5:39 p.m.

## Committee Meetings

### COTTON ADJUSTMENTS

**Committee on Agriculture:** Subcommittee on Cotton concluded hearings on H.R. 11706, to require the Secretary of Agriculture, in the event of a natural disaster, to make adjustments in payment yields for producers of cotton. Testimony was heard from Representatives Burlison of Missouri and Pickle, USDA and public witnesses. Statements for the record were submitted by Rep-

amendment providing that the Corporation shall assure that the project attorneys adhere to the American Bar Association's Code of Professional Responsibility and Canons of Professional Ethics.

Both the Senate bill and the House amendment authorized the Corporation to establish standards of client eligibility. The House amendment, however, required the standards to be "consistent with those established by the Office of Economic Opportunity for the provision of legal services". The Senate bill contained no such limitation. The House receded.

On a related matter, the Senate receded from a provision in the Senate bill which directed the board of the Corporation to establish graduated fee schedules to allow the near-poor to pay all or part of the cost of legal services provided them. There was no similar House provision. It is the intention of the conferees that the Corporation should not provide funds to afford free legal assistance to individuals or corporations who can afford to employ private counsel. The decision not to include a specific requirement that the standards of eligibility be consistent with those established for legal services programs by the Office of Economic Opportunity should not be understood to imply any dissatisfaction on the part of the conferees with those standards. Rather, the conferees intend that the Corporation should give serious consideration to the guidelines heretofore established by the Office of Economic Opportunity for the Legal Services program. However, the conferees thought it wise to provide authority to the Corporation to make such adjustments as time and experience may require.

The House amendment required that approval of grants be based on economical comprehensive delivery of services in both urban and rural areas. There was no Senate reference to urban and rural concentration. The Senate receded.

The Senate bill authorized the Corporation to be reimbursed for the cost of services rendered to other Federal agencies. There was no comparable House provision.

The House receded with an amendment to make clear that reimbursement would take place only where arrangements for such services were "otherwise authorized".

The House amendment prohibited attorneys or other persons employed by the Corporation, or engaged in programs funded by the Corporation, from solicitation of clients except that the Corporation was to be allowed a "mere announcement or advertisement" of its existence in the community. The Senate receded with an amendment which made clear that the prohibition against solicitation was not intended to include any conduct or activity permissible under the provisions of the Code of Professional Responsibility of the American Bar Association governing solicitation and advertising.

The Senate bill directed the board to establish graduated fee schedules to allow near-poor to pay all or part of the cost of services. There was no comparable House provision. The Senate receded.

The House amendment required the Corporation to notify the Bar Association of the State of grant approvals within that State thirty days prior to their actual approval. There was no comparable Senate provision. The Senate receded with an amendment requiring notification "within a reasonable time prior" to approval of a grant instead of "thirty days prior" to the approval of a grant.

The Senate bill prohibited the use of funds for criminal proceedings or extraordinary writs, such as habeas corpus or coram nobis,

except pursuant to guidelines established by the Corporation. The House amendment contained a flat prohibition against the use of funds or personnel provided by the Corporation to provide legal services in any criminal proceedings. The Senate receded. The conferees want to make clear that this prohibition does not in any way relieve any attorney from specific or general responsibilities imposed on him as an officer of the court by the courts before which he practices.

The House amendment made the Corporation liable to any prevailing defendant for the payment of legal fees or court costs awarded in connection with any proceeding brought by attorneys employed by the Corporation. There was no comparable Senate provision. The House receded.

The Senate bill required all employees of legal services programs, while engaged in activities connected with those programs, to refrain from any partisan political activity associated with a candidate for public or party office and from any voter registration activity or from providing transportation to the polls. The House amendment applied the provisions of the Hatch Act to all full-time employees of the Corporation and of programs funded by the Corporation and, in addition, prohibited non-partisan political activity.

The conference agreement provides that such full time employees while engaged in activities carried on by the Corporation refrain from partisan or nonpartisan political activity including voter registration or transportation. Full time employees must also refrain from identifying the Corporation with any candidate for political or party office. The Corporation is directed to establish appropriate guidelines dealing with free time political activities of the full-time employees of the Corporation or its grantees.

The Senate bill provided that the financial transactions of the Corporation, its grantees and contractors, were to be subject to annual audit by the General Accounting Office. The House amendment expanded the authority of the General Accounting Office and, in addition to financial audits, authorized the General Accounting Office to examine the accounts, operations, reports of evaluations, and inspections of the Corporation, its grantees and contractors. The Senate receded.

The Senate bill included in the definition of "legal services" the provision of bilingual legal services to residents of communities when the predominant language is other than English. There was no comparable House provision. The House receded.

The Senate bill provided that rights to capital equipment of legal services programs were to be transferred to the Corporation on the date of enactment. The House amendment prescribed that all such rights should transfer at a time prescribed by the Director of the Office of Management and Budget or six months after enactment, whichever is earlier. The House provision insured the existence of responsible persons and organizational structure to take responsibility for such capital equipment. The Senate receded.

Both the Senate bill and the House amendment provided for the transfer to the Corporation of all personnel, assets, liabilities, property, and records used in connection with the Office of Economic Opportunity Legal Services program. Non-lawyer personnel transferred were protected by the Senate bill in that transfers were to be effected in accordance with applicable laws and regulations (including the continuation of benefits provided under civil service laws relating to seniority, classification of positions, retirement benefits, compensation for work in-

juries, health insurance, group life insurance, and similar matters) and "without reduction" in classification or compensation for one year following the transfer. The Director of the Office of Economic Opportunity was further required to take the necessary and reasonable actions to "find" suitable employment for such persons who did not wish to transfer. The House receded with clarifying language to the effect that non-lawyer personnel shall be transferred in accordance with applicable laws and regulations and "shall not be reduced" in classification or compensation for one year. Further amendment required that the Director take such action as was necessary and reasonable to "seek" suitable employment for all those persons who did not wish to be transferred.

The Senate bill protected existing collective bargaining agreements covering personnel transferred to the Corporation. There was no comparable House provision. The House receded.

CARL D. PERKINS,  
AUGUSTUS F. HAWKINS,  
WILLIAM D. FORD,  
PHILLIP BURTON,  
JOSEPH M. GAYDOS,  
WILLIAM L. CLAY,  
SHIRLEY CHISHOLM,  
MARIO BIAGGI,  
ELLA GRASSO,  
OGDEN REID,

*Managers on the Part of the House.*

GAYLORD NELSON,  
EDWARD KENNEDY,  
WALTER F. MONDALE,  
ALAN CRANSTON,  
HAROLD E. HUGHES,  
ADLAI STEVENSON,  
JENNINGS RANDOLPH,  
JACOB K. JAVITS,  
RICHARD SCHWEIKER,

*Managers on the Part of the Senate.*

APPOINTMENT OF CONFEREES ON  
REVENUE ACT OF 1971

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10947) to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? The Chair hears none, and appoints the following conferees: Messrs. MILLS of Arkansas, ULLMAN, BURKE of Massachusetts, Mrs. GRIFFITHS, Messrs. BYRNES of Wisconsin, BETTS, and SCHNEEBELI.

U.S. ECONOMY IS FARING BETTER

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker,

on November 19, the Washington Post acknowledged that the U.S. economy is faring better. And indeed it was right. Revised statistics show that the real gross national product grew at an annual rate of 3.9 percent during the third quarter of 1971, rather than the 2.9 percent shown in earlier projections. Simultaneously, inflation, as measured by the GNP deflator, rose at an annual rate of 3 percent during the third quarter, as compared to 4 percent in the second quarter and 5.3 percent in the first. The rise in the Consumer Price Index during the month of October was 0.1 percent, after seasonal adjustment. This was the smallest monthly rise in the CPI since April 1967.

It is obvious that President Nixon's new economic policy is working. Phase I—the freeze—was a great success. It clamped down hard on the inflationary spiral which we inherited from the fiscal irresponsibility of the previous administration. It united the American people in a massive attack on the monster which has been eating away at the purchasing power of the American worker. In constructing phase II the administration has sought to incorporate a high degree of equity into the framework of its policies. Requests for exception to or exemption from the guidelines of the Pay Board and the Price Commission will be examined carefully on an individual basis.

Because of these positive, innovative administration policies, 1972 will fulfill President Nixon's prediction that it will be a great year economically. The prestigious Organization for Economic Cooperation and Development Secretariat has predicted that the U.S. economy will grow at a real rate of over 6 percent during the first 6 months of 1972. Economic expansion at this rate will constitute a strong recovery from the economic slowdown which we experienced during most of 1970 and will return us to a path of steady economic growth in a climate of price stability.

**THE PRESIDENT'S PREDICTIONS**

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, I listened with great interest to the statement just read by the distinguished minority leader.

I would express the hope that his rosy prediction would come to pass. But if the past and if the present are any indication of the future, then I am afraid that the result will be quite different.

We have had phase II now for several weeks—and most people do not know what it is. I have had more inquiries about what it is and what it does, and what it means and what it does not mean, and what it freezes and what it does not freeze or unfreezes, than any other so-called economic policy that this country has ever seen.

Certainly, you see the results in the confusion and utter pandemonium now prevailing elsewhere in the free world.

There has never been a time when the balance-of-payments deficit has been so large nor has there ever been a time in modern history when the balance of trade has been in such a deficit position. The stock market which some claim to be a barometer of business conditions, although it had apparently a little advance on Friday, has been going down and down and down. Unemployment remains at almost 6 percent and our industrial capacity is still unused to the extent of about 30 percent.

So I say, Mr. Speaker, if these conditions present a rosy picture, I would hate to see a gloomy one.

**AMERICAN PEOPLE SHOULD KNOW WHAT PRESIDENT PLANS TO DISCUSS WITH COMMUNIST LEADERS**

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, I read with great interest over the weekend that President Nixon will tell Prime Minister Trudeau, Prime Minister Heath, Prime Minister Pompidou, Prime Minister Sato, Prime Minister Brandt, and a lot of other foreign leaders what it is that he plans to discuss with the Communist leaders in Peking and with the Communist leaders in Moscow.

I wonder if it would be asking too much for the President to be good enough to tell the American people and to tell the Congress of the United States what he intends to discuss with the Communist leaders in Peking and Moscow.

We have heard a great deal of talk about the President's contemplated visit to Peking and Moscow, but at this moment nobody in this country really knows what it is that the President hopes to achieve at Peking and Moscow.

In view of the dismal track record of summit meetings by previous Presidents—including Yalta—I think it would be pretty nice if the American people knew what their President plans to do before all these foreign dignitaries. After all, it's the American taxpayer who is funding these trips and it is not asking too much that he be taken into the President's confidence.

**CALL OF THE HOUSE**

Mr. DORN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered. The Clerk called the roll, and the following Members failed to answer to their names:

|                  |                |               |
|------------------|----------------|---------------|
|                  | [Roll No. 411] |               |
| Anderson, Calif. | Bell           | Chisholm      |
| Anderson, Tenn.  | Betts          | Clark         |
| Arends           | Blatnik        | Clausen,      |
| Ashley           | Burton         | Don H.        |
| Aspinall         | Byrne, Pa.     | Clay          |
| Badillo          | Caffery        | Collins, III. |
| Barrett          | Camp           | Colmer        |
|                  | Celler         | Cotter        |
|                  | Chappell       | Davis, S.C.   |

|                |               |            |
|----------------|---------------|------------|
| Dent           | Helstoski     | Reuss      |
| Derwinski      | Hillis        | Rhodes     |
| Dickinson      | Hogah         | Rodino     |
| Diggs          | Jarman        | Rogers     |
| Dowdy          | Jones, N.C.   | Roy        |
| Dulski         | Landrum       | Roybal     |
| Edwards, La.   | McClory       | Sandman    |
| Ellberg        | McCloskey     | Saylor     |
| Erlenborn      | McCormack     | Scheuer    |
| Eshleman       | McKevitt      | Shriver    |
| Evins, Tenn.   | Martha        | Sikes      |
| Foley          | Mayne         | Slack      |
| Fraser         | Michel        | Springer   |
| Gallagher      | Miles, Calif. | Steele     |
| Grasso         | Minish        | Stephens   |
| Gray           | Mitchell      | Stuckey    |
| Green, Oreg.   | Nelsen        | Thone      |
| Green, Pa.     | Pepper        | Ullman     |
| Griffin        | Pike          | Waldie     |
| Gubser         | Pirnie        | Whitehurst |
| Halpern        | Poage         | Whitten    |
| Hanna          | Pryor, Ark.   | Wiggins    |
| Hébert         | Rallsback     | Wilson,    |
| Heckler, Mass. | Rangel        | Charles H. |

The SPEAKER. On this rollcall, 335 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

**APPOINTMENT OF CONFEREES ON H.R. 9727, MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1971**

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9727) to regulate the dumping of material in the oceans, coastal and other waters, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Michigan? The Chair hears none, and appoints the following conferees; Messrs. GARMATZ, DINGELL, LENNON, PELLY, and MOSHER.

**FEDERAL ELECTION REFORM**

Mr. HAYS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 11060) to limit campaign expenditures by or on behalf of candidates for Federal elective office; to provide for more stringent reporting requirements; and for other purposes. The motion was agreed to.

**IN THE COMMITTEE OF THE WHOLE**

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 11060, with Mr. BOLLING in the chair.

The Clerk read the title of the bill. The CHAIRMAN. When the Committee rose on Thursday, November 18, 1971, the Clerk had read the enacting clause of the bill.

For what purpose does the gentleman from Massachusetts (Mr. MACDONALD) rise?

**AMENDMENT OFFERED BY MR. MACDONALD**

Mr. MACDONALD of Massachusetts. Mr. Chairman, pursuant to House Resolution 694, I offer an amendment in the form of a new title I.

The Clerk read as follows:

Amendment offered by Mr. MACDONALD of Massachusetts: Page 1, after the enacting clause insert the following:

**TITLE I—CAMPAIGN COMMUNICATIONS**  
**SHORT TITLE**

SECTION 101. This title may be cited as the "Campaign Communications Reform Act".

**DEFINITIONS**

SEC. 102. For purposes of this title:

(1) The term "communications media" means broadcasting stations, newspapers, and magazines.

(2) The term "broadcasting station" has the same meaning as such term has under section 315(d) of the Communications Act of 1934.

(3) The term "Federal elective office" means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States (and for purposes of section 104(b) such term includes the office of Vice President).

(4) The term "legally qualified candidate" with respect to Federal elective office, or nomination for election to such office, has the same meaning as such term has when used in section 315 of the Communications Act of 1934.

(5) The term "voting age population" means resident civilian population, eighteen years of age and older.

(6) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

**REPEAL OF EQUAL-TIME REQUIREMENT FOR CANDIDATES FOR PRESIDENT AND VICE PRESIDENT**

SEC. 103. (a) The first sentence of section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting before the colon the following: "except that the foregoing requirement shall not apply to the use of a broadcasting station by a legally qualified candidate for the office of President or Vice President of the United States in a general election".

(b) The second sentence of such section is amended by striking out "any such candidate" and inserting in lieu thereof "any legally qualified candidate for public office".

**MEDIA RATE REQUIREMENTS**

SEC. 104. (a) Section 315(b) of such Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office shall not exceed the lowest unit charge of the station for the same amount of time in the same time period."

(b) (1) To the extent that any person sells space in any newspaper or magazine to a legally qualified candidate for Federal elective office, or nomination thereto, in connection with such candidate's campaign for nomination for, or election to, such office, the charges made for the use of such space in connection with his campaign shall not exceed the charges made for comparable use of such space for other purposes.

(2) If any person sells space in any newspaper or magazine to any legally qualified candidate for Federal elective office, or nomination thereto, in connection with such candidate's campaign for nomination for, or election to, such office, such person shall make equivalent space available on the same basis to all legally qualified candidates for the same office, or for nomination to such office, as the case may be.

**LIMITATIONS OF EXPENDITURES FOR USE OF COMMUNICATIONS MEDIA**

SEC. 105. (a) (1) No legally qualified candidate in an election (other than a primary or primary runoff election) for a Federal elective office may—

(A) spend for the use of communications media on behalf of his candidacy in such election a total amount in excess of 10 cents (or such greater amount as may be certified under paragraph (4)(A)) multiplied by the voting age population (as certified under paragraph (4)(B)) of the geographical area in which the election for such office is held, or

(B) spend for the use of broadcast stations on behalf of his candidacy in such election a total amount in excess of 50 per centum of the amount determined under subparagraph (A) with respect to such election.

(2) No legally qualified candidate in a primary election for nomination to a Federal elective office, other than President, may spend—

(A) for the use of communications media, or

(B) for the use of broadcast stations, on behalf of his candidacy in such election a total amount in excess of the amount's determined under paragraph (1) (A) or (B), respectively, with respect to the general election for such office. For purposes of this subsection a primary runoff election shall be treated as a separate primary election.

(3) (A) No person who is a candidate for presidential nomination may spend—

(1) for the use in a State of communications media, or

(2) for the use in a State of broadcast stations,

on behalf of his candidacy for presidential nomination a total amount in excess of the amounts which would have been determined under paragraph (1) (A) or (B), respectively, had he been a candidate for an election for the office of Senator from such State (or for the office of Delegate or Resident Commissioner in the case of the District of Columbia or the Commonwealth of Puerto Rico).

(B) For purposes of this paragraph, a person is a candidate for presidential nomination if he makes (or any other person makes on his behalf) an expenditure for the use of any communications medium on behalf of his candidacy for any political party's nomination in an election to the office of President. He shall be considered to be such a candidate during the period—

(1) beginning on the date on which he (or such other person) first makes such an expenditure (or, if later, January 1 of the year in which the election for the office of President is held), and

(2) ending on the date on which such political party nominates a candidate for the office of President.

For purposes of this title and of section 315 of the Communication Act of 1934, a candidate for presidential nomination shall be considered a legally qualified candidate for public office.

(C) The Attorney General shall prescribe regulations under which any expenditure by a candidate for presidential nomination for the use in two or more States of a broadcasting station, newspaper, or magazine shall be attributed to such candidate's expenditure limitation in each such State, based on the number of persons in such State who can reasonably be expected to receive such broadcast, newspaper, or magazine.

(4) (A) During the first week of January 1974, and during such week in every second subsequent year, the Secretary of Commerce shall certify to the Attorney General and publish in the Federal Register an amount which bears the same ratio to 10 cents as the value of the communications price index for the last calendar year ending before the date of certification bears to the value of such index for 1972. The communications price index shall be a price index, using 1972 as a base year, measuring changes in the charges to candidates for the use of com-

munications media. Such index shall be established and maintained by the Secretary of Commerce.

(B) During the first week of January 1972, and during such week in every second subsequent year, the Secretary of Commerce shall certify to the Attorney General and publish in the Federal Register an estimate of the voting age population of each State and congressional district for the last calendar year ending before the date of certification.

(5) Amounts spent for the use of communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(3) For purposes of this section and section 315(c) of the Communications Act of 1934, spending and charges for the use of communications media include not only the direct charges of the media but also agents' commissions allowed the agent by the media.

(b) No person may make any charge for the use by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) of any newspaper or magazine, unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such person in writing that the payment of such charge will not violate paragraph (1), (2), or (3) of subsection (a), whichever is applicable.

(c) Section 315 of the Communications Act of 1934 is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

"(c) No station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate any limitation specified in paragraph (1), (2), or (3) of section 105(a) of the Campaign Communications Reform Act, whichever paragraph is applicable.

"(d) For the purposes of this section:

"(1) The term 'broadcasting station' includes a community antenna television system.

"(2) The terms 'license' and 'station licensee' when used with respect to a community antenna television system, mean the operator of such system.

"(3) The term 'Federal elective office' means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States."

**REGULATIONS**

SEC. 106. The Attorney General shall prescribe such regulations as may be necessary or appropriate to carry out sections 102, 104 (b), 105(a), and 105(b) of this Act.

**PENALTIES**

SEC. 107. (a) Whoever violates any provision of section 104(b), 105(a), or 105(b) or any regulation under section 106 shall be assessed a civil penalty of not more than \$1,000 for each violation.

(b) Any legally qualified candidate who willfully violates section 105(a) or any regulation under section 106 shall be punished by a fine of not more than \$10,000 or by im-

prisonment of not more than one year, or both.

## EFFECTIVE DATE

SEC. 108. Sections 103 and 104 of this Act and the amendments made thereby shall take effect on January 1, 1972. Section 105 and the amendments made thereby shall apply only to expenditures for the use on or after such date of communications media.

Mr. MACDONALD of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I think all of us are quite aware that the legislation we have before us today will affect the political life of America for many years to come. Many of us who served here a year ago understand well the bill that was passed at that time, but I think for the benefit of those who have either forgotten or who were not here at that time, it might be well to review the history of this bill.

In 1970, this House by a vote of 272 to 97 passed a bill which is terribly similar to what is now called title I of the Hays bill. That bill had been passed out of the House Commerce Committee. It stayed strictly within the jurisdiction of that committee, as it properly should. It was passed by the Senate by a vote of 60 to 19. Then the conference report came over to the House. Incidentally, the Senate, in conference had for once, adopted all of our measures except the effective date of our bill, and the conference report was overwhelmingly adopted.

What the bill did then and what it will now is to limit the amount of money that can be spent on so-called communications media blitzes. The bill, of course, then went to the President, and for whatever reasons he had, and despite the great display of bipartisan support, the bill was vetoed at the White House. In the veto message the President indicated that a bill would be forthcoming from the administration which would plug more holes. As I recall, the President said that the bill he was sent plugged only one hole in the sieve. He acknowledged the fact that spending was getting out of hand in all Federal elections and, indeed, other elections as well.

We waited for a long time for another bill to be sent up and we never got one.

In his veto message the President indicated also that he thought the broadcasting media were being discriminated against, inasmuch as there was no limitation placed on newspapers or magazines. So in order to avoid another veto, and because we do have jurisdiction over both newspapers and magazines, they were added to this bill.

Specifically, with relation to title I of the bill, it would, first, repeal section 315(a) of the Communications Act of 1934 with respect to candidates for Pres-

ident and Vice President. And for those of you who are not all that familiar with the Communications Act that means the networks, the broadcasters, if they give free time to the Republican Party, the Democratic Party, or another well-known third party, do not have to give time to Lon Daly in Chicago, the Vegetarian Party, or any of the other fringe parties.

Second, title I places an overall limitation on the amount of money which can be spent by or on behalf of any candidate for Federal office.

And this, of course, is to stop the loophole of money being spent by committees for a candidate, and yet the candidate does not have to report a cent of it.

The limit in title I is obtained by multiplying 10 cents times the voting age population—that is people who are eligible to vote whether they register or not. The bill further limits the amount which a candidate could spend of that 10 cents through the broadcast media to 50 percent of that, which obviously is 5 cents. So no candidate can come in and hire a hotshot so-called advertising agency.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. VAN DEERLIN. Mr. Chairman, because of the importance of the gentleman's amendment, I ask unanimous consent that he be allowed to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MACDONALD of Massachusetts. Mr. Chairman, as we all know, the television blitz has worked on both sides.

The last time this was a bipartisan effort, and I hate to see this become a partisan effort, even though I have heard rumors that is what it is about to develop into, because we have had our transgressors on this side and obviously there have been transgressors on that side of the aisle.

It has been said this is an incumbent's bill. It is not. It is a public interest bill, because the public interest should be protected. If one is sold a package of soap or razor blades or anything else that turns out to be defective by an advertising blitz tactic, the person has a right to go to a consumer agency or to the FTC and to complain. However, if the voter is sold a bad bill of goods by a television blitz and gets a packaged candidate who never even really appears on TV, but has an advertising agency do all spot announcements, the person has nowhere to turn to complain except 6 years later for some candidates, 4 years later perhaps for others, and in our case 2 years later. So this seems to me not to be an incumbent's bill but a public interest bill.

Third it has separate limits both as to primaries and general elections. In the case of the presidential primaries, the candidates' expenditures are limited on a State-by-State basis with the candidate able to spend no more than a candidate for the Senate would be able to spend within that State.

Fourth, the broadcast stations would be

required to extend to the candidates their lowest unit costs, which are their lowest costs, rates that they set themselves. Newspapers and magazines are not held to that amount but can charge a candidate their standard open or transient rate and treat us political candidates from every level as they would somebody selling a commercial product.

Fifth, no advertising would be accepted from or on behalf of any candidate unless the candidate certifies in writing that the expenditure involved is within his spending limitation.

I know this is a very important bill, and I know that our time is limited. I am not going to transgress on the time of other Members.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I congratulate the gentleman and the committee on which he serves with great distinction as a subcommittee chairman upon a very fine job of legislative craftsmanship on this bill.

I recognize that there are some things that pinch everybody's toes in this, and I recognize there are some things that are not perfect in the bill. To my way of thinking, however, it is a balanced, thoughtful, and carefully written piece of legislation that meets a national need and also meets the primary objections that were raised in the President's veto message, and meets them very, very effectively. I congratulate the gentleman on the job he has done on it.

I hope, as the gentleman does, that this will be a measure that will be beyond partisanship in the final work that is done on it in this House. I think the public is entitled to this kind of legislation. I think it is in the interest of this country to have the House pass it, and I hope it will receive the overwhelming support of this House.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I thank the gentleman. I would like to point out that this bill is in substance exactly the same bill that came out of the Subcommittee on Communications a year ago with not a dissenting vote, and which came out of the full Committee on Interstate and Foreign Commerce with only one dissenting vote.

No amendments were put on in the subcommittee or, after it left the subcommittee, either in the full committee or here in the House. It passed overwhelmingly, with bipartisan support, a year ago here in the House. It passed the Senate with bipartisan support. The conference report was accepted with a bipartisan spirit.

For the life of me I cannot see how in the space of 1 year, when we met the objections—tried to meet and believe we have met the objections—of the veto message, it suddenly should become a partisan issue.

## PARLIAMENTARY INQUIRY

Mr. BROWN of Ohio. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BROWN of Ohio. May I ask the procedure now with respect to H.R. 11231. Is my understanding correct that the bill is now to be read section by section, or to be considered section by section for amendment?

—The CHAIRMAN. The amendment of the gentleman from Massachusetts (Mr. MACDONALD) has been read, and is open to amendment at any point.

Mr. BROWN of Ohio. Under the rule?

The CHAIRMAN. Under the rule and the unanimous-consent agreement.

Mr. BROWN of Ohio. I thank the Chair.

AMENDMENT OFFERED BY MR. FREY TO THE AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. FREY. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

The Clerk read as follows:

Amendment offered by Mr. FREY to the amendment offered by Mr. MACDONALD of Massachusetts: Page 1, strike out lines 7 and 8 and insert in lieu thereof the following: "(1) The term 'communications media' means broadcasting stations, newspapers, magazines and outdoor advertising facilities."

Page 4, strike out lines 8 through 21, and insert in lieu thereof the following:

"Sec. 105. (a)(1) No legally qualified candidate in an election (other than a primary or primary runoff election) for a Federal elective office may—

"(A) spend for the use of communications media on behalf of his candidacy in such election a total amount in excess of the greater of—

"(i) 10 cents (or such greater amount as may be certified under paragraph (4)(A)(1)) multiplied by the voting age population (as certified under paragraph (4)(B)) of the geographical area in which the election for such office is held, or

"(ii) \$50,000 (or such greater amount as may be certified under paragraph (4)(B)(ii)), or

"(B) spend for the use of broadcast stations on behalf of his candidacy in such election a total amount in excess of 60 percent of the amount determined under subparagraph (A) with respect to such election."

Page 6, beginning on line 15, strike out "a broadcasting station, newspaper or magazine," and insert in lieu thereof "communications media."

Page 6, beginning on line 19, strike out "receive such broadcast, newspaper or magazine" and insert in lieu thereof "be reached by such communications media."

Page 6, beginning on line 24, strike out "in the Federal Register" and all that follows down through "1972." in line 3 on page 7, and insert in lieu thereof the following: "in the Federal Register—

"(1) an amount which bears the same ratio to 10 cents, and

"(ii) an amount which bears the same ratio to \$50,000, as the value of the communications price index for the last calendar year ending before the date of certification bears to the value of such index for 1972."

Page 8, beginning on line 7, strike out "any newspaper or magazine" and insert in lieu thereof "any newspaper, magazine, or outdoor advertising facility."

Mr. FREY. Mr. Chairman, let me very simply explain what this amendment does.

First. It establishes as the limit on spending the greater amount of \$50,000

or 10 cents multiplied by the voting age population. In the present Macdonald of Massachusetts proposal we have a 10-cent-per-voter limitation and we have a subceiling within the Macdonald of Massachusetts proposal that 5 cents can be spent on TV and on radio.

The second item in my amendment goes to allow a little more discretion for TV and radio. In essence, it would allow 6 cents to be spent or 60.1 of the \$50,000, whichever is greater, on radio, TV of the total amount.

The third item of my amendment goes to increase the area of coverage. It increases it by one item—outdoor advertising.

Let me make one thing very clear now. This amendment is offered in terms of a compromise. In the committee I felt that we should have complete flexibility. I think we had a very interesting debate on the complete flexibility that should be allowed to candidates. It seems to me that if it is a sin to spend 9 cents on newspapers, then it is equally a sin to spend 9 cents on radio and television. Because districts vary, I think a candidate should be able to pick and choose. The sin is on the amount of money spent and not on how it is spent. To do otherwise is to discriminate against radio and TV.

This came to be a very partisan fight in the committee. My amendment to allow complete flexibility won several times and finally lost on a vote of 24 to 21. Because of my personal feeling that we have only this chance to get a campaign reform bill through and if we miss it this time we will not get it through at all, I am willing to take something less than I want.

As with any compromise, this is not what I want completely. I am sure that there are people who fought equally as hard on the other side against my amendment. But unless we can work out a compromise, I believe this bill will be defeated, and I do not think this should happen.

I think it is abundantly clear that the American people want it. I took a poll in my district of 23,400 people. Eighty-four percent were for limitations on campaign spending. The chairman of the committee stated before recess that the Gallup poll recently showed 78 percent of the people wanted a limitation on campaign reform.

Our credibility is at stake today. We need this bill. While I think it still is discriminatory toward television and radio, it is better than the original Macdonald bill. We need campaign reform—now. For this reason, and this reason only, I offer this amendment and certainly hope that the distinguished chairman of the subcommittee, Mr. MACDONALD, who worked so hard and who has been extremely fair, would accept this amendment.

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield to me?

Mr. FREY. I am delighted to yield to the chairman of the subcommittee.

Mr. MACDONALD of Massachusetts. I appreciate the spirit in which the

amendment is offered. If indeed it will help to bring out a bill that is so badly needed, I do not think that there is anything magic about the difference of 10 and 5 and 5 or 6 and 4 as a formula. Within a very narrow range.

I compliment the gentleman on his work both on the bill and in the subcommittee even though we did have some differences.

As far as I am concerned, I would be happy to accept this amendment.

Mr. FREY. I thank the gentleman.

Mr. HAYS. Will the gentleman yield?

Mr. FREY. I am happy to yield to the chairman.

Mr. HAYS. I have not had the privilege of seeing a copy of the gentleman's amendment. Does the gentleman's amendment set a top ceiling on all expenditures?

Mr. FREY. Yes, sir. By the way, the amendment was printed in the RECORD before we adjourned for Thanksgiving. The ceiling is on five items, radio, television, newspapers, magazines, and outdoor advertising. It sets a top limit of 10 cents per vote for voting age population or \$50,000, whichever is greater.

Mr. HAYS. I thank the gentleman.

Mr. ANDERSON of Illinois. Will the gentleman yield?

Mr. FREY. I am delighted to yield to the gentleman.

Mr. ANDERSON of Illinois. If I understand the gentleman's amendment correctly, in essence, what you are doing is conforming this particular communications section of the bill to the Senate bill in that the Senate bill also contains billboards and contains interchangeability features. The difference is however, that the overall limitation that the gentleman is suggesting is \$50,000 whereas I think it was a \$30,000 limitation in the Senate bill. Am I correct on that?

Mr. FREY. Yes, with one caveat. There is a total in the Senate bill of \$60,000, \$30,000 for broadcast and \$30,000 for nonbroadcast items.

Mr. ANDERSON of Illinois. With broadcasting and nonbroadcasting a total of \$60,000.

Mr. FREY. Yes.

Mr. ANDERSON of Illinois. As one who originally espoused the idea stated by the gentleman of complete flexibility within any ceiling and of a five-item ceiling, I want to congratulate the gentleman for the spirit of compromise in which he has offered this amendment.

Mr. FREY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FREY) to the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

The amendment to the amendment was agreed to.

AMENDMENT OFFERED BY MR. VAN DEERLIN TO THE AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. VAN DEERLIN. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. VAN DEERLIN to the amendment offered by Mr. MACDONALD of Massachusetts: Page 2, strike out line 18 and all that follows down through line 5 on page 3, and insert in lieu thereof the following:

**"PARTIAL REPEAL OF EQUAL-TIME REQUIREMENTS; STUDY**

"Sec. 103. (a) (1) The first sentence of section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by inserting before the colon the following: ', except that the foregoing requirement shall not apply to the use of a broadcasting station by a legally qualified candidate for the office of President or Vice President of the United States, or a legally qualified candidate for the office of United States Senator, in a general election'.

"(2) The second sentence of such section is amended by striking out 'any such candidate' and inserting in lieu thereof 'any legally qualified candidate for public office'.

"(b) The Federal Communications Commission shall conduct a study to determine what safeguards may be necessary to assure reasonable access to broadcasting stations by legally qualified candidates for Federal office following the repeal of section 315(a) of the Communications Act of 1934 in the case of general elections for such offices. Not later than January 3, 1973, the Commission shall submit its recommendations for implementing legislation to the Committee on Interstate and Foreign Commerce of the United States House of Representatives and the Committee on Commerce of the United States Senate."

Mr. VAN DEERLIN. Mr. Chairman, this amendment undertakes to carry out in regard to the Presidential campaign the terms of a bill which this House and the Senate both passed last year, to repeal section 315 of the communications law as it applies to campaigns for President and Vice President. It would extend that repeal to campaigns for the U.S. Senate. It would not, however, extend repeal of section 315 at this time to campaigns for the House of Representatives.

Instead, the Federal Communications Commission would be mandated to conduct a special investigation into the conditions that might prevail if section 315 were repealed across the board.

The Commission would report not later than January 3, 1973, to the Commerce Committees of both House and Senate. At that time we would be able to take another look, to determine whether a beefing up of the Fairness Doctrine or other steps might be desirable before we were ready to see section 315 repealed across the board.

The problems are very different in regard to equal time guarantees as they apply to Presidential candidates, U.S. Senate candidates, and House candidate.

In the presidential area, we have the problem of fringe party candidates—11 or 12 of which were on various State ballots in 1968. Under present law it is impossible for broadcast licensees and, therefore, his networks to offer free time to any candidates, for panel discussion or in formal debate, as long as this restriction is in the law. This means that in the greatest political decision that the American people have to make every 4 years—the choice of a President—they do not have full availability of the greatest communications asset that the world

has ever known. Television and radio are effectively denied a role in presenting candidates for President without including the Socialist Labor Party candidate, the Prohibition Party candidate, the Vegetarian Party candidate or for that matter, the Nudist Party candidate.

I would further point out that this repeal was apparently acceptable to the President, because in his veto message last year he did not state objections to repeal of section 315 in the Presidential campaign.

In the normal senatorial campaign, no single broadcaster or handful of broadcasters can really determine the outcome of a statewide election. Therefore, there is not the same peril to a Senator or a candidate for the Senate in this regard.

These races occur every 6 years. Candidates for a U.S. Senate seat are more likely to be in the news—and they cannot be ignored, nor can the issues they raise be ignored.

The U.S. Senate this year, by an overwhelming majority, has passed a bill repealing section 315 for all Federal offices, themselves included.

A different problem exists for House Members, and challengers for House seats. Many of our districts have a single broadcasting outlet, or a very small handful of broadcasters. Most of these broadcasters, I believe, are fully responsible people. But I think, and I believe most of you agree, that we should move very slowly, very cautiously in the repeal of section 315 across the board.

We need the kind of examination of this problem that could be made in the intervening 2 years by the Federal Communications Commission, and hence I have in this amendment asked that such a study be conducted, with a report to be returned to the committees of the Congress. There would not be a full repeal of section 315 until and unless both Houses of the Congress had agreed to it.

Mr. HARVEY. Mr. Chairman, I rise in opposition to the amendment offered by my good friend, the gentleman from California (Mr. VAN DEERLIN), and I do so for this specific reason. I can see no logical basis nor a commonsense basis whatsoever for treating the President of the United States any differently under section 315 than we treat a Member of the House of Representatives, whether that Member be my friend, the gentleman from California, or whether it be a Member of the U.S. Senate. We are all elected officials. Section 315, which goes to certain public officials, as we have written it into law, applies equally to all of us.

Mr. Chairman, they have said that this is not a partisan question, and that it should not be a partisan question, and with that I wholeheartedly agree. But let us not kid ourselves one bit. I have been in this House of Representatives since 1960, and I can recall in 1964 when the Republicans were trying desperately to repeal section 315, and when that bill was killed in the House-Senate confer-

ence under strict orders from the White House. If you do not believe me, I can quote you the page number of the CONGRESSIONAL RECORD where Senator MANSFIELD made a motion to table it, and it was tabled, and there was no question as to why it was done.

I can also point out to you in 1968, and many of you who were here then may have forgotten it, but that was the reason we stayed in session for almost 24 hours, around the clock. That was the reason some people missed 35 or more quorum and rollcalls at one particular time. It certainly was a partisan issue then, indeed.

For 1 minute, Mr. Chairman, let us look at some of the arguments that are given. One of the arguments advanced by my good friend, the gentleman from California (Mr. VAN DEERLIN)—and let me say that he is my good friend, and he is certainly one of the ablest members of our committee—but one of the arguments given is that when you run for President as contrasted to House Members, it should be repealed because there are so many more different parties, minor parties, that otherwise clutter up the presidential race, that the networks cannot give equal time.

All over the United States in the last presidential election there were some 19 different parties, and this includes all of the local parties as well which might run in one State and not run in another State.

Actually, there were only some six what I would call major-minor parties, such as the American Party that Mr. Wallace headed and so forth. There were only six of those.

Now let us look at the congressional situation just a minute. In the 1970 general election there were a total of 35 minor parties fielding candidates in Federal elections in the House and Senate. In addition to that, I might say, there were any number of candidates that listed themselves as "independent"—which I do not class as a particular party of any kind at all.

I would point out that in the Senate races in 1970 18 minor parties fielded senatorial candidates. The total number of candidates supported by these parties was 41, with six additional candidates listed as independent. The total number of candidates therefore seeking office in the U.S. Senate in 1970 other than on the Democratic or Republican ticket was 47. I would point out that, in the Senate, two of those got elected and I refer to the Senator from New York (Mr. BUCKLEY) who was elected as a Conservative and the Senator from Virginia (Mr. BYRD) who was elected as an independent.

Now let us look at the House for a minute. It is proposed to give the House some special treatment by the Van Deerlin amendment. For some reason it is said the Members of the House should be singled out and made benefactors under this law. That is not true for the Senate and the President.

Now, what has happened in the House races?

In 1970 again in the House races, 30 minor parties fielded a total of 163 candidates for office with an additional 20 candidates running as independents. So we have 183 minority party candidates running in 152 House districts. I do not have to tell you, of course, that none of them were successful. I could go on and on and point out what the comparison was for Governor and what it was in other races.

But it seems to me, it is clear that the profusion of parties is just as common and just as much of a danger as to House candidates and Senate candidates, as to the President.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(Mr. HARVEY asked and was given permission to proceed for 5 additional minutes.)

Mr. HARVEY. Mr. Chairman, the argument that is made that somehow there are more parties in the race for President and, therefore, we should treat the President differently just does not hold water. There are just as many parties in the election of House Members and the election of Senate candidates concerned as there are in presidential races.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. If the gentleman will let me go on further for just a second, I will be glad to yield to my friend, if I can just answer his second argument, if possible.

The gentleman also, and I am referring to my friend, the gentleman from California, makes the point that we should treat House Members differently and that we should give ourselves this special bonus benefit, and special treatment as selected individuals under the repeal of section 315 because of the fact, he says, the statewide nature of Senate races makes Senate candidates less vulnerable to a single broadcaster, than a Congressman, for example. But look at the facts:

First, five States have only one congressional district: Alaska, Delaware, Nevada, Vermont, Wyoming;

Second, 10 States have two congressional districts: Hawaii, Idaho, Maine, Montana, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah;

Third, two States have three congressional districts: Arizona, Nebraska;

Fourth, three States have four congressional districts: Arkansas, Colorado, Oregon.

Thus, 20 States—or 40 percent—have four congressional districts, or less. These 20 States have a total of 43 congressional districts or 10 percent.

In addition, there are 164 congressional districts—or 37 percent—in what must be considered major metropolitan areas. Certainly, these congressional districts have a multiplicity of broadcast outlets. These areas and the number of congressional districts in or around them include the following:

Atlanta, five; Baltimore, eight; Boston, five; Chicago, 18—including areas of Indiana; Dallas, six; Detroit, 10; Houston,

six; Los Angeles, 19; Miami, four; Milwaukee, five; New York, 37—including areas of New Jersey and Connecticut; Philadelphia, 12—including areas of New Jersey; San Francisco, nine; St. Louis, five; Washington, D.C., five—including areas of Maryland and Virginia.

My friends, the sole question when you repeal section 315, whether you add the President, the Senate, or the House of Representatives is whether or not you believe that the broadcasters across America have achieved that degree of maturity so that you can trust them without section 315 as we have written it into law.

You say that you can trust them as to the President and you can trust them as to the Senate, but we do not trust them as to the House Members and so, therefore, we are going to exempt the President from 315 and we are going to exempt the Senate, but not the House Members.

Let us just take a look at this.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield on this point?

Mr. HARVEY. I yield to the gentleman in just a moment, if my friend will just allow me to finish this point—then I will be glad to yield.

The real question, Mr. Chairman—and this is going to come up later because we are going to have amendments offered to leave section 315 in its entirety and to take 315 out in its entirety—but really the question is are you going to treat Senators differently from the way you treat Congressmen? Are you going to treat the President differently from the way you treat Congressmen? I submit that basic fairness requires that they all be treated alike, Mr. Chairman.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. I yield to my good friend, the gentleman from Ohio.

Mr. BROWN of Ohio. I should like to ask the gentleman how many networks are likely to cover a presidential contest. We have only three networks in this country. Why is that different from the situation of a Member of Congress who has three stations, say, covering his campaign in his own district? It seems to me that if you had all three networks against you, you might have as difficult a time as a congressional candidate with only three stations in his district and all of them against him.

Mr. HARVEY. I would say to my friend that I have gone through this; I have racked my brain studying it, and I see no difference. They say that it should be studied. What are you going to study? Three hundred and fifteen is the same as to Senators and as to House Members and as to the President.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. I will yield to the gentleman in just a moment.

Mr. VAN DEERLIN. The gentleman will then be out of time.

Mr. HARVEY. There is plenty of time. There is no effort to cut off the debate. I do not feel that is in the air. My friend is well aware, since he has been in Congress for some time, of the effect of this.

The bill will go to conference, and on the basis of my experience, I can see ahead what is going to happen in conference. We are going to take out the amendment as it pertains to Senators, and then once again we will single out the President. Mr. Chairman, the amendment should be defeated.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HAYS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. HAYS. Mr. Chairman, I oppose the amendment for practically all the reasons the gentleman from Michigan has outlined, plus a couple more. I think the amendment does treat the House differently, and I do not want it treated that way, because it says that we shall be subject to a study by the FCC. I have heard plenty of speeches from both sides of this aisle about the Congress surrendering its power to the executive branch, and if that is not another surrender I do not know what it is. I do not want the FCC telling me what we have to do in this body and how we have to run our campaigns. We are competent to make decisions ourselves and to make our own studies. We do not need the FCC to do it.

Mr. DINGELL. If the gentleman will yield, we are not setting ourselves up for a study by the executive. We are setting ourselves up for study by a creature of the Congress, the Federal Communications Commission, which is an arm and a creature of this body.

Mr. HAYS. I will say to my friend from Michigan that you can believe that if you want to, but I do not. I know it was set up originally as an arm of Congress, but it has not functioned that way. It has served as an arm of the executive branch, which is what all these commissions' functions are.

The gentleman from Michigan (Mr. HARVEY) said, "Do you trust the television stations in the case of the President and in the case of the Senate but not in the case of the House?" My answer is, I do not trust them at all, period. I do not think you can trust them to be discreet about whom they give time to and whom they do not. I do not think you can trust them to be fair about how and to whom they give time and from whom they withhold it. I do not think there is a remote possibility that they would not be prejudiced and do exactly as they please. Certainly that would apply in the case of House Members even more, because in many a district one television station dominates the district, and you are not going to get help. In my case, for example, a station in Cleveland which reaches part of my district would probably not give time to either me or my opponent if the main station in my district decides to support me or support my opponent.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Ohio (Mr. Brown).

Mr. BROWN of Ohio. Mr. Chairman, do

I understand then that the gentleman in the well is opposed to the provision which is in the Macdonald bill currently, which would repeal section 315 for the President?

Mr. HAYS. Mr. Chairman, I would put it this way. On principle I do not think we ought to repeal it at all, but I am willing to go that far in the case of the President. I think we ought to have an amendment in there, I will be candid, so if there is a third party that got 10 percent in the last election, it ought to be treated as a major party. I did not vote for George Wallace, I would not, I did not support him, but fair is fair and unfair is unfair.

Mr. BROWN of Ohio. If we repeal it for the President?

Mr. HAYS. I will tell the gentleman about my position on this. Whenever an amendment is offered to strike it, watch how I vote.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to point out to my good friend, the gentleman from California, the danger that is contained in repealing section 315 past that for the President and Vice President. I think all of us who have dealt closely with the broadcasters know they have enough power already to be a real force to be reckoned with. I commend whoever set up the Communications Act of 1934 when television was just a dream maybe, and all those people were afraid of was the power of radio, and time has proved them right. If we take a look at the senatorial campaigns and obviously the presidential campaigns, and take a look at where all the money is spent, and take a look at the people who can come in overnight, as I said in my earlier remarks, we will see the parties on both sides and people on both sides can buy their way into office.

What I keep trying to make clear is we are not trying to protect ourselves, we are not trying to protect the President, we are not trying to protect the Senate, but we are trying to protect the public interest. Any time this political system gets to be such that a candidate has to either be very rich indeed or become indebted to people who are, or who have financial resources which they expend on behalf of the candidates, and automatically Members of the House and Senate and perhaps other branches of the Government become indebted to these people—I think that is a terrible threat. I think it should be stopped. I, for one, having dealt with the broadcasters, know how arrogant they are anyway—they are arrogant enough already. The only protection we have against turning over the control of the political system to the broadcasters, both radio and TV, but especially TV, is section 315.

I respect the gentleman from California, who has done a great job, but I point out to him and to other Members the great danger in repealing 315 unless we want the broadcasters to dictate who is going to sit on the Senate side, and who is not going to—not in all in-

stances, but in many instances, and who is going to sit in this body.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is one of the most important amendments we will consider in this debate. I see great division on both sides of the aisle. There are members of the Democratic Party who are not about to repeal section 315 for anybody under any circumstances and members on the Republican side who feel the same way. This is a matter that deals directly with their own elections and a matter that is important and controversial.

Mr. Chairman, I think the gentleman from California has a middle-ground position that deserves our support. Here is the situation. The Macdonald bill, the House Committee bill, repeals section 315 only for the President and Vice President.

The Senate bill, on the other hand, repeals 315 across the board, for President, Senate, and House.

To my Democratic friends, one of the problems we have in getting a bill this year is, frankly, whether we can have enough compromise and enough modification of the hardline positions and reach some common ground and commonsense, which will result in a bill.

The gentleman from Florida offered a compromise that was agreed to this afternoon in the spirit that I would like to see in the Chamber as we debate this important matter.

One of the fears our Republican friends have is that this 315 repeal for the President only is a gun pointed at Richard Nixon and the Republican Party. They say that in 1968 we were anxious to have it repealed so that our under-financed candidate could debate their candidate. And now we are playing a different game, where they have the White House and we face an uphill battle.

So, as a show of good faith, the amendment offered by the gentleman from California says:

All right; we will repeal it for the President across the board permanently, and we will repeal it for the Senate across the board permanently.

Senators of both parties said they are for this repeal and it was adopted by a wide bipartisan margin. But he says:

For the House Members we have a different problem.

Presidents will lose some stations and will win some. They will have bitter opponents among the broadcasters, and they will have friends.

Senators, in most States, will have many outlets and have diverse responses for many broadcasters.

But there are Members on both sides of the aisle in this House who are under the thumb of just one broadcaster in particular situations. We ought to study these situations before we move.

The fact is that under the Van Deerlin amendment no House Member will ever face this equal time problem—and mark this well—unless the Congress acts.

Perhaps the FCC is not the right body

to make the study. Perhaps it ought to be somebody else, and the House and the Senate ought to make studies.

The fact is that under the amendment there will be no repeal for House Members until and unless some future Congress acts. We will certainly not act on it next year.

So I strongly support the amendment offered by the gentleman from California. It is a middle-ground position and it puts us on the right track. It makes sure a bill cannot be vetoed on the grounds of favoritism in this particular area. I should like to see this amendment agreed to.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from California.

Mr. VAN DEERLIN. Let me say that after hearing the gentleman's eloquence, I feel much better not only about my amendment, but about myself as well.

Mr. HARVEY. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Michigan.

Mr. HARVEY. I thank my friend from Arizona for yielding.

If we are going to have a study of this, then why should we not have a study of it for all three offices; the President as well as the Senate and House Members?

My friend is very eloquent, but in my judgment he has not made any case as to why we should treat the Senators in a different manner and the President in a different manner.

Mr. UDALL. The President and the Senate have been studied forever. We have study after study on the question. We cannot produce any new arguments about the presidency. But no one has ever looked at the 435 House districts to determine whether in a fair way we could administer a 315 repeal. I am not sure that I want it repealed for my district or for the districts of my colleagues. That is the reason why the House is in a special situation.

Mr. HARVEY. If my friend will yield for one moment further, there was nothing in the 1960 act or the 1968 act that had anything to do with any study whatsoever. So far as I know, there have been no legislative action on that matter.

Mr. UDALL. The gentleman may be right, but scholars, journalists, and Members of the House and of the Senate have studied this question. I suspect there are any number of volumes which have been written on this.

I am pained to see the gentleman from Michigan tell us how wrong and selfish we were as Democrats in 1968 and in 1964. He told the story. Now he wants us to do what he urged we do in 1964.

Let us do the right thing. If it was right in 1964 it is right today. Why does the gentleman object to it now?

The CHAIRMAN. The time of the gentleman from Arizona has expired.

(On request of Mr. MACDONALD of Massachusetts, and by unanimous consent, Mr. UDALL was allowed to proceed for 2 additional minutes.)

Mr. MACDONALD of Massachusetts.

Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to my friend from Massachusetts.

Mr. MACDONALD of Massachusetts. I should like to ask, through the gentleman in the well, if this is so bad this year why did the gentleman who spoke so eloquently against the amendment vote for the repeal for President and Vice President twice last year?

Mr. UDALL. Now suddenly, in 1972, he finds this a very evil thing.

I suggested to him we were wrong in 1964. We should have had repeal.

This does not mean an incumbent President has to debate. This is an equal time provision and has little to do with debate.

I said earlier that I do not believe Richard Nixon will lose a single vote if he says, as an incumbent President, "I decline to debate." I do not think we would make any "brownie points" with the voters as a challenger against an incumbent President on that.

Mr. HARVEY. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Michigan.

Mr. HARVEY. We are talking about a distinct broadcast station. We are not talking about the networks. There are stations in Phoenix, Ariz., in Cleveland, Ohio, and all across our country which have their rights. As licensees what they do or fail to do affects the President as well as the Senate and the House Members.

Mr. UDALL. I do not trust them any more than the gentleman does.

The CHAIRMAN. Does the gentleman yield further?

Mr. UDALL. I decline to yield for just a moment.

If I should run statewide, I would get help by some and would be hurt by some. But in my own limited district the situation might be different. That is why I think you can logically and philosophically defend a special position for the House. It is because you have 435 special problems there that do not confront a President running nationwide or a Senator running statewide.

Mr. HARVEY. I think the same can be said for the Senate, though.

Mr. ECKHARDT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, because the amendment offered by the gentleman from California is a middle-ground position, he seems to be getting a rather impassioned attack from both sides.

If I understand his amendment, it does not disturb the proposition that there should be an opportunity for the type of open debate in the presidential race that has existed in the past by temporarily removing the restriction of 315. It does not, on the other hand, as I understand it, disturb the protection of every Member of this House to equal time if he is in a situation where radio and television outlets are limited and controlled. The only difference his amendment makes is to extend the 315 removal to the Senate race.

I do not think that that is so innovative or so terribly dangerous; nor do I consider it to be so terribly helpful. It

seems to me that his position is truly a middle ground and one in which there can be considerable argument on both sides.

I think that it is absolutely clear that we should not remove 315 from House coverage for reasons in addition to those previously stated. The main reason why I say this is because, although we may consider ourselves able to command attention of the media, it seems to me that the media can frequently ignore a House Member and freeze him out simply by not mentioning him. They cannot do that with regard to a Senate race in any State that I know of. They certainly cannot do it with regard to a presidential race.

Mr. BROWN of Ohio. Will the gentleman yield to me?

Mr. ECKHARDT. I yield to the gentleman.

Mr. BROWN of Ohio. I am hard pressed to understand the subtle distinction in the arguments presented by the gentleman from Texas between the broadcast media and newspapers or other forms of printed media. Newspapers can certainly freeze out a candidate if they wish to, can they not?

Mr. ECKHARDT. Yes they can. But I think the difference is this: television and radio are so much more powerful because in effect television and radio constitute a parade. The listener or the observer must see what is paraded across the screen. The newspaper is more like a circus. You can take your choice of rings. It seems to me it is much more important that television and radio afford equal time, because I think they have more of the power to make or break a candidate for Congress.

Mr. BROWN of Ohio. Will the gentleman yield further?

Mr. ECKHARDT. Surely.

Mr. BROWN of Ohio. For 160 years in this country we did not have television and radio. During that period of time the newspapers frequently dominated the community just as the gentleman is alleging that television and radio do now. We survived as a society and have come this far with newspapers under the protection of the first amendment. Now, does the gentleman feel that the current media control is such that there is a problem here, or is the gentleman speaking out against the first amendment providing the media with an opportunity to make such a news assessment or editorial judgment.

I am a little confused about the gentleman's position.

Mr. ECKHARDT. How does the gentleman find that it is in violation of the first amendment? The first amendment does not give a man a right to demand that a newspaper give him equal treatment. The first amendment does not even demand that a newspaper sell a person advertising

Mr. BROWN of Ohio. Under the protection of the first amendment—

Mr. ECKHARDT. I rather agree with the gentleman that section 315 should have been extended to a newspaper situation which is a monopoly but, perhaps, it is a little late to raise that question at this time.

Mr. BROWN of Ohio. Mr. Chairman,

if the gentleman will yield further, under the first amendment the newspapers were free to do what they wished in terms of coverage of election campaigns and our system survived.

Does not the gentleman think we can survive if section 315 is repealed in all cases with reference to television and radio stations?

Mr. ECKHARDT. I suppose we could survive it, but I think it would be very harmful to our system.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent (at the request of Mr. HAYS) Mr. ECKHARDT was allowed to proceed for 2 additional minutes.)

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Ohio.

Mr. HAYS. I think there is one big difference that the gentleman from Ohio (Mr. Brown) has failed to point out. I understand the gentleman owns both newspapers and radio stations.

Mr. BROWN of Ohio. Could I correct the gentleman?

Mr. HAYS. If I am wrong.

Mr. BROWN of Ohio. The gentleman from Ohio (Mr. Hays) is wrong.

Mr. HAYS. You do not own any newspapers?

Mr. BROWN of Ohio. We do not own any radio stations.

Mr. HAYS. All right. I just wanted to make sure that you only owned newspapers.

Mr. Chairman, the point I would like to make which it seems to me has not been made, is this: In my district people can subscribe to any one of a dozen different daily newspapers, but there is only one television station. So, there is a big difference between newspapers and television—a big difference.

The only recourse you have with television is to turn it off, and if you do that, in certain parts of my district, then, you could not see any program.

So, I think you are talking on the one hand about a monopoly and on the other hand about newspapers from which the public can pick and choose.

Mr. ECKHARDT. It seems to me that what the gentleman is stating here, and very ably so, is that if it is a good thing to have section 315 apply to radio and television, it might have been a good thing in the past to have applied the same kind of rules to newspapers.

Mr. HAYS. Maybe we ought to do that now.

Mr. ECKHARDT. But, we certainly should not restrict section 315 from coverage of television and radio today. I think that is what the author of the bill is talking about. I think the gentleman from California also takes that position. The only difference, I think, between them is with respect to what should be done in the Senate races. I, marginally, favor the position of the gentleman from California, but I strongly believe that the protection of section 315 should be applied to House races.

Mr. PODELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to take unenthu-

siastic opposition to the gentleman's amendment.

It is obvious that all of us realize the importance of removing section 315 as to President and Vice President. Certainly, the gentleman from Michigan referred to his prior votes in that direction. He then afforded us a lot of statistics, some of which makes one wonder if we were not discussing President Nixon's sixth phase program for the moment.

Mr. Chairman, the issue before the House is simply whether or not section 315 as it applies to Members of the House of Representatives is important.

It is not truly an issue with regard to the President and Vice President of the United States because the stations themselves would want them to discuss the issues which they deemed important in debate. This admittedly should include the major party candidates, but not the Vegetarian Party and all various other party candidates which would insist upon equal time. As to the President and Vice President section 315 should and must be repealed.

Insofar as Members of the House are concerned, while you and I are sitting here today every local radio station, every local TV station have what they call an editorial policy.

Each one of these editorials that come on daily are being responded to by some individual back in your district. We have something like eight or nine different channels in New York City, that do this very thing. I never get a chance to respond to the editorial policies because a. I do not hear it in Washington, and b. I am unable to respond because by the time it is transmitted to me and I finally attempt to respond, any one of a number of people have already responded. So we operate at a disadvantage. For this additional reason I think section 315 is important for Members of the House of Representatives and should be retained.

As to Members of the Senate, and we have spent an hour of debate here on whether or not they want to retain section 315. If they want it, well, then, let them have it. If they do not want it, then let them not have it but that should be their decision and not ours. This can be accomplished in conference.

It seems to me the best thing to do is to just pass the bill in its original form, and if the Senate wants to insist upon it in conference we should have no objection.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened with great interest to the arguments pro and con, and the impression I get is that if we pass this amendment that has been offered by the gentleman from California (Mr. VAN DEERLIN) that then we have taken definitive action for the President, Vice President, and the candidates for the Senate in the repeal of section 315, and on the other hand we are going to have the Federal Communications Commission conduct a study—the impression being that the study would only be applicable to the problem of section 315 as it relates to the House of Representatives.

But as I read this proposed amend-

ment it certainly involves all Federal elective offices, those for whom we have repealed section 315, and the Members of the House of Representatives for whom we have not repealed section 315.

It seems to me, Mr. Chairman, that this highlights the inconsistency of this particular amendment. We want to protect ourselves while yet a study is made, but we want to repeal section 315 for the President, the Vice President, and the Senate, while the study is being made. I think it makes us look a little ridiculous. I think you might call it a House of Representatives self-interest, or self-protection amendment.

Why can we not be consistent, either repeal it as to all, or repeal it as to none? At least the other body had the consistency of repealing section 315 as to everybody, the President, Vice President, Senate, and House of Representatives.

It would make us, in my opinion, look interested in our self-perpetuation, it would make us appear to be completely inconsistent if the Van Deerlin amendment is approved.

I personally think we are much more qualified in the House Committee on Interstate and Foreign Commerce or the comparable committee in the other body to conduct any study that involves the repeal or nonrepeal or modification of section 315.

Mr. Chairman, I strongly oppose the amendment offered by the gentleman from California (Mr. VAN DEERLIN).

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I thank the gentleman for yielding, and I respect the distinguished minority leader, as I am sure the gentleman knows, but when did the gentleman from Michigan change his mind? Because last year this part did not bother the gentleman at all. The gentleman voted twice last year to repeal section 315 just for the President and the Vice President.

Mr. GERALD R. FORD. There is quite a difference between this amendment and the action we took last year. This amendment perpetuates self-interests for the Members of the House. I do not see where this amendment relates at all to what the House did last year.

Mr. MACDONALD of Massachusetts. Does the gentleman feel that the broadcasters in various sections of this country—and, incidentally, it will not be occurring in my section—but in various sections of the country is the gentleman willing to turn over to the broadcasters who will be and who will not be successful candidates? Because I would point out to the gentleman and to all other Members of the House that a broadcaster can give free time to one candidate and refuse to sell time to the other candidate if section 315 is repealed.

Mr. GERALD R. FORD. I understand what the gentleman is saying, but how can you justify the House treating itself differently from the candidates for President, the Vice President, or the Senate?

I do not see any rational difference

whatsoever in the relationship between a broadcaster and a House Member and a broadcaster and any candidate for the Senate or the President or Vice President.

I do not think our constituents see any difference. We are all seeking a Federal elective office and should be treated the same under section 315.

In the interim under this amendment offered by the gentleman from California, it treats House Members differently from others while the study is going on. I think it is inconsistent and inequitable and I think the amendment ought to be defeated.

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman, if I have any time remaining.

Mr. MACDONALD of Massachusetts. Mr. Chairman, the gentleman is a very practical politician, and the gentleman knows the public would not stand for three networks giving free time to just one candidate for President because the national interest is obviously concerned.

The gentleman also understands, I would think—I do not know this—but I would guarantee on the presidential, that in any given State you cannot keep a bona fide senatorial candidate off of television without a terrific protest, but you can keep a congressional candidate off in a congressional district.

Mr. GERALD R. FORD. I would point out to the gentleman that the broadcasting media are trying and are doing a reasonably good job in protecting the interest of all candidates.

Mr. DINGELL. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California. I have high regard for the gentleman from California. He is a man of great ability and great integrity and fundamental decency and he is a very useful and valuable member of the Commerce Committee and we are very proud of him.

The gentleman from California has a viewpoint—he comes from the broadcasting industry and this tends to somewhat color his attitude toward that particular industry.

I think the amendment should be viewed as being essentially an industry amendment. It is one which either leads at this time or ultimately will lead to the foot of the broadcasting industry being on the throat of every single candidate for public office in the United States.

I think it is time that we understand there is a distinct difference between a candidate for the Presidency and a candidate for the Senate and a candidate for the House. These three offices are essentially different in their impact and in the way the broadcasting industries are going to view them. A candidate for the Presidency is probably going to be treated essentially fairly by the networks—which is something that does not obtain with regard to a candidate for the Senate and of the House or to Members of the House or Senate.

This body has had a continuing sequence of scrutinies by the Commerce

Committee of the fashion in which the broadcasting industry has conducted its responsibilities in the public trust.

I would like to take this opportunity to recall to my colleagues some of the scrutinies that have been engaged in by the Commerce Committee and by its Subcommittee on Investigations so that you can see whether or not Members of this body want to put the foot of the broadcasting industry on the throats of Members of the House of Representatives and candidates for the House of Representatives.

Not long back, a Member of the House of Representatives had a situation foisted upon him which I think cries to the heavens for investigation and redress.

A chairman of a committee of this body was defeated because the broadcasters in his area turned over to his opponent on election eve, an immense amount of free time which was utilized against him for his incumbent opponent—and that Member is no longer with us.

I just think that if that could happen to a chairman of a committee of this body, it could happen to any other Member.

Let me recount a few other things. Recall the program "Say Goodbye." We had a careful investigation of some of the outrageous things which took place in there, the compendium of pictures of polar bears shot from aircraft, which was foisted on the American public as something to be regarded as reprehensible, and it turned out later that the polar bear depicted as being shot from an aircraft was in fact, shot with a tranquilizer by a game warden as part of a game management program—and later released alive and unhurt.

Recall how the hunger in America documentary was utilized as a vehicle to stir public emotions with a child pictured as starving to death, a child which turned out to be a premature baby. The welfare line was generated by the broadcasters having the doors closed to the welfare agency. Remember, these are the friendly broadcasting people who utilized their resources to electronically eavesdrop at a meeting of the Democratic National Committee. Recall some of the things done by the broadcasters at the Democratic Convention, to facilitate circumstances showing people engaged in violence in order to generate a situation where the aura of outrage would be very clear to the American people to the hurt of the Democratic party.

I will not say the entire broadcasting industry is bad. That is not true. There are honorable men in it. Most of the men in the broadcasting industry are honorable. But the temptation is to seek something sensational. The broadcasting industry by its very nature tends to be a sensational type of industry. In times past they have utilized means which we have questioned after careful scrutiny by committees of the Congress.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. The gentleman is confusing me with examples of bias on

the part of networks in terms of their coverage.

Mr. DINGELL. I mentioned network. The gentleman is a member of the Commerce Committee and has heard reference to what I am speaking about.

Mr. BROWN of Ohio. I am trying to determine whether the gentleman is arguing that the networks will be fairer to the President than will individual broadcast stations to Members of Congress and their constituency.

Mr. DINGELL. I am glad the gentleman gleaned that from my remarks. That is exactly the impression I intended to make. The fact of the matter is an amendment which would authorize that kind of situation is very bad.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(On request of Mr. HOLIFIELD, and by unanimous consent, Mr. DINGELL was allowed to proceed for 3 additional minutes.)

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my good friend from California.

Mr. HOLIFIELD. I was very interested in the gentleman's illustrations. I think it is something we all know has happened and will continue to happen under the present procedures of the broadcasting industry. I would merely like to take this time to point out that both CBS and NBC presented so-called public interest television documentaries in which they gave me some 3½ minutes to state a position on an important matter and then proceeded to give the other 45 or 56 minutes to the opposing viewpoint; and absolutely knock it down, and having had that experience on both CBS and NBC, I unhesitatingly say that I have no confidence in the integrity of either of these chains or any other television operator who is given the right to so victimize the American people as they have done on numerous occasions.

Mr. DINGELL. The gentleman is entirely correct. I would just like to add that this body, not long back, unanimously condemned the activities of one of the networks where they took—they did broadcast "falsehoods" on the air—what they did was that they took and doctored a statement of public officials and then broadcast them so that the public officials said something very differently from what they had actually said in the interview.

I think this House must understand one thing. With the immense power of the broadcasting and television media, the one protection that every citizen of this country must have is a protection from the excesses and abuses by broadcasters and the television industry, and they can get that by seeing to it that the equal-time provision, section 315, remains intact, and that the fairness doctrine, which affords another similar protection, remains intact with regard to persons who are Members of the Senate or the House or candidates for the Senate or the House.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California.

Mr. VAN DEERLIN. The gentleman has mentioned the fairness doctrine. Both what my California dean, and most of what the gentleman has complained about would have reference to the fairness doctrine, and not to section 315.

Mr. DINGELL. Mr. Chairman, I have mentioned one case which deals directly with section 315. The gentleman has a good enough imagination to see how, if section 315 is repealed, the broadcasters in his district can do things which will impinge upon his candidacy.

Mr. VAN DEERLIN. The gentleman has impinged upon my reliability.

Mr. DINGELL. I did not.

Mr. VAN DEERLIN. The fact of the matter is that the Senate, with only two dissenting votes, has indicated its willingness to submit themselves to the fairness of the broadcasters.

Mr. DINGELL. I will be glad to discuss the Senate another time.

Mr. ALBERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman. I take this time primarily to commend the gentleman from Ohio (Mr. HAYS) and the gentleman from West Virginia (Mr. STAGGERS) and the gentleman from Massachusetts (Mr. MACDONALD) for bringing these matters to the House. I do this because I think election reform is a top priority measure facing this Congress. I am grateful that the committees have reported these bills.

This legislation is important to the House because it is important to the American people. There are too many signs of a loss of faith in government for us not to be concerned and to take positive action to restore public confidence in the political process. When 47 million eligible voters do not think it is worth bothering to vote for the candidates for the highest office in the land, I think it is time for us to be concerned.

The accelerating costs of running for public office are becoming a serious national problem. Spending in the last Presidential campaign exceeded \$44 million—a 50-percent increase over 1964 and 100 percent more than in 1960. Total spending for all campaigns across the Nation in 1968 has been estimated at \$300 million, and the massive outlays in last year's statewide elections indicates that an even greater escalation is in the works for 1972 unless we call a halt. We are literally on the crest of a deluge which threatens to get completely out of hand and make a mockery of the democratic process.

Our political system is predicated on the broadest possible participation and the broadest possible opportunity to seek political office. We undermine that cardinal principle when the electoral process threatens to become the exclusive preserve of wealthy men. The blocking of opportunity to run for office is a cause for deep concern to every American.

It is not a question of integrity. It is not a question of corruption. It is a question of elemental democracy, and it is a question that often results in the creation of a climate of opinion that elections are up for sale. That climate is not conducive to public faith in government.

It is not a matter of whose ox is gored between incumbent and challenger. It is

the disenchantment of the public that must be our concern.

Each of us in this Chamber has a personal stake in restoring reason and sanity to campaign practices. As individuals who have all been burdened with the onerous and sometimes demeaning task of raising funds, we should welcome relief from the spiraling rate of campaign expenditures. We must, it seems to me, encourage meaningful presentation of the issues to the broadest public possible.

I believe that the American people expect us to enact significant reform. It is my deep conviction that we should. An election reform bill will cap a responsible and productive first session of this Congress.

Mr. HAYS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments to this amendment cease in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. Under the unanimous consent agreement, Members will be recognized for approximately 1½ minutes each.

The Chair recognizes the gentleman from Florida (Mr. FREY).

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FREY. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. VAN DEERLIN). I want to make clear at the outset that I have firmly supported the principle of across-the-board repeal of equal time clause. One of the most distressing aspects of our election process in recent years has been the wholesale adoption by candidates of the 10-, 20-, and 30-second spot commercials. While these broadcasts can sometimes make a positive contribution in allowing a new candidate to develop name recognition, on the whole, they fall almost completely in fulfilling the essential task of providing the voting public with detailed insight and knowledge about a candidate's capabilities and positions on the issues.

Yet because of the greater dollar efficiency involved in repeated spot commercials as opposed to longer broadcasts it is almost certain that this trend will continue. I think the answer to that dilemma is a public subsidy for program time similar to the voter's time proposal I introduced with a bipartisan group of 80 cosponsor sponsors earlier this year. However, since it is clear that we are not yet ready to take a step of that kind, I think the next best alternative is to remove the 315 restriction so that broadcasters will be free to offer at least limited amounts of program time for debates and indepth presentations by major candidates.

Mr. Chairman, this objective of elevating political dialog during campaigns is the fundamental rationale for repeal of the equal time clause. It is therefore impossible to avoid the conclusion, I think, that the Macdonald subcommittee failed miserably in its treatment of this issue. It makes no sense to repeal

315 for presidential races only, unless you are willing to suggest that voters need indepth exposure to the abilities and positions of presidential candidates, but not to candidates for the House and Senate. Instead of adhering to this important objective of increasing meaningful candidate exposure to the electorate, the Democratic majority of the committee chose to take a cheap partisan shot at the President which has nothing whatsoever to do with genuine reform.

Mr. Chairman, I know the gentleman from Massachusetts (Mr. MACDONALD) has expressed the view, sometimes with considerable agitation and alarm, that repeal for congressional candidates would be a license for local broadcasters to discriminate against candidates they oppose. While I do not think this danger is as great as the gentleman would have us believe, it cannot be dismissed completely and requires that a repeal of 315 be accompanied with some kind of new safeguards, albeit more flexible ones. I think particularly in metropolitan media markets like New York City where there would be nearly 80 House candidates, or in Los Angeles where there would be 35 candidates there is special need for safeguards to insure fair treatment for all major candidates. But there is not reason why the committee could not have developed these over the past year if it would have had a mind to.

Mr. Chairman, because of this negligence on the part of the Macdonald committee we are now confronted with an impasse that could well mean the life or death of the entire campaign finance reform effort this year. A repeal of 315 for the President only has no place in an honest reform measure and must be stricken or replaced. Yet it would be impossible at this late date to write a bill on the floor that would provide the safeguards for House candidates that I think must accompany an across-the-board repeal. The Van Deerlin amendment, therefore, provides a way out, although it is a second best approach to be sure. By mandating the FCC to propose legislation that would provide safeguards following the repeal of 315 for House candidates, it will force the Communications and Power Subcommittee to face the issue that it so studiously avoided this time around.

Mr. Chairman, this amendment is a fair compromise and I understand the gentleman from Massachusetts will agree to it. It is the only approach to 315 that will strengthen rather than weaken the Senate bill on final passage. So I would say to those who would either not yield on the current repeal for President only or who would hold out for an immediate across-the-board repeal: Do you want a bill or an issue? I think the American people overwhelming demand reform of our election process. If the House again becomes a burial ground for reform, it may well be because too many of us were content to play politics on this issue when the choice to support reform was clear indeed. I hope that will not happen. The Van Deerlin offers the opportunity for those who genuinely want reform to see that it does not.

The CHAIRMAN. The Chair recognizes

the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. COLLINS).

(By unanimous consent, Mr. COLLINS of Texas yielded his time to Mr. BROWN of Ohio).

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, the question of broadcast domination has come into this discussion with charges that monopolies are more common in broadcast media than in print media. I should just like to suggest that with respect to monopoly coverage that we should look at the numbers of broadcasters as opposed to the numbers of newspapers. Let us look at the statistics which exist at this moment.

We currently have in the United States almost as many TV stations as we do daily newspapers. With cable coming into many communities we are going to have a great many more outlets than we do daily newspapers.

We have as many radio stations, AM and FM, as we do weeklies in the United States.

If the move is to try to control the public expressions and the campaign attitudes of those people who have broadcast media usable in campaigns. Then what are we going to do about the magazines, the newspapers, or even mailings by private individuals and their right to take sides in campaigns.

I think we tread on very dangerous first amendment territory in this 315 thing, and we have for many years. I would like to point out, as I tried to in my earlier questions, that newspapers once dominated the mass media in this country. It was not too many years ago. We have been "protected" by the Communications Act only since 1934. That was only 37 years ago. We had gotten along until that time on the basis of free speech without control through this Congress of what people could say or print in newspapers during political campaigns.

It seems to me what we are talking about is not a lack of confidence or the existence of confidence in the media but, rather, of a lack of a confidence in the average citizens of our country. It seems to me that the average citizen is smart enough to see through biased media when he is being subjected to only one viewpoint.

The chairman of the subcommittee agreed with that. As Mr. MACDONALD said, the public will not tolerate three networks giving only one side of the presidential picture, and I am sure that that is true of public confidence in media in individual congressional districts.

Besides that, media economics will require that many different viewpoints be represented. And media economics includes print media as well as radio and television. The philosophical spectrum will be covered. History has proved that there is a sound regard for balance and fairness in the exercise of free speech.

But history tells us that law is not an effective limitation on free speech when the people desire to express themselves.

The multiplicity of voices and the diversity of outlets in our country are what protect us in our freedoms and our rational political judgments.

I am not so sure that there is anything wrong, on occasion, with running against the media. It is done sometimes, and I think it is done with some success. We only have to look at the history of campaigning in this country. If you look at the old-time newspapers of a century or more ago when they were the only voice in a district and you did not have radio and television, you will see that they took sides and sometimes they took sides ferociously and with strong bias. Nevertheless, the voters made their own judgments and we survived.

The CHAIRMAN. The time of the gentleman has expired.

The Chair now recognizes the gentleman from Minnesota (Mr. FRENZEL).

(By unanimous consent, Mr. FRENZEL was allowed to yield his time to Mr. BROWN of Ohio.)

Mr. BROWN of Ohio. When Mr. FRENZEL and I put in our bill, the Senate piece of legislation on this subject, we consciously wanted a total repeal of section 315 as it applies to all Federal officeholders.

We do not see how we can logically discriminate between a President covered by three major networks. That is where the presidential election coverage will come from. It will not originate from the local broadcasters. The local stations will get their story on the campaign through the three major networks. For those of us who have districts where there are no television stations or where we are ringed about by television stations in nearby areas, it is those local stations from which a portion of our coverage will come. The networks will not play a part in such local campaigns. We ought to have confidence. I believe in the ability of the average citizen to judge if they are getting bad coverage or biased coverage just as they can in newspapers and magazines. We ought to have discretion enough and honesty enough in this body to repeal 315 for all Federal officeholders and not try to legislate our own protection under a law which I think is long since outmoded.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, each time since I have come to the House that we have had a measure dealing in any wise with the broadcast media I have made it a point to call to the attention of my colleagues in the House that I am one of those who have a minority interest in a licensee of a radio and television station. I do so once again.

I recall when I first came here listening to the gentleman from Arizona (Mr. UDALL) commenting on the potential conflict of interest and making a point when any such situation does exist where we can be accused, that, of course, we have the right to say we plead this situation and then vote "present." But he advised then, and I think soundly, that a preferable procedure is to more full disclosure and then proceed to vote in the public interest.

It seems to me that in a situation like the one facing us, which goes far beyond self-interest by anyone involved in a minority ownership position of such an interest, it is important that we face up to the broader impact of what this amendment would do.

And, for this reason, I intend to vote on the substance of this measure and not to vote merely "present."

Mr. Chairman, on this particular point before us now, I would say it would be sound and fair and in the public interest that we vote to repeal section 315 across the board. Lacking that, it would seem to me sound and fair and in the public interest that we leave it in existence across the board.

I, personally, think that fairness and equity does not rest on the side of those who say that we should let it apply partly but not across the board.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, I wish to make only three points before we vote.

First, this amendment is an attempt to arrive at a compromise in order to get a bill that can be passed and signed into law.

The Senate said, repeal 315 for everyone. The committee position which I probably would have supported, given the lack of the necessity of compromise, says for the President and Vice President only. It clearly says we will do it for the President and the Senate now and see whether or not it is feasible to repeal section 315 for 435 House congressional districts.

Mr. Chairman, the second point is the fact that the Senate has already said they do not mind having section 315 repealed for Senate seats. The amendment gives them what they have asked for and approved.

Finally, I would like to make the point that the House is protected. Section 315 will never be repealed for any House Member until a future Congress acts on the proposed study. So, you can vote for this amendment with the certainty that nothing will be done with reference to your district until a study is made and reported back to the House and the Senate.

Mr. Chairman, I think probably the finest hour in our political history was in 1960 when we had the great debates between former President Kennedy and President Nixon.

We can get back some of the potential of television if we take off the shackles and in effect maybe bring the Lincoln-Douglas debates into the living room. Therefore, I think this is a sound amendment and one which should be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

(By unanimous consent, Mr. THOMPSON of Georgia yielded his time to Mr. HARVEY.)

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. HARVEY).

Mr. HARVEY. Mr. Chairman, I just want to make these two points. First of all, I was very shocked to hear my very

good friend from Illinois (Mr. ANDERSON) say, particularly to the Members on my side of the aisle, that if they truly wanted election reform then they should vote for this amendment.

I say to my friends on both sides of the aisle, if you want election reform, then vote down this amendment.

Members of the committee may recall that before the recess I appeared in the well and said that if you truly want election reform, then you will vote for the substitute which will be offered by Mr. FRENZEL and Mr. BROWN of Ohio and which I will introduce later. Why do I say this? I say this because there are two things going for it. The Senate has already approved it and the White House has said it is perfectly fine with them and that they will accept it.

Mr. Chairman, if the members of the Committee of the Whole House on the State of the Union want to get election reform, then vote down this amendment. If you do not want election reform, then go ahead and vote for this amendment and further clutter up the bill.

I say vote this amendment down if you want election reform.

The next point is a point which we have gone over, back and forth, but there seems to be no clear understanding of it. There is nothing in section 315 of the Communications Act that applies to networks. It applies to licensees and broadcasters. I submit to you that exactly the same situation applies in Boston, Mass. or Detroit, Mich. or in any other State of the Union—the exact same broadcasters handle broadcasting as it pertains to the President, the Senators and Members of Congress.

You cannot make a distinction between them. However, that is what this amendment would do.

So, I plead with you to give the President a break, give the Senate a break, and give the House Members a break and treat them the same. They are all candidates for Federal elective office. I see no reason why they should not be treated alike.

Therefore, I urge you to vote down the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. KERR).

Mr. KERR. Mr. Chairman, it seems to me that, as has been mentioned by the gentleman from Michigan (Mr. HARVEY) that the real reform the people want and that the Nation really desires lies in the field of full disclosure, in the limitation on expenditures, and in the fair treatment for the President commensurate with that of the Congress.

It is not strange that it was the finest hour for the gentleman from Arizona when the record was put on the line, as it was in 1960, and when they tried to nail Nixon to the mast. But by the same logic if you did not do this in 1964 and if you did not do it in 1968, then we should not do it now. You have an incumbent defending a record that is a good record, but there are always disagreements about such a record, many of us have contributed to this. So I believe Section 315 should be kept the same as it was in 1968 and in 1964.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. VAN DEERLIN).

Mr. VAN DEERLIN. Mr. Chairman, second only to hearing myself described as a spokesman of industry on the floor today, I am concerned about having been referred to as somehow or other advancing a self-interest piece of legislation. The minority leader very forcefully described my amendment as something that would protect only House Members. Well, I believe I should point out—although it seems so obvious that it should not require me to point it out—that this also would protect the opponents of Members of the House who run for reelection. As it is now, in many areas the sitting Congressman might logically expect to have a better time with the existing broadcasters than his lesser-known opponent is going to have. So the opponent should have an equal interest in requiring, before we move in, helter-skelter, to repeal section 315 across the board, that the matter be given ample study—for final determination by the House and Senate—by the agency with the most appropriate ability to conduct such a study, which, of course, is the Federal Communications Commission.

Mr. Chairman, I rest my case.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California (Mr. VAN DEERLIN). I do so very reluctantly because of my friendship for the gentleman from California. I agree with what has already been said, that he is one of the finest gentlemen we have in the House of Representatives. I disagree with the gentleman very strongly on the conclusions he has reached in this matter, and indeed I have disagreed with the gentleman before, but always we have done so in a way that has been friendly.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Chairman, may I say that I admire the distinguished gentleman from California (Mr. VAN DEERLIN). The gentleman has contributed greatly to our committee. However, on this very important question I fully agree with the Chairman that, after having discussed this matter back and forth for 12 years, that we are on the right track at the present time, and that this proposed amendment in my opinion is not in the public interest.

Mr. STAGGERS. Mr. Chairman, I thank the gentleman from Illinois for his statement, and I share his views, and I also agree with many of the other statements that have been made that we are after election reform.

However, from the way we seem to be moving we are not going to be a democracy for very long; we are going to be a plutocracy, and ruled by wealth.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

The Chair recognizes the gentleman from Ohio (Mr. HAYS).

(By unanimous consent, Mr. HAYS yielded his time to Mr. STAGGERS.)

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I thank the gentleman from Ohio for yielding. I did not mean to raise this subject, but since I have, I hope that I can dispose of it in just a moment or two.

If we are going to continue to have a democracy then we must continue to elect our representatives "of the people, for the people, and by the people."

It is getting to the point today that an ordinary person in America cannot be elected to the Congress of the United States, and we might as well recognize that.

When I first ran for office, it was a different proposition. You could run for office and go around seeing people and talking to them and telling them things. You cannot do that today.

I say that we have to make a real reform legislation out of this bill. Legislation that will have some teeth in it and set some limits so that all men and women, regardless of what party they belong to, can run for high office and be elected. But you cannot do it today—I do not care what party you belong to. You have to have a great deal of wealth or access to it.

We, as representatives of the people, have to pass reform legislation. A bill that is really worthwhile and one that has some teeth in it and one that is fair to those who are out of office and is fair to the one who is in office.

The CHAIRMAN. All time has expired on the amendment.

The question is on the amendment offered by the gentleman from California (Mr. VAN DEERLIN), to the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

The question was taken; and on a division (demanded by Mr. VAN DEERLIN) there were—ayes 23, noes 83.

So the amendment to the amendment was rejected.

AMENDMENT OFFERED BY MR. SPRINGER TO THE AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. SPRINGER. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. SPRINGER to the amendment offered by Mr. MACDONALD of Massachusetts: Page 2, line 6, strike out "(and for)" and all that follows down through line 8 on such page, and insert in lieu thereof a period.

Page 3, strike out line 6 and all that follows down through line 5 on page 4.

Page 4, line 8, strike out "Sec. 105" and insert in lieu thereof "Sec. 104".

Page 8, line 24, strike out "105" and insert in lieu thereof "104".

Page 9, line 14, strike out "Sec. 106" and insert in lieu thereof "Sec. 105".

Page 9, strike out line 16 and insert in lieu thereof the following:  
out sections 102, 104(a), and 104(b) of this Act.

Page 9, line 18, strike out "Sec. 107" and insert in lieu thereof "Sec. 106".

Page 9, strike out line 19 and insert in lieu thereof the following:

104(a) or 104(b) or any regulation under section 105 shall

Page 9, strike out line 23 and insert in lieu thereof the following: "lates section 104(a) or any regulation under section 105 shall be".

Page 10, strike out line 4 and insert in lieu thereof the following:

"Sec. 107. Section 103 of this Act and the amend-".

Page 10, line 6 strike out "105" and insert in lieu thereof "104".

POINT OF ORDER RESERVED

The CHAIRMAN. For what purpose does the gentleman from West Virginia (Mr. STAGGERS) rise?

Mr. STAGGERS. Mr. Chairman, I do not know what this amendment has in it and I cannot tell a thing about it, so I would reserve a point of order against the amendment until I hear an explanation of the amendment.

The CHAIRMAN. The gentleman from West Virginia reserves the point of order against the amendment.

Mr. SPRINGER. Mr. Chairman and my colleagues, this is a simple amendment even though it seems to be somewhat complicated in the fact that there are some 13 alterations in the bill in order to arrive at this amendment. This amendment was to be introduced by Mr. NELSEN, of Minnesota, who could not be here today because of a family emergency. It does three things: First, it eliminates the section which covers the entire question of rates for political broadcasting. Also it eliminates the "comparable" test for newspapers. Finally, it eliminates that portion which compels newspapers to give equal access to all candidates.

I want to consider first the newspaper situation, if I can. Most of you probably received this brief which was made up by the School of Journalism of the University of Missouri, Columbia, Mo., in September of 1967, the Freedom Information Center Report No. 187, advertising the right to refuse. There is a serious constitutional question involved.

Under the amendment to the Constitution which provides freedom of the press it has been repeatedly held in any number of court decisions, which I will not attempt to point out for lack of time, which state that newspapers may deny any advertising it sees fit to deny. There is a serious question about whether this section of the bill is constitutional or not.

That is the first point.

The second, having to do with newspaper rates, which forces the newspaper to give a comparable rate to a Member of Congress that it would give to any other comparable person who seeks advertising, to me is unconstitutional, because it seems to me that a newspaper has the right to set any rates it wishes to, and you are forcing them to set rates which I think the Supreme Court would say in essence is a rate which would put a newspaper out of business, if they are forced to give rates low enough to deny the newspapers to pay their own costs it is wrong even if constitutional. That is the second one.

The third one has to do with TV giving you the lowest unit rate. It seems to me that in this area we must remember that we have made the media a free

enterprise. We have made it a free enterprise in essence because we have given them the right to charge what they believe to be reasonable rates to make a profit.

What in essence we are doing in this section of the Macdonald bill is to force the TV to give you the lowest unit rate. In the second place we have said that newspapers must give you a comparable rate. In the third place we have said the newspapers must give you equal access. I think the first thing you are going to get—and I think the newspaper association has said that this is going up to the Supreme Court to determine whether or not Congress has the power to impose a regulation of this kind upon newspapers. Personally I have not been overcharged in my own area either by a newspaper or by a TV station, in my opinion. I have tried to compare those rates in view of what appears in the Macdonald bill with newspapers of similar size all over the country, and I find that in our area they are charging approximately the same rate. Some are a little lower; some are a little higher. I can understand that because of the question of size of circulation and amount of advertising that each individual newspaper has. But on the whole it is comparable.

As to TV rates, TV rates in my area are lower than they are in other parts of the country. So I do not say that we are being overcharged. Some of you might be interested in determining for yourselves in your own areas whether or not you are being overcharged or undercharged. But I think TV would be willing to listen to anybody who wants to talk about this thing as to what a fair charge should be for TV time.

It seems to me in the first place when you are in the newspaper field you are clearly on serious constitutional grounds.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. SPRINGER was allowed to proceed for 3 additional minutes.)

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to my colleague, the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Chairman, just one question. I do not think the problem that has developed with respect to rates has been directed to rates that are not comparable in different geographical areas. It was my understanding that this was directed to comparable rates for advertising within a given publication. In other words, are we suggesting it is wrong to say that a political candidate should not be permitted, for example, to buy two columns by 4 inches of advertising at a rate higher than what the local businessman pays in the same newspaper in the same issue?

Mr. SPRINGER. What I have said to this date was in trying to compare rates in different parts of the country.

I think the gentleman strictly speaking is more nearly right as to what the intent of the Macdonald section is, which is to do what the gentleman is talking about, but I think the gentleman is right

that there is a serious question of whether we have the right to do it.

Mr. COLLIER. It is not an uncommon practice in many parts of the country to charge a political candidate a rate which is generally a premium rate over what is charged for other advertising.

Mr. SPRINGER. That is right. I do not argue that question with the gentleman at all. I merely say we are on constitutional grounds as to whether that can be done—not as to whether they can charge higher or lower rates, but whether it can be done at all.

I do think it is a question of whether we ought to say that the TV station must charge us the lowest unit rate, because when we come to politics, I think all of us realize this is a temporary thing, and this is the reason—I have had explained to me by some newspapermen—that it is a limited thing, and in some cases it is limited to 2 or 3 weeks over the year.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I am a little uncertain as to where the gentleman does stand on the newspaper thing. My experience on television in my district is that they will give me the same rate as anybody else is given for the time I use. If I want 50 spot announcements, I get the 50-spot rate.

At least one newspaper out there I know charges for political advertising exactly 50 percent more than it does for other casual ads paid in advance. Is that constitutional?

Mr. SPRINGER. I think it is.

Mr. HAYS. In other words, there is no discrimination?

Mr. SPRINGER. The gentleman is talking about newspapers?

Mr. HAYS. Yes.

Mr. SPRINGER. The newspapers, I think, are bound by the Constitution. In other words, they have a freedom, and this brief which has been made up by the University of Missouri School of Journalism is accurate.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. SPRINGER was allowed to proceed for 2 additional minutes.)

Mr. SPRINGER. Mr. Chairman, I think the list of decisions is very conclusive on the question of whether or not they can refuse.

Mr. HAYS. As I understood the testimony of the man who spoke for the newspaper association, it was that they did not object to an equal payment by political candidates. The thing they did not want was for political candidate to get preferential treatment as though they were advertising over 365 days of the year. I am sure I heard the gentleman right, and I was there, that he had no objection to an equal treatment for political candidates, and he purportedly spoke for the whole association.

Mr. SPRINGER. If I understand the gentleman correctly, I think it is true on the question of discrimination there is no question that I think that would be objectionable. But I think the point

being raised by the gentleman from Massachusetts (Mr. MACDONALD) in his amendment is we would have to charge a comparable rate for the same kind of service. That is in the Macdonald bill, which I understand the gentleman from Ohio says is a different kind of problem.

Mr. HAYS. I am saying newspapers should charge the political candidate the same thing they would charge a fellow who advertises only twice a year, but in some instances they charge the political candidate a 50-percent premium.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, in view of the fact that the gentleman raised the question of constitutionality of setting newspaper rates, or the fear that there would be a constitutional question; in the letter the newspaper association put out on this, they, as a part of that package, at least in the letter I received, they cited the fact they do not endorse this business of gouging political candidates and they have indicated the desire to eliminate that.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. SISK, and by unanimous consent, Mr. SPRINGER was allowed to proceed for 2 additional minutes.)

Mr. SISK. They further cite that some six States in the United States at present do set, by State law, a limitation.

The thing which raises its head immediately with me is the question why, on the one hand, were they making a big argument it would be unconstitutional for us to enter into the so-called rate-setting area and yet at the same time use as an argument, for a lack of need, the fact that some six, seven, or eight States already have a ceiling in connection with political advertising in newspapers.

For example, the State of Maryland right out here, I understand, has a law in regard to newspaper rates for political advertising. I believe the State of Hawaii has such a law. I believe the State of Arizona does. I do not have those in front of me.

Mr. SPRINGER. May I say to my colleague, that has never been tried out in any of those States. It has never gone to the supreme court of the State, and never to the Supreme Court. On the basis of the cases that have gone up at the present time, it is my opinion it is unconstitutional.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. I thank the gentleman for yielding.

As the gentleman knows, the hearings clearly indicate we had the representatives of newspaper associations before the subcommittee. At that time, there was never a question about the constitutionality of this provision raised before the committee.

Second, it was at their suggestion that the present language in the proposal be-

fore us, the Macdonald of Massachusetts proposal, was included. That is the language they suggested to the committee.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

(By unanimous consent, Mr. SPRINGER was allowed to proceed for 1 additional minute.)

Mr. SPRINGER. Mr. Chairman, may I read this so that there will be no misunderstanding:

The attachment from the Freedom of Information Center traces a long line of cases which hold that the publishing of a newspaper is a private business, and that publishers are under no obligation to accept advertising from all who apply for it. There is little doubt that Section 4(b)(2) of the Macdonald bill would violate the holdings of these cases.

The attached story from Publishers' Auxiliary indicates that there is very little need for a federal law regulating the rates which newspapers charge for political ads. Yet this is exactly what Section 4(b)(1) of the Macdonald bill and 103(b) of the Frenzel-Brown bill would do.

I am reading from a letter signed by William G. Mullen, general counsel of the National Newspaper Association.

Mr. TIERNAN. What was the date of that letter?

Mr. SPRINGER. November 24, 1971.

Mr. TIERNAN. Then he has changed his mind since he came before the subcommittee.

I would suggest, as the gentleman from California has already suggested, that we had testimony before the subcommittee that this type of language is in State statutes now and has not been challenged by any of the respective associations in the various States as to constitutionality.

Mr. SPRINGER. I have just this brief. That is all I have to go by.

The CHAIRMAN. Does the gentleman from West Virginia (Mr. STAGGERS) insist on his point of order?

Mr. STAGGERS. No, Mr. Chairman. I withdraw my point of order. I believe the subject is germane to the bill.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment is a very sweeping one and goes to the very heart of the bill.

In the first place, I could not follow everything that was contained in the memorandum of the gentleman from Illinois from the Missouri School of Journalism, but I believe we ought to take in order not the newspapers first but the broadcasters first.

It is perfectly clear that the Congress has jurisdiction over communications, and it is perfectly clear that the question of constitutionality never has been raised before, either at the time the gentleman voted for a similar bill last year or in our committee. Therefore, I am rather surprised it is raised at this late date.

However, I have a copy of the Constitution with me, and there are two places in which we get jurisdiction not just over communications so far as the broadcast media are concerned but also so far as the newspapers are concerned.

First I would like to go to the subject of broadcasters.

The point has been raised that we have no right to set rates for the broadcasters. I point out to the gentleman something that I think I do not need to point out to him, because I am sure he knows it; namely, they set their own rates and they set their own lowest unit rates. I also point out to the gentleman, which I know he knows very well indeed, that the Federal Government gives them the right to operate on public property. When they are issued a license by the Federal Communications Commission they are not using their own property; they are using the public airwaves. As such, it seems to me, if they are going to live up to the promise that they make when they get that license to serve the public convenience, necessity, and need and to serve in the public interest, certainly they should have and, as far as I am concerned—and I deal with them almost daily if not weekly—I have had no protest about this section of the bill from any broadcaster.

As a matter of fact, the three presidential broadcasters have indicated they have no objection to this personally, and I have not heard from a single broadcaster because they understand that they do get a license to serve in the public interest.

So obviously the lowest unit rate is a fare matter. Is it fair for them to sell soap at a low unit rate? What good does that do the community? They have a license to serve the community, and if they do not live up to that license, the only argument that makes any sense to me is, when their license comes up for renewal, as it does every 3 years, you can take that matter up then.

In any event, it seems perfectly clear to me that the broadcasters are and should be and must be included unless we are going to let spending once again take over the political processes of this country.

It was President Nixon himself who asked in his veto message that we also include newspapers.

As the gentleman well knows, in the bill he voted for last year it included television and radio. We sent this down to the President by an overwhelming margin both out of the House and the Senate, and the conference report was equally well received. The President said he wanted to veto it because in his judgment it only plugged one hole in the sieve, and the newspapers, the magazines, and the other forms of advertising should also be included.

We did that in order to avoid another veto. We are just doing in this title I bill what the President indicated to us he wanted.

Second, as is very clear to me, in many sections of the country, including my own section, it is unfair for the newspapers to raise rates just because you are a candidate for political office, so it seems to me they, too, should serve somewhat in the public interest, although I agree with the gentleman from Illinois that that section is not as clear and raises some

problems, to me at least, with regard to that section.

However, inasmuch as the President asked for it and inasmuch as he said he would send up a bill that you could take and inasmuch as the President did not send up a bill which contained newspapers and magazines, our subcommittee and the full committee saw fit to do it for him.

So it strikes me rather peculiarly that the gentleman, who I know is a loyal follower of the President, should be going against the message that the President sent up to us and told us to put into an acceptable bill.

Therefore, I urge as strongly as I possibly can the defeat of this amendment, because it goes to the very heart and soul of the money spent.

In my judgment—and this was seriously suggested years ago—the broadcasters using the public airwaves in the public interest should give time.

Mr. HARVEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. I will in just a moment.

First, Mr. Chairman, I want to say that I rise in wholehearted support of the amendment which has been offered by the gentleman from Illinois. I do not believe that this section ought to be in the bill. I believe this amendment to strike this section is well taken.

Mr. SPRINGER. Now, Mr. Chairman, will the gentleman yield?

Mr. HARVEY. Yes, I yield to the gentleman from Illinois.

Mr. SPRINGER. There have been questions raised here by my distinguished colleague, a member of the committee from Rhode Island; also a question by the chairman of the committee, and at least one other member with reference to what was said at the time this bill was heard.

I read from page 207 from a statement of Mr. John Howell, publisher, Warwick Beacon, Warwick, R.I., wherein he said:

Mr. Chairman, my name is John Howell. I am the publisher of the Warwick Beacon, Warwick, Rhode Island. I am here today testifying on behalf of the National Newspaper Association.

Then on page 208 after the seventh paragraph, I quote:

The bill's lowest unit rate requirement would wreak havoc on newspaper publishers. Typically, rates for newspaper advertising space take into consideration such factors as the frequency of publication, size of the advertisement, the complexity and hazard of the copy and the amount of service required to prepare the copy for publication. Of course, there are other factors which enter into figuring rates in specific instances.

Now, another paragraph, the third paragraph below that which I just quoted which reads as follows:

In addition, we are of the opinion that section 4(b)(2) clearly infringes on the free press guarantees of the Constitution. This section requires newspapers and magazines to make advertising space available to all candidates for an office once they sell such space to any candidate for that office.

Mr. Chairman, I wanted to be sure that the RECORD showed that when this testimony was delivered, Mr. Howell speaking for the National Newspaper Association, exactly what was said.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. I agree with the gentleman. It is in the RECORD and that is why the gentleman from Rhode Island remembered it so well and inasmuch as he represents the area from which Mr. Howell comes. That is when we changed the lowest unit rate for newspapers to a comparable transient rate and agreed with that. He suggested that very language. They said that a newspaper should charge the comparable transient rate for people running for public office.

Mr. SPRINGER. Mr. Chairman, if the gentleman will yield further, may I say that is not what is now said by the National Newspaper Association. I read it to the gentleman and there is no question about their position.

Mr. TIERNAN. I do not question what the gentleman read and I hope the gentleman does not question what I said that Mr. Howell said before our committee. So, you can take your choice as to which time he meant it. His language is in the bill.

Mr. HARVEY. I want to say, Mr. Chairman, I do not think we have any business getting into whether we provide equivalent space in newspapers and, therefore, I hope the amendment passes.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. Yes; I yield to the gentleman from Ohio.

Mr. HAYS. I want to say to the gentleman from Illinois that I was talking about the hearings before the House Administration Committee in which another different person representing the newspapers spoke, and I sent for a copy of what he said. I believe I am right in the fact that he said that they had no objection to a comparable rate for transient advertisers, which is what I understand the Macdonald amendment now proposes; is that correct?

Mr. MACDONALD of Massachusetts. Mr. Chairman, if the gentleman will yield, yes.

Mr. HAYS. And, I believe further in answer to a question I asked he stated he did not believe it was proper to charge a political candidate 50 percent more than you would a fellow who came in who wanted to run an ad for a photography shop or something like that.

Mr. THOMPSON of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have nothing but the highest regard for our ranking minority member, the gentleman from Illinois.

I do, however, take exception with his views in this matter.

I, personally, feel that a good lawyer, given 15 legal-sized sheets of paper and a typewriter, could make a convincing argument either way as to the constitutionality of this matter. For my part, I, personally, believe the provision to require that a comparable rate be charged is constitutional.

What we are trying to do in this bill is to come up with a measure that is equitable not only for incumbents, but for challengers as well. We are trying to provide a means by which the American public can look at two candidates or more and try to determine in their own opinion which one of these is going to serve them best.

I personally believe that we are not interfering with the freedom of the press when we tell the newspapers that if they are going to charge one advertiser a certain rate for so many insertions and for a certain place in the paper, and a certain size, that they shall not charge a political advertiser more money. We are not trying to set the rates for them. All we are trying to do is to require that equity be accomplished.

Personally, I am opposed to the section in the bill which requires the broadcaster or a TV station to charge the lowest rate to a political candidate. If we want to make as a requirement relating to the obtaining of a license for the use of the public airways that one of the required public services is free time or reduced time, so that each station knows that this is the payment he has to make for use of public airways then that is a different matter. But we have not done this and should not do this after the fact—that is after a license is granted. Since we have not done it I personally hope that we will support the amendment to be offered by the gentleman from Texas (Mr. PICKLE). I believe it will provide for equity. I believe equity in this particular instance, insofar as the newspapers are concerned, is to require a comparable rate be charged just as it should be for radio and TV.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I would like to associate myself with the remarks being made by the gentleman from Georgia (Mr. THOMPSON).

I also want to say that I commend the gentleman for the statement that he has been making in the well.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, it is my intention to offer an amendment just as soon as it is possible that would make the rates for advertising with broadcasters or newspapers the same. I am glad the gentleman has mentioned the amendment that I will offer.

Mr. THOMPSON of Georgia. Mr. Chairman, I would just like to conclude by stating this: That everyone in this body should look on this matter as you would upon any issue based on equity. In my view, equity provides that newspapers in dealing with advertisers, whether they be the local hardware store or drygoods merchants or political advertisers, should be charged with the same amount for the same space. A political candidate should not be charged a premium nor should the newspaper publisher be required to give him a discount.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not know who really speaks for the National Newspaper Association, but I want to read you some quotations from our hearings—and the gentleman from Michigan (Mr. HARVEY) was involved in this, and I will start there:

Mr. HARVEY. I have a question. Mr. Mackey, I can see why the newspapers would be opposed to the lowest unit cost for a candidate's advertising which you mentioned in your statement, but I have considerable difficulty understanding why the newspapers feel they should be able to charge a greater rate for political advertising than they would for any other type of advertising.

Mr. MACKEY. Our rates are based on local advertisers and national advertisers and we charge the same rate for political ads as we do for our national advertisers.

Now, Mr. Mackey happens to be from the local paper in my home county, and I can verify his statement about the same rate for political ads as for others.

So we go on down a little further, and I point out that Mr. Mackey is claiming that that is exactly what they do, and then I say that we should have something in the legislation that they should not be able to single out, and I am quoting: "political candidates for an exceptionally high charge."

Then Mr. HARVEY said:

I certainly agree with Chairman HAYS in this regard. I think such a provision is badly needed.

Then a fellow by the name of Mr. Serrill gets into the act. He was sitting out there. The record reads:

Mr. SERRILL. May I comment on that, Mr. Chairman.

Mr. ABBETT. Mr. Serrill.

It turns out that Mr. Serrill is the executive vice president of the National Newspaper Association and listen to what he says.

I said:

If the gentleman will yield—

He was going along talking about what Mr. HARVEY said and saying that they did not do that.

I said:

If the gentleman will yield, do you have any objection to having a section in the bill that says that they can't charge a higher rate?

Meaning what they would charge anyone else—

Mr. SERRILL. Than the established card rate?

Mr. HAYS. Yes.

Mr. SERRILL. That is all right. We would not object to that.

Then he goes on to say:

In fact as I say, over the many years—and I have been in newspaper management association work since 1944—

That they have been doing that in most instances, but he thought it was bad public relations to have a surcharge for political advertising.

I do not know whether they had a man testifying to a different thing in front of the other committee but this is exactly what they said in the hearings Mr. ABBETT conducted for the Committee on House Administration.

Mr. TIERNAN. Mr. Chairman, I move to strike out the last word.

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. TIERNAN. I am happy to yield to the gentleman.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I would like to have the attention of the gentleman from Illinois inasmuch as he raised the question of the constitutionality of this measure. I do not know what the gentleman quoted, but I will quote two things that might clear up his problem.

In the first place, the Associate Deputy Attorney General Wallace Johnson of the Department of Justice accompanied by William Nichols, the legislative counsel, who testified before our committee and in this testimony which the gentleman can find at the bottom of page 186 and continuing over to the top of page 187 reads as follows and he is talking about our bill. He says:

Some proposals would require broadcasters to charge candidates the lowest unit rates charged others for similar time blocks. At least one of the bills before you would extend the lowest unit rate provision to purchasers of nonbroadcast media.

And then he said:

The department—meaning the Department of Justice—favor such a provision and strongly feels it should be made applicable to both broadcast and nonbroadcasting communications media.

That was the Assistant Deputy of the Department of Justice.

Then going on farther to a higher, perhaps, plane—a letter was forwarded to me by Richard Kleindienst, Deputy Attorney General. On page 3 of that letter which is dated, June 23, 1971, Mr. Kleindienst said:

H.R. 8628 is a far better bill than H.R. 8627. It would extend the lowest unit rate provision to newspapers and magazines as well as to the broadcast media. We favor that provision.

So, if the gentleman can top that, for constitutionality, I will be surprised.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. TIERNAN. If the gentleman will get me some additional time, I will yield to the gentleman at this time if he wants to respond to that.

Mr. SPRINGER. I just want to read this now so that there can be no misunderstanding about how the National Newspaper Association stands. There is the brief accompanying it, which I would be happy to insert in the RECORD but I understand I cannot ask permission to do so now because we are in Committee of the Whole, but I will get permission to put it in the RECORD when we are in the House.

But they do say here:

NATIONAL NEWSPAPER ASSOCIATION,  
Washington, D.C., November 24, 1971.  
Hon. WILLIAM L. SPRINGER,  
U.S. House of Representatives,  
Washington, D.C.

DEAR MR. SPRINGER: I am enclosing some material which may be helpful to you when the House again takes up Federal Election Reform. The principal bill, H.R. 11060, and two related bills are now scheduled for floor action on Monday, November 29, at noon.

The attachment from the Freedom of In-

formation Center traces a long line of cases which hold that the publishing of a newspaper is a private business, and that publishers are under no obligation to accept advertising from all who apply for it. There is little doubt that Section 4(b)(2) of the Macdonald bill would violate the holdings of these cases.

The attached story from Publishers' Auxiliary indicates that there is very little need for a federal law regulating the rates which newspapers charge for political ads. Yet this is exactly what Section 4(b)(1) of the Macdonald bill and 103(b) of the Frenzel-Brown bill would do. We realize that some individual members of the Congress have problems with political advertising rates of certain newspapers. All I can say is that this association is pledged to eliminating these inequities as rapidly as possible. Great improvements have been made in this area within the last ten years.

Once again, on behalf of the more than 6,600 community publishers represented by NNA, we ask that you support amendments to delete the newspaper provisions of Section 4 of the Macdonald bill and Section 103(b) of the Frenzel-Brown bill.

Since floor action on these bills is set for a Monday, there is a great deal of importance attached to your presence on the House floor during the consideration of these amendments if they are to be successful.

Your consideration of the views of weekly and small city daily newspaper publishers is deeply appreciated. Please call upon me if you have any questions or need additional information on this matter.

Sincerely yours,

WILLIAM G. MULLEN,  
General Counsel.

[From Freedom of Information Center  
Report No. 187]

ADVERTISING: THE RIGHT TO REFUSE

(NOTE.—This paper, which surveys the legal bases for the right of newspapers to refuse advertising, was prepared by David C. Hamilton, a graduate student in the School of Journalism.)

When, in December 1964, Fred G. Bloss complained before Michigan courts that advertisements for his Eastown Theatre had been refused publication in Battle Creek's *Inquirer* and *News*, the defendant, Federated Publications Inc., was in a position to show the court ample evidence that it was within its rights in choosing to turn down the advertising. This case, which was decided November 9, 1966, in Division Three of the Court of Appeals of Michigan, is the latest in more than half a century of legal debate over the question of a newspaper's right to refuse advertising.

Like many manifestations of this complex society, advertising was not anticipated as a problem in either constitutional or common law. When questions as to the nature of newspapers and newspaper advertising first arose, they naturally became wards of the courts—and subject to the relative vagaries of judicial reasoning. After nearly fifty years of deliberations the courts have ruled overwhelmingly—with only one decision to the contrary—in favor of the newspaper's right as a private business to contract with whom it pleases. That right has been questioned in terms of unfair business practices, in terms of monopoly, and in terms of the so-called "public interest" nature of American newspapers.

Bloss reported to the Michigan court that the defendant had accepted his advertisements for about 30 days prior to November 3, 1964, when it notified Eastown Theatre by mail that it would not accept Eastown advertisements effective November 4, 1964. Bloss sought court agreement that the newspaper was "clothed with a public interest" and that

therefore it should be forced to accept his advertising. Federated exhibited a copy of the plaintiff's advertising, and, in the language of the record, "did not wish to accept advertising for theaters containing suggestive or prurient material, and plaintiff's advertising required extensive editorial effort by defendant's employees to meet defendant's published standards."

In *Eastown Theatre v. Federated Publications, Inc.*, the court said:

"The First Amendment to the Federal Constitution declares and safeguards the sanctity of freedom of the press. Our founding fathers recognized that well-informed citizens are essential for the preservation of democratic institutions, and toward this end, an independent press is indispensable. The public interest, therefore, insofar as it affects the operation of a newspaper, demands that the press shall remain independent, unfettered by governmental regulations regardless of whether that regulation stems from legislative enactments or judicial decisions. . . . We subscribe to and are bound by the prevailing authority, that a newspaper is strictly a private enterprise."

ONE LANDMARK: SHUCK V. CARROLL DAILY HERALD

In arriving at this decision, the court, noting the absence of action on this question in Michigan, turned to the landmark case in this area, *Shuck v. Carroll Daily Herald* and an annotation on it in the *American Law Review*.

In this 1933 case in the Iowa Supreme Court, a clothes cleaner and repairer in the city of Carroll named Shuck sought to reverse a lower court decision refusing to grant his request for an injunction forcing the *Carroll Daily Herald* to print his advertising. Shuck claimed the *Herald* "orally agreed to publish" his advertisement, then did not. Further, he said, the *Herald* published advertising from "both residents and non-residents" and from "others in the same business class." He asked \$400 in damages, "for failure to publish advertising tendered," and an injunction forcing the *Herald* to halt what Shuck considered discriminatory practice. The defendant newspaper countered that "only the legislature can legislate a control to advertising which does not now exist," and claimed "the private right of the defendant to contract."

In deciding the case, the court reduced the question to whether a newspaper is required to accept advertising or not, and produced a capsule history of legal thought on the matter:

"The first English newspaper is believed to be the weekly *News*, issued in London in 1622. In the United States, *Publick Occurrences* was started in Boston in 1690; the *Boston News Letter* followed in 1704; but the oldest existing newspaper in the United States is the *New Hampshire Gazette*, founded in 1756.

"Our common law is generally dated at about the time of the Declaration of Independence, or perhaps at the time of the Revolution. Newspapers had then existed in England for one hundred and fifty years and in America for almost a hundred years. During that period they operated side by side with carriers and inns. The rules forbidding the latter to discriminate between customers were established, yet nobody goes so far as to even claim that there is any holding at common law under which a newspaper was bound by the same rules."

Turning to court decisions, the Iowa justices cited *Friedenberg v. Times, in re Louis Wohl, Mack v. Costello, Commonwealth v. Boston Transcript Co.*, and *Wooster v. Mahaska County*. The holdings of these cases, in abbreviated statements, are as follows:

Footnotes at end of article.

## CASE SUMMARIES

*Friedenberg v. Times*. The Louisiana court, ruling in 1930, said:

"The weight of authority is that the publishing of a newspaper is a strictly private enterprise, and the publishers thereof are free to contract and deal or refuse to contract and deal with whom they please. And at any rate, it is for the Legislature, and not for the courts, to declare that a business has become impressed with a public use."

*Mack v. Costello*. In this 1913 decision, a South Dakota court declared:

"... it may be that the publishing of a newspaper is a quasi-public business; but if so, it is only because, from long existence, it is regarded as a public necessity. But as much might be said of the hardware or grocery business, and yet no one would contend that a grocer or hardware dealer could be compelled by mandamus to sell his wares if he preferred to keep them on the shelves."

The question arose when Georgia Costello, published of the *Cavour Clarion*, lone Cavour newspaper, refused to publish a petition rendered to her by Mack and others in order to fulfill a South Dakota statute requiring the publishing of legal petitions. The court further stated:

"It is true, the statute defines a legal newspaper and requires that legal notices be published in newspapers so designated... but it nowhere attempts to impose any obligation to publishing any and all notices, ... neither can the publication of a newspaper be held to be an office, trust or station (and) because appellant's course may impose a hardship upon respondents does not authorize the court to exercise a jurisdiction not conferred by statute."

*Commonwealth v. Boston Transcript Co.* In 1924, a Massachusetts court ruled that "the legislature has no power to require any newspaper, at any time, to publish anything whatever against its will," and declared unconstitutional a statute which forced papers to publish labor commission findings.

*Wooster v. Mahaska Co.* Also an Iowa court ruling, this 1904 decision said: "... neither the legislature, nor the board, could compel any paper to publish the proceedings, no matter what compensation might be fixed therefor." Publisher Wooster and others had sought to collect a higher rate for publishing county board of supervisor announcements than had been paid them for a year's publication. "He was under no obligation to do the work," the court concluded.

*In re Louis Wohl*. In 1931 a federal district court discussed the Michigan case in which Wohl, principal stockholder in a bankrupt company, had reorganized his business and sought to advertise with the *Detroit News* and *Detroit Times*, both of which had lost money to Wohl's bankrupted enterprise. The newspapers required Wohl to make good their previous losses before dealing with him, again; he did, but subsequently sued to regain his money on the basis of restraint of trade.

Wohl asked an injunction directing the newspapers to deal with him on the basis that "a newspaper must print advertising offered to it. The court ruled that the restraint of trade accusation was based upon the second half of Wohl's complaint, and therefore limited its decision to the question of whether newspapers should be required to accept advertising.

Wohl sought to prove that "the newspaper business has become of such great public importance... that the owners have granted the public an interest in the property" (using the landmark railroad decision *Munn v. Illinois* as the basis for this "public utility" claim); "and further, that... the *Detroit News* and the *Detroit Times* exercise what is virtually a monopoly in the evening news-

paper field." On this point, the court reminded Wohl that monopoly as a test of public interest had been rejected in *Brass v. North Dakota* and applied itself to the question of whether public interest in personal contracts as defined by *German Alliance Insurance Co. v. Lewis* could be applied to the newspaper industry. In support of his claims, Wohl cited *Tyson v. Barton*, in which theater ticket brokers had been declared clothed with a public interest, and *Ribnik v. McBride*, in which an employment agency had been declared the same.

The court noted itself cognizant of the precepts of *Inter-American Publishing Co. v. Associated Press*, in which the AP "was held to be a business upon which a public interest was engrafted"; of the holdings of *Uhlman v. Sherman*, the lone decision requiring a newspaper to accept advertising (to be discussed at greater length); and of the decision in *Wolff Packing v. Industrial Court*, which said that a business, if found clothed with a public interest, "is bound by the common law to serve without discrimination." It nevertheless ruled:

"... while it may be true that legislation declaring businesses affected with a public interest as a ground for regulating such businesses may be merely declaratory of the common law... it has not been pointed out that any state has ever attempted to regulate the business of a newspaper on the ground that such business is one clothed with a public interest.

"I find from the foregoing that there is no such trend of decision as the trustee urges. A newspaper is not at common law a business clothed with a public interest."

The court cited a number of cases as influential to its decision, including *Commonwealth v. Boston Transcript Co.* and *Wooster v. Mahaska Co.*, discussed above. Also of interest are *Lake County v. Lake County Publishing and Printing Co.*, and *Belleville Advocate Printing Co. v. St. Clair County*, two Illinois decisions. In the former, read in 1917, the court said: "... a printer is at liberty to publish or not." The case was similar to *Wooster v. Mahaska Co.* in that the printer had sued to collect a higher rate for printing delinquent tax lists than the country would allow.

In the *Belleville* decision (1929), the court made the same ruling against a printer who sought higher rates for printing tax assessment lists, saying that the newspaper "was at liberty to print or not."

## THE SHUCK UMBRELLA

The area of protection thus seen to be encompassed in the *Shuck v. Carroll Daily Herald* decision is great: no recourse to common law is possible; the right to refuse advertising is protected from both court-made and legislative law; hardship to the potential advertiser is rejected as a cause for complaint; the condition of monopoly is specifically denied as a basis for denial of the right. The newspaper is defined as a private enterprise, completely free to deal or to refuse to deal with whomever it may choose.

To this landmark decision, the *American Law Review* appended an annotation which concludes:

"With the exception of one case, *Uhlman v. Sherman*, it has been uniformly held in the few cases which have considered the question that the business of publishing a newspaper is a strictly private enterprise, as distinguished from a business affected with a public interest, and that its publisher is under no legal obligation to sell advertising to all who may apply for it"

In addition to the *Lake County* and *Belleville* decisions, discussed above, ALR cites *State ex rel Baraboo v. Page*, *Journal of Commerce Publishing Co. v. Tribune Co.*, and *Clegg v. New York Newspaper Union* in sup-

port of its commentary. Pertaining matter in these decision includes:

*State ex rel Baraboo v. Page*. This 1930 Wisconsin decision concerned publisher H. K. Page, who accepted the title of "official newspaper" for his *Baraboo News-Republic* from the town's council and then refused to print council minutes. The council sued, but the court said:

"Those statutes (which require publication of council activities) ... do not constitute, or authorize the city to constitute, the proprietor, publisher or editor of the official newspaper a public officer; ... they are not required to take an oath, and they exercise none of the functions of sovereignty, which are some of the usual characteristics of public office."

The court said, further, that the city should have sued Page for breach of contract for his failure to print the council minutes, rather than having attempted to vest the newspaper with public character.

*Journal of Commerce Publishing Co. v. Tribune Co.* In this case, in which the Tribune Company sought to establish its right to maintain a fleet of carriers separate from that maintained by the Journal of Commerce Publishing Company, a 1923 Illinois judgment said: "The publication of a newspaper is a private business."

*Clegg v. New York Newspaper Union*. This 1887 New York case—one of the earliest citations—was decided in favor of appellant Clegg. From the ALR conclusions concerning the *Journal* and *Clegg* cases, it is assumed that this decision, like *Journal*, is useful in transferring the fact of "private business" from cases involving distributorship to cases contending advertising rights.

Thus to the mandates of decisions covered by *Shuck v. Carroll Daily Herald*, the ALR appended two affirmations of the non-public character of newspaper publishing. The Michigan court, in deciding *Eastown Theatre v. Federated Publications Inc.*, could have little doubt, in view of *Shuck* and the *American Law Review* statement, of its decision. A little doubt, however, did exist.

## A MINORITY VIEW: UHLMAN V. SHERMAN

It may be symbolic, and it is at least ironic, that the lone case standing against the tide of decisions favoring the newspaper's right to refuse advertising occurred in the Common Pleas Court of Defiance County, Ohio. There, in 1919, gathered Sherman and others of the Crescent Publishing Company to oppose the efforts of Uhlman, a mercantile trader, to have them forced to accept his advertisements. Sherman testified to disliking Uhlman's business practices, but filed no answer to the plaintiff's brief.

Judge J. Hay, in what was to become *Uhlman v. Sherman*, allowed that, "Ordinarily, persons cannot be forced into contracts." But, citing Elliott on Contracts (Sections 570-571), he noted that railroads, street railways, canals, turnpikes, gas and water, telephone and telegraph, heating and the like were not exempted. Public wharves, grain warehouses, grist mills, stockyards, fire insurance, grain elevators, hack lines, theaters and "other public places of amusement," he said, had been remanded to public control.

Citing *Munn v. Illinois* to the effect that "when private property is affected with a public interest, it ceases to be *juris privati* only," the judge prepared his statement on newspaper rights:

"Newspapers in this country have become universal. They are now practically in every home. ... They publish ... the one and the hundred other things which people desire to read and know. ... They are favored by the law in the matter of printing public notices.

"These all add to the interests of the public in the business and serve to make it a

success, and cause the public to depend upon newspapers not only for knowledge of current events both local and foreign, but also for a knowledge of these matters of public concern which virtually affect every citizen and taxpayer.

"We believe that the growth and extent of the newspaper business, the public favors and general patronage received by the publishers from the public, and the general dependence, interest, and concern of the public in their home papers, has clothed this particular business with a public interest and rendered them amenable to reasonable regulations and demands of the public."

Judge Hay was quick to point out in his concluding remarks that a newspaper should have control over its news space, and that if it did not allow advertising to others of the same class, it could not be required to accept advertising. Also, the justice noted, no decision similar to his could be found in court records.

Although the *Uhlman* decision has found its way into most of the cases tried in this area since 1920, it has not found a supporter. The Iowa court upholding the *Carroll Daily Herald* said, "The *Uhlman* case has been before two respectable courts since it was given forth. . . . Both have refused to follow it." The Michigan court preparing *in re Wohl*, after studying the majority of precedents, including *Uhlman*, concluded: "I find from the foregoing that there is no such trend of decision as the trustee urges. A newspaper is not at the common law a business clothed with a public interest." The most recent Michigan decision, involving *Eastown Theatre*, said of *Uhlman*:

"That the *Uhlman* case was not followed by another Ohio court is evidenced by the case of *Sky High Theatre, Inc. v. Gaumer Publishing Co.* (Unreported, No. 22820) in the Common Pleas Court of Champaign County. The court therein stated:

"Under the circumstances, is the court bound by the decision in the *Uhlman* case? The judgment of the circuit court of one district is not conclusive authority upon the judges of another district though the view obtains that the decisions by one court should be followed in other circuits unless it clearly appears to the latter circuits that the decision is wrong. . . . It should be followed unless it clearly appears to this court that the decision is wrong—which is the case."

Although the *Uhlman* decision will remain as a temptation to those who would test the newspaper industry's right to refuse advertising, it would seem that the growing weight of decisions to the contrary will render it useless.

#### ANOTHER LEG: APPROVED PERSONNEL, ET AL.

Although sufficient bases for defense in a case involving refusal of advertising are provided by the umbrella cited in *Eastown Theatre v. Federated Publications, Inc.*, and above, there exists another branch of legal thinking which was cited as recently as 1965 in a Florida case, *Approved Personnel, Inc., et al. v. The Tribune Co.* The conclusions struck three familiar chords:

" . . . the law seems to be uniformly settled by the great weight of authority throughout the United States that the newspaper publishing business is a private enterprise and is neither a public utility nor affected with the public interest. The decisions appear to hold that even though a particular newspaper may enjoy virtual monopoly in the area of its publication, this fact is neither unusual nor of important significance. The courts have consistently held that in the absence of statutory regulation on the subject, a newspaper may publish or reject commercial advertising tendered to it as its judgment

best dictates without incurring liability for advertisements rejected by it."

The case involved the *Tampa Tribune* and *Tampa Times* which, without giving a reason, refused to accept advertising from three private employment agencies. The appellors sought to prosecute on grounds of breach of contract and monopoly. The "breach" suit was dismissed at the appeal level, since no contract, as such, existed. Supporting its conclusions on the other half of the suit, the court cited especially *Shuck v. Carroll Daily Herald, J. J. Gordon Co. v. Worcester Telegram Publishing Co.*, and *Poughkeepsie Buying Services v. Poughkeepsie Newspapers, Inc.*

The conclusions of the last-named are included in the *Gordon* decision. In it the plaintiff, a real estate dealer, complained to a Massachusetts court in 1961 that the *Daily Telegram, Evening Gazette* and *Sunday Telegram*, after accepting his advertisements for "about a year," on March 15 "cancelled an advertisement after one publication thereof and (has) since without just cause, maliciously refused and continues to refuse to accept for publication in (its) newspapers further advertising by the plaintiff corporation." *Gordon* alleged that the newspaper was a public utility, but the *Telegram Publishing Co.* filed a demurrer and was sustained, the court holding that "we judicially know that under our law a newspaper is not a public utility."

In its concluding statement, the court said: "Although the precise question here has not often been before the courts, the prevailing view in the few cases that have considered the question—and in our opinion the correct one—is that the publisher of a newspaper is under no obligation to accept advertising from all who may apply for it."

#### Supporting Cases

Integral to the court's decision, in addition to cases already discussed,<sup>2</sup> were *Lepler v. Palmer, Poughkeepsie Buying Services v. Poughkeepsie Newspapers, Inc., Philadelphia Record Co. v. Curtis-Martin Newspapers, Inc., Lorain Journal v. United States*, and *Times-Picayune Publishing Co. v. United States*. Short abstracts follow.

*Lepler v. Palmer*. A New York court, ruling in 1934 in a case involving the right of a newspaper to determine who its retailers should be, said: "The publication and distribution of newspapers is a private business, and the publishers have the right to determine for themselves by whom the papers should be sold." *Lepler* had been turned down by the New York Publishers' Association (represented by *Palmer*) in his bid to obtain a newsstand franchise, and the court upheld the Association's decision. "Unless done pursuant to a combination with other publishers to injure him," the court said, the newspaper was free to deal or to refuse to deal.<sup>3</sup>

*Poughkeepsie Buying Services v. Poughkeepsie Newspapers, Inc.* This 1954 New York ruling dismissed the *Buying Service's* attempt to obtain an injunction to force the *Poughkeepsie New Yorker*, a monopoly paper, to accept its advertisements, confirming that:

" . . . in New York, the newspaper business is in the nature of a private enterprise, and in the absence of valid statutory regulation to the contrary, publishers of newspapers have the general right either to publish or reject commercial advertisement tendered to them; their reasons for rejecting them being immaterial, unless they are connected with fraudulent conspiracy or with furthering an unlawful monopoly.

"Refusal to maintain trade relations with any individual is an inherent right which

every person may exercise lawfully for reasons he deems sufficient or for no reason whatsoever; and it is immaterial whether such refusal is based upon reason or is the result of mere caprice, prejudice or malice, it being part of the liberty of action which constitutions, state and federal, guarantee to citizens."

The court limited its own jurisdiction in the matter, saying:

"The fact that the legislature has not seen fit to reasonably regulate the newspaper advertising business does not confer power upon the courts to impose rules for conduct of such business."

The court rejected the *Uhlman* theory, concluding:

" . . . it is contrary to general and fundamental doctrine laid down in our decisional law. For instance, we find decisions here, though not in point, in which it has been generally held that the publication and distribution of newspapers is a private business and that newspaper publishers lawfully conducting their business have the right to determine the policy they will pursue therein and the persons with whom they will deal."

*Philadelphia Record Co. v. Curtis-Martin Newspapers, Inc.* Pennsylvania courts ruled in 1931 that *Curtis-Martin* could not force *Philadelphia Record Company* to use the same distributors for its "bulldog" (night) editions, saying, "The publication and sale of newspapers is a private enterprise, . . . not in any sense (a) public service corporation."

*Lorain Journal v. United States*. "The publisher claims a right as a private business concern to select its customers and to refuse to accept advertisements from whomever it pleases," the U.S. Supreme Court summarized in this 1951 case which arose when the publisher of the *Lorain (Ohio) Journal* refused to sell advertising to those *Lorain* merchants who purchased advertising with *Lorain* radio station WEOL, which was owned by the publisher of the close-by *Elyria Chronicle-Telegram*. The court said:

"We do not dispute that general right . . . Most rights are qualified . . . The right claimed by the publisher is neither absolute nor exempt from regulation. Its exercise as a purposeful means of monopolizing interstate commerce is prohibited by the Sherman Act . . . In the absence of any purpose to create or maintain a monopoly the act does not restrict the long recognized right of the trader or manufacturer engaged in an entirely private business, freely to exercise his own independent discretion as to parties with whom he will deal."

*Times-Picayune Publishing Co. v. United States*. A second U.S. Supreme Court opinion was delivered in 1953, following proceedings instigated against *Times-Picayune* by the U.S. Attorney General's office to test the company's policy of selling "combination ads" which required that purchasers of space in the morning *Times-Picayune* also buy lineage in the afternoon *Daily States*. The court reiterated its statements in *Lorain Journal v. United States* in ruling that "combination ads" were not a form of monopoly.

The strands of judicial thought gathered together by *Approved Personnel, Inc., et al. v. The Tribune Co.* are as diverse as those covered by the *Shuck* umbrella, and, in conjunction with that line of defense, form an airtight case for the publisher—provided he does not overstep the boundary of monopoly legislation. Claims of "public utility" are rejected; license is expanded to the point of not requiring a reason for refusal of advertisement; and the right to publish is plugged into the well-developed current of judicial decision on the right to control distribution outlets. In addition, affirmation of the right of the publisher to refuse advertising has been gained from the highest tribunal, the U.S. Supreme Court.

Footnotes at end of article.

Any test of the right to refuse advertisements could most probably stand upon the legs drawn above; however, along the twisted trail of jurisprudence lie a few more decisions worthy of mention.

A recent Texas case, *Mid-West Electric Cooperative, Inc., et al. v. West Texas Chamber of Commerce* (1963) was decided very strongly in favor of the Chamber of Commerce, publisher of a magazine. The Electric Cooperative, having been refused publication of a politically oriented advertisement, hoped to prove that the Chamber had discriminated against it. Leaning heavily upon *Shuck v. Carroll Daily Herald* and the *American Law Review* annotation to it, the court ruled:

"Publishers of newspapers or magazines are generally under no obligation to accept advertising from any and all who may apply for its publication but are free to deal and decline to contract with whom they please." *Sharon Herald Co. v. Mercer County*, a 1938 Pennsylvania case, stands as a firm statement of the non-public character of newspapers. In it, the court was asked if the *Sharon Herald* were within its rights in raising the rate for legal advertising done by Mercer County officials, who sought to establish a ceiling on such rates or to advertise at a rate lower than that announced by the paper. "Newspapers are not public utilities subject to governmental control and supervision as to the reasonableness of their advertising rates," the court concluded.

*Amalgamated Furniture Factories v. Rochester Times-Union Co.* (1927, New York) contributes to the body of law in this area the ruling that a newspaper not only has the right to refuse untrue advertising, but, in fact, is charged with the duty to refuse to give publicity to statements known to be untrue." The furniture company was known to the newspaper to be only a distributor and not a manufacturer, and the publication refused to print Amalgamated advertisements after printing only 4,045 lines of a 15,000-line contract. The court affirmed the right of the newspaper to break the contract under the given circumstances.

#### CONCLUSIONS

The right of a newspaper to refuse advertising seemingly admits of no loopholes—except where purposeful restraint of trade can be proven. However, it may prove worthwhile to recall the nature of the law.

The "right" is totally dependent upon judicial opinion, and the possibility of a second *Uhlman v. Sherman* decision surfacing (though in light of the weight of opinion to the contrary, the possibility is admittedly slim) must forever be admitted.

#### FOOTNOTES

<sup>1</sup> Law library citations for all decisions noted in the paper are as follows:

*Amalgamated Furniture Factories v. Rochester Times-Union Co.*, (219 N.Y.S. 705, 128 Misc. 673)

*Approved Personnel, Inc., et al. v. The Tribune Co.* (177 So. 2d 704)

*Belleville Advocate Printing Co. 1. St. Clair County* (168 N.E. 312)

*Brass v. North Dakota* (153 U.S. 391, 14 S.Ct. 857, 38 L.Ed. 757)

*Clegg v. New York Newspaper Union* (44 Hun 630, 9 N.Y.S.R. 235)

*Collins v. American News Co.* (34 Misc. 260, 69 N.Y.S. 641)

*Commonwealth v. Boston Transcript Co.* (35 A.L.R. 1, 144 N.E. 400, 249 Mass. 477)

*Eastown Theatre v. Federated Publications, Inc.* (145 N.W. 800)

*Friedenberg v. Times Publishing Co.* (127 So. 345, 170 La. 3)

*German Alliance Insurance Co. v. Lewis* (233 U.S. 389, 34 S.Ct. 612, 58 L.Ed. 1011)

*In re Louis Wohl* (50 F. 2d 254)

*Inter-American Publishing Co. v. Associated Press* (184 Ill. 448, 56 N.E. 882)

*J. J. Gordon Co. v. Worcester Telegram Publishing Co.* (343 Mass. 142, 177 N.E. 2d 586)

*Journal of Commerce Publishing Co. v. Tribune Co.* (286 Fed. Ill)

*Lake County v. Lake County Publishing and Printing Co.* (280 Ill. 243, 117 N.E. 452)

*Lepler v. Palmer* (270 N.Y.S. 440, 150 Misc. 546)

*Locker v. American Tobacco Co.* (121 App. Div. 443, 106 N.Y.S. 115)

*Lorain Journal v. United States* (342 U.S. 143, 72 S.Ct. 181, 96 L.Ed. 132)

*Lucomsky v. L. B. Palmer* (141 Misc. 278, 252 N.Y.S. 529)

*Mack v. Costello* (32 S.D. 511, 143 N.W. 950, An. Cas. 1916A 384)

*Midwest Electric Cooperative, Inc., et al. v. West Texas Chamber of Commerce* (369 S.W. 2d 842)

*Munn v. Illinois* (94 U.S. 113, 24 L.Ed. 77)

*People ex rel Burnham v. Flynn* (49 Misc. 328, 9d N.Y.S. 198)

*Philadelphia Record Co. v. Curtis-Martin Newspapers, Inc.* (157 A. 796, 305 Pa. 372)

*Poughkeepsie Buying Services v. Poughkeepsie Newspapers, Inc.* (131 N.Y.S. 2d 515, 205 Misc. 982)

*Ribnik v. McEride* (227 U.S. 350, 48 S.Ct. 545, 72 L.Ed. 913, 56 A.L.R. 1827)

*Sharon Herald Co. v. Mercer County* (200 A. 880, 132 Pa. Super. 245)

*Shuck v. Carroll Daily Herald* (215 Iowa 1276, 247 N.W. 813, 87 A.L.R. 975)

*Shuck v. Carroll Daily Herald Annotation* (87 A.L.R. 979)

*Sky High Theatre, Inc. v. Gaumer Publishing Co.* (Unreported No. 22820, Court of Common Pleas, Champaign County, Ohio)

*State ex rel Baraboo v. Puge* (229 N.W. 40)

*Times-Picayune Publishing Co. v. United States* (345 U.S. 594, 624-25, 73 S.Ct. 872, 97 L.Ed. 1277)

*Tyson v. Banton* (273 U.S. 418, 47 S.Ct. 426, 71 L.Ed. 718 58 A.L.R. 1327)

*Uhlman v. Sherman* (22 Ohio N.P., N.S. 225, 31 Ohio Dc. N.P. 54, 46 C.J.)

*Wolff Packing v. Industrial Court* (262 U.S. 522, 53 S.Ct. 690, 67 L.Ed. 1103, 27 A.L.R. 1280)

*Wooster v. Mohaska County* (98 N.W. 103)

<sup>2</sup> *Journal of Commerce v. Tribune Co., in re Wohl, Shuck v. Carroll Daily Herald, Friedenberg v. Times Publishing Co., Mack v. Costello, and Commonwealth v. Boston Transcript Co.*

<sup>3</sup> In reaching this conclusion, the court cited *Collins v. American News Co., Lucomsky v. L. B. Palmer, Locker v. American Tobacco Co., People ex rel Burnham v. Flynn, and Journal of Commerce Publishing Co. v. Tribune Co.*, each of which outlines the right of a private business to control its retailers. The importance of the Lepler decision is, of course, that the court's statement included "publication" as well as "distribution" as a private right of newspaper publishers.

[From the Publishers' Auxiliary, October 2, 1971]

#### SURVEY

(By Sharon Mikutowicz)

WASHINGTON.—In a National Newspaper Assn. survey of newspapers on political advertising rates, the overwhelming majority of the respondents said they charge the same rates for political advertising as they do for local and national advertising.

The survey was conducted through state newspaper associations. The survey was made in regard to the "Fair Election Campaign Act of 1971," the Senate version of which would require newspapers to offer candidates for national offices their "very best advertising rate" or the same rate a newspaper offers its biggest contract advertiser.

The survey showed that state association member papers generally receive anywhere from at least \$16,000 in political advertising

in election years to \$400,000, on a state-wide basis.

The survey asked state association managers how many member newspapers in the state charge higher rates for political advertising than for any other type of advertising.

Newspapers were asked whether their local and national political ad rates are higher or lower than local or national advertising rates.

Most newspapers get their advertising through agencies or through their state newspaper association, the survey indicated. It also showed that agencies supplied more of the advertising than associations.

Robert E. Miller, manager for the Montana Press Assn. pointed out that some papers in his state, as in other states, have two rates—one for advertising submitted by local people, and one for advertising submitted by an agency or by the Montana Advertising Service on which a commission is paid.

"But in each case the political advertising is not segregated and it is charged the same as for other advertising within that category," he said.

According to the response received by NNA, few, if any Montana newspapers charge higher rates for political advertising than for other advertising.

Stewart W. Gaiman, retail advertising manager for the Billings (Mont.) Gazette explained that his paper offers political candidates its retail rates on contract. "If they desire to use the same amount of space, they will receive the lowest rate as our largest advertiser," he said.

Herb Partridge, advertising director for the Medford (Ore.) Mail Tribune, said that local political advertisers qualify for the same earned rates or contract rates that any other advertiser has available. ". . . The political advertiser would pay local open rate or a lesser rate, depending on his volume and frequency," he said. But there are no earned rates nor contract rates offered to any national advertisers, including political.

"National political advertisers qualify, as do all national advertisers, for our 18-cent per line rate," Partridge said.

He estimated that his paper received \$4,000 in revenue in the last statewide election and approximately the same amount in the last presidential election.

Reports from 114 newspapers in Pennsylvania, mostly dailies, reveal that four charge higher prices for political advertising, 10 charge more than local rates, but less than national for political advertising, while 100 charge the same local rates for political ads.

The Arizona Newspapers Assn. said that 19 of its newspapers charge higher rates for political advertising than any other advertising while four charge less.

The association estimates that it handles \$32,000 in political advertising for newspapers in election years and that metropolitan dailies received at least twice as much for political ads.

Some papers are governed by state laws as to what they can charge politicians for their advertising.

Allied Daily Newspapers of Washington said that statutes in this state limit charges to no more than the national advertising rate.

It is also illegal to charge higher rates for political advertising in the state of Maryland, the Maryland-Delaware-D.C. Press Assn. said. The association said that 20 percent of its Delaware papers do charge more and in the District of Columbia, some newspapers charge the same as the national rates while others charge less than the local open rate for local political advertising.

Ronald Hicks, manager for the Louisiana Press Assn. told NNA that Louisiana law also

prevents charging candidates a rate higher than the highest local open or national rate.

The vast majority of Ohio daily newspapers have the same political and national line rates. Among the exceptions are the two Columbus metropolitan papers and the Cleveland metropolitan papers.

At least two papers, the Ohio Newspaper Assn. said, offer lower votes to political candidates.

"As far as weeklies are concerned," said John J. Ahern, assistant director of the association, "we simply don't permit them to charge any more on anything going through our ad service." He estimated that their ad service handles just about all the non-local political advertising the newspapers get.

Ahern said that last year this association handled about \$30,000 in political advertising for the weeklies for the primary campaign of ex-governor Rhodes.

Arthur E. Strang, manager of the Illinois Press Assn., said that less than five percent of the newspapers in his state are charging higher rates for political advertising.

Executive vice president of the North Dakota Newspaper Assn., Paul C. Schmidt, said he knew of no paper in his state that had a rate for political advertising that was more than the local or national rates.

In Georgia, only one paper charges more for political ads. The Rome News-Tribune, a daily, charges 25 percent more for political advertising. Most of the advertising for the paper comes from an agency or the state association. Glenn McCullough, executive manager of the Georgia Press Assn. said. The papers stand to gain \$250,000 in election years, he said.

Likewise there is only one known paper in Michigan that charges more for political ads, said Elmer E. White, executive secretary of the Michigan Press Assn. He said a Detroit weekly, the Michigan Chronicle, has higher rates for political advertising than for other advertising. White said a "hot campaign" year could bring as much as \$350,000 in advertising to Michigan newspapers.

"In Texas we have 56 newspapers (out of 602) that charge higher rates for political advertising than display advertising (national rate)," reported Bill Boykin, general manager of the Texas Press Assn.

"Our rough estimate for statewide or national political advertising for our newspapers last year was somewhere between \$200,000 and \$300,000," he added. "We handled \$86,000 through this office," he said, "and we know a lot more was placed locally."

Only two dailies, and no weeklies, have higher political ad rates in Oklahoma, reported Ben Blackstock, secretary-manager of the Oklahoma Press Assn. He noted that some papers charge less for political ads.

"The overall rate is less than combined open national rate," Blackstock said. "We refuse to sell ads higher than regular open national line rate."

The manager also said that most statewide or national political advertisements come through an agency or the association and the advertising is commissionable.

On the average, Blackstock said, newspapers in Oklahoma stand to make \$400,000 in a political year.

A spokesman for the Utah State Press Assn. Inc. said, "no Utah weekly paper charges more for political advertising than any other kind. This office placed \$16,000 in political advertising in our member papers during 1970.

"Most of our papers, the spokesman said, have a one-rate system but local advertisers can earn a lower rate based on large amounts of space used. Political advertising is treated the same as national and any placed locally can earn the same discount as any other advertiser.

Most of the political advertising placed through an advertising agency or the Utah State Press Assn. is commissionable at a national rate, according to the association.

Mr. MACDONALD of Massachusetts. I am happy to have it in the Record.

Mr. Chairman, will the gentleman yield further?

Mr. TIERNAN. I yield to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. I would just like to clear this up at this point. Does the gentleman from Illinois take the word of a trade association about constitutionality or the word of Richard G. Kleindienst, Deputy Attorney General, as to the constitutionality of the bill?

Mr. SPRINGER. As I have said, I am going to put this brief, which I believe to be accurate, in the Record, and I think it speaks for itself. I believe it.

Mr. MACDONALD of Massachusetts. I recommend that the gentleman send it down to the Department of Justice, whose witnesses testified before our committee as well as wrote us letters about this very subject.

The CHAIRMAN. The time of the gentleman from Rhode Island has expired.

(On request of Mr. MACDONALD of Massachusetts, and by unanimous consent, Mr. TIERNAN was allowed to proceed for 5 additional minutes.)

Mr. TIERNAN. Mr. Chairman, most of what I was going to say has been covered by the ranking member of the committee, Mr. SPRINGER and Mr. MACDONALD of Massachusetts, the chairman of the subcommittee, but I would like to make reference at this time to a book written by Herbert E. Alexander, the title of which is "Financing of the 1968 Election." On page 113 of that book, after quite a disquisition about the additional cost of campaigning in 1968 over previous years, there is this quote, and I would like to read it to the distinguished ranking member of the committee, Mr. SPRINGER.

It states—  
Newspapers frequently specify rates usually higher for political advertising. For instance, the New York Post political rate, according to standard rate data is 30 cents a line more than the open rate.

We had before our committee the testimony of the representatives of the newspaper association, and as Mr. HAYS has pointed out and as the chairman of the subcommittee pointed out, at that time their objection was to the language in the Senate bill and also in the Brown bill that was introduced here in the House. That language, I would point out to the gentleman again, requires that the rate that would be charged not exceed the lowest unit rate charged to others by the person furnishing such media.

As a result of the testimony of those witnesses, the subcommittee changed the language from the lowest-unit rate to read that the charge made would be for comparable use of such space in the newspaper.

Gentlemen, I do not think we could have gone any further in trying to accommodate the newspaper publishers of

this country than to provide that the newspaper publishers charge the same amount that they charge anyone using their newspapers for advertising. I do not believe that people who aspire for public office should be charged a higher rate than what would be charged any other person using that media for advertising.

To get back to Mr. SPRINGER's citing the association, naturally they do not want to have something that will cut into their ability to charge a rate that will mean additional profits to them, but the statement of the witnesses of the U.S. Department of Justice before our committee was—

Some proposals would require broadcasters to charge candidates at the lowest unit rates charged others for similar time blocs, and at least one of the bills before you would extend the lowest-unit-rate provision to space purchased in nonbroadcast media.

This is using the words "lowest unit rates," which was even more severe than what we put in this bill. Continuing—

The department favors such a provision and strongly feels it should be made applicable to both broadcasters and nonbroadcast communication media.

So, gentlemen, I hope, and I am sure the House will vote down the amendment of the gentleman from Illinois (Mr. SPRINGER), because you know that the veto message of the President clearly spelled out to Congress that he would not sign into law any bill that provided for regulation of broadcasters only. Therefore, we had to include the press and other media in this most urgent reform bill.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. TIERNAN. I yield to the gentleman from Iowa.

Mr. GROSS. Is the gentleman talking about a card rate which takes into account several factors including the number of insertions and so on?

There is quite a difference as to whether a card rate is used which takes into account the frequency of advertising insertions or frequency of broadcasters. When we speak of class A or prime time on television or radio, the lowest per unit cost might be class C time. It seems to me that we ought to have a clarification of what the gentleman is talking about.

Mr. TIERNAN. If the gentleman will refer to page 3, it clearly states that it will not exceed the charge made for a comparable use for such space for other purposes. That language is acceptable. It was the language suggested in the hearings before the committee by representatives of the National Newspaper Association, in fact, by the publisher of the paper in my hometown.

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is no constitutional question here serious enough to deserve long consideration, but since the question has been raised and since the school of journalism's report has been cited, I have taken the opportunity to

look at it, and it does not deal with the question here at all. What it deals with is the question of whether or not a private advertiser in competition with other advertisers may demand that his advertisement be taken by a newspaper where there is no statutory provision that demands that it do so. The courts have obviously held that the refusal to accept the other advertiser's advertisement is in no wise prohibited by law.

The other kind of case cited in the school of journalism's survey was that which involved a State law which required a newspaper to print public notices, and in that instance the court said that it would not be so required, being a private enterprise.

But these cases do not involve the question of Congress exercising its authority under the commerce clause or under the specific provisions of the Constitution authorizing Congress to regulate Federal elections. It is perfectly clear that the commerce clause gives Congress the power to regulate in areas affecting interstate commerce, and, of course, the commerce clause has been most broadly construed.

Furthermore, there is a specific authority contained in the Constitution in article I, section 4:

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the places of choosing Senators.

The bill and the section which is sought to be amended does not require newspapers to print any political advertising. All it says is if any person sells space in any newspaper or magazine to any legally qualified candidate for Federal elective office or nomination thereto in connection with such candidate's campaign, they have to sell to all. They do not have to sell to any, but if they sell to any, they must sell to all.

There is no question but what Congress can enter this field of Federal elections, and this title is wholly limited to Federal elections. Congress has regulated Federal elections with respect to contributions by corporations and with respect to contributions by labor unions. It has dealt with all manner of questions regarding Federal elections, and clearly this is justified under the Constitution.

Now then, some would attempt to stretch in some peculiar way the first amendment to some kind of protection to the newspapers to do precisely what they want to do with respect to using space. What the first amendment protects is the people's right not to have their right of free speech abridged. It is in plain terms. It says that Congress shall make no law abridging the right of free speech.

Do we abridge free speech by requiring that if a newspaper prints one political advertisement it must likewise print another political advertisement by the opponent of that person running for office? Obviously the first amendment is not involved in any sense of the word.

The only question that could possibly

have been raised was the question of the power of Congress. That has so long been resolved that it seems futile and ridiculous to raise the point here.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. SPRINGER) to the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

TELLER VOTE WITH CLERKS

Mr. SPRINGER. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. SPRINGER. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. SPRINGER, MACDONALD of Massachusetts, HAYS, and THOMPSON of Georgia.

The Committee divided, and the tellers reported that there were—ayes 145, noes 219, not voting 67, as follows:

[Roll No. 412]

[Recorded Teller Vote]

AYES—145

|                 |                 |                |
|-----------------|-----------------|----------------|
| Abernethy       | Fuqua           | Price, Tex.    |
| Anderson, Ill.  | Goldwater       | Quie           |
| Andrews,        | Goodling        | Quillen        |
| N. Dak.         | Grover          | Randall        |
| Archer          | Gude            | Barick         |
| Arends          | Hall            | Roberts        |
| Baker           | Hammer-         | Robinson, Va.  |
| Beicher         | schmidt         | Robison, N.Y.  |
| Betts           | Hansen, Idaho   | Rogers         |
| Blester         | Harsha          | Rousselot      |
| Blackburn       | Harvey          | Runnels        |
| Bow             | Hastings        | Ruppe          |
| Bray            | Heckler, Mass.  | Ruth           |
| Brinkley        | Heinz           | Sa'terfield    |
| Broomfield      | Hicks, Wash.    | Schmitz        |
| Brotzman        | Hosmer          | Schwengel      |
| Brown, Ohio     | Hungate         | Scott          |
| Broyhill, N.C.  | Hunt            | Sebelius       |
| Broyhill, Va.   | Jarman          | Shoup          |
| Buchanan        | Johnson, Pa.    | Shriver        |
| Burke, Fla.     | Keating         | Skubitz        |
| Byrnes, Wis.    | Kemp            | Smith, Calif.  |
| Byron           | King            | Smith, N.Y.    |
| Caffery         | Kuykendall      | Spence         |
| Carter          | Kyl             | Springer       |
| Chamberlain     | Landgrebe       | Stanton,       |
| Clancy          | Latta           | J. William     |
| Clausen,        | Lent            | Steed          |
| Don H.          | Long, La.       | Steele         |
| Clawson, Del    | McClure         | Steiger, Ariz. |
| Cleveland       | McCollister     | Steiger, Wis.  |
| Collier         | McCulloch       | Stubblefield   |
| Collins, Tex.   | McDade          | Talcott        |
| Coughlin        | McDonald,       | Thomson, Wis.  |
| Crane           | Mich.           | Thone          |
| Daniel, Va.     | McEwen          | Veysey         |
| Davis, Wis.     | McKinney        | Waggonner      |
| de la Garza     | Mahon           | Wampler        |
| Dennis          | Martin          | Ware           |
| Devine          | Mathias, Calif. | Waalén         |
| Duncan          | Mathis, Ga.     | Whalley        |
| Dwyer           | Mayne           | Widnall        |
| Edwards, Ala.   | Meicher         | Wiggins        |
| Esch            | Minshall        | Wilson, Bob    |
| Fascell         | Mizell          | Winn           |
| Findley         | Montgomery      | Wyatt          |
| Fish            | Morse           | Wylie          |
| Ford, Gerald R. | Mosher          | Young, Fla.    |
| Frenzel         | O'Konski        | Zion           |
| Frey            | Powell          | Zwach          |

NOES—219

|           |                |               |
|-----------|----------------|---------------|
| Abbitt    | Bennett        | Carey, N.Y.   |
| Abourezk  | Bergland       | Cerney        |
| Abzug     | Blaggi         | Casey, Tex.   |
| Adams     | Bingham        | Celler        |
| Addabbo   | Blantton       | Collins, Ill. |
| Albert    | Boggs          | Conable       |
| Alexander | Boland         | Conte         |
| Anderson, | Brademas       | Conyers       |
| Tenn.     | Brasco         | Corman        |
| Annunzio  | Brooks         | Culver        |
| Ashbrook  | Brown, Mich.   | Daniels, N.J. |
| Ashley    | Burke, Mass.   | Danielson     |
| Aspin     | Burleson, Tex. | Davis, Ga.    |
| Baring    | Burlison, Mo.  | Delaney       |
| Begich    | Cabell         | Dellenback    |

|                 |                |                |
|-----------------|----------------|----------------|
| Dellums         | Jones, Tenn.   | Price, Ill.    |
| Denholm         | Karth          | Pucinski       |
| Dent            | Kastenmeier    | Purcell        |
| Dingell         | Kazen          | Rangel         |
| Donohue         | Keith          | Rees           |
| Dorn            | Kluczynski     | Reid, N.Y.     |
| Dow             | Koch           | Riegle         |
| Downing         | Kyros          | Roe            |
| Drinan          | Lennon         | Roncallo       |
| Dulski          | Link           | Rooney, N.Y.   |
| du Pont         | Lloyd          | Rooney, Pa.    |
| Eckhardt        | Long, Md.      | Rosenthal      |
| Edmondson       | Lujan          | Rostenkowski   |
| Edwards, Calif. | McCormack      | Roush          |
| Evans, Colo.    | McFall         | Roy            |
| Fisher          | McKay          | Ryan           |
| Flood           | McMillan       | St Germain     |
| Flynt           | Macdonald,     | Sandman        |
| Foley           | Mass.          | Sarbanes       |
| Forsythe        | Madden         | Scherle        |
| Fountain        | Mailliard      | Scheuer        |
| Fraser          | Mann           | Schneebell     |
| Frelinghuysen   | Matsunaga      | Seiberling     |
| Fulton, Tenn.   | Mazzoli        | Shipley        |
| Galifianakis    | Meeds          | Sisk           |
| Garmatz         | Metcalfe       | Smith, Iowa    |
| Gaydos          | Mikva          | Snyder         |
| Gettys          | Miller, Calif. | Staggers       |
| Gialmo          | Miller, Ohio   | Stanton,       |
| Gibbons         | Mills, Ark.    | James V.       |
| Gonzalez        | Mills, Md.     | Stephens       |
| Grass           | Minish         | Stokes         |
| Green, Oreg.    | Mink           | Stratton       |
| Green, Pa.      | Monagan        | Sullivan       |
| Griffin         | Moorhead       | Symington      |
| Griffiths       | Morgan         | Taylor         |
| Gross           | Moss           | Teague, Calif. |
| Hagan           | Murphy, Ill.   | Teague, Tex.   |
| Haley           | Murphy, N.Y.   | Terry          |
| Hamilton        | Myers          | Thompson, Ga.  |
| Hanley          | Natcher        | Thompson, N.J. |
| Hansen, Wash.   | Nedzi          | Tieman         |
| Harrington      | Nix            | Udall          |
| Hathaway        | O'Bye          | Ullman         |
| Hawkins         | O'Hara         | Van Deerlin    |
| Hays            | O'Neill        | Vander Jagt    |
| Hechler, W. Va. | Passman        | Vank           |
| Helstoski       | Patman         | Vigorito       |
| Henderson       | Patten         | Walde          |
| Hicks, Mass.    | Pelly          | White          |
| Hollifield      | Pepper         | Williams       |
| Horton          | Perkins        | Wolf           |
| Howard          | Pettis         | Wright         |
| Hull            | Peyser         | Wyder          |
| Hutchinson      | Pickle         | Wyman          |
| Ichord          | Pike           | Yates          |
| Jacobs          | Podell         | Yatron         |
| Johnson, Calif. | Poff           | Young, Tex.    |
| Jonas           | Preyer, N.C.   | Zablocki       |

NOT VOTING—67

|               |              |             |
|---------------|--------------|-------------|
| Anderson,     | Dowdy        | McKevitt    |
| Calif.        | Edwards, La. | Michel      |
| Andrews, Ala. | Eilberg      | Mitchell    |
| Aspinall      | Erlenborn    | Mollohan    |
| Badillo       | Eshleman     | Neisen      |
| Barrett       | Evins, Tenn. | Nichols     |
| Bell          | Flowers      | Pirnie      |
| Bevill        | Ford,        | Poage       |
| Blatnik       | William D.   | Fryor, Ark. |
| Bolling       | Gallagher    | Railsback   |
| Burton        | Gray         | Reuss       |
| Byrne, Pa.    | Gubser       | Rhodes      |
| Camp          | Halpern      | Rodino      |
| Cederberg     | Hanna        | Roybal      |
| Chappell      | Hebert       | Saylor      |
| Chisholm      | Hillis       | Sikes       |
| Clark         | Hogan        | Stack       |
| Clay          | Jones, Ala.  | Stuckey     |
| Colmer        | Jones, N.C.  | Whitehurst  |
| Cotter        | Kee          | Whitten     |
| Davis, S.C.   | Landrum      | Wilson,     |
| Derwinski     | Leggett      | Charles H.  |
| Dickinson     | McClory      |             |
| Diggs         | McCloskey    |             |

So the amendment to the amendment was rejected.

AMENDMENT OFFERED BY MR. PICKLE TO THE AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. PICKLE. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

The Clerk read as follows:

Amendment offered by Mr. PICKLE to the amendment offered by Mr. MACDONALD of

Massachusetts: On page 3 of H.R. 11231 strike out line 9 and all that is following through line 13 and insert in lieu thereof the following:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office shall not exceed the actual charges made by such station for any comparable use of such station for other purposes."

Mr. PICKLE. Mr. Chairman, the amendment which I have offered will place broadcasters, newspapers, and magazines under the same rule, that is, under the earned or under the comparable rate. The Macdonald bill provides that newspapers will be able to charge the comparable or earned rate.

The same bill, though, provides that broadcasters would be required to charge the lowest unit rate.

It seems to me that we ought to make both media the same. If it is fair for one then logically it ought to be fair for the other.

I think the committee would be interested in knowing that this amendment was adopted in our committee.

As a bit of background, our committee had an amendment offered at one time to take newspapers out of the bill entirely. It was pointed out that the bill a year ago was vetoed by the President primarily on the ground that it was not fair to put limitations or restrictions solely on broadcasters and not on newspapers, and for that reason, among others, he vetoed it.

The committee felt then, that we were on solid ground in including newspapers into this bill, and therefore the committee voted down the amendment offered that would take newspapers entirely out of this bill.

I pointed out that the votes ought to be the same. Then the gentleman from Massachusetts (Mr. MACDONALD), offered an amendment that would make newspapers be allowed to charge this comparable rate. I pointed out that that ought to apply also for the broadcasters. Therefore, I offered this amendment which is before us now, and it was adopted in the committee by a vote of 19 to 4.

At the very end of the debate, however, as we passed out the bill, a substitute was offered, and this particular amendment was swallowed up and lost, but it had been approved by the committee.

Now, the intent of my amendment is simply to say that a man buying time, whether he goes to the newspaper office, or to the radio station, in effect ought to be charged an earned rate on the local card. We do not use the term "local card," because that term, legally speaking, varies so much over the country that it was very difficult to say what was or what was not a "local card."

My intent is to say that a man buying time whether in broadcasting or for newspapers would be able to get an earned rate, that is the discount rate based on the number of inches he buys or based on the number of times he runs a spot.

It is not my intent to say that he can charge the one time national rate.

You will notice the language says that

he is allowed the actual charges. This means if in the broadcasting business you give a rate to any person, you have to give everybody else in effect that same rate. The same would apply to newspapers. You cannot discriminate one as against the other.

I think it is eminently fair and this would simply make these two units and the charges the same.

In view of the fact that we have just voted down the amendment offered by the gentleman from Illinois (Mr. SPRINGER), I would assume and I would hope that he and his side would now support this particular amendment.

So we say to both these medias, broadcasting and newspapers, you would actually be charging the same unit of rate, and that would mean the earned rate.

I cannot expand on the technicalities of it any more fully than to say simply that they should charge the same rate. I think it is fair.

Mr. ABBITT. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Virginia.

Mr. ABBITT. Mr. Chairman, I commend the gentleman from Texas on offering this amendment. I think it will be a great improvement. As the gentleman has so ably pointed out, it simply puts television and newspapers and other media in the same category. I think it is unfair for candidates to expect to get the lowest rate. The only thing they should ask for is equal treatment and that is what your amendment does and I hope the amendment will be adopted.

Mr. PICKLE. I thank the gentleman.

Mr. ABOUREZK. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman.

Mr. ABOUREZK. Mr. Chairman, I do not want to burden Members with another lengthy exposition of the need for reform of campaign finances. Many Members have spoken far more eloquently than I could about the effect of unlimited spending on the quality of public life in this Nation. Many have worked hard to insure that the legislation we are writing here today is truly effective. It is my understanding that Congressmen UDALL and ANDERSON will also be proposing a series of perfecting changes. I hope that the House will see fit to accept their recommendations.

I do, however, want to express my concern about the provision we are examining here. It seems to me that asking broadcasters or newspapermen to sell advertising to political candidates at artificially low rates is nothing more than asking them to subsidize political campaigns. Passage of this provision would mean that the lower total amounts that can be spent will be nullified by a lower per unit cost with the net result that the average citizen will still face a blizzard of 30-second spots every Halloween.

If a used car salesman were asked to sell cars to political candidates at a reduced rate it would be a scandal. Yet we think nothing of requiring broadcasters to do the very same thing. If a campaign subsidy is to be provided at all, and there

are good arguments to suggest that it should be, then the Government, not the media, should provide that subsidy.

I know there are many here who find it hard to work up much sympathy for large television outlets or major newspapers. But in States like South Dakota, our newspapers and radio and television stations are considerably smaller. They have much less income, and they usually operate with a very small profit margin. Reducing income to these people by forcing them to sell at below their normal local advertising rates, could be a financial blow to an already marginal operation.

Please keep in mind, Mr. Chairman, that these are small operations run locally in small towns often as a "Ma and Pa" family business. Certainly, I want campaign spending reform, but I also want these small newspapers and broadcasters to survive. For this reason, I intend to support strong spending reform legislation, but I would hope we could do it without forcing the lowest unit rate provision on these small-town operations.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman.

Mr. WRIGHT. Is it not true that the President vetoed the bill last year on the ground that it discriminated against the broadcasting media and did not treat the broadcasting media the same as the newspapers? Would this amendment not correct that situation?

Mr. PICKLE. That is correct. It would make them the same.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is with some reluctance that I come to the well to oppose this amendment. However, I think the idea behind the amendment goes to the very heart of the bill.

With all due respect to Mr. PICKLE and his statement which was absolutely correct, that this amendment did pass the committee, the gentleman recalls that it passed with no debate and it was tacked on under a time limitation and not everyone was quite sure what it meant. Could I ask the gentleman from Texas if he feels that the position of newspapers and broadcasters is the same so far as the media is concerned?

Mr. PICKLE. I think the unit charge should be the same. The argument can be made and has been made that broadcasters should give the lowest unit rate, because they have a license and, therefore, they must protect and operate in the public interest.

If I may expand on that and if I take up too much of the gentleman's time, I will ask for additional time for the gentleman—that is an argument that I know many of us here in the House envisioned at the time—that broadcasters ought to give special consideration, or a special rate.

Years ago, right after the war, I had an interest in a radio station—I have not had for 20 years, but I did then—and

I can say to you that a radio station gives a great deal of time in the public interest. We carried an endless amount of time in the public service. If the gentleman would want to differentiate between the two and say the only test for public service is the unit rate he charges for advertisements, then I think he is taking a very limited and narrow view.

Mr. MACDONALD of Massachusetts. I appreciate the gentleman's remarks. I would like to point out to the gentleman that the Congress will not be setting rates to be charged by broadcasters. The broadcasters will be setting their own rates, and as the gentleman wisely said—and I hope he agrees with what he did say—they get a license to operate in the public interest, and not only do they get a license to operate in the public interest, but they get a monopoly to operate in the public interest. If you lived in Austin, Tex., and a broadcast station there—I think there is one, and I do not know how many newspapers—

Mr. PICKLE. There are three television stations.

Mr. MACDONALD of Massachusetts. Three—but my point is that if you feel you want to serve the public and also want to make some money by starting a newspaper, you can do it. But you do it with your own money. You do not come to the FCC or any other arm of the Government and say, "Give me a license to operate in the public interest," and then refuse to serve the public interest by bringing to the public qualified candidates who are running for office who just do not have as much money as their opponent. As a matter of fact, I think that this amendment has some merit, but I think it should be defeated for the reasons I have advanced, the main reason being that the broadcasters and the newspapers are not the same. They are not treated the same and should not be treated the same. Newspapers are not licensed, never will be, and never should be. Broadcasters are and will continue to be, despite what has been said by certain officials downtown who have urged that virtually all regulations be taken away from broadcasters.

Personally, I have not been contacted by one broadcaster who indicated that he felt this was unfair. I have talked to the presidents of the three networks and they are in favor of giving lowest unit rate.

As you recall, this whole thing started some 2 years ago when a bill was presented to our committee in which it was urged that the broadcasters be forced to give free time in the public interest. We defeated that. We thought that was going too far. But certainly I do not think there is any Member of this House who thinks it is going too far to make somebody who has literally a license to steal, once that license comes out, to, in the public interest, give the lowest unit cost, not just to incumbents, but to anybody who is a legally qualified candidate who is ready to run for a Federal office, and I urge defeat of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentle-

man from Texas (Mr. PICKLE) to the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

The question was taken; and on a division (demanded by Mr. MACDONALD of Massachusetts) there were—ayes 74, noes 52.

## TELETYPE VOTE WITH CLERKS

Mr. JAMES V. STANTON. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. JAMES V. STANTON. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. PICKLE, MACDONALD of Massachusetts, HARVEY, and THOMPSON of New Jersey.

The Committee divided, and the tellers reported that there were—ayes 219, noes 150, not voting 61, as follows:

[Roll No. 413]

## [Recorded Teller Vote]

## AYES—219

|                |                 |                 |
|----------------|-----------------|-----------------|
| Abbutt         | Flood           | Mathias, Calif. |
| Abernethy      | Flowers         | Mathis, Ga.     |
| Abourezk       | Flynt           | Mazzoli         |
| Adams          | Ford, Gerald R. | Melcaer         |
| Anderson, Ill. | Forsythe        | Mills, Ark.     |
| Andrews,       | Fountain        | Mills, Md.      |
| N. Dak.        | Frelinghuysen   | Mize!           |
| Archer         | Frenzel         | Montgomery      |
| Arends         | Frey            | Morse           |
| Ashbrook       | Galifianakis    | Mosher          |
| Aspinall       | Gettys          | Myers           |
| Baker          | Ghalmo          | Natcher         |
| Baring         | Goldwater       | Nedzi           |
| Begich         | Gonzalez        | Nichols         |
| Belcher        | Gooding         | O'Hara          |
| Bennett        | Griffin         | O'Konski        |
| Betts          | Gross           | Passinan        |
| Bevill         | Grover          | Pelly           |
| Biester        | Gubser          | Pettis          |
| Blanton        | Gude            | Pickle          |
| Boland         | Hagan           | Poff            |
| Bow            | Haley           | Powell          |
| Bray           | Hall            | Preyer, N.C.    |
| Brinkley       | Hamilton        | Price, Tex.     |
| Broomfield     | Hammer          | Puciaski        |
| Brotzman       | schmidt         | Purcell         |
| Brown, Mich.   | Hanley          | Quie            |
| Brown, Ohio    | Hansen, Idaho   | Quillen         |
| Broyhill, N.C. | Harvey          | Randall         |
| Broyhill, Va.  | Hastings        | Rarick          |
| Burke, Fla.    | Heinz           | Riegler         |
| Burleson, Tex. | Henderson       | Roberts         |
| Byron          | Hicks, Wash.    | Robinson, Va.   |
| Cabell         | Horton          | Robison, N.Y.   |
| Caffery        | Hosmer          | Rogers          |
| Carter         | Hull            | Roush           |
| Casey, Tex.    | Hungate         | Rouselot        |
| Cederberg      | Hunt            | Runnels         |
| Chamberlain    | Hutchinson      | Ruth            |
| Clancy         | Jacobs          | Sandman         |
| Clausen,       | Jarman          | Satterfield     |
| Don H.         | Johnson, Pa.    | Scherle         |
| Clawson, Del.  | Jonas           | Schraitz        |
| Cleveland      | Jones, Tenn.    | Schneebeil      |
| Collins, Tex.  | Kazen           | Schwengel       |
| Conable        | Keating         | Sebellus        |
| Conte          | Kee             | Shoup           |
| Coughlin       | Keith           | Shriver         |
| Crane          | Kemp            | Skubitz         |
| Culver         | King            | Smith, N.Y.     |
| Daniel, Va.    | Kuykendall      | Snyder          |
| Daniels, N.J.  | Landgrebe       | Spence          |
| Davis, Ga.     | Lennon          | Stanton,        |
| Davis, Wis.    | Lent            | J. William      |
| de la Garza    | Lloyd           | Steed           |
| Dellenback     | Long, La.       | Steiger, Wis.   |
| Denholm        | Lujan           | Stephens        |
| Dennis         | McClary         | Stratton        |
| Dorn           | McCollister     | Stubblefield    |
| Downing        | McCulloch       | Symington       |
| Dulski         | McDade          | Talcott         |
| Duncan         | McDonald,       | Taylor          |
| du Pont        | Mich.           | Teague, Calif.  |
| Dwyer          | McEwen          | Terry           |
| Edmondson      | McFall          | Thompson, Ga.   |
| Esch           | McKinney        | Thomson, Wis.   |
| Evans, Colo.   | McMillan        | Vander Jagt     |
| Findley        | Mahon           | Veysey          |
| Fish           | Maillard        | Vigorito        |
| Fisher         | Mann            | Waggoner        |

Wampler  
Ware  
Whalley  
White  
Widnall

Williams  
Wilson, Bob  
Wright  
Wylie  
Wyman

Young, Fla.  
Young, Tex.  
Zion  
Zwach

## NOES—150

|                 |                 |                |
|-----------------|-----------------|----------------|
| Abzug           | Hansen, Wash.   | Peysor         |
| Addabbo         | Harrington      | Pike           |
| Alexander       | Harsha          | Podell         |
| Anderson,       | Hathaway        | Price, Ill.    |
| Tenn.           | Hawkins         | Rangel         |
| Annunzio        | Hays            | Rees           |
| Ashley          | Hechler, W. Va. | Reid, N.Y.     |
| Aspin           | Heckler, Mass.  | Roe            |
| Bergland        | Helstoski       | Roncallo       |
| Biaggi          | Hicks, Mass.    | Rooney, N.Y.   |
| Bingham         | Hollifield      | Rooney, Pa.    |
| Blackburn       | Howard          | Rosenthal      |
| Boggs           | Ichord          | Rostenkowski   |
| Brademas        | Johnson, Calif. | Roy            |
| Brasco          | Karh            | Ruppe          |
| Brooks          | Kastenmeier     | Ryan           |
| Buchanan        | Kluczynski      | St Germain     |
| Burke, Mass.    | Koch            | Sarbanes       |
| Burlison, Mo.   | Kyl             | Scheuer        |
| Byrnes, Wis.    | Kyros           | Scott          |
| Carney          | Latta           | Seiberling     |
| Celler          | Leggett         | Shipley        |
| Collier         | Link            | Slisk          |
| Collins, Ill.   | Long, Md.       | Smith, Calif.  |
| Conyers         | McCormack       | Smith, Iowa    |
| Corman          | McKay           | Springer       |
| Danielson       | Macdonald,      | Staggers       |
| Delaney         | Mass.           | Stanton,       |
| Dellums         | Madden          | James V.       |
| Dent            | Martin          | Steele         |
| Dingell         | Matsunaga       | Steiger, Ariz. |
| Donohue         | Mayne           | Stokes         |
| Dow             | Meeds           | Sullivan       |
| Drinan          | Metcalfe        | Thompson, N.J. |
| Eckhardt        | Mikva           | Thone          |
| Edwards, Ala.   | Miller, Calif.  | Tiernan        |
| Edwards, Calif. | Miller, Ohio    | Udall          |
| Fascell         | Minish          | Ullman         |
| Foley           | Mink            | Van Deerlin    |
| Ford,           | Minshall        | Vanik          |
| William D.      | Mollohan        | Waldie         |
| Fraser          | Monagan         | Whalen         |
| Fulton, Tenn.   | Moorhead        | Wiggins        |
| Fuqua           | Morgan          | Winn           |
| Gallagher       | Moss            | Wolf           |
| Garmatz         | Murphy, Ill.    | Wyatt          |
| Gaydos          | Nix             | Wyder          |
| Gibbons         | Obey            | Yates          |
| Grasso          | O'Neill         | Yatron         |
| Green, Oreg.    | Patten          | Zablocki       |
| Green, Pa.      | Pepper          |                |
| Griffiths       | Perkins         |                |

## NOT VOTING—61

|               |              |              |
|---------------|--------------|--------------|
| Anderson,     | Dickinson    | Mitchell     |
| Calif.        | Diggs        | Murphy, N.Y. |
| Andrews, Ala. | Dowdy        | Nelsen       |
| Badillo       | Edwards, La. | Patman       |
| Barrett       | Eilberg      | Pirnie       |
| Bell          | Erlenborn    | Poage        |
| Blatnik       | Eshleman     | Pryor, Ark.  |
| Bolling       | Eyins, Tenn. | Rallsback    |
| Burton        | Gray         | Reuss        |
| Byrne, Pa.    | Halpern      | Rhodes       |
| Camp          | Hanna        | Rodino       |
| Carey, N.Y.   | Hébert       | Roybal       |
| Chappel       | Hillis       | Saylor       |
| Chisholm      | Hogan        | Sikes        |
| Clark         | Jones, Ala.  | Slack        |
| Clay          | Jones, N.C.  | Stuckey      |
| Colmer        | Landrum      | Teague, Tex. |
| Cotter        | McCloskey    | Whitehurst   |
| Davis, S.C.   | McClure      | Whitten      |
| Derwinski     | McKevitt     | Wilson,      |
| Devine        | Michel       | Charles H.   |

Mr. CULVER changed his vote from "no" to "aye."

So the amendment to the amendment was agreed to.

AMENDMENT OFFERED BY MR. SYMINGTON TO THE AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. SYMINGTON. Mr. Chairman, I offer an amendment to the amendment. The Clerk read as follows:

Amendment offered by Mr. SYMINGTON to the amendment offered by Mr. MACDONALD of Massachusetts: Page 8, insert after line 4 the following:

"(7) For purposes of this section and sec-

tion 315c, any expenditure for the use of any communications medium by or on behalf of the candidacy of a candidate for Federal elective office (or nomination thereto) shall be charged against the expenditure limitation under this subsection applicable to the election in which such medium is used."

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. SYMINGTON. I am glad to yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, I have asked the gentleman to yield for the purpose of trying to arrive at a limitation of debate on the Macdonald of Massachusetts amendment. I wonder how many more amendments are pending? Are there any more at the desk?

The CHAIRMAN. There are three at the desk in addition to the one which has been offered by the gentleman from Missouri.

Mr. HAYS. I thank the gentleman for yielding.

Mr. Chairman, in due time I shall ask unanimous consent to close debate on the Macdonald of Massachusetts amendment.

Mr. SYMINGTON. Mr. Chairman, I have a very brief amendment and I shall briefly speak to it.

The purpose of this amendment is simply to protect the intent of this House, the intent of Congress in passing whatever legislation we do pass that achieves the objective of limiting campaign expenses. I do not think that the Reading Clerk's presentation was well heard here and, therefore, I would like to state what is hoped to be achieved as a result of the adoption of this amendment.

Mr. Chairman, we know now that all of these bills provide limits for both the primary election and the general election, and you can spend the upper limit in each of those two elections. What we want to be sure does not happen is that a candidate accrues debts in the primary election campaign and pays them then for communications media purposes which are actually used for the general election, during the time in which the general election campaign is carried on.

The bill is not really sufficiently clear as it stands right now to prevent an imaginative finance chairman and a very necessitous candidate from achieving this subversion of the intent of Congress in this way.

Since I do have the time, I will turn your attention to page 8 of Mr. MACDONALD's bill which would read at the end of line 4 as follows:

For purposes of this section and section 315(c), the use of any communications medium by or on behalf of the candidacy of a candidate for Federal elective office (or nomination thereto) shall be charged against the expenditure limitation under this subsection applicable to the election in which such medium is used.

That is the language carefully chosen to achieve the result.

Mr. Chairman, I have had the opportunity to speak to various leaders here today who are sponsors of the various bills, and I hope it is no presumption to say that they have given me encouragement

to believe that they favor this amendment.

We want to be very sure, for example, should we establish let us say a \$50,000 limit for the primary and a \$50,000 limit for the general election, that we do not permit a fellow who has no primary opposition or very weak primary opposition to accumulate a lot of debts during his primary for purposes that he intends to use in the general campaign, and charge them to his primary campaign limit and, therefore, go into the general election with, effectively, a \$100,000 limit instead of a \$50,000 limit.

Mr. HAYS. Mr. Chairman, if the gentleman will yield, the gentleman is saying that you cannot pay for time during the primary, and then not use it, and then carry it over and use it in a general election. Is that the sense of the amendment?

Mr. SYMINGTON. That is correct.

Mr. HAYS. Mr. Chairman, as far as I am concerned, for whatever worth it is, I accept the amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SYMINGTON. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman spoke of time. Does this also apply to newspaper advertising?

Mr. SYMINGTON. It would apply.

Mr. GROSS. To both media?

Mr. SYMINGTON. To all communications media, yes. That is, if you would buy newspaper advertising and magazine advertising, and then find it inconvenient, let us say, to use it for the purpose of your primary election, and save that space and use it in the general election, it would be charged to the general election.

Mr. GERALD R. FORD. Mr. Chairman, if the gentleman would yield, the gentleman from Missouri talked to me about this amendment and, as I recollect, he had one for the Macdonald bill, one to the Senate version, and one to the Hays bill, and the one that the gentleman has offered here is only applicable to the electronics media and the newspaper media?

Mr. SYMINGTON. That is right; the gentleman is correct. This amendment is merely offered to the Macdonald bill, which covers only the communications media.

Mr. HAYS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments to the Macdonald of Massachusetts amendment close at 5:30.

Mr. SPRINGER. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. SPRINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, may I ask the distinguished gentleman from Missouri (Mr. SYMINGTON) some questions, as I may not be opposed to his amendment? However, I am not sure from the reading of the amendment that I understand exactly what the gentleman has in mind.

Now, it is the purpose of your amendment to limit expenditures in the primary to a total of \$50,000?

Mr. SYMINGTON. If the gentleman will yield; no, I merely used that as an illustration.

Mr. SPRINGER. What is the purpose of the amendment?

Mr. SYMINGTON. The purpose of the amendment is to insure that whatever limitation applies upon a candidate's primary and general election campaign, that the sums that he spends for communications media will be charged to the limitation applicable to the campaign in which they are actually used.

Mr. SPRINGER. Let me ask the distinguished gentleman this question:

Suppose that the gentleman is a candidate from the State of Missouri, and he has no opposition. I am assuming the gentleman spends \$50,000 in the primary, even under his amendment.

Mr. SYMINGTON. That would be possible, yes; if you are going to the \$50,000 limitation.

Mr. SPRINGER. If he spends \$50,000 that would be legal?

Mr. SYMINGTON. Yes, that would be legal. It is legal, certainly, to charge \$50,000 to his primary campaign.

Mr. SPRINGER. Even though he is unopposed?

Mr. SYMINGTON. Yes.

Mr. SPRINGER. He applies this under this amendment solely and alone to cover the TV and radio media?

Mr. SYMINGTON. Well, the thrust of my amendment is merely to those matters covered by the Macdonald amendment which do indeed include the communications media; that is, newspapers, magazines, and broadcasters. He could spend the money on other things that are not included within the definition such as billboards and matchboxes, and this would not be covered under the amendment.

Mr. SPRINGER. In other words, he could spend an extra \$50,000 in the primary with no opposition if he did not spend it on TV, radio, magazines, and newspapers; is that correct?

Mr. SYMINGTON. You are addressing your question merely to the Macdonald amendment itself, and the Macdonald amendment itself covers only the communications media. There are other bills before us which cover—and which will be before us—which will cover other forms of advertising; other forms of campaign expense.

Mr. SPRINGER. I would like to get this straightened out and that is the purpose of my taking this time.

I want to repeat—the \$50,000 limitation that the gentleman is talking about, which has to do only with these forms of communication in the Macdonald bill would be for radio, television, magazines, and newspapers. Are you agreed on that?

Mr. SYMINGTON. I think it might be helpful at this point, if I were to refer the gentleman to the gentleman from Massachusetts who wishes to speak at this point.

Mr. MACDONALD of Massachusetts. I would like to point out that when the Frey amendment was adopted my bill was expanded to include billboards, so you are right if you are talking about

the Macdonald amendment, as amended.

Mr. SPRINGER. Are you then, may I ask the gentleman from Missouri, including billboards?

Mr. SYMINGTON. My amendment includes only communications media. If billboards are to be included as communications, they would be included under my amendment.

Mr. SPRINGER. All right now, that is the question I am trying to get cleared up. Is this amendment clear enough—and he is trying to make it concise and he is given credit for that in the report—I want to be sure it is—what is involved in this figure that is limited to \$50,000?

Mr. HARRINGTON. I would use the \$50,000 figure as a hypothetical figure. The 10 cents per eligible voter figure is covered by the Macdonald bill really—the 10 cents per eligible voter figure is in fact the figure we would use.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(Mr. SPRINGER asked and was given permission to proceed for 2 additional minutes.)

Mr. SPRINGER. Mr. Chairman, I have asked for the additional time to get this straightened out. Perhaps I can accept this amendment.

Mr. FREY. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. FREY. I believe the amendment that was passed by the House redefines communication media and in the Macdonald bill, section 2, subparagraph (1) to include broadcasting stations, newspapers, magazines, and outdoor advertising, billboard.

I think my understanding of the gentleman's amendment, the gentleman from Missouri, this would in essence be the definition so it would include it.

Mr. SPRINGER. And you are talking only of those forms of media covered by your amendment within the 10-cent limit; am I right?

Mr. SYMINGTON. That is correct.

The language of my amendment covers any communication media covered by the Macdonald amendment, as adopted.

Mr. SPRINGER. You cannot carry over any part of that after the last date of the primary; is that correct?

Mr. SYMINGTON. I think—as to billboards—let us say you put up your billboards and put up \$10,000 worth of billboard advertising for 1 week.

Mr. SPRINGER. And that is before the primary?

Mr. SYMINGTON. That is right—1 week before the elections—and you leave it up for a number of weeks after perhaps all the way through the general election.

I think my amendment is sufficiently clear, given the regulations that we assume to be promulgated by the Attorney General to clarify the details to permit that portion of billboard use which was used during the primary to be allocated to the primary limitation and that portion used during the general election to be allocated to the general.

Mr. SPRINGER. That is what you intend and do you think that is what your amendment does?

Mr. SYMINGTON. That is my intent

and that is what I would hope to achieve by this amendment. I believe it does, because it states that it shall be charged against the limitation applicable to the election in which such media was used.

Mr. SPRINGER. Mr. Chairman, I think the legislative history has been made and if that is the gentleman's thought, I have no objection to the amendment.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. SPRINGER) has expired.

(Mr. SPRINGER asked and was given permission to proceed for 2 additional minutes.)

Mr. MINSHALL. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. MINSHALL. I should like to ask the gentleman from Missouri why in reference to news media and communications media; namely, radio and TV you include billboards solely?

Let me ask this question. If you had  $x$  number of dollars in so many brochures and if you had  $x$  number of dollars in so many match boxes and you did not use all in the primary and only used half; would those be counted or could you use those in the fall campaign—or are they to be charged against your fall campaign?

Mr. SYMINGTON. I think that the portion of materials of that kind now covered under the Macdonald amendment which would be used in the general campaign would be charged against the general campaign and the portion used in the primary would be charged against the primary.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Ohio.

Mr. HAYS. I think the answer to the gentleman from Ohio is that this particular amendment applies only to the Macdonald amendment. The only things covered by the Macdonald amendment are newspaper, radio, television, and billboards. So anything else would have to be covered in another way. If there is a prohibition, a ceiling, say, of \$50,000, and it survives, then you would have to offer an amendment to cover that. As it stands now, the amendment applies only to newspapers, radio, television, and billboards.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. SYMINGTON), to the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

The amendment to the amendment was agreed to.

AMENDMENT OFFERED BY MR. FREY TO THE AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. FREY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. FREY to the amendment offered by Mr. MACDONALD of Massachusetts: Page 2, line 19, strike out "PRESIDENT AND VICE PRESIDENT" and insert in lieu thereof "FEDERAL ELECTIVE OFFICE".

Beginning on line 24 of page 2, strike out

"legally qualified candidate for the office of President or Vice President of the United States in a general election" and insert in lieu thereof "legally qualified candidate for Federal elective office (or nomination there-to)".

Mr. FREY. Mr. Chairman, I listened with a great deal of interest to the amendment offered by the gentleman from California (Mr. VAN DEERLIN). I supported that amendment and was disappointed that it was not agreed to because I thought it provided an opportunity for compromise, a chance to get something with which we all could live.

I listened also with interest to the debate about protecting the interests of the House and how the amendment could hurt the interests of the House, and what it would do to the Senate and the Presidency.

I am sure that everyone would agree that the important question is, what is best for the country? Is it wrong basically to want more debate? Is it wrong to want more interest in an election? Is it wrong to get more people to vote in an election? Is it wrong to want to keep spending down? Is it wrong to treat all candidates for Federal office equally?

I think the answer in each case is, "No." For this reason I have offered this amendment which repeals 315 for all Federal offices.

We have had section 315 repealed for the Presidency only one time since 1927. That was in 1960. Because of this we do not have a great many facts to go on, certainly not as many as we would like. But we do have some facts. For example, in 1960, when section 315 was suspended for the Presidency, we had 82 hours and 30 minutes of free time given. In 1964 we had only 26 hours, and in 1968 only 27 hours.

We had more interest in 1960. The Roper poll in 1956 asked the question, "How many people were 'very much interested' in the campaign?" Forty-six percent of the people were interested in September and 47 percent were interested in October. In 1960, when section 315 was repealed, the same question was asked. There were 45 percent interested in September, and then it jumped, when we had the debates, to 54 percent in October. Over 115 million people watched the debates.

Let us look at where it really pays off, because what we are talking about is people and votes. We are talking about people becoming involved in our political process. In 1960, we had the best turnout percentagewise in the presidential election and the election for Members of the House that we have had in recent years; 64 percent of the eligible voters participated in the presidential election—59.6 voted in the U.S. House races. That compares to an off-election year of 42 to 46 percent in the House and for instance 61.8 percent for the Presidency in 1968.

Let us look at spending. CBS, for instance, during the 1960 campaign, because of the repeal of 315, gave 32½ hours free time to the President and the Vice President, which they stated was equal to \$2 million. If you use that figure as a basis you will see that the networks

gave about \$6 million of free time in 1960. If we are talking about cutting down costs, here is a chance to provide the opportunity across the board in all Federal elections.

Furthermore, we heard a great deal about how the Presidency is different than the Senate and House—nobody will deny that. But I think also no one will deny that the House and the other body together are equally important.

Certainly one congressional race is not going to attract the attention that the presidential race will or that a Senate race may, but taken together en toto they are equally important. I think the public has a right to have Federal office seekers stand up and debate or discuss the issues whether the person is a candidate for the presidency, the Senate, or the House. I think the public should know what we believe.

We have heard a great deal about not trusting the radio or TV people. I do not distrust the TV and radio as many here do. Furthermore, if I had to choose, I would much rather take a chance on the local people than I would on the networks.

For these reasons, I would like to see section 315 repealed across the board. It should apply to everybody in Federal office equally. Discrimination against the President just does not make sense.

Mr. HAYS. Mr. Chairman, I rise in opposition to the amendment. This is a very simple decision we have to make. If the Members want every television announcer in the United States to be running for Congress, they should vote for this amendment, because this releases the stations and the networks from any responsibility whatever to treat anybody fairly or to give equal time. We can envision a television announcer in our districts—and I saw it happen in the district next to mine—run for Congress, and if this is repealed, at the beginning of a newscast an announcer can say, "This is Joe Doakes, candidate for Congress, bringing you the news," and at the end of his broadcast he can say, "The news has been presented by Joe Doakes, candidate for Congress."

That is exactly what this amendment will do. I can predict if this passes that in about 250 districts around the country that is exactly what we will find will happen.

Mr. FREY. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Florida.

Mr. FREY. Mr. Chairman, there is a little bit of confusion between 315 and the fairness doctrine. If 315 is repealed, the fairness doctrine would still apply.

Mr. HAYS. I suggest that the gentleman get the 315 fairness applied in time for his campaign if he can, but I am opposed to this amendment, and I think everyone in this House who wants to preserve some ability to have some fairness, whether he is a challenger or an incumbent, should vote against the amendment.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Chairman, the gentleman from Ohio has

characterized this amendment accurately. It should by all means be defeated. It is so transparent it needs no further explanation than that which the gentleman has given.

Mr. HAYS. I thank the gentleman from New Jersey.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this very dangerous amendment. I think it is terribly dangerous because anybody who tries to pull a rabbit out of the hat and say that the fairness doctrine is going to protect candidates for office just does not understand the fairness doctrine.

In the first place, 315, the equal time provision, is law, and the fairness doctrine is merely a rule. The fairness doctrine does not go to political debates. It covers controversial issues. If somebody is given time on a TV or radio station to present his point of view about a controversial issue—busing or something like that—then the responsible opponent gets, under the fairness doctrine, also such time to be heard. But under the fairness doctrine the opponent does not have to be given the same time level or the same time socket.

I have said before—and I am getting bored with myself saying it—that if we repeal 315, the broadcasters of this country are going to run our political life.

I would like to clear up the matter of debates. Of course, the debates in 1960 were a high point, as has been said several times, in our political life, but obviously there is nothing in our bill that would make it mandatory for anyone to debate anyone he did not want to debate. It merely is a shield against the arrogance and the power—not potential power, but actual power—of the broadcasters to pick candidates for the Senate and to pick candidates for the House in certain areas, and it will not affect all areas.

If it affects two areas, that is two too many. I do not believe we should abrogate our protection.

I do not believe we should turn the political process over to the broadcasters, and especially the TV broadcasters who have such tremendous control already.

I point out, for those Members who were not here before, if we repeal 315 a TV station can give time to your opponent, just give him time, and refuse to sell you time, and there would not be a blessed thing you could do about it.

If you really want to put a dent in our political system, adopt this amendment. I urge you not to.

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

I also voted for the Van Deerin amendment, and I hope the maker of that amendment will keep it around until he has an opportunity to use it again later. Nevertheless, faced with the choice we have before us now, it seems to me elementary we should vote in favor of the Frey amendment. What we are being told by the chairman of the subcommittee, the gentleman from Massachusetts, the chairman of the Committee on House Administration, the gentleman from Ohio, and others, is that what is fair for

some of us is not fair for the rest of us, and it is a bad thing for the broadcasters to pick the people who will take charge of one office but not another.

It seems to me what is fair for one should be fair for all. If we are going to have a repeal, it should be a total repeal or no repeal at all. If we are going to have real fairness, it seems to me that the Frey amendment is worthy of our total support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FREY) to the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

TELLER VOTE WITH CLERKS

Mr. FREY. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. FREY. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. FREY, HAYS, MACDONALD of Massachusetts, and FRENZEL.

The Committee divided, and the tellers reported that there were—ayes 95, noes 277, not voting 59, as follows:

[Roll No. 414]

[Recorded Teller Vote]

AYES—95

|                  |                 |                |
|------------------|-----------------|----------------|
| Anderson, Ill.   | Esch            | Powell         |
| Andrews, N. Dak. | Fish            | Quie           |
| Archer           | Flowers         | Quillen        |
| Arends           | Ford, Gerald R. | Reid, N.Y.     |
| Felcher          | Frenzel         | Robinson, Va.  |
| Eiester          | Frey            | Robinson, N.Y. |
| Eow              | Goldwater       | Ruppe          |
| Fray             | Grover          | Ruth           |
| Erinkley         | Gubser          | Schneebell     |
| Eroomfield       | Hansen, Idaho   | Schwengel      |
| Erotzman         | Harsha          | Scott          |
| Brown, Mich.     | Harvey          | Sebelius       |
| Brown, Ohio      | Hastings        | Shoup          |
| Eroyhill, N.C.   | Heckler, Mass.  | Shriver        |
| Eyrnes, Wis.     | Heinz           | Steiger, Wis.  |
| Carter           | Horton          | Talcott        |
| Cederberg        | Jarman          | Terry          |
| Chamberlain      | Keating         | Thomson, Wis.  |
| Clausen, Don H.  | Kemp            | Thone          |
| Clawson, Del.    | Kuykendall      | Vigorito       |
| Cleveland        | Latta           | Waldie         |
| Collier          | McCollister     | Wampler        |
| Collins, Tex.    | McDade          | Ware           |
| Conable          | McEwen          | Whalen         |
| Conte            | McKinney        | Wiggins        |
| Coughlin         | Mathias, Calif. | Wilson, Bob    |
| Dellenback       | Mathis, Ga.     | Wyatt          |
| Dennis           | Mayne           | Wydler         |
| Devine           | Mills, Md.      | Wylie          |
| Duncan           | Morse           | Zion           |
| du Pont          | Mosher          | Zwach          |
|                  | O'Konski        |                |
|                  | Passman         |                |

NOES—277

|                 |                |                 |
|-----------------|----------------|-----------------|
| Abbitt          | Boland         | Davis, Wis.     |
| Abernethy       | Brademas       | de la Garza     |
| Abourezk        | Brasco         | Delaney         |
| Abzug           | Brooks         | Dellums         |
| Adams           | Broyhill, Va.  | Denholm         |
| Addabbo         | Buchanan       | Dent            |
| Albert          | Burke, Fla.    | Dingell         |
| Alexander       | Burke, Mass.   | Donohue         |
| Anderson, Tenn. | Burleson, Tex. | Dorn            |
| Aannunzio       | Burlison, Mo.  | Dow             |
| Ashbrook        | Byron          | Downing         |
| Ashley          | Cabell         | Drinan          |
| Aspin           | Caffery        | Dulski          |
| Aspinall        | Carey, N.Y.    | Dwyer           |
| Badillo         | Carney         | Eckhardt        |
| Baring          | Casey, Tex.    | Edmondson       |
| Begich          | Celler         | Edwards, Ala.   |
| Bennett         | Clancy         | Edwards, Calif. |
| Bergland        | Collins, Ill.  | Evans, Colo.    |
| Betts           | Conyers        | Fascell         |
| Bevill          | Corman         | Findley         |
| Biaggi          | Crane          | Fisher          |
| Bingham         | Culver         | Flood           |
| Blackburn       | Daniel, Va.    | Flynt           |
| Blanton         | Daniels, N.J.  | Foley           |
| Boggs           | Danielson      | Ford,           |
|                 | Davis, Ga.     | William D.      |

|                 |                |                |
|-----------------|----------------|----------------|
| Forsythe        | Lujan          | Rogers         |
| Fountain        | McClory        | Roncaglio      |
| Fraser          | McCormack      | Rooney, N.Y.   |
| Frelinghuysen   | McCulloch      | Rooney, Pa.    |
| Fulton, Tenn.   | McDonald,      | Rosenthal      |
| Fuqua           | Mich.          | Rostenkowski   |
| Galifianakis    | McFall         | Roush          |
| Gallagher       | McKay          | Rousselot      |
| Gaydos          | McMillan       | Roy            |
| Gettys          | Macdonald,     | Runnels        |
| Glaimo          | Mass.          | Ryan           |
| Gibbons         | Madden         | St Germain     |
| Gonzalez        | Mahon          | Sandman        |
| Goodling        | Mailliard      | Sarbanes       |
| Grasso          | Mann           | Satterfield    |
| Gray            | Martin         | Scherle        |
| Green, Oreg.    | Matsunaga      | Scheuer        |
| Green, Pa.      | Mazzoli        | Schmitz        |
| Griffin         | Meeds          | Seiberling     |
| Griffiths       | Metcher        | Shibley        |
| Gross           | Metcalfe       | Slisk          |
| Gude            | Mikva          | Skubitz        |
| Hagan           | Miller, Calif. | Smith, Calif.  |
| Haley           | Miller, Ohio   | Smith, Iowa    |
| Hall            | Mills, Ark.    | Smith, N.Y.    |
| Hamilton        | Minish         | Snyder         |
| Hammer-         | Mink           | Spence         |
| schmidt         | Minshall       | Springer       |
| Hanley          | Mizell         | Staggers       |
| Hansen, Wash.   | Mollohan       | Stanton,       |
| Harrington      | Monagan        | J. William     |
| Hathaway        | Montgomery     | Stanton,       |
| Hays            | Moorhead       | James V.       |
| Hechler, W. Va. | Morgan         | Steele         |
| Helstoski       | Moss           | Steiger, Ariz. |
| Henderson       | Murphy, Ill.   | Stephens       |
| Hicks, Mass.    | Murphy, N.Y.   | Stokes         |
| Hicks, Wash.    | Myers          | Stratton       |
| Holifield       | Natcher        | Stubblefield   |
| Hosmer          | Nedzi          | Sullivan       |
| Howard          | Nichols        | Symington      |
| Hull            | Nix            | Taylor         |
| Hungate         | Obey           | Teague, Calif. |
| Hunt            | O'Hara         | Teague, Tex.   |
| Hutchinson      | O'Neill        | Thompson, Ga.  |
| Ichord          | Patman         | Thompson, N.J. |
| Jacobs          | Patten         | Tierman        |
| Johnson, Calif. | Pelly          | Udall          |
| Johnson, Pa.    | Pepper         | Ullman         |
| Jonas           | Perkins        | Van Deerlin    |
| Jones, Tenn.    | Pettis         | Vander Jagt    |
| Karh            | Peyster        | Vanik          |
| Kastenmeier     | Pickle         | Veysey         |
| Kazen           | Pike           | Waggonner      |
| Keith           | Podell         | Whalley        |
| King            | Poff           | White          |
| Kluczynski      | Preyer, N.C.   | Widnall        |
| Koch            | Price, Ill.    | Williams       |
| Kyl             | Price, Tex.    | Winn           |
| Kyros           | Pucinski       | Wolf           |
| Landgrebe       | Purcell        | Wright         |
| Leggett         | Randall        | Wyman          |
| Lennon          | Rangel         | Yates          |
| Lent            | Rarick         | Yatron         |
| Link            | Rees           | Young, Fla.    |
| Lloyd           | Riegle         | Young, Tex.    |
| Long, La.       | Roberts        | Zablocki       |
| Long, Md.       | Roe            |                |

## NOT VOTING—59

|               |              |             |
|---------------|--------------|-------------|
| Anderson,     | Dowdy        | Mitchell    |
| Calif.        | Edwards, La. | Nelsen      |
| Andrews, Ala. | Eilberg      | Pirnie      |
| Baker         | Erlenborn    | Poage       |
| Barrett       | Eshleman     | Pryor, Ark. |
| Bell          | Evins, Tenn. | Rallsback   |
| Blatnik       | Garmatz      | Reuss       |
| Bolling       | Halpern      | Rhodes      |
| Burton        | Hanna        | Rodino      |
| Byrne, Pa.    | Hawkins      | Roybal      |
| Camp          | Hébert       | Saylor      |
| Chappell      | Hillis       | Sikes       |
| Chisholm      | Hogan        | Slack       |
| Clark         | Jones, Ala.  | Steed       |
| Clay          | Jones, N.C.  | Stuckey     |
| Colmer        | Kee          | Whitehurst  |
| Cotter        | Landrum      | Whitten     |
| Davis, S.C.   | McCloskey    | Wilson.     |
| Derwinski     | McClure      | Charles H.  |
| Dickinson     | McKevitt     |             |
| Diggs         | Michel       |             |

So the amendment to the amendment was rejected.

## AMENDMENT OFFERED BY MR. HARVEY TO THE AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. HARVEY. Mr. Chairman, I offer an amendment to the amendment offered by Mr. MACDONALD of Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. HARVEY to the amendment offered by Mr. MACDONALD of Massachusetts: Page 2, line 7, strike out "104" and insert in lieu thereof "103".

Page 2, strike out line 18 and all that follows down through line 5 on page 3.

Page 3, line 7, strike out "Sec. 104" and insert in lieu thereof "Sec. 103".

Page 4, line 8, strike out "Sec. 105" and insert in lieu thereof "Sec. 104".

Page 8, line 24, strike out "105" and insert in lieu thereof "104".

Page 9, line 14, strike out "Sec. 106" and insert in lieu thereof "Sec. 105".

Page 9, strike out line 16 and insert in lieu thereof the following: "out sections 102, 103(b), 104(a), and 104(b) of this Act."

Page 9, line 18, strike out "Sec. 107" and insert in lieu thereof "Sec. 106".

Page 9, strike out line 19 and insert in lieu thereof the following: "103(b), 104(a), or 104(b) or any regulation under section 105 shall".

Page 9, strike out line 23 and insert in lieu thereof the following: "lines section 104(a) or any regulation under section 105 shall be".

Page 10, strike out line 4 and insert in lieu thereof the following:

"Sec. 107. Section 103 of this Act and the amend—".

Page 10, line 6, strike out "105" and insert in lieu thereof "104".

Mr. HARVEY (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with, and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HARVEY. Mr. Chairman, the reason I made the unanimous-consent request to dispense with further reading of the amendment is because the amendment is lengthy, but what it does is very simply this: This is the all-or-nothing amendment with regard to section 315. It does just the reverse of the previous amendment offered by the gentleman from Florida (Mr. FRAY). Instead of completely repealing section 315 as to the President, as to the Senate, and as to the House Members, my amendment does just the reverse. It says section 315 has served us well. Let it alone. Let us not do anything with it with regard to the President, with regard to the Senate, and with regard to the House Members. Let us treat them all equally. Let us leave section 315 of the Communications Act in the law as it is written right now.

Mr. Chairman, once again the basic question for this House on what to do with section 315 is the question whether or not we trust our broadcasters. I gather from the last vote which was 277 to 95 against repealing section 315 that the House resoundingly went on record that they did trust the broadcasters, and they do not want to repeal section 315. I hope the same number of people are now going to march down the aisle and say just exactly that, that we do not want to repeal section 315; that we should leave section 315 in the law as it is, and as it applies to the President, to the Senate, and the House Members as well.

Let me just say this. This Communications Act goes all the way back to 1934.

It is not a new law we are talking of. The equal time amendment has served us very well. You can make a good argument either way here whether you believe in the equal time section 315 or whether you oppose it.

Back in 1958 there was considered the question before the House at that time whether the equal time amendment was actually preventing some appearances on television. So at that time the Congress saw fit to amend it, and they put in what they called the Lar-Daly amendment, named after the gentleman from Chicago. That specifically exempted from the section 315 statute and I quote:

First. Bona fide newscast.

Second. Bona fide news interviews.

Third. Bona fide news documentaries.

Fourth. On-the-spot coverage of bona fide news events.

These are excluded from section 315 and, therefore, they are not covered. An appearance can be made on a broadcast station that is covered by the equal time law by a candidate for President, Senate, or the House, and providing it fits into these "news" exceptions, it is still not a violation of section 315. I am referring now to such programs as "Face the Nation," "Issues and Answers," Huntley and Brinkley, Walter Cronkite, and the other news programs that the Lar-Daly amendment to section 315 was intended and does exclude. My point is that we can adopt my amendment, thereby leaving section 315 as it is, and candidates for Federal office can still appear as they have been appearing in the past on these programs.

Let me point out one other advantage of leaving it the way it is. Section 315 now providing equal time is written into the law. I think that is important. There has been a case history of this law. Lawyers understand it and candidates can be advised.

If you do not believe me, I might refer you back to the several very eloquent statements made over on the other side of the aisle with regard to why we should not repeal section 315 just a few moments ago.

I hope you heed this statement now and do not repeal it.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. I yield to the gentleman.

Mr. GROSS. Do I understand that this reinstates section 315 into the law? Precisely what does the gentleman's amendment do?

Mr. HARVEY. What the amendment does is to strike from the Macdonald amendment all references to the repeal of section 315, as they apply only to the President and it leaves in the law section 315 as it applies to the President, the Senate and the House Members at the present time.

Mr. GROSS. Were not there amendments adopted here today that go to section 315?

Mr. HARVEY. No, none have been adopted thus far, I will advise my friend.

The Macdonald amendment goes to section 315 and would affect only the President, but it is pending at this time

and has not been voted upon, I will say to the gentleman.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. I yield to the gentleman.

Mr. ANDERSON of Illinois. Mr. Chairman, I intend to support the amendment offered by the gentleman from Michigan for no repeal of section 315 even though I previously supported what I felt was a viable compromise in an attempt to erect statutory safeguards as well in an across-the-board repeal including the House, the Senate, and the President.

It seems to me that the time has come, as the gentleman has said, in view of all the trouble that this issue seems to be causing for this reform bill, to lay it aside and send it back to the committee with the hope that they will in due time come back to the House with a better provision.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(Mr. HARVEY, at the request of Mr. ANDERSON of Illinois, was granted permission to proceed for 2 additional minutes.)

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield further?

Mr. HARVEY. I yield to the gentleman.

Mr. ANDERSON of Illinois. Mr. Chairman, as I was saying, with the hope that in time the Commerce Committee of the House will come back with an acceptable provision dealing with this very sensitive subject.

I am not sure I can agree that section 315 has served us so well over the years. I am reminded of some figures that were brought in in hearings that were held before your committee.

In 1964 there were 20 States where there were only 2 candidates running as candidates of major parties. In other words, there were no minority party candidates or so-called frivolous fringe candidates.

Yet, despite that fact in the broadcasting industry in those 20 States, only 27 percent of the television stations offered any free time at all to the major party candidates.

So I am afraid that all too often equal time has simply meant no time for political candidates to discuss the issues. Nevertheless, I support the gentleman in his effort because I think it does make sense in view of the action the House has taken earlier this afternoon to try to lay aside this issue and get on with the balance of the bill.

Mr. HARVEY. I thank the gentleman for his support.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. I yield to the gentleman from Ohio.

Mr. HAYS. I just want to ask the gentleman this question: If his amendment prevails, are you then going to support the substitute, which will turn around and repeal everything again?

Mr. HARVEY. No; I will say to the gentleman at that point that if the amendment prevails, I will support the substitute without the section in it which would repeal section 315.

Mr. HAYS. In other words, you want to go through all this again in the substitute?

Mr. HARVEY. I do not—

Mr. HAYS. Yes or no?

Mr. HARVEY. I intend to offer a substitute, and the substitute will not contain that.

Mr. HAYS. It will not contain that?

Mr. HARVEY. Not if this amendment prevails.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. I am constrained to agree with the gentleman from Michigan and the gentleman from Illinois, and think that in effect the gentleman's amendment would let section 315 alone as it is now. Is that correct?

Mr. HARVEY. That is correct.

Mr. THOMPSON of New Jersey. I would hope that your amendment would prevail.

Mr. HARVEY. I thank the gentleman.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. MACDONALD of Massachusetts. Mr. Chairman, the amendment is rather unique. I must say there is some merit in what the gentleman has said but also I have some reservations about the amendment. I might point out to the gentleman that I do not think the vote which was just taken shows we do not trust broadcasters. We just do not like to see them put in the position of great temptation, and I do not think that they would be in a position of great temptation as far as presidential equal time is concerned or even senatorial time. So, I repeat, I think the position I have expressed is consistent.

The amendment came as a surprise to me, although maybe the amendment has been seen by others on the floor. I think it is a terribly serious amendment. I still believe in my opening remarks. I think that the broadcasters do a better job than any other media, the TV people do a better job than anybody in bringing the candidates into the living rooms of the people of the United States. It gives the public a chance, if there are debates, to see what candidates stand for, how they handle themselves, et cetera. I therefore, feel that in the public interest, although I am not convinced that there will be any presidential debates this year no matter what we do here today, I am not convinced that the incumbent President—and I am not sure I blame him for it—I am not sure he wants to debate. However, the general public has a right to see the candidates, to see what they stand for. We have talked about 1960, the great number of people who participated in our governmental process by watching those debates, and while it appears to be a simple answer merely to say "Leave 315 alone," I think 315 has served us well. I think we should not tamper with it. As it stands now, 315 has been suspended in the past, and I think we owe it to the public to give them the

right to see their candidates and to make their own judgments.

That is the reason the licensees have their license to serve the public interest. I believe the public interest is best served by repealing 315 for presidential and vice presidential candidates to permit the networks not to be burdened by the choice of no free time for major candidates, or to better serve our country.

Mr. SPRINGER. Mr. Chairman, I move to strike out the requisite number of words.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. SPRINGER. I think there are two things that everyone should know. There is what is called the fairness doctrine, which has nothing to do with equal time, which this amendment goes to the heart of. The fairness doctrine applies in those instances where someone says something over TV or radio on some public or positive position on a question involving the local community, the State or the Nation. The fairness doctrine demands that the people who do that do one of two things: They either report it in balance or, if it is not reported in balance, the person on the other side in all fairness may have a right to answer.

They can do it in either one of those two ways. That is the fairness doctrine.

Let us come now to the equal time, which is an entirely different section, the equal time section, which is section 315. Equal time has to do with public candidates. All the talk that is going on here today would make us think only the President and House and Senate are involved. From all I have heard this afternoon, I know there is a very definite impression in the minds of many Members that 315 is applicable solely to the President and Members of the House and Senate. But 315 applies to any office for which anybody runs, from dogcatcher, through the State legislature, to Congress and the Presidency.

For any office equal time would apply. If a local candidate for mayor is put on, then the other candidate may demand equal time and get it.

When we are talking about repeal of the equal time, we are talking about repeal for everybody. The point I am trying to make here today in the light of the amendment offered by the gentleman from Michigan is that we ought not to tamper with this under any circumstances.

Section 315 was put in this bill in 1934, and if the people who wrote that into the 1934 act on both sides of the aisle knew what we were doing with this in the last few years, they would turn over in their graves.

Section 315 is applicable to us and to the Senate—and that is in essence what we have said, I take it, by the defeat of the amendment offered by the gentleman from California. We have said it is applicable only to the President, but not to us nor to the Senate. If it should be applicable to the President because, as they say, they bring him to more people in their living rooms, why should it not be just as applicable to us in the House or in the Senate?

I think the gentleman from Ohio made

a good statement a few minutes ago that if we just want to see our opponents on and not be able to appear, then we should vote 315 out. Why is not 315 as applicable to us as to the Senate or to the Presidency? It is as applicable to one as to the other. Section 315 ought not be tampered with for any purpose. If we want more people in their living rooms to hear the President of the United States, we ought to be able to bring ourselves and our opponents into the living rooms. This ought to be as applicable to us as to the President, and part of being able to demand equal time.

Let me say that in 1964 I did everything I could with the networks to see if we could get some kind of equal time. Even though 315 was not repealed, I could not get an answer from NBC, CBS, or ABC as to equal time in 1964. In other words, they just said, "We are not going to give anybody any time."

But if anybody has any time in this election, it ought to be within the province of the Republican President or his challenger to say, "I want equal time," and be able to get it. The gentleman from Massachusetts indicated there may not be any debate, but the point I am trying to get over is if the President makes a political statement, his opponent ought to be able to ask for equal time, and if his opponent makes a statement on TV, then the President of the United States, if he wants it, ought to be able to ask for equal time.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. SPRINGER was allowed to proceed for 2 additional minutes.)

Mr. SPRINGER. Mr. Chairman, this 315 is, in my estimation, one of the very fundamental things upon which the whole electoral process in this country depends. We just must have 315 available. I am not saying it ought to be used every time. I am saying it ought to be available to any candidate for any office. Where any media such as radio or TV uses it for one candidate, then the other candidate ought to be able to say, "I want equal time," and get it under the law, and not have to ask the TV owner if he will give the time as a matter of grace, but be able to ask it as a matter of right under the law.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I want to say to the gentleman I very reluctantly have come here this afternoon to the same conclusion the gentleman has.

I shall vote for the amendment.

There are two important lessons for us here.

One is that no incumbent President is going to debate. Lyndon Johnson did not want to do it in 1964, and President Nixon does not want to do it in 1972.

If we hang on to this very divisive issue, it may be that we will lose the whole bill in the thought that we somehow can force an incumbent President to debate. We cannot.

The second lesson is that we should not decide important issues like this too

close to an election. It was just a year ago that this same provision passed the House by an overwhelming margin. The fact is that in the shadow of an election we cannot resolve it.

Tonight I believe the thing to do is to take 315 out of the debate entirely. It does not amount to a hill of beans. I urge those who want a bill this year, who want to get at the reporting, at the disclosure, and to do something about TV blitzes, to vote for this amendment and take this whole thing out of contention.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to my colleague from Washington, a member of the committee.

Mr. ADAMS. I should like to say that the difference between House races and presidential races is the very reason why we passed the bill which the House passed 2 years ago.

For example, in 1968 there was a suggestion that there be debate, but there were 18 candidates for President, and nobody wanted that, not President Nixon or challenger HUMPHREY.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ADAMS. Mr. Chairman, I move to strike the requisite number of words.

If I might continue my colloquy with my colleague on the committee, we did go through this in 1968. Many of us will remember that we debated it very late at night, and finally passed it, and passed it only with regard to the Presidency, for this reason: NBC, CBS, and others indicated in the 1968 election they would make debate time available for the two major candidates. They were not saying either one would take it, but it would be available. The American people wanted this.

The only basis on which they could do it for the Presidency was in some way to avoid making time available to 18 candidates.

In the election of the gentleman, or in my election, or elections of Members of the House or of the Senate, yes, sometimes we end up with three or four parties, but they still manage to get us all on and allow other parties to participate.

There is a fundamental difference between the Presidency and other offices.

For my colleague from Arizona I would say I, too, would like to see a bill passed, but I believe it is important, with respect to 315, not only for this election facing us but for the next one and the next one after that. The people of America would like to have the candidates offered an opportunity to debate. If they wish to refuse, they can refuse.

The present circumstances are very different from those of 1934. One cannot go to the major networks and say, "We will have a debate with 18 candidates."

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Arizona.

Mr. UDALL. I said that I would support the amendment, and one of my colleagues asked me a question about it, and I should like to ask a question of the gentleman from Illinois.

All the amendment does is to leave 315 exactly where it is today, with no change in the law, and it does not tamper with any other provisions of the bill?

Mr. ADAMS. I yield to the gentleman from Illinois.

Mr. SPRINGER. I believe it would be better for the author of the amendment to answer the question.

Mr. ADAMS. I yield to the gentleman from Michigan.

Mr. HARVEY. The answer is "Yes."

Mr. UDALL. My support is predicated on the understanding that what we are doing is leaving 315 exactly where it is, and that the gentleman makes no other changes in the committee bill.

Mr. ADAMS. Mr. Chairman, I hope the House will adhere to its position of 1968 and defeat the amendment, so that there will be an opportunity, at least, to debate. Then the Members can go home and say to their constituents, "We gave the candidates an opportunity to debate, whether they want to or not."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. HARVEY) to the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

The amendment to the amendment was agreed to.

AMENDMENT OFFERED BY MR. HATHAWAY TO THE AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. HATHAWAY. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. HATHAWAY to the amendment offered to Mr. MACDONALD of Massachusetts: On page 3, line 22, strike out "sells" and insert "makes available."

The CHAIRMAN. The gentleman from Maine will be recognized for 5 minutes in support of his amendment.

Mr. HATHAWAY. Mr. Chairman and members of the committee, this is a rather simple amendment to cover up what I believe to be a gaping loophole in the section in question.

The section is very brief, and I shall read it. It begins on line 22, page 3, of the Macdonald amendment, and it states:

(2) If a any person sells space in any newspaper or magazine to any legally qualified candidate for Federal elective office, or nomination thereto, in connection with such candidate's campaign for nomination for, or election to, such office, such person shall make equivalent space available on the same basis to all legally qualified candidates for the same office, or for nomination to such office, as the case may be.

The loophole I envisage is, in view of the fact that it says if a publisher sells space, he has to make available equivalent space to the opposition candidate at the same rate, it does not cover the situation of the publisher simply giving a candidate the space. That is all my amendment does. It covers both the sale and the gift of advertising space.

Mr. COLLIER. Will the gentleman yield?

Mr. HATHAWAY. Yes. I yield to the gentleman.

Mr. COLLIER. I think, to clarify that, to avoid what could be a very serious

situation, might I suggest you say "advertising space," because as your amendment is written this would apply to making any space available, which, of course, is news space as well as advertising.

Mr. HATHAWAY. I think we can clarify that by the colloquy we are having on the floor that this is not intended in any way to abridge the rights of the press under the first amendment to the Constitution, that it does not apply to news and it does not apply to editorial comment, but it does apply only to advertising. I think that taken in the context of section 104, "Media Rate Requirements" would be so interpreted.

I yield further to the gentleman.

Mr. COLLIER. I still feel that this could create, as the amendment is proposed, a grave question, and by the insertion of the word "advertising," I think you eliminate any possibility of such confusion.

Mr. HATHAWAY. If the gentleman wants to offer that as an amendment to my amendment, I will accept it.

Mr. COLLIER. Thank you.

Mr. MACDONALD of Massachusetts. Will the gentleman yield for one question?

Mr. HATHAWAY. Yes. I yield to the gentleman.

Mr. MACDONALD of Massachusetts. What does "makes available" actually mean?

Mr. HATHAWAY. Well, it means makes open on any basis whatsoever. The reason I chose the phrase is because the same phrase is used later on in the same section, page 4, line 2, where it says "such person shall make equivalent space available." It would mean, in my opinion, whether they sell or in any way convey to any individual advertising space.

Mr. MACDONALD of Massachusetts. Is it aimed at, let us say, a large labor union or a large corporation giving a candidate space and, if that happens, then the paper has to make available the same amount of space?

Mr. HATHAWAY. No. It means only if the newspaper publisher himself is making available that space.

Mr. MACDONALD of Massachusetts. Right; but make available for free or make available for money?

Mr. HATHAWAY. Make available for either—free or for money.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. HATHAWAY. I yield to the gentleman from California.

Mr. VAN DEERLIN. Is it the gentleman's intention for this amendment to deal exclusively with advertising and not with news and editorial opinion?

Mr. HATHAWAY. Yes; it is the gentleman's intention to deal only with advertising and not with news or editorial comment.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. HATHAWAY. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. I thank the gentleman for yielding.

May I ask this question: As we all know, corporations are prohibited from

making financial contributions to political candidates. I will have to confess that I am not knowledgeable enough to know whether or not a corporation—a newspaper operating under a corporate structure—is prohibited from giving advertising space to a political candidate.

Does the gentleman from Maine know what the answer is to that question?

Mr. HATHAWAY. In my opinion they would be so prohibited, but I shall yield to the chairman of the committee or the subcommittee for the purpose of answering the gentleman's question.

The CHAIRMAN. The time of the gentleman from Maine has expired.

(By unanimous consent (at the request of Mr. THOMPSON of Georgia) Mr. HATHAWAY was allowed to proceed for 3 additional minutes.)

Mr. THOMPSON of Georgia. Mr. Chairman, if the gentleman will yield further, I will repeat the question in order that the chairman of the subcommittee, if the gentleman will yield for that purpose may answer the question.

Mr. HATHAWAY. I yield for that purpose.

Mr. THOMPSON of Georgia. May a newspaper operating under a corporate structure give advertising space to a candidate?

Mr. MACDONALD of Massachusetts. Under the terms of title I, because we close the loophole by saying "money" and this would be a form of money or a contribution which must be okayed by the donee and he must signify in writing the amount of money.

Mr. THOMPSON of Georgia. Mr. Chairman, I could not hear the gentleman's answer.

Mr. MACDONALD of Massachusetts. In section 104, on page 3, we indicate that any money spent by or on behalf of a candidate—and I would think if an opponent raised this question that that would be considered as money even though it was donated in lieu of money, and I think would be included within the prohibitions of this bill.

Mr. THOMPSON of Georgia. If I understand the gentleman's answer, the gentleman is simply stating that that would be in lieu of money and included in the limitations of the bill?

Mr. MACDONALD of Massachusetts. Money spent on behalf of a candidate is covered.

Mr. THOMPSON of Georgia. My question, actually, goes to the law which prohibits a corporation from making a cash contribution to a candidate.

Would the giving of space by a newspaper operating under a corporate structure be prohibited under another law—not this law—in other words, may a newspaper legitimately give space without running afoul of other Federal laws, give space to any one candidate?

Mr. MACDONALD of Massachusetts. That question the gentleman cannot answer, but as the gentleman knows it is not presently included in this bill.

Mr. THOMPSON of Georgia. So, we do not have an answer to that question.

Mr. HATHAWAY. Let me say to the gentleman that I assume the gentleman is correct to the effect that a corporation

cannot make a contribution of this kind. Nevertheless there are some newspapers owned by individuals and I suppose they would be free to give space.

The CHAIRMAN. The time of the gentleman from Maine has again expired.

Mr. KAZEN. Mr. Chairman, I move to strike the requisite number of words.

Will the gentleman in the well tell me whether by the adoption of his amendment he intends to make editorial space available?

Mr. HATHAWAY. Mr. Chairman, if the gentleman will yield; no, this applies to advertising only. This in no way is intended to fringe upon the newspaper's right to comment editorially in favor of or against any candidate or to affect news policy. But it does apply to advertising only.

Mr. KAZEN. Newspapers generally endorse candidates, so if a particular newspaper endorsed one candidate, under this amendment they would not be obligated to give equal editorial space to the other candidate?

Mr. HATHAWAY. That is correct.

Mr. KAZEN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine (Mr. HATHAWAY) to the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

The question was taken; and on a division (demanded by Mr. HATHAWAY) there were—ayes 46, noes 32.

So the amendment to the amendment was agreed to.

AMENDMENT OFFERED BY MR. KEITH TO THE AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. KEITH. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

The Clerk read as follows:

Amendment offered by Mr. KEITH to the amendment offered by Mr. MACDONALD of Massachusetts, as follows: Insert on page 9 after line 12 a new section, as follows:

"EXTENSION OF CREDIT BY REGULATED INDUSTRIES

"SEC. 401. The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 301(c) of the Federal Election Campaign Act of 1971), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office."

POINT OF ORDER

Mr. STAGGERS. Mr. Chairman, I rise to make a point of order against the amendment in that the amendment is not germane to the amendment.

The CHAIRMAN. Does the gentleman from West Virginia desire to be heard on his point of order?

Mr. STAGGERS. I do, Mr. Chairman, if the Chair would indulge me.

The facts are that we are now considering a bill for the limitation of ex-

penditures by candidates for TV, radio, CATV, newspapers and magazines. The amendment offered by the gentleman from Massachusetts (Mr. KEITH) limits the extension of credit to candidates on an entirely different subject not covered by the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD) in any way. For that reason I say that it is not germane.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard on the point of order?

Mr. KEITH. I do, Mr. Chairman.

Mr. Chairman, I offered this amendment in committee. It was discussed and rejected, but a point of order was not made against it at that time.

It is argued by the chairman now that the bill does not deal with the regulation of newspapers, radio and telephone communications.

I think in its present form the bill has been amended and is truly a reform bill that speaks to this point and that certainly this is within the jurisdiction of the committee and within the jurisdiction of the bill.

It is an abuse recognized on the Senate side where candidates for high public office ran up telephone bills and air travel bills and, then having lost the election, were unable to pay those bills.

The Commerce Committee does have jurisdiction over this subject matter. It truly is a reform thing and all my amendment will do is to require agencies to issue regulations to deal with this problem. It certainly is germane to the problem, and I believe it is germane to the bill.

The CHAIRMAN (Mr. BOLLING). The Chair is ready to rule.

The Chair has had an opportunity to examine both the Macdonald amendment and the amendment offered thereto by the gentleman from Massachusetts (Mr. KEITH).

The provisions of the Macdonald amendment deal with a limited area; limitation of expenditures by candidates for radio, TV, newspapers, and billboards. The provisions of the amendment of the gentleman from Massachusetts (Mr. KEITH) go well beyond that area—extension of credit, as well as Civil Aeronautics Board and other regulatory agency rules.

Therefore, the Chair holds the amendment not germane and sustains the point of order.

Mr. KEITH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am disappointed, of course, in the ruling of the Chair. I understand the logic. The Senate bill however does contain my amendment. It seems this is an appropriate time to make the point that I hope in some form this amendment will be before us. In this way we can show our great concern for the abuses that have occurred in recent campaigns.

There is a problem confronting the Congress—particularly those Members whose committee assignments give them specific jurisdiction in regulation of communications and air travel.

Here we find, for example, the case of a candidate, a member of such a committee, running up extensive bills for services rendered in connection with his campaign, then being unable to pay these bills. How does he vote when the question comes as to tightening up, or correcting abuses, on legislation affecting airlines?

To remedy this problem, I intend to offer the amendment which I offered in the executive session of the full Commerce Committee. This amendment would have prohibited federally regulated industries from advancing credit to candidates for Federal elective office unless the debt so created is secured by a bond or by other collateral. It would have required the Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission to promulgate regulations to implement this requirement. But the Parliamentarian has declared that it is not germane.

I shall press for these reforms because I believe it imperative that the Congress act now to bring an end to the practice under which, all too often, money is the prime determining factor in nomination and election to Federal office.

If we are going to go ahead with the kind of reform that we have shown here today that we really want, then the problem of extension of credit by regulated industries is something we must get to later in this debate. We can do so when we take up the Senate substitute.

I hope that the House will at that time agree that it will make this legislation much more effective in coping with this very real abuse.

Mr. PRICE of Illinois. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, on November 18, during the debate on H.R. 11060, I spoke of certain reservations I had about whether the several elements of election finance reform under consideration would, in fact, accomplish any true and lasting reform in this knotty problem area.

I also spoke of several vital elements of any genuine reform plan, which are not now a part of any of the measures we will be considering.

Principal among these missing elements is any focus on how to actively generate, from the proper sources, the moneys legitimately needed for this most essential and basic political communication. Clearly, the answer lies in the creation of a public mechanism to encourage, and properly discipline the flow of numerous small campaign contributions into the fundamental political process.

In my remarks I stated that I would soon offer for the consideration of my colleagues, a program intended to meet not only this primary objective, but one that would also reach to the full spectrum of the campaign finance dilemma.

The program I offer is to supplement whatever we may eventually enact now, but, if it holds to its promise and to the prophecies of quite a number of knowledgeable individuals in this field, it may in a short time prove to be all that we need to dispose of this problem once and for all.

I regret that as yet the program has not been researched in all the minute details that should be examined before it is offered in the form of legislation. Thus I do not intend to officially introduce it at this time. But that research is going on and when it has been satisfied it will be appropriately presented.

My purpose in introducing my colleagues to the plan at this time is so that they will know that there is more to come. More that can be counted on to get to the positive side of the issue, while not interfering with whatever steps in the right direction we can accomplish now. I respectfully ask my colleagues to consider the proposal and offer their most forthright comment and criticism.

The plan can best be set forth in the following excerpt from a paper prepared to explain its function. It first establishes 14 objectives, which are as follows:

That the right solution to the problem should:

- Not restrict necessary political dialogue;
- Be flexible enough to accommodate to widely varying resources requirements;
- Support year around political party machinery;

- Take into account minority and dissident party efforts when they have sufficient constituency to be viable;

- Not overly insulate incumbents;
- Be essentially non-partisan in application;
- Cover all elective offices in the U.S.;
- Involve contribution increments small enough for the donor to expect nothing in return yet large enough to generate a sense of involvement;

- Provide a more direct link between the contributor and his choices;

- Eliminate corrupt practices reporting hypocrisy;

- Be accountable;
- Involve minimum change from existing means of fund raising;

- Provide dignity for the contributor and the candidate; and

- Above all be constitutional.

More will be said about these later.

Neither the present law nor the proposals so far advanced even come close to filling this bill. What is needed is a wholly different attack, rethought along the lines of finding an internally disciplined *laissez faire* approach. The rethinking must encompass more than the traditional legislative technique of prohibition and sanction, it must involve disciplines like merchandising, banking and any other that contributes to the attainment of the desired end. Stated another way, a system regulated by natural law has a higher reliability potential than a strictly police method of control.

Having in mind the complexity of the problems involved in financing a modern-day political campaign, let us examine on the basis of certain assumptions, an entirely different approach.

First, assume at the worst Oswald Spengler's contention that "Money organizes elections in the interest of those who possess it." While this is only partially true—for there are numerous campaign resources other than money—it nevertheless does have more versatility than any other. Money being the single best equalizer of other inherent disparities that are natural in any contest, then let us further assume a source of money

in small enough increments to be free of any potential conflict of interest, available in direct proportion to the size of the constituency to which the candidacy is aimed.

Let us next assume that any candidate prefers no-strings contributions—a safe assumption—and that the public will respond to an intelligently marketed self-interest approach to monetary campaign participation.

Within such an assumptive framework, could a program be developed that might well accomplish all the objectives set forth earlier?

Let us explore the possibilities.

For now, let us set up a program and call it operation clean bill.

Operation clean bill involves thinking in terms of three concepts: Clean bill candidates, clean bill organizations, and clean bill certificates. Its operations would be carried out by a federally chartered nonprofit corporation, which we will call for the moment the American campaign fund trust.

A clean bill candidate would be any duly qualified candidate for any elective office in the United States. At the time of filing and certification by the appropriate election authority, the candidate would be provided with a form to identify himself to the trust and the trust would in turn establish an account for the candidate and authorize him to advertise himself as a "clean bill candidate"—something like a seal-of-approval.

A clean bill organization would be any national political party—as defined by law—or any State or local branch of such. The organization would similarly apply to the trust for participation as a clean bill organization and be authorized similar privileges.

The clean bill certificate would be serial numbered, coded for data processing, legally protected against counterfeiting, savings bond like, two-part form. For reasons of simplicity and accountability, it should be in a single denomination—say \$20.

The governance of the trust would be by a blue-ribbon board of trustees representing such interests as business, labor, education, political parties, State and local governments, the public and the trust itself. While most of these interests would be expected to have political bias, the balance of the interests should insure ultimate fairness in the trust's operation. It should be financed initially by the sale of Government guaranteed bonds so that no appropriated funds would be involved in the operations. The trust also should be able to accept tax deductible contributions of up to, say \$100, from anyone, corporate, union or individual.

Come election time anywhere, and borrowing heavily on Madison Avenue methods, the trust would initiate a highly professional plan of merchandising clean bill certificates and the entire clean bill concept, much in the same manner as the marketing of savings bonds.

Using as its marketing premise, the same that all sound promotions do, the self-interest of the purchaser, the trust would aggressively promote "get out the vote" and the sale of "clean bills" through over 30,000 post offices, 50,000 bank and

credit union offices, credit card solicitations, company and government payroll deduction, union checkoffs, income tax refunds and numerous other outlets. The trust's direct promotion would be assisted by tie-ins with commercial advertisers, public service radio and TV, flyers in bank statements, credit card billing, monthly statements, co-advertising with the candidates, and so forth.

With such distribution machinery at work, virtually anyone who is persuaded to buy a clean bill will find the opportunity to do so not only easy but recurring. If he happens not to have the \$20 available when he is next in his post office, bank, savings and loan, or credit union office—where of course he would be reminded by point-of-purchase display material—then he may have, when he is canvassed by his local political organization, or at the meeting of his civic club. Or even if not at any of these times then he might make a deferred purchase arrangement by "ordering" one on his credit card, or by signing up for a payroll deduction or union checkoff plan.

The idea here is simply the same that effective mass marketers long ago learned; that, however salable a product, it must have distribution machinery immediately available after a successive number of motivations to buy has stimulated the latent demand.

When the sale of a clean bill certificate has been consummated, the purchaser would detach the receipt portion and retain it. On the other portion he would fill in the name of the candidate or political organization whom he is supporting and hand it over directly. This might be by mail, by handing it to the candidate at a conventional fundraising event, or any way at all.

The clean bill candidate or organization receiving it would then forward this portion singly or in multiples to the Trust for immediate reimbursement according to the method explained below.

The purchaser would attach his retained portion of the "clean bill" to his next Federal income tax filing and claim a tax credit for one-half or \$10, or in multiples, a tax deduction for purchases up to \$100. This would be per individual, so double these figures would apply to joint returns. Later the two portions of the clean bill certificate would be reconciled by the Trust.

So far the plan involves essentially a matching Federal subsidy, plus a system of merchandising. But its perhaps most unique aspect lies in the method of redemption from the Trust to the candidate or political party organization.

Suppose a candidate for Governor had qualified with the Trust to run as a "clean bill" as well as had his State and county political party units. He then has a fundraising event—barbecue, corn roast, testimonial dinner, a direct mail request to the party faithful, or what have you. From the event he receives a hundred clean bills—\$2,000 face value—from his supporters.

Along with a simple cover sheet he forwards these to the Trust and the same day it is received he is mailed a check for 75 percent of the face amount, or \$1,500. Simultaneously a check for 20

percent of the face amount, or \$400, is mailed to the previously qualified national political party or the State or local branch of one, designated by the person redeeming the certificate. If the party redeeming the clean bill certificates happens to be a political organization it still must designate another. The remaining 5 percent or \$100 is retained by the Trust for its cost of operations.

To objections that the original purchaser has no control over where 20 percent of his contribution is going there are two responses. First, that after taxes the purchaser really contributed only half the amount, and the part passed to the political party and the Trust was from the governmental subsidy. Or, the original donor might be assured by the recipient that the clean bill would be redeemed separately and the party portion would be designated to go according to the purchaser's wishes.

The arithmetic involved in the plan is not accidental. An allocation of the subsidy portion is necessary so that candidates for relatively inexpensive offices may not finance their total campaigns from their own tax deductible moneys. This would tend to create too many artificial candidates as publicity seekers or advertisers. But more important, it is a disciplined way of providing public support to party resources not dependent on handouts from higher up, and to provide more initiative to grassroots fundraising efforts.

The possibilities presented by this system of fund flow are numerous. Local political units might expect candidates which they endorse to turn back a part or all of their designated amounts to the unit treasuries or the unit might independently raise funds for the ticket. Funds could flow upward from the locals to State or National levels or downward or laterally as the demands were seen to exist.

A candidate, incumbent or challenger, could, of course, raise funds at any time he chose but actual campaigning time could be somewhat regulated by the trust fixing a specific date before the election, at which time it would commence to make redemption for candidates.

Returning to the objectives of the "right" campaign finance plan mentioned earlier, it is worthwhile to examine the anticipated results of operation clean bill on the individual points:

First. Not restrict necessary political dialog—under the clean bill system there would be no limits on spending except those set by the laws of diminishing returns and marginal productivity. Several political managers have already noted that more was learned in 1970 about what not to do again—especially with TV spots—than what to do in the future. But, more important, we focus too much on the campaign period and not enough on the continuing political education of the voter, thus enabling him to make a more considered choice at election time.

Second. Flexible enough to accommodate to widely varying resources requirements: The realities of politics do not yield to uniform financial demands. The costs of comparable offices in dif-

ferent localities may vary by a factor of 10 or more. Since more persons than just those voting in the more expensive races have a stake in the outcome it is only proper for their moneys to take some part in these contests. Under the clean bill system, assuming the budgeted figure of \$400 million were achieved, \$80 million or more would be available to be moved within the party structures as the priorities demanded. What such a system does not do, as some other forms of subsidies would, is to channel large sums to a single authority who in turn might reallocate them in a manner which overly obligates the recipient.

Third. Support year-round political party machinery: A large part of the party money generated by operation clean bill presumably would go for "nuts and bolts" purposes. One factor in the high cost of lower level campaigns particularly, is their slap dash organization which comes from hasty and often unprofessional planning. An ongoing party organization obviously can be better prepared for campaigns. In countries like West Germany—where political parties have a statutory organizational basis—direct subsidies can and, in fact, do work for candidates and parties alike. But in a loose knit party organization system like ours, Federal assistance must be channeled by other means if it is to bear a direct relationship to numbers in the constituency and thus be equitable. Given the legitimate role of political parties in our system and responsible functions they can perform, a wherewithal directly proportional to the membership's willingness to financially support the party efforts is vitally important to campaign reform. Of all the proposals so far mentioned none adequately provides for this type of political party assistance.

Fourth. Take into account minority and dissident party efforts when they have sufficient constituency to be viable: Most studies of this problem dwell on how to fairly support reform elements within the parties and third party efforts. Clearly if public financial assistance goes only to the two major parties, no such outside movements could succeed however well supported they may be by the electorate. Under this system one can participate with his dollars and where the numbers are sufficient the effort will be sustained. Keep in mind, the number of dollars per individual are few, so whatever the economic profile of the dissident or third party element, it still is capable of rising to whatever level the members who support it will provide. Though the history of success of such efforts is sparse, the effect they have in shaping the political philosophies of the major parties has been quite considerable and such efforts should be permitted and publicly supported proportionately to any other.

Fifth. Not overly insulate incumbents: No system can fully compensate for certain inherent values built into incumbency. And that is not all bad. Public office like any other calling demands a certain know-how that naturally improves with experience. That incumbents succeed themselves more often than not

is due not only to the added exposure the office provides, but also to the fact that the incumbent has a record to run on or to defend. This also means sources of campaign funds are available to support or oppose him as his record will justify, and these sources generally are better organized for the incumbent than they are for the challenger. Therefore, any system which automatically restricts both to the same resources is inherently inequitable. A flexible system on the other hand, that favors neither, except to the extent that one has more supporters than the other, should provide a means for either to win fairly and without any strings, implicit or otherwise.

Sixth. Be essentially nonpartisan in character: Historically certain segments of the electorate have been continually identified with one or the other political party. Therefore campaign finance reforms that weigh heavily on any one or several of these segments versus others necessarily take on partisan overtones. This adds another dimension of difficulty to an already tough enough problem. Essentially campaign giving is another form of "voting" for a person or a position and it should be regarded with the same seriousness as the Australian ballot. Any move weighted to give partisan imbalance would not only be of doubtful legality but more important would surround the debate with such acrimony as to make observance of the law unwilling at best. Though party complexions change there still remains the great body of labor and minority elements which the Democrats claim and the silent majority which the Republicans claim, both groups equally capable at the proposed contribution level to participate in numbers sufficient to pay the bill.

Seventh. Cover all elective offices in the United States: Many constitutional as well as practical questions of Federal support of State and local races exist in the current proposals for reform. But realistically the question cannot be ignored when about a third of the total budgets of these governmental units derive from Federal funds. While participation in a program such as clean bill would be voluntary, it is difficult to imagine someone refusing it. Thus the same benefits accruing to Federal candidates would flow to these other offices with the resulting reduction of conflict of interest in these offices. If these results obtain, the Federal expenditure can be justified.

Eighth. Small contribution increments: This general proposition—the initial premise of operation clean bill—is universally accepted as the solution to potential conflict of interest stemming from campaign contributions. But that is by no means its only value. Recently a very wealthy officeholder, who for the most part finances his campaigns from a relatively few large contributors, commented that he would much prefer more smaller contributions, even if it cost more to raise the money. His argument was that once large contributors had anted up they felt their participation to be complete. On the other hand, the contributor who put up \$20 or \$25

felt that he had to support his donation with additional effort, so he often did additional work in the campaign.

Full participation in the elective process involves more than just money, or as another officeholder commented "Give me the guy who will put his mouth where his money is." A system of campaign finance involving more people as well as just the dollars needed should have the effect of reducing some of the needs for which the money is raised in the first place.

Ninth. A more direct link between the contributor and his choices: Small contributors provide most of their support through organizations such as political action groups who in turn place the combined sums according to the decisions of a few at the top. For the most part the individual's participation ultimately gets to candidates or causes sympathetic with his philosophy; but by no means do all such contributors support all the recipients of their funds. With contributors of say \$1,000 or more to committees of one sort or another, a different kind of dilution occurs in the transfers between committees as party fund needs vary. Though this is no serious problem, a system providing a more direct connection between the contributor and the translation of his contribution into political action would undoubtedly be more democratic.

Tenth. Eliminate corrupt practices reporting hypocrisy: The present system contains so many reporting loopholes that it can fairly be said to be no reporting system at all. The so far proposed systems indeed strive to remedy this defect, but one simple reality—cash—can render these as useless as the present. In the absence of an auditable reporting system the remaining discipline of limits—except for broadcast expenditures—likewise becomes uncontrollable. The system proposed here also would be open to circumvention by the passing of cash but if the premise that the system can and will generate adequate resources with clean bill certificates, the use of cash would be obviated, and with the tax incentive surely the contributor would prefer to buy a clean bill than to pass the straight cash.

Eleventh. Be accountable: With the clean bill certificate coded for data processing and with the subsequent reconciliation of the two parts after completion of the transaction, the greatest amount of information ever developed on this phase of national expenditure would be at fingertip. We could finally learn what elections cost, where, and the true effect of money on our most basic process. Chances are that there would be revealed much less to rue than the present obfuscated mess insinuates.

Twelfth. Involve minimum charge from existing fund raising techniques: Political campaigns like other human experience tend to habituate into certain provincialisms. A barbeque at one place is a corn roast at another, a black tie dinner at another, a fish fry at another. Not only candidates but supporters have accustomed themselves to these quaint bits of Americana and for more reasons

than one they should survive. Even so durable a system as ours cannot survive too much shock, so our proven institutions should continue to be used as they fit the localities and situations where they have arisen. The system proposed here accommodates to every type of existing fundraising effort in addition to opening up many new ones. If big money in small sums is to be realized, the maximum number of opportunities for contribution is vital.

Thirteenth. Provide dignity to contributor and candidate: Something of an elitism has grown up around campaign giving. Society pages carrying pictures and stories of dignitaries at \$1,000 per plate dinners naturally tend to suggest to those who cannot afford to attend such affairs that those who do enjoy some preferential treatment, whether true or not. That the pecking order is still apparent at these or even lesser priced affairs, does not abate the generally bad taste that the climate, and too often the food, leave with the guests as well as the public. With a basic contribution increment of \$20, after taxes reduced to \$10, virtually everyone can participate.

Fourteenth. Be constitutional: Of late, more emphasis has been placed on this problem with respect to limits, and so forth, than heretofore. Of course one cannot predict what the courts might hold on whether limiting one's ability to financially support his position abridges free speech, but prominent constitutional scholars by no means dismiss the implications. A program like clean bill, involving only tax incentives and an initial loan guarantee, certainly is less open to constitutionality hazards than the other proposed means of control.

Would the public respond in the kind of numbers necessary to raise a substantial, if not the total amount of the funds needed? At least two experiences suggest an affirmative answer. Last year a total of over \$4.66 billion of new money went into the purchase of savings bonds. True, there were almost as many redemptions, but it still was by no means the most profitable investment available in this period of extremely high interest rates. So, one could conclude that effective marketing based on a public interest appeal was productive.

As of mid-June 1971 the public interest lobby, Common Cause, according to a Wall Street Journal article, had enlisted in a 10-month period over 170,000 members at \$15 each and reported new recruitments coming in at the rate of 4,000 to 5,000 per week. This is not savings, in fact the \$15 is even a nondeductible expenditure. This too suggests the public's willingness to support public interest undertakings.

It is interesting to note that a reliable research center found, following the 1968 elections, that of a sample of 1,346 adults surveyed, some 8.3 percent had made political contributions. But, only 23 percent of the sample had been asked to contribute. Of that number 38 percent gave. If some less than half that proportion of the voting population bought just one \$20 clean bill, it would more than cover the costs of every elective office in the United States in 1972.

Though the funds projections properly should be viewed over a 4-year cycle, even the presidential year campaigns, which would account for half the 4-year totals, present a seemingly, easily attainable goal.

The November 1972 population total is projected to be about 210 million with approximately 140 million of voting age. It would require some less than 15 percent of this total, or 20 million persons buying single clean bills to cover every election cost in the United States. Since many will make multiple purchases, the participation percentage will lower. While the past experience of about 8 percent of the voters contributing may be insufficient, the figure mentioned earlier from the 1968 survey of 38 percent of those asked to make contributions doing so, the goal of some less than 15 percent participation seems by no means ambitious. Even if the fullest desired effects were not attainable from the outset, what was accomplished would be salutary.

Though such a notion may seem incompatible with the seriousness with which this entire issue should be treated, a very sure way to insure the sales of enough clean bills to do the job, would be to add a lottery feature to it. At the outset, at least, the psychological factors involved might tend to obscure the real purposes of the undertaking and thus diminish the sense of participation in the electoral process, which is a main element of the plan.

Perhaps a better question is what happens if the system generates more money than needed and Parkinson's Law sets in. This would mean that the "needs" would rise to the available level of funds thus reversing the main objective of the plan.

Initially, this could be managed by the trust drawing off a larger share than 5 percent and using the extra funds to provide research and other services on a strictly public and nonpartisan basis. Or if this proved insufficient or practically unmanageable, the trust could petition Congress to reduce the tax incentives thus shrinking the sales to at or near the appropriate levels.

There is undoubtedly a growing scrutiny into how we pay for our politics. That certain long standing customs may in fact be less innocuous and devoid of any effective political venality than they have been represented to be will not quiet the movement to bring the whole matter out into the open. Inertia to change is natural but so is change itself. The options are not change versus status quo but which form the changes will take. The issue is no longer one of politics, it is one of government. The chances for success of an undertaking like clean bill are only as good as the soundness of the hypotheses on which it is based, but given the known defects in the alternatives, and given the fact that any results it does produce would be a step in the right direction, it is surely worthy of being examined more closely.

Regrettably the plan sounds complicated. So would any marketing plan for the simplest 5-cent item used by every housewife in America, if viewed in its

total context. The plan is not complicated if seen only from the critical viewpoint of where the dollars change hands. There is a true value to the purchaser, sufficient communication—advertising—for him to comprehend this value, recurring motivation for him to act and a distribution machinery readily available to consummate the transaction.

There will be gaps between what is conceived in the hypothetical and what will occur in practice. Between these points there should be a more detailed pro forma complete with budgets, projections, tests, comments, and so forth. If such an operation as proposed here did withstand this extra scrutiny, it would well be worth the investment even if for no other reason than better understanding of this truly knotty problem.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD), as amended.

The amendment, as amended, was agreed to.

Mr. HAYS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11060), to limit campaign expenditures by or on behalf of candidates for Federal elective office; to provide for more stringent reporting requirements; and for other purposes, had come to no resolution thereon.

#### THE POLITICS OF CANCER

(Mr. SYMINGTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SYMINGTON. Mr. Speaker, I would like to call the attention of my colleagues and the public to an informative article, "The Politics of Cancer," written by Cristine Russell. The item appeared in the Washington Post on Sunday, November 28, 1971.

The article is an excellent summary of congressional action against cancer. Moreover, it is a vivid account of the vital role Representative PAUL G. ROGERS has played in this legislation. As a member of Mr. ROGERS' Subcommittee on Public Health and Environment, I heartily agree with the author's assessment that "the Rogers bill represents a significantly enhanced commitment to cancer research."

Whatever the outcome of the conference on this matter, Representative ROGERS well deserves the praise given him in this article.

Mr. Speaker, I insert in the RECORD at this point the article entitled "Politics of Cancer":

#### THE POLITICS OF CANCER

(By Cristine Russell)

Congress is not noted for rejecting programs with deep mass appeal for quieter approaches that have a greater chance of success. Quiet successes do not win elections. But in the case of cancer research, the law-



HOUSE  
FLOOR DEBATE  
ON  
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care facilities which are damaged or destroyed by a major disaster, amended (H. Rept. 92-690);

S. 2887, authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control and navigation, amended (H. Rept. 92-691); and

H.J. Res. 893, to authorize disaster loans with respect to certain losses arising as the result of recent natural disasters, amended (H. Rept. 92-692). Page 43442

**Late Report:** Committee on Appropriations received permission to file a report by midnight tonight on H.R. 11955, making supplemental appropriations for fiscal year 1972. Page 43360

**Credit Union Insurance:** House disagreed to the amendment of the Senate to H.R. 9961, to provide Federal credit unions with 2 additional years to meet the requirements for insurance; and agreed to a conference asked by the Senate. Appointed as conferees: Representatives Patman, Barrett, Sullivan, Reuss, Moorhead, St Germain, Widnall, Dwyer, Johnson of Pennsylvania, and J. William Stanton. Pages 43460

**Late Reports:** Committee on Rules received permission to file certain privileged reports by midnight tonight. Pages 43361-43362

**Election Reform:** By a record vote of 372 yeas to 23 nays, the House passed H.R. 11060, to limit campaign expenditures by or on behalf of candidates for Federal elective office; to provide for more stringent reporting requirements.

Subsequently, this passage was vacated and S. 382, a similar Senate-passed bill was passed in lieu after being amended to contain the language of the House bill as passed.

On a demand for a separate vote agreed to an amendment to the following amendment that inserts a new title I (text of H.R. 11231) as amended by the House on Monday, November 29 (agreed to by a division vote of 257 yeas to one nay). While in the Committee of the Whole agreed to the same amendment by a voice vote.

Took the following action in the Committee of the Whole:

Agreed to:

An amendment in the nature of substitute (text of H.R. 11280, identical to S. 382) which limits media spending, repeals section 315 for all a candidate's spending of his own resources, makes changes in the disclosure requirements, and establishes a Federal Elections Commission.

Agreed to the following amendments to the previous amendment:

An amendment that designates the Secretary of the Senate for Senate candidates, and the Clerk of the House for candidates of the House of Representatives as supervisory officers in compliance with disclosure

of Federal campaign funds (agreed to by a division vote of 79 yeas to 52 nays);

An amendment that will prevent unions from using involuntary dues payments of union members for political activities (agreed to by a record teller vote of 233 yeas to 147 noes);

An amendment that authorizes the Comptroller General to serve as a national clearing house for information with respect to the administration of elections;

An amendment that includes telephone and computer mailings campaign expenses into overall campaign expenses ceiling (by a division vote of 80 yeas to 48 nays);

An amendment designed to clarify provisions of the new Federal Election law with existing State election laws;

An amendment that strikes out language that requires candidates to supply campaign statements with the Clerk of the U.S. District Court (agreed to by a record teller vote of 230 yeas to 154 noes);

An amendment that prohibits OEO funds from being used to establish any political activity in any area to sway a vote; and

Two conforming and two clarifying amendments.

Rejected:

An amendment that sought to clarify the total spending in any election for candidates of the House of Representatives (in the primary, runoff, or general) may not exceed \$50,000 for each election; and

An amendment that would prohibit any individual from contributing more than \$5,000 for each office of Senator or Representative and \$35,000 for President (rejected by a division vote of 38 yeas and 122 nays).

In the engrossment of the bill, the Clerk was authorized to change section numbers, cross references, and other conforming changes to reflect the action of the House.

House insisted on its amendment to S. 382, to promote fair practices in the conduct of election campaigns for Federal political office; and asked a conference with the Senate. Appointed as conferees to titles III, IV, and V: Representatives Hays, Abbit, Gray, Harvey, and Dickinson. Appointed as conferees to titles I and II: Representatives Staggers, Macdonald of Massachusetts, Van Deerlin, Springer, and Devine. Pages 44363-44362

**Adjournment:** Adjourned at 7:41 p.m.

## *Committee Meetings*

### AGRICULTURAL MARKETING AND BARGAINING

*Committee on Agriculture:* Subcommittee on Domestic Marketing and Consumer Relations met in executive session to consider H.R. 7597, and related bills, agricultural marketing and bargaining legislation. No final action was taken and the subcommittee adjourned subject to call.

**THE DISTRICT OF COLUMBIA APPROPRIATIONS BILL AND ITS IMPACT UPON ACTIVITIES IN THE DISTRICT**

(Mr. GUDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUDE. Mr. Speaker, on Thursday we shall decide whether the great Kennedy Center for the Performing Arts will be a select gathering place for the rich—or shall be available to all.

On Thursday, we shall decide whether this Capital City shall have a vital downtown or a vacant, darkened wasteland of crime and danger.

On Thursday, we shall decide whether Connecticut Avenue has been ripped apart for a purpose, or as an expensive exercise.

On Thursday, we shall decide whether the Federal Government shall be accessible to the people.

On Thursday, we shall decide whether we mean what we say about creating greater accessibility to jobs, rather than adding to our welfare rolls.

On Thursday, we shall be deciding all these things because we shall be deciding whether to fund the Washington-area Metro subway system.

Thursday will be the crucial time of decision. If we do not vote then to permit the District of Columbia to pay the debts it owes the public corporation that is building the subway, then that corporation's construction work will halt. I was advised this morning at a meeting with Montgomery County Executive James Gleason that the county cannot continue to pay for subway construction when there is no sign that Congress will release the District of Columbia funds due. If Congress does not release these funds the County will make no further payments after this coming month, the county executive said. In all likelihood, the other suburban jurisdictions will take similar action. Then, the great tunnels that have already been dug under Washington will become a bitter reminder to all that congressional authorizations and long-standing commitments are without substance.

**STRATEGIC RESERVE BILL FOR THE PURCHASE OF WHEAT AND FEED GRAINS**

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAYNE. Mr. Speaker, the House Rules Committee heard testimony this morning on H.R. 8290, a bill to establish a strategic reserve of wheat and feed grains. This is one of the vehicles being suggested to raise the price of corn, which is now below production cost and definitely requires drastic improvement. It will cost from \$1¼ to \$1½ billion to acquire the reserve provided for in the bill and an additional \$210 million annually to store it.

Mr. Speaker, it is extremely important that if a rule is granted on this bill it be sufficiently liberal to waive points of order for the offering of an amendment

by the gentleman from Illinois (Mr. FINDLEY) to limit payments received under the program to \$20,000 a year.

We certainly do not want this bill to be used as a vehicle for further enriching vertically integrated conglomerates, other large agricultural combines and individual large operators. The subterfuges through which they continue to draw huge combined payments in excess of the present \$55,000 limit have been exposed and very properly denounced.

Members genuinely interested in the survival of the family farmer will want to make sure these agri-giants do not exploit the reserve as a further means of widening the unfair competitive advantage they already enjoy enabling them to gobble up more and more small and medium sized farms.

Mr. Speaker, I hope our colleagues will join me and Mr. FINDLEY in urging the Rules Committee before final action is taken on this rule to open it up sufficiently to permit consideration of a \$20,000 limitation amendment. If the committee does not waive points of order to such an amendment, it is our present intention to ask the House to vote down the previous question on the rule in order to make the amendment in order.

**CALL OF THE HOUSE**

Mr. SCHMITZ. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 415]

|               |                |              |
|---------------|----------------|--------------|
| Andrews, Ala. | Diggs          | Moorhead     |
| Ashley        | Dowdy          | Morgan       |
| Baring        | Edward, La.    | Morse        |
| Belcher       | Ellberg        | Murphy, N.Y. |
| Bell          | Evins, Tenn.   | Pepper       |
| Blanton       | Fraser         | Pryor, Ark.  |
| Blatnik       | Gallagher      | Pucinski     |
| Burton        | Gray           | Rallsback    |
| Byrne, Pa.    | Gubser         | Rangel       |
| Cabell        | Halpern        | Rees         |
| Celler        | Hanna          | Rhodes       |
| Chamberlain   | Harsha         | Riegle       |
| Chisholm      | Hébert         | Rodino       |
| Clark         | Heckler, Mass. | Roybal       |
| Clay          | Hogan          | Satterfield  |
| Collins, Ill. | Landrum        | Scheuer      |
| Colmer        | McClory        | Sikes        |
| Conyers       | McCulloch      | Teague, Tex. |
| Davis, Ga.    | McKevitt       | Wilson, Bob  |
| Davis, S.C.   | McMillan       | Wilson,      |
| Derwinski     | Miller, Calif. | Charles H.   |

The SPEAKER. On this rollcall 369 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

**FEDERAL ELECTION REFORM**

Mr. HAYS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 11060) to limit campaign expenditures by, or on behalf of, candidates for Federal elective office; to

provide for more stringent reporting requirements; and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 11060, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the Macdonald of Massachusetts amendment, as amended, had been agreed to.

House Resolution 694 provides that at this point it shall be in order for the Chair to recognize Members for the purpose of offering, without the intervention of any point of order, the text of the bill H.R. 11280 as an amendment in the nature of a substitute for the bill.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HARVEY

Mr. HARVEY. Mr. Chairman, I offer an amendment in the nature of a substitute for the text of the bill H.R. 11060.

The CHAIRMAN. Does the Chair understand that the offering of the text of H.R. 11280 by the gentleman is not objected to by the authors of H.R. 11280?

Mr. HARVEY. That is my understanding, Mr. Chairman.

POINT OF ORDER RESERVED

Mr. HAYS. Mr. Chairman, I reserve a point of order against the amendment in order to ask the gentleman a question.

Is this the exact text of the bill which the rule makes in order, or has it been changed?

Mr. HARVEY. No; I would state to my chairman that this is the exact text of H.R. 11280, which contradicts what I said to my chairman yesterday. However, I wanted to get into this first because the rule does require that I introduce the exact text of H.R. 11280.

It is my understanding, however, that the gentleman from Massachusetts (Mr. MACDONALD), chairman of the subcommittee, is going to offer an amendment to the substitute which will make it conform exactly to what the House expressed yesterday on the several votes that were taken. This amendment will go to title I.

Further, I want to say to my chairman and the rest of my colleagues that I intend to wholeheartedly support that amendment, which will mean we will not have to plow over that old ground again but, rather, if we accept the Macdonald amendment to the substitute, what we did on yesterday would be embodied in title I.

Mr. HAYS. The reason I made this reservation of a point of order was to inquire of the gentleman as to that particular point. I agree with the gentleman. I will also support the Macdonald amendment when it comes up. I withdraw my reservation of a point of order.

The CHAIRMAN. The Clerk will report the amendment which has been offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HARVEY: Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Federal Election Campaign Act of 1971".

**TITLE I—AMENDMENTS TO COMMUNICATIONS ACT OF 1934; LIMITATIONS ON CAMPAIGN EXPENDITURES FOR NONBROADCAST COMMUNICATIONS MEDIA**

**EXCEPTION TO EQUAL TIME REQUIREMENTS AND CHARGE LIMITATIONS**

SEC. 101. (a)(1) Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315 (a)) is amended by inserting after "public office" in the first sentence thereof a comma and the following: "other than Federal elective office (as defined in subsection (c) of this section)."

(2) Section 315(a) of such Act is amended by inserting after the first sentence thereof the following: "When a licensee permits a legally qualified candidate for Federal elective office to use his broadcasting station in connection with such candidate's campaign for nomination for election, or election to such office, the licensee shall afford such candidate maximum flexibility in choosing his program format."

(b) Section 315(b) of such Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

"(1) during the forty-five days preceding the date of a primary election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same period; and

"(2) at any other time, the charges made for comparable use of such station by other users thereof."

(c) Section 312(a) of such Act is amended by striking "or" at the end of clause (5), striking the period at the end of clause (6) and inserting in lieu thereof a semicolon and "or", and adding at the end of such section 312(a) the following new clause—

"(7) for wilful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate on behalf of his candidacy."

**EXPENDITURE LIMITATIONS FOR CANDIDATES FOR MAJOR ELECTIVE OFFICES**

SEC. 102. Section 315 of the Communications Act of 1934 is further amended by redesignating subsection (c) as subsection (f) and by inserting immediately before such subsection the following new subsections:

"(c)(1) For purposes of this subsection and subsection (d), the term—

"(A) 'Federal elective office' means the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress;

"(B) 'use of broadcasting stations by or on behalf of any candidate' includes not only broadcasts advocating such candidate's election, but also broadcasts urging the defeat of his opponent or derogating his opponent's stand on campaign issues;

"(C) 'legally qualified candidate' means any person who (1) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (2) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors; and

"(D) 'broadcasting station' includes a community antenna television system, and the terms 'licensee' and 'station licensee' when used with respect to a community antenna television system, mean the operator of such system.

"(2) Except as provided in section 104 of the Federal Election Campaign Act of 1971, no legally qualified candidate in any primary, runoff, general, or special election for a Fed-

eral elective office may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of—

"(A) 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

"(B) \$30,000, if greater than the amount determined under subparagraph (A).

For the purposes of computing the limitation provided by the first sentence of this paragraph in connection with a Presidential primary election, the resident population of voting age for the office of President shall be held and considered to be the entire population of voting age for such office within the State in which such primary election is conducted. Amounts spent by or on behalf of any candidate for nomination for election to such office in connection with his primary campaign in any State shall not exceed such limitation for that State.

"(3) Amounts spent for the use of broadcasting stations on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of broadcasting stations by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this subsection, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

"(4) No station licensee may make any charge for the use of such station by or on behalf of any candidate for Federal elective office (or for nomination to such office) unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate paragraph (2).

"(5) Broadcasting stations and candidates shall file with the Commission such reports at such times and containing such information as the Commission shall prescribe for the purpose of this subsection and, in the case of broadcasting stations, subsection (d).

"(d) If a State by law and expressly—

"(1) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection, and

"(2) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election, and

"(3) has provided in any such law an unequivocal expression of intent to be bound by the provisions of this section, and

"(4) has stipulated that the amount of such limitation shall not exceed the amount which would be determined for such election under subsection (c) had such election been an election for a Federal elective office or nomination thereto;

then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate such limitation.

"(e) One who willfully and knowingly violates the provisions of subsection (c) or (d) of this section shall be punished by a fine not to exceed \$5,000 or imprisonment for a period not to exceed five years, or both. The provisions of sections 501 through 503 of this Act shall not apply to violations of such subsection."

**LIMITATIONS ON CAMPAIGN EXPENDITURES FOR NONBROADCAST COMMUNICATIONS MEDIA**

SEC. 103. (a) For purposes of this section, the term—

(1) "Federal elective office" means the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress;

(2) "nonbroadcast communications medium" means newspapers, magazines, and other periodical publications, and billboard facilities;

(3) "legally qualified candidate" means any person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors; and

(4) "use of any nonbroadcast communications media by or on behalf of any candidate" includes not only amounts spent for advocating a candidate's election, but also amounts spent for urging the defeat of his opponent or derogating his opponent's stand on campaign issues.

(b) During the forty-five days preceding the date of any primary election, and during the sixty days preceding the date of any general or special election, the charges made for the use of any nonbroadcast communications medium by an individual who is a legally qualified candidate for Federal elective office shall not exceed the lowest unit rate charged others by the person furnishing such medium for the same amount and class of space.

(c) Except as provided in section 104 of this Act, no legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of nonbroadcast communications media on behalf of his candidacy in such election a total amount in excess of—

(1) 5 cents multiplied by the estimate of resident population of voting age for such office, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

(2) \$30,000, if greater than the amount determined under clause (1).

For the purposes of computing the limitation provided by the first sentence of this paragraph in connection with a Presidential primary election, the resident population of voting age for the office of President shall be held and considered to be the entire resident population of voting age for such office within the State in which such primary election is conducted. Amounts spent by or on behalf of any candidate for nomination for election to such office in connection with his primary campaign in any State shall not exceed such limitation for that State.

(d) Amounts spent for the use of nonbroadcast communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this section, be deemed to have been spent by such candidate. Amounts spent for the use of nonbroadcast communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(e) No person may make any charge for the use of any nonbroadcast communications medium by or on behalf of any candidate for Federal elective office (or for nomination to such office) unless such candidate, or an individual specifically authorized by such candidate in writing to do so, certifies to such person that the payment of such charge will not violate subsection (c). Any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate without charge therefor shall be deemed to have made a contribution to such candidate in an amount equal to the amount normally charged for such person for such use. Any person who furnishes

the use of any nonbroadcast communications medium to or for the benefit of any such candidate at a rate which is less than the rate normally charged by such person for such use shall be deemed to have made a contribution to such candidate in an amount equal to the excess of the rate normally charged over the rate charged such candidate.

(f) One who willfully and knowingly violates the provisions of this section shall be punished by a fine not to exceed \$5,000 or imprisonment of not more than five years, or both.

LIMITED INTERCHANGEABILITY BETWEEN EXPENDITURES LIMITATIONS

SEC. 104. (a) A legally qualified candidate in any primary, runoff, general, or special election for Federal elective office may, at his option, transfer not to exceed 20 per centum of the expenditure limitation under section 315(c) of the Communications Act of 1934 as amended or section 103(c) of this Act between one or the other to be spent on either the broadcast or nonbroadcast media on behalf of his candidacy in such election. Any amount so transferred from the one expenditure limitation to the other shall be deducted from the expenditure limitation upon the media from which such transfer is made.

(b) Any such legally qualified candidate exercising this option shall promptly notify the Federal Elections Commission in writing of the amount so transferred and spent, and shall provide such Commission with such information as the Commission, in its judgment, deems necessary and proper in the exercise of this option.

(c) The Federal Elections Commission is authorized to develop and promulgate appropriate rules and regulations to carry out the purposes of this section.

(d) The definitions contained in section 315(c) of the Communications Act of 1934 and in section 103(a) of this Act are applicable to this section.

COST-OF-LIVING INCREASE IN LIMITATION FORMULA

SEC. 105. (a) For purposes of this section, the term—

(1) "price index" means the annual average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

(2) "base period" means the calendar year 1970.

(b) Commencing immediately after the end of 1971, and after the end of each calendar year thereafter, as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall determine the difference between the price index for the immediately preceding calendar year and the price index for the base period. The amount computed under section 315(c) (2) (A) of the Communications Act of 1934 (as added by section 102 of this Act) and under section 103(c) (1) of this Act shall be increased by such per centum difference (excluding any fraction of a per centum) and rounded to the next highest cent. Each amount so increased shall be the amount in effect for the twelve months following the end of such calendar year.

TITLE II—CRIMINAL CODE AMENDMENTS

SEC. 201. Section 591 of title 18, United States Code, is amended to read as follows:

§ 591. Definitions

"When used in sections 597, 599, 600, 602, 610, 611, and 614 of this title—

"(a) 'election' means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the

expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(b) 'candidate' means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

"(c) 'Federal office' means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

"(d) 'political committee' means any individual committee, association, or organization which accepts contributions or make expenditures during a calendar year in an aggregate amount exceeding \$1,000;

"(e) 'contribution' means—

"(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

"(3) a transfer of funds between political committees;

"(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or political committee without charge for any such purpose; and

"(5) notwithstanding the foregoing meanings of 'contribution', the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and

"(3) a transfer of funds between political committees;

"(g) 'person' and 'whoever' mean an individual, partnership, committee, association, corporation, or any other organization or group of persons; and

"(h) 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States."

SEC. 202. Section 600 of title 18, United States Code, is amended to read as follows:

§ 600. Promise of employment or other benefit for political activity

"Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

SEC. 202. Section 608 of title 18, United States Code, is amended to read as follows:

§ 608. Limitations on contributions and expenditures

"(a) (1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

"(A) \$50,000, in the case of a candidate for the Office of President or Vice President;

"(B) \$35,000, in the case of a candidate for the Office of Senator; or

"(C) \$25,000, in the case of a candidate for the Office of Representative, or Delegate or Resident Commissioner to the Congress.

"(2) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

"(b) No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of the provisions of this section.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed \$1,000, imprisonment for not to exceed one year, or both."

SEC. 204. Section 609 of title 18, United States Code, is repealed.

SEC. 205. Section 611 of title 18, United States Code, is amended to read as follows:

§ 611. Contributions by Government contractors

"Whoever—

"(a) entering into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (1) the completion of performance under, or (2) the termination for negotiations for, such contract or furnishing of material, supplies, equipment, land or buildings, directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public

office or to any person for any political purpose or use; or

"(b) knowingly solicits any such contribution from any such person for any such purpose during any such period; shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

Sec. 206. The table of sections for chapter 29 of title 18, United States Code, is amended by—

(1) striking out the item relating to section 608 and inserting in lieu thereof the following:

"608. Limitations on contributions and expenditures."

(2) striking out the item relating to section 609 and inserting in lieu thereof the following:

"609. Repealed."

(3) striking out the item relating to section 611 and inserting in lieu thereof the following:

"611. Contributions by Government contractors."

### TITLE III—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

#### DEFINITIONS

Sec. 301. When used in this title—

(a) "election" means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(b) "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees;

(4) the payment, by any person other than a candidate or political committee, of

compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose; and

(5) notwithstanding the foregoing meanings of "contribution", the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement whether or not legally enforceable, to make an expenditure; and

(3) a transfer of funds between political committees;

(g) "Commission" means the Federal Elections Commission;

(h) "person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons; and

(i) "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

#### ORGANIZATION OF POLITICAL COMMITTEES

Sec. 302. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution in excess of \$10 for a political committee shall, on demand of the treasurer, and in any event within five days after receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address (occupation and the principal place of business, if any) of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) all contributions made to or for such committee;

(2) the full name and mailing address (occupation and the principal place of business, if any) of every person making a contribution in excess of \$10, and the date and amount thereof;

(3) all expenditures made by or on behalf of such committee; and

(4) the full name and mailing address (occupation and the principal place of business, if any) of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of \$100 in amount, and, for any such

expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds \$100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the Commission.

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

(f) (1) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the Federal Elections Commission is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402."

(2) (A) The Commission shall compile and furnish to the Public Printer, not later than the last day of March of each year, an annual report for each political committee which has filed a report with him under this title during the period from March 10 of the preceding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain—

(i) a copy of the statement of organization of the political committee required under section 303, together with any amendments thereto; and

(ii) a copy of each report filed by such committee under section 304 from March 10 of the preceding year through January 31 of the year in which the annual report is so furnished to the Public Printer.

(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the Commission.

#### REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

Sec. 303. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall file with the Commission a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of \$1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the Commission at such time as it prescribes.

(b) The statement of organization shall include—

(1) the name and address of the committee;

(2) the names, addresses, and relationships of affiliated or connected organizations;

(3) the area, scope, or jurisdiction of the committee;

(4) the name, address, and position of the custodian of books and accounts;

(5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;

(6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;

(7) a statement whether the committee is a continuing one;

(8) the disposition of residual funds which will be made in the event of dissolution;

(9) a listing of all banks, safety deposit boxes, or other depositories used;

(10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and

(11) such other information as shall be required by the Commission.

(c) Any change in information previously submitted in a statement of organization shall be reported to the Commission within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall so notify the Commission.

#### REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

Sec. 304. (a) Each treasurer of a political committee supporting a candidate or candidates for election to Federal office and each candidate for election to such office, shall file with the Commission reports of receipts and expenditures on forms to be prescribed or approved by it. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the Commission may prescribe, which shall not be less than five days before the date of filing except that any contribution of \$5,000 or more received after the last report is filed prior to the election, shall be reported within forty-eight hours after its receipt.

(b) Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address (occupation and the principal place of business, if any) of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events) within the calendar year in an aggregate amount or value of \$100 or more, together with the amount and date of such contributions;

(3) the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (2);

(4) the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers;

(5) each loan to or from any person within the calendar year in an aggregate amount or value in excess of \$100, together with the full names and mailing addresses (occupations and the principal places of business, if any) of the lender and endorsers, if any, and the date and amount of such loans;

(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(7) each contribution, rebate, refund, or other receipt in excess of \$100 not otherwise listed under paragraphs (2) through (6);

(8) the total sum of all receipts by or for such committee or candidate during the reporting period;

(9) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom an expendi-

ture or expenditures have been made by such committee or on behalf of such committee or candidate within the calendar year in an aggregate amount or value in excess of \$100, the amount, date, and purpose of each such expenditure and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made;

(10) the full name and mailing address, business, if any, of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of \$100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(11) the total sum of expenditures made by such committee or candidate during the calendar year;

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the Commission may prescribe and a continuous reporting of their debts and obligations after the election at such periods as the Commission may require until such debts and obligations are extinguished; and

(13) such other information as shall be required by the Commission.

(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.

#### REPORTS BY OTHERS THAN POLITICAL COMMITTEES

Sec. 305. Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of \$100 within a calendar year shall file with the Commission a statement containing the information required by section 304. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

#### FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

Sec. 306. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the Commission in a published regulation.

(c) The Commission may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 304 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

(d) The Commission shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

#### REPORTS ON CONVENTION FINANCING

Sec. 307. Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President, shall, within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the Commission a full and complete financial statement, in such form and detail as it may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

#### DUTIES OF THE COMMISSION

Sec. 308. (a) It shall be the duty of the Commission—

(1) to develop and furnish to the person required by the provisions of this Act prescribed forms for the making of the reports and statements required to be filed with it under this title;

(2) to prepare, publish, and furnish to the person required to file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

(4) to make the reports and statements filed with it available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person: *Provided*, That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

(5) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as it shall determine and broken down into candidate, party, and non-party expenditures on the National, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as it shall determine and broken down into contributions on the National, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of \$100;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as it may deem appropriate;

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures

to file any report or statement required under the provisions of this title;

(12) to report apparent violations of law to the appropriate law enforcement authorities; and

(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

(b) (1) Any person who believes a violation of this title has occurred may file a complaint with the Commission. If the Commission determines there is substantial reason to believe such a violation has occurred, it shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the Commission, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

(2) In any action brought under paragraph (1) of this subsection, subpoenas for witnesses who are required to attend a United States district court may run into any other district.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States court of appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

(4) The judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

#### STATEMENTS FILED WITH CLERK OF UNITED STATES COURT

SEC. 309. (a) A copy of each statement required to be filed with the Commission by this title shall be filed with the clerk of the United States district court for the judicial district in which is located the principal office of the political committee or, in the case of a statement filed by a candidate or other person, in which is located such person's residence. The Commission may require the filing of reports and statements required by this title with the clerks of other United States district courts where it determines the public interest will be served thereby.

(b) It shall be the duty of the clerk of a United States district court under subsection (a)—

(1) to receive and maintain in an orderly manner all reports and statements required by this title to be filed with such clerks;

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(3) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the day during which it was

received, and to permit copying of any such report or statement by hand or by duplicating machine, requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

#### FEDERAL ELECTIONS COMMISSION

SEC. 310. (a) There is hereby created a Commission to be known as the Federal Elections Commission, which shall be composed of six members, not more than three of whom shall be members of the same political party, who shall be chosen from among persons who, by reason of maturity, experience, and public service have attained a nationwide reputation for integrity, impartiality, and good judgment, are qualified to carry out the functions of the Commission and shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of two years, one for a term of four years, one for a term of six years, one for a term of eight years, one for a term of ten years, and one for a term of twelve years, beginning from the date of enactment of this Act, but their successors shall be appointed for terms of twelve years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission and one member to serve as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and four members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the money it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

(e) Members of the Commission shall, while serving on the business of the Commission, be entitled to receive compensation at a rate fixed by the Director of the Office of Management and Budget but not in excess of \$100 per day, including traveltime; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers at any other place.

(g) All officers, agents, attorneys and employees of the Commission shall be subject to the provisions of section 9 of the Act of August 2, 1939, as amended (the Hatch Act), notwithstanding any exemption contained in such section.

(h) The Commission shall appoint an Executive Director without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, to serve at the pleasure of the Commission. The Executive Director shall be responsible for the administrative operations of the Commission and shall perform such other duties as may be delegated or assigned to him from time to time by regulations or orders of the Commission. However, the Commission shall not delegate the making of regulations regarding elections to the Executive Director.

(i) The Chairman of the Commission shall appoint and fix the compensation of such personnel as it is deemed necessary to fulfill

the duties of the Commission in accordance with the provisions of title 5, United States Code.

(j) The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(k) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Executive Director, Federal Elections Commission."

(l) In carrying out its responsibilities under this title, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities, of the General Accounting Office and the Department of Justice. The Comptroller General and the Attorney General are authorized to make available to the Commission such personnel, facilities, and other assistance, with or without reimbursement, as the Commission may request.

#### PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

SEC. 311. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

#### PENALTY FOR VIOLATIONS

SEC. 312. Any person who violates any of the provisions of this title shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

#### STATE LAWS NOT AFFECTED

SEC. 313. (a) Nothing in this title shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this title.

(b) The Commission shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

#### PARTIAL INVALIDITY

SEC. 314. If any provision of this title, or the application thereof, to any person or circumstance is held invalid, the validity of the remainder of the title and the application of such provision to other persons and circumstances shall not be affected thereby.

#### REPEALING CLAUSE

SEC. 315. (a) The Federal Corrupt Practices Act, 1925 (2 U.S.C. 241-256), is repealed.

(b) In case of any conviction under this title, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

#### TITLE IV—MISCELLANEOUS

##### EXTENSION OF CREDIT BY REGULATED INDUSTRIES

SEC. 401. The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 301(c) of the Federal Election Campaign Act of 1971), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.

##### EFFECTIVE DATE

SEC. 402. Except as provided for in section 401 of this Act, the provisions of this Act shall become effective on December 31, 1971, or sixty days after the date of enactment of this Act, whichever is later.

Mr. HARVEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HARVEY. Mr. Chairman, As I mentioned earlier this is the full text of H.R. 11280, that I am introducing as a substitute. It is the Senate bill. It was first introduced in the House by the gentleman from Ohio (Mr. BROWN) and the gentleman from Minnesota (Mr. FRENZEL). If adopted with the amendment of Mr. MACDONALD of Massachusetts, it will indeed serve as a good vehicle for campaign spending reform.

Mr. Chairman, the amendments which the House adopted yesterday actually bring the combination Hays-Macdonald bill that we are working on much closer to the Senate substitute that I am offering. Certainly, the Frey amendment, which broadened the nonbroadcast media to be limited as far as spending is concerned, and the 20 percent flexible feature that he added made the House bills spending limitations very close to those in the Senate substitute. The only major difference is that the substitute provides for an overall limit as high as \$60,000, or \$30,000 each for broadcasting and nonbroadcasting, whereas the limit of the House bill is a total of \$50,000.

There are, however, several other major areas of difference between the Senate substitute that I am offering and the combination Hays-Macdonald bill now before us. The fact that these areas of difference do still exist in itself should be enough to persuade those Members who truly want reform that there is considerable merit in supporting the substitute, as it will be amended by Mr. MACDONALD of Massachusetts. Let me take a minute to point out some of these areas of difference between the two bills:

First. Disclosure and reporting. The Senate substitute requires full reports from candidates, from committees and from individuals, and provides for filing these reports 15 and 5 days before an election, as well as for quarterly reports throughout the year. These reports would be due on the 10th of March, June and September each year and the January 31st following an election. Further, a copy of the report would have to be filed with an Elections Commission, to be appointed by the President, with the advice and consent of the Senate, and also with the U.S. District Court for the district in which the committee is located or the candidate resides, and where they would be available for inspection.

The Hays-Macdonald bill, on the contrary, simply requires two reports, one between 15 and 10 days before the election and one 45 days after the election. It simply requires that these reports be filed with the Secretary of the Senate, the Clerk of the House, or the Comptroller General—insofar as the President-Vice President is concerned.

Second. Limits on contributions. In

this area of difference, I would point out that testimony before our committee from Deputy Attorney General Kleindienst clearly indicated his belief that such limits would be unconstitutional. In addition, I would point out the very clear and convincing testimony of Prof. Ralph Winter, of Yale University Law School, in this regard. This matter was considered in the Senate and because of this fact and because the White House was so strongly opposed to such limits, the Senate substitute contains no provisions in this regard.

The Hays-Macdonald bill, which we are now considering, however, does contain such limits and would prevent any individual and member of his immediate family from contributing more than \$35,000 to any Presidential candidate, \$5,000 to any Senate candidate, and \$5,000 to any House candidate.

Three. Limits on the amount a candidate may spend in his own behalf. Again, if you read the testimony of Professor Winter, there is considerable question about the constitutionality of such a provision, but it is clear from the sentiment expressed in both the Senate and House that the Members feel there should be such limits.

The Senate substitute provides that no candidate from his funds or those of his personal family may spend more than \$50,000 as a candidate for President or Vice President, nor more than \$35,000 as a candidate for the Senate, nor more than \$25,000 as a candidate for the House.

The Hays-Macdonald bill before us even further limits the amount that can be spent and would prohibit a presidential candidate from spending more than \$35,000, a Senate candidate more than \$20,000, and a House candidate more than \$15,000.

Four. The agency regulations with regard to extending credit. The Senate substitute clearly requires the CAB, the FCC, and the ICC to issue regulations concerning the extension of credit to candidates.

The Hays-Macdonald bill has no such provision, and you will recall yesterday that this was ruled nongermane by the Parliamentarian.

Five. Penalties. The Senate substitute in each case provides for a fine of up to \$5,000, or as much as 5 years in prison, for violations thereof.

The Hays-Macdonald bill provides for a fine of up to \$25,000 in the case of a candidate for President or Vice President, but no fine in the case of Senators or Representatives. It does, however, have a very severe restriction which would disqualify any person from assuming such office; in the case of a candidate for Congress, 5 years, and in the case of a candidate for the Senate, 7 years, until he had complied with the act.

Although it is my understanding such a provision is in existence in the State of Ohio, I think again there is considerable doubt about the constitutionality of this provision insofar as Members of Congress are concerned.

For all of these reasons, I believe the Senate substitute, with the amendment to title I of the gentleman from Massa-

chusetts (Mr. MACDONALD), will make a stronger bill. I said at the outset that as far as I was concerned, the real key was a strong disclosure provision. In addition, the absence of a limit on contributions in the Senate substitute is more realistic, and the agency regulations for extension of credit to candidates is essential. I would, therefore, urge you to support this Senate substitute which I have introduced so that we may have true reform.

AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. HARVEY

Mr. MACDONALD of Massachusetts. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The Clerk read as follows:

Amendment offered by Mr. MACDONALD of Massachusetts to the amendment in the nature of a substitute offered by Mr. HARVEY: Page 2, strike out line 1 and all that follows down through line 2 on page 13 and insert in lieu thereof the following:

TITLE I—CAMPAIGN COMMUNICATIONS  
SHORT TITLE

SECTION 101. This title may be cited as the "Campaign Communications Reform Act".

DEFINITIONS

SEC. 102. For purposes of this title:

(1) The term "communications media" means broadcasting stations, newspapers, and outdoor advertising facilities.

(2) The term "broadcasting station" has the same meaning as such term has under section 315(d) of the Communications Act of 1934.

(3) The term "Federal elective office" means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States (and for purposes of section 103(b) such term includes the office of Vice President).

(4) The term "legally qualified candidate" with respect to Federal elective office, or nomination for election to such office, has the same meaning as such term has when used in section 315 of the Communications Act of 1934.

(5) The term "voting age population" means resident civilian population, eighteen years of age and older.

(6) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

MEDIA RATE REQUIREMENTS

SEC. 103. (a) Section 315(b) of such Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office shall not exceed the actual charges made by such station for any comparable use of such station for other purposes."

(b) (1) To the extent that any person sells space in any newspaper or magazine to a legally qualified candidate for Federal elective office, or nomination thereto in connection with such candidate's campaign for nomination for, or election to, such office, the charges made for the use of such space in connection with his campaign shall not exceed the charges made for comparable use of such space for other purposes.

(2) If any person makes available space in any newspaper or magazine to any legally qualified candidate for Federal elective office, or nomination thereto, in connection with such candidate's campaign for nomination for, or election to, such office, such person shall make equivalent space available on the same basis to all legally qualified candidates

for the same office, or for nomination to such office, as the case may be.

LIMITATIONS OF EXPENDITURES FOR USE OF COMMUNICATIONS MEDIA

SEC. 104. (a) (1) No legally qualified candidate in an election (other than a primary or primary runoff election) for a Federal elective office may—

(A) spend for the use of communications media on behalf of his candidacy in such election a total amount in excess of the greater of—

(i) 10 cents (or such greater amount as may be certified under paragraph (4) (A) (i)) multiplied by the voting age population (as certified under paragraph (4) (B)) of the geographical area in which the election for such office is held, or

(ii) \$50,000 (or such greater amount as may be certified under paragraph (4) (B) (ii)), or

(B) spend for the use of broadcast stations on behalf of his candidacy in such election a total amount in excess of 60 per centum of the amount determined under subparagraph (A) with respect to such election.

(2) No legally qualified candidate in a primary election for nomination to a Federal elective office, other than President, may spend—

(A) for the use of communications media, or

(B) for the use of broadcast stations, on behalf of his candidacy in such election a total amount in excess of the amounts determined under paragraph (1) (A) or (B), respectively, with respect to the general election for such office. For purposes of this subsection a primary runoff election shall be treated as a separate primary election.

(3) (A) No person who is a candidate for presidential nomination may spend—

(i) for the use in a State of communications media, or

(ii) for the use in a State of broadcast stations, on behalf of his candidacy for presidential nomination a total amount in excess of the amounts which would have been determined under paragraph (1) (A) or (B), respectively, had he been a candidate for an election for the office of Senator from such State (or for the office of Delegate or Resident Commissioner in the case of the District of Columbia or the Commonwealth of Puerto Rico).

(B) For purposes of this paragraph, a person is a candidate for presidential nomination if he makes (or any other person makes on his behalf) an expenditure for the use of any communications medium on behalf of his candidacy for any political party's nomination in an election to the office of President. He shall be considered to be such a candidate during the period—

(i) beginning on the date on which he (or such other person) first makes such an expenditure (or, if later, January 1 of the year in which the election for the office of President is held), and

(ii) ending on the date on which such political party nominates a candidate for the office of President.

For purposes of this title and of section 315 of the Communication Act of 1934, a candidate for presidential nomination shall be considered a legally qualified candidate for public office.

(C) The Attorney General shall prescribe regulations under which any expenditure by a candidate for presidential nomination for the use in two or more States of communications media shall be attributed to such candidate's expenditure limitation in each such State, based on the number of persons in such State who can reasonably be expected to be reached by such communications media.

(4) (A) During the first week of January 1974, and during such week in every second

subsequent year, the Secretary of Commerce shall certify to the Attorney General and publish in the Federal Register—

(i) an amount which bears the same ratio to 10 cents, and

(ii) an amount which bears the same ratio to \$50,000,

as the value of the communications price index for the last calendar year ending before the date of certification bears to the value of such index for 1972. The communications price index shall be a price index, using 1972 as a base year, measuring changes in the charges to candidates for the use of communications media. Such index shall be established and maintained by the Secretary of Commerce.

(B) During the first week of January 1972, and during such week in every second subsequent year, the Secretary of Commerce shall certify to the Attorney General and publish in the Federal Register an estimate of the voting age population of each State and congressional district for the last calendar year ending before the date of certification.

(5) Amounts spent for the use of communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(6) For purposes of this section and section 315(c) of the Communications Act of 1934, spending and charges for the use of communications media include not only the direct charges of the media but also agents' commissions allowed the agent by the media.

(7) For purposes of this section and section 315(c) of the Communications Act of 1934, any expenditure for the use of any communications medium by or on behalf of the candidacy of a candidate for Federal elective office (or nomination thereto) shall be charged against the expenditure limitation under this subsection applicable to the election in which such medium is used.

(b) No person may make any charge for the use by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) of any newspaper, magazine, or outdoor advertising facility, unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such person in writing that the payment of such charge will not violate paragraph (1), (2), or (3) of subsection (a), whichever is applicable.

(c) Section 315 of the Communications Act of 1934 is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

“(c) No station license may make any charge for the use of such station by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate any limitation specified in paragraph (1), (2), or (3) of section 104(a) of the Campaign Communications Reform Act, whichever paragraph is applicable.

“(d) For the purposes of this section:

“(1) The term ‘broadcasting station’ includes a community antenna television system.

“(2) The terms ‘licensee’ and ‘station licensee’ when used with respect to a community antenna television system, mean the operator of such system.

“(3) The term ‘Federal elective office’ means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States.”

REGULATIONS

SEC. 105. The Attorney General shall prescribe such regulations as may be necessary or appropriate to carry out sections 102, 103 (b), 104(a), and 104(b) of this Act.

PENALTIES

SEC. 106. (a) Whoever violates any provision of section 103(b), 104(a), or 104(b) or any regulation under section 105 shall be assessed a civil penalty of not more than \$1,000 for each violation.

(b) Any legally qualified candidate who willfully violates section 104(a) or any regulation under section 105 shall be punished by a fine of not more than \$10,000 or by imprisonment of not more than one year, or both.

EFFECTIVE DATES

SEC. 107. Section 103 of this Act and the amendments made thereby shall take effect on January 1, 1972. Section 104 and the amendments made thereby shall apply only to expenditures for the use on or after such date of communications media.

Mr. MACDONALD of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with, and that it be printed in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts (Mr. MACDONALD) is recognized for 5 minutes in support of his amendment.

Mr. MACDONALD of Massachusetts. Mr. Chairman, the amendment which I just now offered is the amendment which was adopted yesterday by the Committee of the Whole. Stated in another way, it is the amendment which I offered under the rule as an amendment yesterday. I think just for those who do not follow parliamentary procedure any better than I do, I ought to spell out what is included in the amendment which is now pending.

In the first place, it includes the Frey amendment which added billboards and established a floor on expenditure limitations of \$50,000; and it provides not more than 60 percent of the candidates expenditure limitation could be spent on broadcasting.

Second, it includes the Pickle amendment.

Third, the Symington amendment, which provides that area expenditures count against the limitations in the elections in which they are used.

It includes the Harvey amendment, which would leave the provisions of section 315(a) of the Communications Act, known as the equal time provision, in the bill exactly as they are in existing law.

It includes also the Hathaway amendment, which relates to advertising space made available in magazines and newspapers.

In adopting this amendment, the House will be only reconfirming how and in what way it worked its will on my original so-called Macdonald amendment which is title I.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Illinois.

Mr. SPRINGER. I should like to ask my distinguished chairman of the subcommittee this question. What you are in effect doing, to reduce it to the irreducible, is to take the Harvey substitute, which is in effect the Senate bill; am I correct in that?

Mr. MACDONALD of Massachusetts. That is correct.

Mr. SPRINGER. Now, by what you are proposing, you are amending title I of the Harvey substitute in such a way as to put this bill in the exact form which we put it yesterday by the amendments that were offered yesterday to the Macdonald bill; am I correct?

Mr. MACDONALD of Massachusetts. Absolutely correct.

Mr. SPRINGER. And that includes all the amendments which were offered yesterday?

Mr. MACDONALD of Massachusetts. I point out to the gentleman from Illinois that I just enumerated for the record the amendments which were offered and accepted by the House on yesterday.

Mr. SPRINGER. And may I ask the distinguished gentleman whether those were all the amendments that were offered yesterday and there is nothing in addition?

Mr. MACDONALD of Massachusetts. Nothing more, no. This goes to title I. It includes the so-called Macdonald amendment as amended by the various Members: Mr. FREY, Mr. PICKLE, Mr. SYMINGTON, Mr. HARVEY, and Mr. HATHAWAY. They are all included and nothing else is included.

Mr. SPRINGER. I thank the gentleman.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Ohio.

Mr. HAYS. I think we ought to clear up one thing. The gentleman from Illinois, I am sure inadvertently, kept saying, "It includes all the amendments offered yesterday." It does not. It includes all the amendments that were adopted yesterday.

Mr. SPRINGER. I thank the gentleman. That clarifies it even better.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the distinguished Minority Leader.

Mr. GERALD R. FORD. I think the gentleman has adequately clarified the situation, but let me put it in another way. The amendment that you have offered are amendments approved yesterday to the Macdonald bill that relate to comparable provisions in the Harvey substitute as far as substance is concerned?

Mr. MACDONALD of Massachusetts. Actually, I offered only one amendment. My amendment was then amended by five other amendments which this House in its wisdom saw fit yesterday to adopt.

Mr. GERALD R. FORD. Let me phrase it in another way. The amendment which you have offered today to the Harvey substitute does not strike out something

in the Harvey amendment and add something, in effect eliminating parts of the Harvey substitute that we might like to keep in there?

Mr. MACDONALD of Massachusetts. I point out to the distinguished minority leader that I do not think Mr. HARVEY would support that, and he has already supported it in his speech in the well this afternoon.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. The gentleman has incorporated in the amendment he is now offering both Republican-sponsored and Democratic-sponsored amendments that were offered and adopted in the Committee of the Whole yesterday, and thus is giving to us a bipartisan product that is a House product and a substitute for the Senate language?

Mr. MACDONALD of Massachusetts. That is exactly correct.

Mr. EDMONDSON. I think it should have bipartisan support. I commend the gentleman for what he has done.

Mr. MACDONALD of Massachusetts. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

#### PARLIAMENTARY INQUIRY

Mr. ANDERSON of Illinois. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ANDERSON of Illinois. The gentleman from Massachusetts has just offered an amendment to the amendment in the nature of a substitute offered a few minutes ago by the gentleman from Michigan (Mr. HARVEY). My parliamentary inquiry is, Would it be in order at this time to submit further amendments to the amendment just offered by the gentleman from Massachusetts, Mr. MACDONALD?

The CHAIRMAN. The answer is that it would not.

Mr. ANDERSON of Illinois. I thank the Chair.

(By unanimous consent, Mr. MACDONALD of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I am pleased to see that the gentleman has incorporated in his amendment the action of the House yesterday.

But am I to assume then that my subcommittee chairman, the gentleman from Massachusetts, intends to support the Brown-Frenzel substitute with the Macdonald bill if the Macdonald bill is adopted as amended by the Frenzel substitute?

Mr. MACDONALD of Massachusetts. I do not completely understand the gentleman's question.

Mr. BROWN of Ohio. If the Macdonald bill is adopted as an amendment to the Brown-Frenzel substitute, the Senate bill, then is the gentleman from Massachusetts planning to support the substitute?

Mr. MACDONALD of Massachusetts. I support the bill as amended. Although I do not, as I indicated yesterday, agree

with many of the amendments, I will support the action of this House and will support it fully.

Mr. BROWN of Ohio. I thank the gentleman.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first I would certainly like to add my commendation to those that have already been received by the gentleman from Michigan (Mr. HARVEY) for offering the Senate substitute as I think it is the best chance that this House has today to adopt a really comprehensive limitation on media spending as well as to enact effective reporting and disclosure provisions.

I previously addressed a question to the Chair as to whether or not at this point in the debate further amendments to the Macdonald amendment would be in order, and the members of the committee will recall that the Chair answered that question in the negative. I still must confess, and I would ask members of the committee to indulge me for several minutes, while I discuss what I would like to have offered in the form of an additional amendment to the communications section of this bill.

As Members may know, there is a controversy raging in the country at the present time on the question of a campaign check off, and there are those in the other body who are insisting that in order to fund the expensive television campaigns that have become necessary in recent years, the taxpayers of this country should be asked to indicate on their tax returns a contribution to the party of their choice. I think a far superior proposal to that would be one which I offered in the form of legislation earlier this year and last year, cosponsored by the distinguished gentleman from Arizona (Mr. UDALL), and as I recall almost 85 Members of this House on both sides of the aisle, a proposal calling for voters' time, where the Federal Government would pay for it, would pay for blocks of time in half an hour each, six blocks of 30 minutes each for the major party candidates.

I would add in that original proposal we also provided for voters' time for the candidates for the Senate and for the House as well.

But I think in the interest of trying to meet the problem of financing the expensive television campaigns that have been encountered in recent presidential elections, it would make sense to realize that public financing of a portion of the presidential campaign is in order. My fundamental opposition to the campaign checkoff is that it represents just an indiscriminate use of Federal funds. I think if we were to rifleshot the problem, if we were to enact into law a provision for voter time that would say to the presidential candidates of the major parties, yes, you can go out and buy, you can go out and contract for six 30-minute time segments on network television during prime time, and the Treasury of the United States will pay for that television time, then I think we would accomplish the kind of intelligent reasoned discussion of the issues that the voters of this country are entitled to, and at the same time, I think we would avoid

some of the vices of the campaign check-off where funds would be indiscriminately applied through a national committee for any purpose whatsoever relating to a presidential campaign.

I regret very much that at this point in our consideration of this bill, it is not possible to offer that kind of amendment as it would pertain to a presidential race. I would express, however, in closing, the hope that in this Congress, perhaps not in this session of Congress, but early in the next session of Congress we could get on with the job of still further reform as far as this whole campaign process is concerned.

It is an evolutionary process. None of us is going to accomplish all of the things we would like to see accomplished today in the way of campaign financing reform, but given the importance of the office and given the importance of the issue, I would hope we would not think our job was done today with the enactment of this bill, even though it does represent a very significant advance.

I hope particularly in this area of making available to Presidential candidates the necessary television time, that will be paid for out of the U.S. Treasury for a discussion of national issues, this will be something that will be discussed and talked about, and I hope ultimately will receive approval of this body.

Mr. BINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I want to say that I will, of course, support the Macdonald of Massachusetts amendment, and I compliment the gentleman and the chairman and members of his committee for the work they did, which was realized on the floor yesterday.

I rise to explain an amendment I had hoped to offer to the Senate bill, which I now find, because of the procedure being followed, cannot be offered, at least at this time. I will seek to find a way to offer it at a later point in the bill.

What I had wished to do was to offer something that would be a compromise between the limited coverage of the limitations in the Senate bill—namely, TV and radio, newspapers and periodicals, and billboards—on the one hand, and on the other hand the total coverage of the Hays bill, a ceiling covering all expenditures in all campaigns.

The purpose of my compromise would be to introduce and add two additional categories to those contained in the Senate bill; namely, organized telephone campaigns and organized mail campaigns. I would have done that by inserting the following language after the words "outdoor advertising facilities":

Telephones, including the cost of paid telephonists and automated equipment, when used in banks of five or more instruments to communicate with potential voters, and postage for computerized or identical mailings in quantities of 200 or more.

Let me point out what this would do. It would include two major categories of expenditures in many congressional districts.

In my campaigns I have never used TV and radio. I do not believe anyone in the New York metropolitan district does. It is too expensive. I rarely use any news-

paper or periodical advertising. Thus the Senate bill in its present form substantially has no effect in my district or in other metropolitan New York districts, as pointed out very eloquently by my colleague from New York (Mr. PODELL), the other day.

What I had proposed to do would cover the major items in such districts. It would not cover individual mailings. It would not cover you asking your friend to make some telephone calls for you. It would not cover some letters casually written. But it would cover what we customarily use in New York, banks of telephones operated either by automated equipment or by paid telephonists, sometimes voluntary telephonists, if one is fortunate enough to be able to procure them.

It would also cover postage—and I am not proposing to try to cover the printing problem, because that is complicated, or even the labeling problem but just the postage—which is an identifiable, clearly measured item of expense which comes to large sums in any general mailing. That would be both bulk rate and first class, for, as I put it, computerized or identical mailings in quantities of 200 or more. Why 200? Because that is the minimum number specified in the bulk mail regulations to the post office.

I hope at some stage in the consideration of this bill—either later on in the consideration of the substitute or perhaps at the stage when we are considering the Hays bill, if the substitute is voted down, or perhaps in conference—it will be possible to introduce this concept. It seems to me to offer a reasonable compromise between the very limited coverage of the Senate bill, which does not have any effect in many districts, and the total coverage of the Hays bill.

Mr. GERALD R. FORD. Will the gentleman yield?

Mr. BINGHAM. I will be glad to yield to the distinguished minority leader.

Mr. GERALD R. FORD. I can understand the gentleman's position, and I am sure others in other districts have a comparable problem, but is not an answer to your problem to accept the Senate version or the Harvey version which has no limitation on expenditures? Does that not take care of your problem?

Mr. BINGHAM. I would say to the distinguished minority leader that my purpose is to include limitations on these items. I think if we pass legislation that, in effect, sets no limitation for expenditures in many Congressional districts because it does not cover the type of expenditures that are made in those Congressional districts, then we have left a major gap.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. BINGHAM was allowed to proceed for 3 additional minutes.)

Mr. PODELL. Will the gentleman yield?

Mr. BINGHAM. I will be glad to yield to the gentleman from New York.

Mr. PODELL. In the event that the Hays bill is approved, is not your objection covered by that part of the bill?

Mr. BINGHAM. Well, in a general way,

yes, because the Hays bill provides comprehensive coverage for all expenditures, but as has been pointed out, one of the objections to that bill is that it raises a number of questions about what is included and what is not included, which is met by limiting the coverage to major categories which are readily identifiable.

Mr. PODELL. Does not the Hays bill itself provide for expenditures and accounting for the expenditures on postage, on printing, on telemeters and all phases of campaign spending? Is it not presently included in the Hays bill?

Mr. BINGHAM. Yes, it is. But what I am saying is what I am offering will be in the nature of a compromise between the Senate limited coverage and the total coverage of the Hays bill.

Mr. HAYS. Well, since the Macdonald of Massachusetts bill was debated for a whole day yesterday and this is the pending thing, I was wondering if we can get an agreement on limitation of time on the Macdonald of Massachusetts amendment.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. BROWN of Ohio. I wonder if it would be possible for the two of us who put in the Frenzel-Brown bill, now introduced by Mr. HARVEY, to speak on that amendment prior to limitation of time on the Macdonald of Massachusetts amendment.

Mr. HAYS. Are you against the Macdonald of Massachusetts amendment?

Mr. BROWN of Ohio. I am not against the Macdonald of Massachusetts amendment, but I would like to have the opportunity to speak.

Mr. HAYS. Mr. Chairman, I ask unanimous consent that all debate on the Macdonald of Massachusetts amendment—and there will be no amendments to it under the rule—cease in 10 minutes.

Mr. KEITH. Mr. Chairman, reserving the right to object, yesterday under similar circumstances there were only one or two people who apparently wanted to talk, and by the time the question was asked there were 25 who stood on their feet, so that each one got a minute or at the most a minute and a quarter and I hope, really, prior to adopting the 10-minute limitation a better estimate could be made as to the number of people who want to talk. I would hope that those of us who want to comment on, or contribute to, the debate would get at least 2 or 3 minutes in which to express their views.

Mr. HAYS. When I made the unanimous-consent request, if the gentleman will yield, I will say to the gentleman that there were three people standing and I meant the request to be for 15 minutes, 5 minutes to Mr. FRENZEL, 5 minutes to Mr. BROWN of Ohio and 5 minutes to Mr. MONAGAN, and then the gentleman from Iowa (Mr. GROSS) got up, and I do not know whether he wants to speak on the Macdonald of Massachusetts amendment or what.

Mr. GROSS. Mr. Chairman, if the gentleman will yield, I have not made up my mind as yet. It will take a little time to find out.

Mr. HAYS. Mr. Chairman, I ask unanimous consent that all debate on the

Macdonald of Massachusetts amendment cease in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GROSS. Mr. Chairman, I have now made up my mind. I ask that my name be stricken from the list of those standing.

The CHAIRMAN. The name of the gentleman from Iowa will be stricken.

The Chair recognizes the gentleman from Connecticut (Mr. MONAGAN).

Mr. MONAGAN. Mr. Chairman, I support the Macdonald amendment.

I rise simply because I find myself in the position of gradually being prevented, as several of the other Members who have spoken have been, from presenting an amendment which I had hoped to present and which I had told the membership I would present. That is an amendment which would have limited the time for presidential campaigns to 60 days.

Mr. Chairman, it is my belief and has been for a long time that the time for these campaigns in this country of ours is ridiculously long. There are only two other nations in the world about which I know—the Philippines and Chile—which have campaigns that compare with ours in length. The average democratic country in the world, whether it be Israel or India, Canada or the United Kingdom, conducts a national campaign of about 30 days and they present the issues adequately. So, because of the phenomenal cost, because of area of diminishing returns from expenditures and physical exercise which comes in every campaign and the resulting lack of communication between the candidates and the electorate, the circus flapdoodle quality detracts from the importance and seriousness of the campaign.

Mr. Chairman, this is not a matter of restriction, it is not a matter of control; it is not a matter of censorship, but a matter of bringing some proportion into the campaign for the Presidency. I believe it could ultimately be extended, of course, it would seem to them that as an opening to Senatorial and House campaigns this would be an appropriate place at which to start.

I have filed a bill to accomplish this result and it is my hope that it will be reported favorably and that we may be able to do directly what we would be doing immediately by amendment here.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman and members of the Committee, the Macdonald amendment in my opinion does drastic things to the bill which the gentlemen from Ohio (Mr. BROWN) and I introduced in the nature of a substitute. Nevertheless, because of the bipartisan spirit in which the House worked yesterday in attempting to develop a true compromise, an amendment that the Members on both sides of the aisle and all interested parties, including the people of this country, could all live with and support, was adopted.

I intend to vote for the Macdonald amendment. It is my hope that we can

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continue in this same spirit to develop a piece of legislation of which we can all be proud and that can, in fact, become law.

The gentleman from Ohio (Mr. BROWN) and I introduced our bill to which he refers as the Brown-Frenzel bill, but which is correctly identified as the Frenzel-Brown bill, and now, lamentably—perhaps fortuitously for the country, has become the Harvey substitute. We did not do this because we were against election reform, but, rather because we judged that this was the best we could do in order to get election reform.

We already have congratulated the two chairmen and the two subcommittee chairmen of the two committees which produced these bills. We have sought to clarify the situation and to produce the best vehicle, the best coordinated, the best integrated vehicle that would give us honest reform for our Nation's elections. Our substitute amendment, the Harvey substitute, is one which we think closes all the loopholes and produces the best law. We did not think that the amalgamation of the Macdonald-Hays bills produced a usable, coordinated reform instrument.

Again, Mr. Chairman, I am willing to surrender my first choices, as has the gentleman from Massachusetts (Mr. MACDONALD), in our joint effort to achieve reform. I urge that the Macdonald amendment be promptly adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, I support the efforts in the House of Representatives today to bring about reform and modernization of our campaign finance laws. I congratulate the committees for bringing this legislation to the floor and I am hopeful a strong bill will be passed by the House of Representatives.

This debate is highly important because what is involved in the costs of getting elected strikes at the base of democratic government. People who run for public office, especially for the highest offices in our land, should be required to disclose what and where they get funds and resources and how they expend them in running for office. The public has a right to know this if we are to maintain the integrity of our system.

I have long been an advocate of strict reporting of campaign finances, and introduced a bill, H.R. 1213, to establish the Federal Campaign Disclosure Act to limit and control spending by Federal candidates, on January 22, 1971. I testified before the House Administration Committee on this bill.

This legislation follows the model Florida elections law, known to Floridians as the "who gave it—who got it" law. The Federal Government should have such a law on the books for full disclosure, repealing the antique Federal Corrupt Practices Act of 1925.

Will Rogers said years ago:

Politics has got so expensive it takes a lot of money even to get beat with.

In the 1968 presidential election the three contending parties spent a reported

total of \$100 million, up 67 percent over 1964. This does not include contests for 435 seats in the House of Representatives, 34 senatorial seats, 21 governorships, or local races. The total on all political spending in 1968, according to the Citizens Research Foundation, was \$300 million, up 50 percent over 1964.

The problem of campaign financing is not a new one. At the beginning of this century, Theodore Roosevelt, seeking to find a solution to high campaign costs, recommended that Congress provide "an appropriation for the proper and legitimate expenses of each of the great national parties." During the 1920 presidential campaign, the Democratic candidate, William Gibbs McAdoo, said:

If the national government paid the expenses of the national campaigns and specified the legitimate objects which expenditures might be made, politics would be purified enormously.

Today, the public is demanding that political spending and contributions be disclosed. A recent Gallup poll reported that 73 percent of the public favored a limit on campaign spending.

The legislation before the House today is an avenue to bring our Federal elections laws up to date so the public will have a better understanding of campaign financing, thus a better understanding of representative democracy. I am hopeful that strengthening amendments will make the bill even more responsive to the great needs for reform.

It is my feeling that there should be full disclosure in the bill we pass, and that there be limits on contributions and expenditures by candidates and by individuals who contribute.

Mr. Chairman, it is my belief that political broadcast advertising should ultimately be free to the qualified candidate; and that local broadcasting stations should be required to provide free time either as part of the license procedure or recompensed by Government funds. My bill, H.R. 4086, the Political Broadcasting Spending Reform Act, which I testified for in the House Interstate and Foreign Commerce Committee would make fairer the use of the all important radio and television media for all candidates. It is this media advertising cost that has put political spending out of the realm of commonsense. The airwaves are owned by the public. It is in the public interest that political advertising be free to candidates. Also, there should be minimum times placed on all political broadcasting advertising. Candidates should be allocated time in segments not less than 5 minutes in length.

Money is the moral issue we are talking about. Knowledge of the expenditure and use of dollars to influence legislation and decisions and to elect individuals to Federal office must be made open and available to the public and the news media. As President Eisenhower wrote in 1967:

If better laws, vigorously enforced with pitiless publicity are needed—and they surely are—we must still remember the wise old axiom that government can be no better than the men who govern. As citizens with the priceless right of franchise, we must insist upon the highest code of honor in public life.

Mr. Chairman, the House can make a significant contribution to American democracy by passing a strong bill, with teeth, to modernize our Federal campaign finance law.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I rise in somewhat reluctant support of the Macdonald amendment to the Harvey substitute, once known as the Frenzel-Brown and Brown-Frenzel bill. I say "reluctant" because I am not particularly happy with the action taken in regard to section 315(a) of the Communications Act nor with the Hathaway amendment to section 103(b)(2) of the Macdonald bill. But as has been indicated here, we are in the process of working out a compromise, and compromise is the only method by which we are going to get legislation in this relatively touchy but very significant area.

The gentleman from Minnesota (Mr. FRENZEL) and I introduced our bill—the Senate bill—in the hope that we could have a better and more substantial vehicle than the two bills which sprang from the Committee on Interstate and Foreign Commerce and the Committee on House Administration.

The Senate bill—our bill—passed the Senate by a bipartisan vote of 88 to 2. It has the tacit support of the White House, and the vocal support of the minority leader of the House, Mr. GERALD R. FORD. We felt that it also encompassed most of the aspects of the bipartisan bill introduced earlier in the session by the gentleman from Illinois (Mr. ANDERSON) and the gentleman from Arizona (Mr. UDALL). The Senate bill had come to the House but had not been referred because the Committee on Interstate and Foreign Commerce and the Committee on House Administration were in the process of developing bills of their own. So we introduced the Senate bill as our own, got it referred, and that made it possible for the Committee on Rules to make it in order as a substitute for the two bills that sprang from the two House committees. We think it is a better vehicle as we introduced it, however, in the interest of trying to get a bill we are happy to support the Macdonald amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Chairman, I rise in support of the Macdonald bill, and of the Brown-Frenzel bill. But I would like to point out, as the gentleman from Ohio has recently mentioned, that really this bill has been debated at length on the Senate side. It is not the Brown-Frenzel bill, it is the Senate bill and it has great merit. It broadens the base of our reform. It has enlarged the scope of our approach and we are better able to reach the abuses that need reform.

The procedure the House has followed has been most responsive to the public and the political needs of the situation that confronts us. I particularly hope that the amendment which Senator SCOTT won on the Senate side will remain in the House version. It provides, as I mentioned in debate yesterday, that

the regulatory agencies shall issue regulations that will catch up with those candidates who run up large bills and then fail to pay them. The regulatory agencies, the ICC, the FCC and the CAB, will stop the practice which has left some Members of Congress, in effect, in debt to the airline and telephone companies who oftentime have legislation before committees on which they serve.

The point of order that lay against my amendment yesterday will, I believe, no longer stand in the way of our effort to establish true reform in this respect.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The question was taken; and the Chairman announced that the ayes appeared to spring it.

Mr. SPRINGER. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. HAYS TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. HARVEY

Mr. HAYS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The Clerk read as follows:

Amendment offered by Mr. HAYS to the amendment in the nature of a substitute offered by Mr. HARVEY. On page 23, strike out lines 19 and 20 and insert in lieu thereof the following:

"(g) 'supervisory officer' means the Secretary of the Senate with respect to candidates for Senator; and the Clerk of the House of Representatives with respect to candidates for Representative in, or Delegate or Resident Commissioner to, the Congress of the United States; and the Comptroller General of the United States in any other case;"

Page 25, line 21, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 26, beginning in line 9, strike out "Federal Elections Commission" and insert in lieu thereof "appropriate supervisory officer".

Page 26, line 13, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 27, line 8, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 27, line 11, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 27, line 17, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 27, line 18, strike out "it" and insert in lieu thereof "he".

Page 28, line 23, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 29, beginning in line 1, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 29, line 7, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 29, line 12, strike out "Commission" and insert in lieu thereof "appropriate supervisory officer".

Page 29, line 13, strike out "it" and insert in lieu thereof "him".

Page 29, line 18, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 32, line 7, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 32, line 9, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 33, line 12, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 33, line 1, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 33, line 15, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 33, line 16, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 33, line 23, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 34, line 23, strike out "Commission" and insert in lieu thereof "Comptroller General of the United States".

Page 34, line 24, strike out "it" and insert in lieu thereof "he".

Page 35, line 4, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 35, line 8, strike out "it" and insert in lieu thereof "him".

Page 35, line 16, strike out "it" and insert in lieu thereof "him".

Page 36, line 15, strike out "it" and insert in lieu thereof "he".

Page 36, line 21, strike out "it" and insert in lieu thereof "he".

Page 37, line 5, strike out "it" and insert in lieu thereof "he".

Page 37, line 19, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 37, line 20, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 37, line 21, strike out "it" and insert in lieu thereof "he".

Page 37, line 25, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 39, line 11, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 39, line 16, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 39, line 18, strike out "it" and insert in lieu thereof "he".

Page 40, strike out line 15 and all that follows down through page 43, line 20.

Page 44, line 10, strike out "Commission" and insert in lieu thereof "supervisory officer".

Mr. HAYS. Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with and that it be printed in the RECORD at this point. I will explain the balance of the amendment—the main thrust of the amendment has already been read.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio? There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. HAYS) is recognized.

Mr. HAYS. Mr. Chairman, I am delighted to hear Mr. FRENZEL say now he wants a bill and that he is willing to work to get a bill, and compromise—because my understanding is that in committee he did not want any bill.

However, I am willing to work to get a good bill. I think probably what we are going to come out with is less than I had hoped for in the way of overall coverage.

But I am a realist and this particular amendment goes to the commission set up in the Senate bill which it has been estimated to cost \$10 million—and which you can bet will cost at least \$20 million.

Now this thing is going to be enforced—if there is any reporting at all—it is going to be enforced by the press—and by dissemination by other media. It is going to be enforced by them. You make a report and have it accessible—and you can do that, the Clerk of the House tells me that he can handle all of these reports with two people additional and make it available to the press as they come in. They can broadcast any way they like exactly what was in your report—who contributed and who did not contribute; how much you spent, and for what—within the limits of the so-called Senate bill.

I have a fixation, you might call it, against unnecessary commissions, and I think this is another unnecessary commission at which you are doing two things. I think you ought to listen to this because it affects every one of you perhaps more than any other piece of legislation you will have. Under the Senate bill you are transferring to the executive branch a part of the control over your election and to the courts the rest of it. If there is any validity in the separation of powers, it is just as valid today as it was when the Constitution was written, and for the life of me I can see no reason why we have to have a commission appointed to be run by the executive branch, which certainly is going to be subservient to the executive branch, to handle the presidential campaign and the Congress, and then in addition you have to report to the Federal court in your district.

If that is not breaking down the separation of powers, then I do not know.

I would like to make another point. I do not know since when around this Chamber just what the other body does has become so sacred. I hear a lot of criticism of it. But I have heard over and over on this bill, "Well, the Senate passed it 88 to 2." Well, so what does that prove? They passed the Tonkin Gulf resolution 92 to 2 and now they are repudiating it all over the place. So that does not prove anything to me except that they can be wrong, and sometimes are. And I think we ought to write our own bill on the floor of this House and then we will go to conference with the Senate, and if there are good things in their bill, we will take them, and if they are not so good, we will reject them and come back here and let you approve or disapprove what we do. But I strongly suggest that this commission and Federal court approach is certainly the wrong way to go about it.

I hope this amendment will be adopted in case the substitute is approved.

Mr. THOMPSON of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from New Jersey is recognized.

Mr. THOMPSON of New Jersey. Mr.

Chairman, my feelings with respect to this amendment are, I must confess, somewhat ambivalent. I agree entirely and thoroughly, however, with the fundamental purpose of the distinguished gentleman from Ohio, my chairman, in his assertion that the House should not accept the version set forth in the other body, which you will find beginning on page 23 of the Senate-passed legislation.

In the bill of the other body the commission is appointed by the President with the advice and consent of the Senate. I have proposed and have served notice in the Record that I would offer an amendment subsequently to put the reporting in the GAO in circumstances under which the President of the Senate would name two members, the Speaker of the House would name two members, and the President would name two members; the seventh member would be the Comptroller General. It occurs to me that the amendment offered by the gentleman from Ohio is at least—and I have no pride of authorship in mind—is at least a step in the right direction, and it is imperative that it either be accepted or, in the alternative, my amendment be adopted.

In other words, the amendment offered by the gentleman from Ohio (Mr. HAYS) is in the nature of a compromise, and although in all candor I do not think it is as good as the GAO amendment, it is indeed, and I am certain in fact, better than that which is embodied in the bill passed by the other body.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Ohio.

Mr. HAYS. I will say to the gentleman that I would favor the GAO approach, and the gentleman knows that we discussed it in the committee. But the head of the General Accounting Office has sent a letter to the Speaker and others saying that he does not want to be charged with supervising the election of Members of the Congress. So my amendment places the reporting of the House on the Clerk of the House, that of the Senate on the Secretary of the Senate, and for the President, on the Comptroller General, which is a compromise of sorts, I suppose.

But it seems to me the way to do it. And, of course, all of these reports would be public property. Certainly I just do not think we ought to have the Federal court and a Presidentially appointed commission handling the reports by Members of the House. If this amendment falls, I would certainly be in favor of something like the gentleman's amendment.

Mr. THOMPSON of New Jersey. I understand this. The chairman and I have discussed this matter. It is a fact that the Comptroller General who is, in fact, an employee of the House, has expressed an unwillingness to undertake this additional responsibility. That does not necessarily persuade me, however, since he is an employee of ours and would, in fact, if given his duty, carry it out.

My attitude at the moment is that although the amendment by the gentleman from Ohio is not adequate, certainly it should be accepted, and I intend to

support it, and if it is not adopted, I intend to offer an alternative.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I would like to read a portion of the Constitution, and the gentleman referred to it just a moment ago, which says:

Each House shall be the Sole Judge of the Elections, Returns and Qualifications of its own Members,

It says, "elections, returns and qualifications" and that to me covers the election of and all the things pertaining to the election, so I do not see how we can give away authority to any other body or any other group to judge what our qualifications for office shall be and how we run our campaigns. We are the judges of that under the Constitution.

Mr. THOMPSON of New Jersey. The Senate-passed language is, in fact, of questionable constitutionality, because of the charge made in the Constitution which the gentleman just read.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the amendment. Mr. Chairman, what the distinguished chairman of the House Committee on Administration is doing here is to reinstate his supervisory agent into the Harvey substitute, the late lamented Frenzel-Brown bill. What he does then is to put this law in charge of the supervision employees of the House and the Senate instead of an independent supervisory agency as provided in the Harvey substitute.

Mr. Chairman, this is tantamount to putting the fox in charge of the chicken coop. These people under the powers that remain as supervisory agents—and I refer the Members to page 38—can go in and seek injunctions and restraining orders and so on. The employees of the House and the Senate are good and honest and upright people.

Nevertheless, they are inappropriate people to be judging how this bill—I hope this law—is going to operate. I think they will not be credible in the eyes of the public as simply judging how the Members, you and I, each of us, is going to be campaigning under this law.

I think it is absolutely essential that we have an independent agency, and I would agree with those who said that the substitute, the GAO compromise, which I hope will be offered, would be offered in the spirit of compromise.

Mr. Chairman, as to the cost of this and as to the constitutionality, I think these questions can always be raised. In the area of elections and campaigns, everything we do has an element in it that may be violating some constitutional right. I think there are many things in both these bills that may be of doubtful constitutionality. All we can do is go ahead in the best way we know how. However, there is nothing in the Harvey substitute, in the Frenzel-Brown bill, that gives away the right or authority of the House to be the judge of its own Members. There is a provision in the Hays bill, through which a State elected official can withhold certification of an

election if in his judgment the law has been violated. But, we do not give away this right in our substitute.

Mr. Chairman, I would urge this amendment be defeated. If necessary, a substitute could be supported in the form suggested by the gentleman from New Jersey (Mr. THOMPSON).

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, in the first place, the gentleman said this commission could go into court and seek injunctions, and so on. I would suspect if this became law, we would have practically every election in the country tied up in the courts before and during and after the elections. I believe that is very dangerous.

The point I wanted to make is that the gentleman and the gentleman from Ohio keep talking about the Frenzel-Brown bill. I have not attached any title to any bill. Some people call one of them the Hays bill.

I would say to the gentleman, if he has pride of authorship in this and wants to go down in history as author of the bill, if he will accept a few amendments to this bill and not try to get the Senate bill in toto, I might get around to the point where I would say, "All right, let us accept the substitute and get this thing over with."

Mr. FRENZEL. I thank the gentleman.

Mr. HAYS. I cannot agree to the Senate bill in toto, and I do not believe the House would agree to it.

Mr. FRENZEL. I agree with the gentleman, and have no interest in telling the House the Senate is the sole fount of wisdom. The chairman's interest in achieving a compromise is supported by me. I just do not support this one.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Arizona.

Mr. UDALL. I want to say the gentleman from Ohio has been very accommodating and very reasonable, and I am impressed by his desire to reach a compromise. I have the same misgivings the gentleman from New Jersey expressed about this amendment. I should like to clarify one part of it.

One thing I liked about the proposal of the gentleman from Minnesota was, instead of having 900 reports in the basement of the Longworth Building 10 days before the election, with the press and everybody else falling over each other, in addition one would be required to file a copy in the district court of the district involved.

I am not sure whether the gentleman's amendment deletes that provision.

Mr. HAYS. The gentleman's amendment does not delete that provision, but the gentleman is aware of another amendment which will be offered to delete it, and the gentleman from Ohio intends to support it.

Mr. UDALL. I appreciate the information. I personally am torn by this. It is a step in the right direction.

Mr. DANIELSON. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, gentlemen and ladies, I rise to support the amendment offered by the gentleman from Ohio. I believe that in our effort to cultivate the favor perhaps of the media or probably common cause—I do not know just who it is—in that effort to cultivate that favor we are on the verge here of doing something which would wreak irreparable damage to the status of the Congress of the United States.

Section 5 of article I of the Constitution provides that each House shall be the sole judge of the elections, returns and qualifications of its Members.

I submit, Mr. Chairman, in the light of that language, this House has neither the moral nor the legal right to delegate that responsibility to someone else. Most certainly it does not have the right, and I submit it does not have the constitutional power, to delegate even a portion of that responsibility to the executive or to the judiciary.

My colleagues, this is our problem. It is a problem of the House of Representatives. It is our duty and our privilege to rise to meet this problem, to provide an answer which is suitable under the circumstances; and we can do it.

The existing law may be faulty. It is faulty perhaps in the manner in which it requires reporting of contributions. Perhaps it does not require enough detail. But that can be remedied by the legislation we are drafting here today. We need a workable law.

We need a workable law; we need one that meets the requirements of the 1970's; but I have never heard any valid, serious criticism of the manner in which the Clerk of the House of Representatives has exercised his legal duties under the existing law. True, he has not been reporting alleged violations. Why should he? The law does not say that he must do so. But he is the custodian of all of these records under existing law and, so far as I know, no one has ever criticized the manner in which he has taken custody. He has made them available to anyone who might wish to see them, whether it be the press or the Attorney General, and I submit that we should not remove this responsibility from our own shoulders.

Mr. HAYS. Will the gentleman yield?

Mr. DANIELSON. Yes. I yield to the gentleman.

Mr. HAYS. I point out that prosecution for violation would not be initiated, presumably, by a commission or the Clerk or anybody else except the Justice Department.

Mr. DANIELSON. That is correct.

Mr. HAYS. You can let your bottom dollar whoever is the recipient of the reports, if it is the press or the person's opponent, who thinks he has violated the law, will go to the Justice Department. I have said time and time again any election reporting law that is worth its salt is self-enforcing. We have a much tougher law than anything like this in Ohio, and I can testify that the people in Ohio scrupulously abide by the law. I do not know of a single one who does not file a complete and total report listing every expenditure with an amount of over \$10 that he has received. I have lived with

that, and I can tell you if I ever violated it, I would have heard about it a long-time ago.

Mr. DANIELSON. I thank the gentleman.

I submit to my colleagues that the President neither has any business in the affairs of this Congress, either directly or by appointment, nor should he even want to involve himself in our internal affairs. And that goes for both parties, because there is a way of changing the incumbent at 1600 Pennsylvania Avenue. I submit that this is our job, ladies and gentlemen. We should not avoid it. We ought to meet it ourselves.

I support the amendment offered by the gentleman from Ohio (Mr. HAYS).

Mr. STAGGERS. Will the gentleman yield to me?

Mr. DANIELSON. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I would like to agree and associate myself with the remarks of the gentleman from California and say to this House that if we ever come to the position of saying that we are so dishonest that we cannot decide whether an election is fair or not then we have seen the end of democratic government. If we do not have a majority of the 435 Members who can and will stand up and say that this is right or wrong, then God help America, and we have gone too far down the road.

I agree with the gentleman in his statement.

Mr. DANIELSON. Amen.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. BROWN of Michigan, Mr. DANIELSON was allowed to proceed for 2 additional minutes.)

Mr. BROWN of Michigan. Will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman.

Mr. BROWN of Michigan. I have listened to the gentleman's constitutional arguments with great interest, and I think he states the law very clearly and correctly. However, I do not see the relevance of his arguments to the bill in question. I do not believe he has tied the provisions in the substitute to his constitutional arguments, because under the provisions of the substitute there is no authority to preclude one from running for office nor does it provide for enjoining the candidacy or election of anyone under any circumstances; it only provides for the enjoining of violations or further violations of campaign expenditure limitations or other related acts covered by the bill. Would the gentleman try to make his constitutional arguments more relevant to the bill?

Mr. DANIELSON. Surely. I will answer the gentleman.

First of all, I do not accept the assumption that my argument is not relevant. However, I will answer the question of the gentleman.

I would submit that neither the Congress nor the executive nor the judiciary, none of the three separate branches of Government, has the right to do indirectly that which it may not do directly.

To the extent that you allow the President to appoint this commission you are having his representative exercising some form of supervision over the internal affairs of the Congress of the United States and that, sir, is most relevant in my opinion.

Mr. BROWN of Ohio. Will the gentleman yield?

Mr. DANIELSON. Yes. I yield to the gentleman.

Mr. BROWN of Ohio. The Comptroller General is an officer of this body. Is that not the reverse of the case of the President having the power to exercise some control over this body—when you give the Comptroller authority to monitor presidential elections?

Mr. DANIELSON. It is my understanding that the Comptroller General is an employee of this Congress, but he is appointed by the President of the United States.

Mr. BROWN of Ohio. Why would he not make a good person or location to assess propriety of elections of all Federal offices, then?

Mr. DANIELSON. The function of the Comptroller General is to run the General Accounting Office. If we are going to keep him apolitical, nonpolitical, and keep him on the job of running the audits himself, we are going to have to proceed scrupulously in our affairs in order to try to keep him out of the thickets of politics.

Mr. BROWN of Ohio. Are you referring to the Clerk of the House and the Secretary of the Senate as political offices?

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and members of the Committee, I certainly accept the injunction of the distinguished chairman of the House Administration Committee that there is no need to accept in every single detail in haec verba the language of the Senate bill. But out of due respect to the chairman I would hope that his amendment to that bill would be defeated so we would have an opportunity under the procedures that prevail here this afternoon to pass upon an amendment which in my opinion will answer his fears that the House is being shut out completely of the monitoring process through the establishment of a completely independent and presidentially appointed Commission. I refer to an amendment which has been drafted which would provide for the appointment of a seven-man Commission, two to be appointed by the Speaker of the House of Representatives—one from each party—giving the House the representation that it rightfully should have in this process; two members appointed by the President of the Senate to represent that body; two members appointed by the President because after all it is his election that is going to be watched over as well; and, finally, the Comptroller General as the seventh member of that Commission.

Mr. Chairman, some mention has been made of the fact that the Comptroller General has written some letters in which he has stated that he does not want this responsibility.

I want to make this absolutely clear. Those letters were written in response to an earlier proposal that would have lodged all the supervisory authority and responsibility in the Comptroller General.

Mr. Chairman, I spoke to Elmer Staats on the telephone at 11 o'clock this morning and described the kind of compromise proposal that I have just outlined which would retain unto this House and the other body their rightful decisions which they would have to make with respect to the naming of members.

Mr. Chairman, I want to assure the Members of the House that Mr. Staats told me and gave me authority to quote him on the floor this afternoon that he would have no objection to that kind of procedure and that he thinks to the extent it would become a wholly separate division of GAO, but an independent Commission which would give him the right and authority to delegate the necessary operational forces that would be required to take over the monitoring of the various reports of the 435 different congressional districts, that this would be an acceptable compromise.

Therefore, Mr. Chairman, I would urge the House to turn down the amendment which has been offered by the gentleman from Ohio so that we will have an opportunity to work our will on this proposal.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. Yes; I yield to the gentleman from Ohio.

Mr. HAYS. When I talked about it to the Comptroller General, he certainly said he did not want the reports of Congress which would overburden him.

The second point is that the gentleman has all of these wonderful amendments in the name of reform but he has not done the courtesy to show them to the chairman of the committee. Had he done so, it is possible that we might have worked out something of a compromise, but since he did not, I am standing by my amendment.

Mr. ANDERSON of Illinois. In answer to the gentleman from Ohio, I would like to yield to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. The amendment to which my distinguished colleague has referred is the amendment proposed by me and put in the Record of November 17, 1971; is that correct?

Mr. ANDERSON of Illinois. That is precisely the amendment I have in mind and the one on which I hope we will have an opportunity to vote this afternoon.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Arizona.

Mr. UDALL. I would like to say to the gentleman from Illinois that I was pleased to help him develop the compromise amendment to which the gentleman has referred and which was further refined by the gentleman from New Jersey (Mr. THOMPSON). In our opinion we thought it was a pretty good compromise. I still believe it is just that.

Mr. Chairman, I am impressed with the gentleman from Ohio in his efforts to get a bill this year and the spirit of compromise which he has demonstrated. I am personally in complete agreement

with my friend from Illinois and shall vote against the amendment in the hope that we will be able to get to the counterproposal which will be offered by the gentleman from New Jersey (Mr. THOMPSON). However, the willingness of the gentleman from Ohio to yield a little on this point leads me to have some hope that in the conference, and undoubtedly the gentleman from Ohio will be one of the most important conferees, that, perhaps, with the Senate having a far tougher version, we can have something worked out on which the gentleman from Illinois and I can agree.

I do agree that our proposal is far superior. I am going to stand with my friend, the gentleman from Illinois, but all is not lost even if the amendment is adopted.

Mr. ANDERSON of Illinois. Let me say in conclusion, Mr. Chairman—

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. EVANS of Colorado, and by unanimous consent, Mr. ANDERSON of Illinois was allowed to proceed for 1 additional minute.)

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I will be happy to yield to the gentleman from Colorado.

#### PARLIAMENTARY INQUIRY

Mr. EVANS of Colorado. Mr. Chairman, I have asked the gentleman from Illinois to yield to me for the purpose of posing a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. EVANS of Colorado. In the event the amendment offered by the distinguished gentleman from Ohio (Mr. HAYS) is defeated, will we then be in a position to entertain an amendment as described by the gentleman from Illinois (Mr. ANDERSON)?

The CHAIRMAN (Mr. BOLLING). The Chair will reply to the gentleman from Colorado that the Chair cannot anticipate events precisely. If the amendment offered by the gentleman from Ohio (Mr. HAYS) to this particular section is voted down, then another germane amendment to the particular area could be offered.

Mr. EVANS of Colorado. I thank the Chairman.

Mr. ANDERSON of Illinois. Mr. Chairman, if I have any time remaining let me say to the gentleman from Ohio that I regret any feeling that the gentleman has that there was any discourtesy toward him. I had certainly no intention to keep this matter a secret from the gentleman. I had assumed that since the matter had been in the CONGRESSIONAL RECORD that the matter had been called to the gentleman's attention. I am truly sorry if it was not, because I think the gentleman from Ohio throughout this debate has exhibited a reasonable willingness to compromise on these issues, and I certainly salute the gentleman for it.

Mr. BINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this matter was discussed extensively in the Committee on House Administration, and several alternatives were discussed.

It is unfortunate that we are operating

here under a procedure which does not allow the consideration of an amendment to the amendment offered by the gentleman from Ohio (Mr. HAYS) or substitutes to the Hays amendment, and that our only recourse, if we want to change what is in this amendment, is to vote it down and then consider something else.

The compromise proposal that the gentleman from New Jersey (Mr. THOMPSON) is prepared to offer I thought had been widely discussed. I thought it had been discussed with the Chairman. It has been in the RECORD, and it does seem to me that it offers—

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I will yield to the gentleman from Ohio if I may proceed for just another minute.

It does offer a compromise which goes to a problem that the amendment offered by the chairman, the gentleman from Ohio (Mr. HAYS) does not meet, and that is the problem of public confidence.

I believe that, if we adopt the idea of leaving the responsibility for oversight with the Clerk of the House and the Secretary of the Senate, the American public are going to say, "There they go again, no matter what is in the bill it is not going to do any good, they will take care of themselves, and this whole thing is a farce."

So I would hope, and I say this reluctantly, because I have the greatest admiration for the way the chairman, the gentleman from Ohio (Mr. HAYS) has managed this bill in committee and here on the floor, I would hope that this amendment would be voted down, so that we can then proceed to consider the adoption of the compromise amendment to be offered by the gentleman from New Jersey (Mr. THOMPSON).

Now I will yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, there is one point that I would like to make, and that is the assumption that I read the CONGRESSIONAL RECORD in its entirety each day, please, nobody assume that any more, because I am sure that no one else in this body does. I would have to be thought the only one who spends his time this way.

The second thing is that I have discussed this with the gentleman, and between us there is nothing personal in what I am about to say. When the gentleman talks about the American public saying, "There they go again," I think that he may be confusing the Washington Post and the New York Times for the American public, because what they say we have to do and what the American public says we have to do, as far as my interpretation of it goes, are two entirely different things.

Mr. BINGHAM. My chairman is entitled to his view of the matter. I just do not agree with it.

May I just say in conclusion that I would like to address myself to the question whether the Congress is in some way passing on a responsibility which is its responsibility under the Constitution and that it has no right to do this, as was suggested by the gentleman from California (Mr. DANIELSON).

Surely the Congress can delegate its responsibilities in this regard to any officer. It can delegate them to a commissioner or to the Comptroller General.

One proposal that was made in the committee, and I believe I made it, was that these supervisory responsibilities should all be given to the Comptroller General.

A major difficulty with the tripartite approach contained in the Hays amendment is that we may have different interpretations of the same provisions coming from the Secretary of the Senate, the Clerk of the House, and the Comptroller General. Surely it would be better to have a uniform procedure that would give the whole job of supervision to one office, whether it be the Comptroller General himself—or as I understood was going to be proposed by the gentleman from New Jersey—a commission, including representatives of the Senate and of the House.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Texas.

Mr. ECKHARDT. Does the gentleman agree with me that in none of these proposals, neither in the Senate bill nor in the proposal of Mr. THOMPSON, nor in the proposal of Mr. HAYS, is there any provision by which we give authority to any agency to determine who shall be seated? It seems to me all we do in all of those provisions is simply to give a certain authority to persons to keep records and to keep books and to receive information and report information.

Ultimately, that information may result in a law suit. But the agency itself has no right to seat or not to seat anyone, as I understand it.

Mr. BINGHAM. The gentleman is correct.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman.

Mr. BROWN of Ohio. I understand the Hays bill provides that a certificate of election can be withheld by State Secretaries of State in certain cases. Would not that be a denial of a seat by someone outside the House of Representatives?

Mr. BINGHAM. We are talking now about an amendment to the Harvey substitute and the Harvey substitute contains no such provision.

Mr. BROWN of Ohio. That is correct.

Mr. BINGHAM. So what the gentleman from Texas (Mr. ECKHARDT) said is quite correct, that there is no power in any officer to bar the seating of a Member of the House or a Member of the Senate.

Mr. PODELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, perhaps I, for one, am confused because I find that we are discussing a proposal by the gentleman from Illinois that is not before us at this moment, relating to the supervisory capacity of the GAO and to the selection of members of a board between the Senate and the House of Representatives. That is not the issue before us at the moment.

The issue before us is either first, that which is outlined in the Senate bill; or, second, that which is outlined by the

gentleman from Ohio (Mr. HAYS) in his amendment.

If we defeat the amendment by the gentleman from Ohio, we are presented with a commission. Now I think there is one thing to be said about Commissions and that is this.

What this country does not need is one more Commission. A study by the gentleman from Connecticut (Mr. MONAGAN) indicates there are some 3,200 Commissions in the country today which cost the taxpayers some \$75 million a year.

There is a Commission which was created in 1947 to create a Marine Memorial in Chicago. That Commission is still in existence and nothing was ever done.

One of the worst things we can possibly do is to relegate the activities of the Members of this House to an independent Commission appointed by a political individual—the President of the United States.

Had the amendment—or had the suggestion as recommended by the gentleman from Illinois (Mr. ANDERSON) been before us, I would take a different position—but it is not and we face the possibility, by defeating the amendment suggested by the gentleman from Ohio of relegating our activity into the hands of a Presidentially appointed Commission.

Let me tell you—it would be one big mistake.

I would only submit one additional thought to the Members of the House—for 2 days I have been hearing a lot about the Senate bill and it makes sense to me that the Senate passed a bill that was good for the Senate. We have to pass a bill which is equally as good for the House of Representatives.

Mr. ALBERT. Mr. Chairman, will the gentleman yield for a question?

Mr. PODELL. I yield to the distinguished Speaker.

Mr. ALBERT. Which of the amendments, the amendment already offered by the gentleman from Ohio or the amendment that is proposed to be offered if his amendment is defeated, would give the conferees the greatest latitude in working this thing out?

Mr. PODELL. I think the amendment introduced by the gentleman from Ohio (Mr. HAYS) would.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I merely wanted to point out that in the language of the bill H.R. 11280, which is the Frenzel-Brown bill, at page 35, there is in four or five paragraphs a specific list of the duties that would be required of this Commission. They are as follows:

(1) to develop and furnish to the person required by the provisions of this Act prescribed forms for the making of the reports and statements required to be filed with it under this title;

(2) to prepare, publish, and furnish to the person required to file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

And so on.

It is unfair to suggest to this House that we would have another Marine Commission that would sometimes sit and vegetate somewhere without duties. The language of the bill makes it clear that this will be an active, hard-working commission during the period that the reports are coming in and are being monitored. An investigation may be called for. I disapprove of the type of commissions to which the gentleman has referred as much as does the gentleman from New York, commissions that sit around and do not do anything. But the proposed Commission simply is not that kind of commission we are talking about under the language of the bill.

Mr. PODELL. Will the gentleman from Illinois advise the House who, under the existing Senate bill, would appoint the members of the Commission?

Mr. ANDERSON of Illinois. I quite agree I do not like—

Mr. PODELL. Will the gentleman answer the question?

Mr. ANDERSON of Illinois. The President would appoint the Commission. I am proposing that we vote down the amendment so that we get a chance to work on another amendment which will give the House an opportunity to provide two members of the Commission.

Mr. PODELL. Suppose that amendment is not adopted? Then you are back to the Commission. That is the problem.

The CHAIRMAN. The time of the gentleman from New York has expired.

(On request of Mr. LATTA, and by unanimous consent, Mr. PODELL was allowed to proceed for 1 additional minute.)

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I yield to the gentleman from Ohio.

Mr. LATTA. I rise in support of the amendment offered by the gentleman from Ohio. I do not think Congress should shirk its constitutional responsibility to be the judge of its own elections. Under the Constitution, Congress is to be the judge of its own elections not some commission as proposed in this bill. The Hays amendment is necessary if we are to carry out this proper constitutional function. Had the drafters of the Constitution meant that we should not police and judge our own elections, they would have given this responsibility to some other branch of the Government. Since they specifically gave it to the Congress, we should not pass it on to a commission or to some other agency.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HAYS) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The question was taken; and on a division (demanded by Mr. ANDERSON of Illinois) there were—ayes 79, noes 52.

So the amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. HANSEN OF IDAHO TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. HARVEY

Mr. HANSEN of Idaho. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HANSEN of Idaho to the amendment in the nature of a Substitute offered by Mr. HARVEY: Page 18, line 20, renumber section 205 as section 206 and insert in lieu thereof a new section 205, to read as follows:

Section 610 of Title 18, United States Code, relating to contributions or expenditures by national banks, corporations, or labor organizations, is amended by adding at the end thereof the following paragraph:

"As used in this section, the phrase 'contribution or expenditure' shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section; but shall not include communications by a corporation to its stockholders and their families or by a labor organization to its members and their families on any subject; non-partisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families; the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization; provided, that it shall be unlawful for such a fund to make a 'contribution or expenditure' by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination or financial reprisal; or by dues, fees or other monies required as a condition of membership in a labor organization or as a condition of employment, or by monies obtained in any commercial transaction."

Mr. HANSEN of Idaho. Mr. Chairman, the purpose of my amendment is to codify the court decisions interpreting section 610 of title 18 of the United States Code, and to spell out in more detail what a labor union or corporation can or cannot do in connection with a Federal election.

The text of the amendment may be found in the CONGRESSIONAL RECORD for Wednesday, November 17, 1971, at page 41869.

Section 610 of title 18, United States Code, prohibits the making of a contribution or expenditure in connection with certain elections by a corporation or a labor union. The first part of my amendment reinforces that prohibition and defines the phrase "contribution or expenditure" to include "any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section."

The effect of this language is to carry out the basic intent of section 610, which is to prohibit the use of union or corporate funds for active electioneering directed at the general public on behalf of a candidate in a Federal election. This part of my amendment is identical to the first part of section 8 of H.R. 11060.

Next, the amendment, in further defining the phrase "contribution or expenditure," draws a distinction between activities directed at the general public, which are prohibited, and communications by a corporation to its stockholders and their families, and by a labor organization to its members and their

families, on any subject, which the courts have held is permitted.

The amendment sets forth the limited circumstances where such communications are permitted in connection with an election. These include:

(1) non-partisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families.

(2) the establishment, administration and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization.

This fund must be separate from any union or corporate funds, and contributions must be voluntary. To insure that contributions are voluntary, the amendment prohibits the use by the separate political fund of any money or anything of value obtained by the use or threat of force, job discrimination, or financial reprisal, or by dues or fees, or other moneys required as a condition of employment or membership in a labor organization, or by moneys obtained in any commercial transaction.

The net effect of the amendment, therefore, is to tighten and clarify the provisions of section 610 of title 18, United States Code, and to codify the case law. It spells out more clearly the rules governing election activities that apply equally to labor unions and corporations. While prohibiting abuses that involve activities directed at the general public, the amendment recognizes that the constitutional guarantee of free speech protects the right of labor organizations and corporations to communicate with their own members or stockholders.

Section 610 of title 18 of the United States Code makes it a criminal offense for a corporation or labor union to make a contribution or expenditure in connection with any Federal election. The legislative history of section 610 demonstrates that it was not Congress' intent in passing this provision to completely exclude these organizations from the political arena. That history, as the Justice Department, which has the responsibility for enforcing the statute, has stated, shows instead that the purpose of section 610 is simply to insure that—

When a union [or corporation] undertakes active electioneering on behalf of particular federal candidates and designed to reach the public at large, [the organization's] general funds . . . may not be used (Brief for the United States in U.S. v. UAW, 352 U.S. 567).

Corporate and labor political communications directed at members and stockholders, nonpartisan registration and get out the vote activities, and partisan electioneering directed at the general public financed by voluntary contributions, are all lawful.

While these rules are well known to students of this area of the law the exact scope of section 610 is a matter of some mystery to the uninitiated. This stems from the fact that the cryptic statutory language is of little help and a full understanding of the provision's meaning requires a diligent study of the court cases and the legislative history. The result has been an undesirable confusion as to what section 610 actually provides. And this has led to numerous charges that the

law is defective, or that it is not being observed. Many of these charges stem from a lack of appreciation of what section 610 actually provides. Others indicate that there may well be instances in which corporations and unions seek to utilize the complex interrelationship between the statutory language and the gloss which had been put on that language as a cover to obscure the fact that they are acting unlawfully. In either event the public confidence in the regulation of Federal election financing suffers.

Despite this lingering confusion it has been 24 years since Congress last legislated in this field. Section 8 of H.R. 11060, the so-called Crane amendment to the Hays' bill, attempts to break this legislative logjam by adding a new final paragraph to section 610 defining the critical phrase "contribution and expenditure" as used therein.

Unfortunately, as often happens in dealing with a complex subject, the Crane amendment's definition tends to make the problem worse rather than solving it. For section 8 of H.R. 11060 can either be read as prohibiting all union or corporate activity financed by treasury money that touches Federal elections in any way, or as continuing the limited permissions the 1947 Congress extended to corporations and unions with one exception—"get out the vote activities" which are presently permissible but which would be prohibited. In the name of providing legislative clarification it creates new confusion. The result is certain to be fresh uncertainty and a new round of litigation.

While its execution is faulty the idea behind section 8 of H.R. 11060 is sound. Congress should set out in a clear statutory form precisely what corporations and unions can and cannot do in the election area. And it is plainly proper to do so during the consideration of this overall attempt to modernize campaign regulation. But since section 8 does not in fact accomplish that goal I hereby offer my amendment, the aim of which is to perfect section 8, and by so doing to clarify the exact scope of section 610.

Section 610 strikes a balance between organizational rights and the rights of those who wish to retain their shareholding interest or membership status but who disagree with the majority's political views. The balance presently obtaining provides, in my judgment, an optimum solution to the complex problem of accommodating these conflicting interests. This solution is sound in theory as I shall show, has proved workable in practice, and has generated a broad bipartisan consensus in favor of continuation of the present rules. For this reason my amendment, with one exception, follows the present law.

Analytically the proposal I offer has three component parts. Before turning to them, two preliminary points should be noted for the sake of completeness. At present section 610 does not, and under either this amendment or section 8 of H.R. 11060 it would not, cover corporate or union legislative activities. Lobbying is a separate field which has traditionally been, and should continue to be, regulated separately. Indeed, while section

610 discourages corporate political action, the Internal Revenue Code, through the deductions allowed, encourages lobbying. In addition, at present section 610 does not, and under either this amendment or section 8 of H.R. 11060 would not, regulate corporate or union political activity in connection with State elections even though such activity, by reason of such factors as the party system and the simultaneous running of Federal and State elections, may have some residual overlapping effect. For the power of the States to regulate their own elections is essential to a healthy Federal system.

With these preliminaries to the side the first section of my amendment spells out in detail the point that corporations and unions may not use their treasury money—that is, the money a corporation secures from commercial transactions or a union secures from dues, initiation fees and similar exactions—either directly or indirectly to make any type of "contribution or expenditure in connection with any federal election." This prohibitory language follows that of section 8 of H.R. 11060 word for word and it is plainly all-encompassing. That is as it should be. For as I noted at the outset the basic purpose of section 610 is to prohibit active electioneering by corporations and unions for Federal candidates directed at the public at large. There can be no doubt that this language accomplishes that end.

Before going further, and to insure that the accepted not be confused with the necessary, it should be noted that this prohibition is the most far-reaching in the entire election law. While the regulation of corporate and union political contributions is based on a fear of the effects of aggregated wealth on politics these organizations are not the sole repositories of funds adequate to finance big money contributions. Yet Congress has never regulated the activities of legal, medical, or farm organizations, for example, nor has it placed comparable stringent limitations on wealthy individuals. Indeed, if any of the proposals presently under consideration by this body become law, only corporations, unions and political candidates will be limited in the making of political contributions and expenditures.

Thus, section 610 as it stands, and under my proposal, represents a complete victory for those who believe that corporations and unions have no moral right to utilize their organizations' general funds for active public partisan politicking. It totally subordinates organizational interests to individual interests.

Recognizing that group interests must be given some play and that the interest of the minority is weaker when corporations and unions confine their activities to their own stockholders and members, the beneficial owners of these organizations, the second subdivision of the amendment sets out three precisely defined and limited permissions for corporate and union activity related to the political process.

The courts, as well as other independent students of section 610 and its legislative history, have concluded that the 1947 Congress did not intend to prohibit corporations or unions from communi-

cating freely with their members and stockholders—see *U.S. v. CIO*, 335 U.S. 106—from conducting nonpartisan registration and get out the vote campaigns, or from securing voluntary contributions made directly to the support of a labor—or management—political organization—93 CONGRESSIONAL RECORD 6440, remarks of Senator Taft.

Today, as 24 years ago, there is a broad consensus that these limited permissions are proper. For example, Senator DOMINICK speaking on the floor of the other body on behalf of an amendment to section 610 he had proposed, stated:

If a member wishes to pay money voluntarily to a candidate or to a labor organization fund for a candidate or even to a fund which the union will determine how it is to be spent, I have no objections . . . A labor organization should be able to expend its funds on behalf of . . . nonpartisan political activity such as voter registration or voter education on campaign issues . . . (and) endorsing a particular candidate in its normal union publications. This, I believe, is a legitimate exercise of free speech, 117 Cong. Rec. page 29329 (Aug. 4, 1971).

The compelling policy considerations supporting this consensus can be very succinctly stated.

First, every organization should be allowed to take the steps necessary for its growth and survival. There is, of course, no need to belabor the point that Government policies profoundly affect both business and labor. One need turn no further than the present economic stabilization program for a compelling illustration of the extent to which Federal policy is the critical detriment of corporate and union health. If an organization, whether it be the NAM, the AMA or the AFL-CIO, believes that certain candidates pose a threat to its well-being or the well-being of its members or stockholders, it should be able to get its views to those members or stockholders. As fiduciaries for their members and stockholders the officers of these institutions have a duty to share their informed insights on all issues affecting their institution with their constituents. Both union members and stockholders have the right to expect this expert guidance. In determining where their self-interest lies they have no other comparable source of information. Indeed, as the Supreme Court stated in the CIO case, if Congress were to prohibit communications between an organization and its members concerning "danger or advantage to their interests from the adoption of measures or the election to office of men, espousing such measures, the gravest doubt would arise in our minds as to its constitutionality."

Second, it has also been recognized that it is proper to allow corporations and unions to conduct nonpartisan registration and get out the vote campaigns. Indeed, any other conclusion would have been contrary to the basic precept that the exercise of the franchise is not merely a political right but a civic duty. The health of our representative form of government requires that every possible step be taken to maximize the number of eligible voters who go to the polls. Attempts to restrict the number who vote

are inimical to the democratic precepts upon which the political process rests.

Of course, such campaigns must be nonpartisan. Within the constraints set by an organization's resources which may require it to concentrate on particular areas where its members are most numerous or where a race of particular importance is to be held, it must make an effort to reach all those in the area and not merely those who will vote in a certain way. A failure to respect this limitation would, of course, be a violation of section 610.

It is not entirely clear to me, even after substantial study, as to whether the present law requires such campaigns to be limited to members and stockholders. It is my judgment that they should be, and the amendment I propose insures that such a limitation would have to be observed. The dividing line established by section 610 is between political activity directed at the general public in connection with Federal elections which must be financed out of political donations and activities directed at members or stockholders which may be financed by general funds. As a matter of principle this line of demarcation supports the proposed limitation and there is no consideration of which I am aware that requires an exception to the basic guiding theory of this provision.

Finally, there can be no doubt that union members or stockholders should have the right to set up special political action funds supported by voluntary donations from which political "contributions and expenditures" can lawfully be made. As Senator Taft stated in his floor explanation of section 610:

If [union members or stockholders] are asked to contribute directly . . . to the support of a labor [or management] political organization, they know what their money is to be used for and presumably approve it. From such contribution the organization can spend all the money it wants to with respect to such matters. But the prohibition is against labor unions using their members' dues for political purposes, which is exactly the same as the prohibition against a corporation using its stockholders' money for political purposes, and perhaps in violation of the wishes of many of its stockholders. 93 Cong. Rec. 6440

For the underlying theory of section 610 is that substantial general purpose treasuries should not be diverted to political purposes, both because of the effect on the political process of such aggregated wealth and out of concern for the dissenting member or stockholder. Obviously, neither of these considerations cuts against allowing voluntary political funds. For no one who objects to the organization's politics has to lend his support, and the money collected is that intended by those who contribute to be used for political purposes and not money diverted from another source.

The essential prerequisite for the validity of such political funds is that the contributions to them be voluntary. For that reason the final section of this amendment makes it a violation of section 610 to use physical force, job discrimination, financial reprisals or the threat thereof, in seeking contributions. This is intended to insure that a solicitor

for COPE or BIPAC cannot abuse his organizational authority in seeking political contributions. Of course, nothing can completely erase some residual effects on this score, any more than the law can control the mental reaction of a businessman asked for a contribution by an individual who happens to be his banker, or of a farmer approached by the head of his local farm organization. The proper approach, and the one adopted here, is to provide the strong assurance that a refusal to contribute will not lead to reprisals and to leave the rest to the independence and good sense of each individual.

As a further safeguard the proviso also makes it a violation for such a fund to make a contribution or expenditure from money collected as dues or other fees required as a condition of membership or employment or obtained through commercial transactions. This insures that any money, service, or tangible item—such as a typewriter, Xerox machine, and so forth—provided to a candidate by such a fund must be financed by the voluntary political donations it has collected.

At the present time there is broad agreement as to the essence of the proper balance in regulating corporate and union political activity required by sound policy and the Constitution. It consists of a strong prohibition on the use of corporate and union treasury funds to reach the general public in support of, or opposition to, Federal candidates and a limited permission to corporations and unions, allowing them to communicate freely with members and stockholders on any subject, to attempt to convince members and stockholders to register and vote, and to make political contributions and expenditures financed by voluntary donations which have been kept in a separate segregated fund. This amendment writes that balance into clear and unequivocal statutory language.

The CHAIRMAN pro tempore (Mr. HOLIFIELD). The time of the gentleman from Idaho has expired.

(On request of Mr. HAYS, and by unanimous consent, Mr. HANSEN of Idaho was allowed to proceed for 5 additional minutes.)

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Idaho. I am happy to yield to my chairman.

Mr. HAYS. I want to say to the gentleman I commend him for offering this amendment. I intend to support it.

The gentleman has made a very clear and concise statement on the amendment, but for the purpose of legislative history I should like to ask a couple of questions, if I may, to see if I understand it as he does.

The amendment would allow unions to conduct get-out-the-vote drives and registration drives from union funds?

Mr. HANSEN of Idaho. Directed at the union members and their families only.

Mr. HAYS. And the same for corporations and stockholders?

Mr. HANSEN of Idaho. That is correct.

Mr. HAYS. Corporations only directed at stockholders?

Mr. HANSEN of Idaho. Directed toward stockholders and their families.

Mr. HAYS. From voluntary funds unions could spend the money any way they saw fit, within the law?

Mr. HANSEN of Idaho. That is correct, so long as the funds came in a truly voluntary manner and without the employment of the kinds of threats or reprisals or other methods that are prohibited by this amendment.

Mr. HAYS. I have one other question. As to corporations, would the gentleman's amendment prohibit voluntary contributions by members of corporations if they were reimbursed sub rosa? Does the gentleman understand? In other words, we will say that John Doe is vice president of X corporation, and that he gave \$500 to a fund, and the corporation then reimbursed him, say, with some kind of cover saying it was expenses or something. That would be prohibited if it were found out?

Mr. HANSEN of Idaho. That in my judgment would constitute a violation of law; in fact, a violation of law as it exists now, as an indirect payment.

Mr. HAYS. I appreciate the gentleman's answer. I thought that was the way it was. It is done sometimes, I am sure, as I have heard.

In other words, the money that is truly voluntarily contributed either by stockholders or officers of a corporation or by members of a union they can spend by contributing or any other way that is legal; is that correct?

Mr. HANSEN of Idaho. That is correct.

Mr. HAYS. I thank the gentleman. Again I say I appreciate the gentleman's offering this amendment. It is substantially what is in the law now. Everybody has lived with it for a long time. I intend to support the amendment.

Mr. GERALD R. FORD. Will the gentleman yield?

Mr. HANSEN of Idaho. I am happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. A moment ago the gentleman from Ohio (Mr. HAYS) asked this question, and I think this is the way he phrased it: If a corporate executive gave \$500 to an individual candidate and then he was subsequently reimbursed by the corporation, was that illegal, and the gentleman from Idaho said it was.

Now, if a union official gives a donation to an individual candidate and then he was subsequently reimbursed by the union, is that illegal?

Mr. HANSEN of Idaho. I would interpret that as also being clearly illegal.

Mr. HAYS. Will the gentleman yield?

Mr. HANSEN of Idaho. Yes. I yield to the gentleman.

Mr. HAYS. I agree, except I would say to the distinguished minority leader I do not think I said if the union reimbursed him, and that is what we are talking about—either the union reimbursing him sub rosa or the corporation reimbursing him sub rosa. Both would be illegal in my opinion and I believe in the opinion of the gentleman. I understood the gentleman to mean that.

Mr. GERALD R. FORD. I did mean to imply that I will correct it in the RECORD, because I meant to place them on an equal basis.

Mr. HAYS. I thought that was what the gentleman meant, and I asked the gentleman to yield to make it clear that that was what we all meant.

Mr. ANDERSON of Illinois. Will the gentleman yield?

Mr. HANSEN of Idaho. I will be glad to yield to the gentleman.

Mr. ANDERSON of Illinois. I want to join in commending the gentleman from Idaho (Mr. HANSEN) for submitting his amendment. I think he is trying to reach a problem area where there have been some serious abuses, and I think his amendment helps to meet the problem.

Recently I read a statement from Mr. Lane Kirkland, the AFL-CIO treasurer, where he said:

We have to carry our message to every American eligible to vote . . . and we have to make sure that every voter we can reach is registered and that they go to the polls.

Under the gentleman's amendment that would not be possible, would it? They could not use union funds to go out and indiscriminately try to register the general public or engage in vote-getting activities with the general public but they are restricted to pursuing their activities among their own union members and their families, which was stated in the case of the United States against UAW and United States against CIO, where the court gets into the first amendment considerations that have to be taken into account in considering the kind of limitations that can be placed on both unions and corporations.

Does the gentleman feel that that is substantially the matter at issue?

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. DELLENBACK, Mr. HANSEN of Idaho was allowed to proceed for 3 additional minutes.)

Mr. DELLENBACK. Will the gentleman yield?

Mr. HANSEN of Idaho. I will be happy to yield to the gentleman, but may I first respond to the gentleman from Illinois (Mr. ANDERSON) and his question.

The gentleman interpreted my amendment exactly as it is intended. As a matter of fact, the indication of plans to direct get-out-the-vote drives and registration drives in the general public further prompted my bringing this amendment to the floor. To make it absolutely clear that the activities directed at the public are prohibited and activities directed at the membership are now protected.

Mr. ANDERSON of Illinois. In the case of *United States v. CIO*, 335 U.S. 106, the court did say that if Congress were to prohibit communications between an organization and its members concerning "dangers or advantages to their interests from the adoption of measures or the election to office of men espousing such measures, the gravest doubts would arise in our minds as to its constitutionality."

The gentleman's proposal does not seek to cross that constitutional line and prohibit communications from the union to their own membership. Is that correct?

Mr. HANSEN of Idaho. That is correct. I now yield to the gentleman from Oregon.

Mr. DELLENBACK. I join in the commendation of the gentleman in the well and also of the chairman of the committee, the gentleman from Ohio, for joining in the support of this amendment.

May I ask as a general question, Mr. HANSEN, is it your intention by the way you have drafted the amendment to propose that corporations and unions be treated absolutely equally?

Mr. HANSEN of Idaho. That is correct.

Mr. DELLENBACK. And, further, if a situation is proper for a corporation, it is also proper for a union and if it is proper for a union, then it is also proper for a corporation.

I think it is extremely important that what you have here proposed is an amendment that seeks to bring about equity. I think it is important that a union be able to communicate with its members and do what the law already permits it to do, and likewise I feel it is important that a corporation be able to do that same thing with its stockholders.

Mr. Chairman, I join in support of this particular amendment. It seems to me that it does work equity in what has been a very troublesome situation in the past.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to the gentleman from Illinois.

Mr. CRANE. The concern I have with the gentleman's amendment deals with what I think is the nub of the issue under consideration, and that is the question of voluntarism versus compulsion.

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

(By unanimous consent (at the request of Mr. CRANE) Mr. HANSEN of Idaho was allowed to proceed for 2 additional minutes.)

Mr. CRANE. Mr. Chairman, if the gentleman will yield further, as I understand the gentleman's amendment, when he talks about permitting the unions or corporations for that matter or national banks to be allowed to engage in not just "communications" but "nonpartisan" registration and get-out-the-vote campaigns, in effect, this is negating the efforts that I am sure the gentleman is trying to make; namely, to prohibit involuntarily raised moneys from being used to support a candidate opposed by the individuals whose moneys may be involuntarily raised.

I think tighter language is required to achieve that objective. Moreover, this position has been upheld by the courts in the past.

In the case of *Seay* against McDonnell Douglas which happened in California, the courts took the position that:

. . . The diversion of the employees' money from use for the purposes for which it was exacted damages them doubly. Its utilization to support candidates and causes the plaintiffs oppose renders them captive to the ideas, associations and causes espoused by others. At the same time it depletes their own funds and resources to the extent of the expropriation and renders them unable by these amounts to express their own convictions, their own ideas, and support their own causes.

This amendment does nothing to prohibit that kind of abuse but, in fact, by its present language puts a specific stamp of approval on this continued abuse which has gone on for many years as we all well know.

Mr. HANSEN of Idaho. I would not agree that that is the effect and purpose of the language of the amendment.

Mr. CRANE. It might not be the purpose of the amendment, but in my judgment it is the effect of it.

Mr. HANSEN of Idaho. The gentleman is entitled to his own opinion.

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

(By unanimous consent (at the request of Mr. HAYS), Mr. HANSEN of Idaho was allowed to proceed for 3 additional minutes.)

Mr. HANSEN of Idaho. I believe the effect and the purpose of the amendment is to circumscribe the kinds of activities that must of necessity be protected under the first amendment and which recognize the right of the union or the corporation to communicate with the members or its stockholders for get-out-the-vote drives or voter registration and also to establish, administer, and solicit funds for a separate voluntary, political fund.

Mr. CRANE. Mr. Chairman, would the gentleman yield for a question for a point of information?

Mr. HANSEN of Idaho. Very briefly.

Mr. CRANE. If I am a member of a union and I am forced to pay dues as a condition for employment, and these moneys go into treasury funds under the check-off system, would your amendment permit them to be spent for voter registration and get-out-the-vote activities? If, as in the case of 1968, I was one of the 44 percent of union members who the polls indicated were opposed to the Democrat candidate for the Presidency, would not my union dues nevertheless be spent contrary to my interest and in a system where I am denied any redress of that grievance in the courts under the phrasing of this particular amendment?

Mr. HANSEN of Idaho. The amendment is designed to recognize the fact that a stockholder or a union member exists in two capacities: In his individual capacity with his own individual views and his capacity as a member of an organization that has interests as an organization.

The intent and the purpose of the amendment is to strike a balance between those interests.

The political activities that are designed to elect specific candidates must be financed out of a separate political fund.

The funds administered by COPE are an example of such a separate political fund that is recognized both in my amendment and the so-called Crane amendment which is part of H.R. 11060, the Hays bill.

The question of whether the expenses of an organization like COPE be paid for through voluntary money is often asked. Many of COPE's activities, such as the preparation of voting records and statements of the AFL-CIO's, political position, are directed at union members. These activities may be paid for by treasury money. However, to the extent that

COPE incurs expenses by providing personnel to a candidate, or performing a service for a candidate, such as a mailing for him, or by giving a candidate tangible items for use in his campaign, such as typewriter, leaflets, and paper. Those items must be paid for by voluntary money.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, as I understand it, this only covers whatever transpires between the corporation and its stockholders and families and the union leaders and the union members. However, the union member himself is not restricted in his solicitation of registrations or for voting, getting out the vote, is that right?

Mr. HANSEN of Idaho. No. The prohibition is against the use of union funds.

Mr. DENT. Right.

Mr. HANSEN of Idaho. For anything other than communications directly dealing with the members and their families for these specific purposes.

Mr. DENT. There will be a question asked later on by the chairman of the committee, so I will not ask the question, except I will ask this: What about other organizations such as Chambers of Commerce, who are very active in this situation, they solicit beyond their leadership—I mean, beyond their membership. They raise funds through dues and they are in many instances very active in their efforts, especially in my district.

Mr. HANSEN of Idaho. Of course, section 610 never did cover these kinds of organizations, farm organizations, medical organizations, and various other organizations that do become very active in political affairs.

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

(On request of Mr. CRANE, and by unanimous consent, Mr. HANSEN of Idaho was allowed to proceed for 3 additional minutes.)

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, may I also have the attention of the gentleman from Pennsylvania so that he might also be drawn into the colloquy?

He made the suggestion that there is a parallel between what is under discussion here and the activities of chambers of commerce. I submit that there is no parallel that can be drawn because we are talking about individuals who are in a situation where, as a condition of employment, they are compelled to join an organization. In addition to that they are compelled to pay dues to that organization. Their dues, in turn, have been used to support specific political candidates. As indicated earlier in the case of the 1968 election, at the national level; at least, these moneys were spent for a candidate who was not supported by 44 percent of the people who were locked into this kind of a situation.

Mr. DENT. You fail to recognize you do not have to become a stockholder by

any pressure, and yet you have corporations and medical societies who have spent money on particular issues along a particular line.

Mr. CRANE. That is not an involuntary association. I am saying that in those cases where a man must join and pay these assessments as a condition of employment, and that is 85 percent of the members of organized labor today, who have to join a union as a condition of employment, and pay union dues, this seems to me to be an outrageous situation, a violation of the constitutional rights of these individuals, and a denial of their freedom of choice.

Mr. DENT. That is against the law now.

Mr. HANSEN of Idaho. May I say in response to the gentleman this does not reach organizations such as the chambers of commerce, and it does prohibit the use of funds of a union or a corporation to support a specific political candidate. That is now prohibited, and that prohibition is reinforced under the language of this amendment.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to the gentleman from New York.

Mr. FISH. The gentleman has used the term, the general term "corporation" in this section, and is the gentleman referring to a business or stock corporation, and in no sense a foundation which may be incorporated under the laws of the State, and engaged in voter registration activities?

Mr. HANSEN of Idaho. The term "corporation," as used in the amendment, is the same corporation as used in the original law enacted back in 1947, so that there is no change with respect to the category of corporations that come within the scope of the provision.

Mr. FISH. This is a business corporation—

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, first of all I would like to commend the distinguished gentleman from Idaho for the development and for the offering of this amendment.

Some of the colloquies we have heard exhibit rather dramatically, I think, the lack of specific knowledge of the effect of section 610, title XVIII, United States Code which this would clarify, which makes it a criminal offense for a corporation or a labor union to make contributions and expenditures in connection with a Federal election.

Section 610 of title XVIII of the United States Code makes it a criminal offense for a corporation or labor union "to make a contribution or expenditure in connection with any—Federal—election." The legislative history of section 610 demonstrates that it was not Congress intent in passing this provision to completely exclude these organizations from the political arena. That history as the Justice Department, which has the responsibility for enforcing the statute, has stated, shows instead that the purpose of section 610 is simply to insure that "when a union—or corporation—undertakes ac-

tive electioneering on behalf of particular Federal candidates and designed to reach the public as large—the organization's—general funds—may not be used"—brief for the *United States v. UAW*, 352 U.S. 567. Corporate and labor political communications directed at members and stockholders, nonpartisan registration and get out the vote activities, and partisan electioneering directed at the general public financed by voluntary contributions, are all lawful.

While these rules are well known to students of this area of the law the exact scope of section 610 is a matter of some mystery to the uninitiated. This stems from the fact that the cryptic statutory language is of little help and a full understanding of the provision's meaning requires a diligent study of the court cases and the legislative history. The result has been an undesirable confusion as to what section 610 actually provides. And this has led to numerous charges that the law is defective, or that it is not being observed. Many of these charges stem from a lack of appreciation of what section 610 actually provides. Others indicate that there may well be instances in which corporations and unions seek to utilize the complex interrelationship between the statutory language and the gloss which has been put on that language as a cover to obscure the fact that they are acting unlawfully. In either event the public confidence in the regulation of Federal election financing suffers.

Despite this lingering confusion it has been 24 years since Congress last legislated in this field. Section 8 of H.R. 11060, the so-called Crane amendment to the Hays bill, attempts to break this legislative logjam by adding a new final paragraph to section 610, defining the critical phrase "contribution and expenditure" as used therein.

Unfortunately, as often happens in dealing with a complex subject, the Crane amendment's definition tends to make the problem worse rather than solving it. For section 8 of H.R. 11060 can either be read as prohibiting all union or corporate activity financed by Treasury money that touches Federal elections in any way, or as continuing the limited permissions the 1947 Congress extended to corporations and unions with one exception—"get out the vote activities" which are presently permissible but which would be prohibited. In the name of providing legislative clarification it creates new confusion. The result is certain to be fresh uncertainty and a new round of litigation.

While its execution is faulty the idea behind section 8 of H.R. 11060 is sound. Congress should set out in a clear statutory form precisely what corporations and unions can and cannot do in the election area. And it is plainly proper to do so during the consideration of this overall attempt to modernize campaign regulation. But since section 8 does not in fact accomplish that goal Mr. HANSEN offers his amendment, the aim of which is to perfect section 8, and by so doing to clarify the exact scope of section 610.

Section 610 strikes a balance between organizational rights and the rights of those who wish to retain their share-

holding interest or membership status but who disagree with the majority's political views. The balance presently obtaining provides, in my judgment, an optimum solution to the complex problem of accommodating these conflicting interests. This solution is sound in theory as I shall show, has proved workable in practice, and has generated a broad bipartisan consensus in favor of continuation of the present rules. For this reason Mr. HANSEN's amendment, with one exception, follows the present law.

Analytically the proposal has three component parts. First, it spells out in detail the point that corporations and unions may not use their treasury money—that is, the money a corporation secures from commercial transactions or a union secures from dues, initiation fees, and similar exactions—either directly or indirectly, to make any type of "contribution or expenditure in connection with any Federal election." This prohibitory language follows that of section 8 of H.R. 11060 word for word and it is plainly all-encompassing. That is as it should be. For as I noted at the outset the basic purpose of section 610 to prohibit active electioneering by corporations and unions for Federal candidates directed at the public at large. There can be no doubt that this language accomplishes that end.

Before going further, and to insure that the accepted not be confused with the necessary, it should be noted that this prohibition is the most far reaching in the entire election law. While the regulation of corporate and union political contributions is based on a fear of the effects of aggregated wealth on politics these organizations are not the sole repositories of funds adequate to finance "big money" contributions. Yet Congress has never regulated the activities of legal, medical, or farm organizations, for example, nor has it placed comparable stringent limitations on wealthy individuals. Indeed, if any of the proposals presently under consideration by this body become law, only corporations, unions, and political candidates will be limited in the making of political contributions and expenditures. Thus section 610 as it stands, and under the Hansen proposal, represents a complete victory for those who believe that corporations and unions have no moral right to utilize their organizations' general funds for active public partisan politicking. It totally subordinates organizational interests to individual interests.

The second subdivision of the amendment sets out three precisely defined and limited permissions for corporate and union activity related to the political process.

The courts, as well as other independent students of section 610 and its legislative history, have concluded that the 1947 Congress did not intend to prohibit corporations or unions from communicating freely with their members and stockholders—see *United States v. CIO*, 335 U.S. 106—from conducting nonpartisan registration and get out the vote campaigns, or from securing voluntary contributions "made directly to the support of a labor—or management—po-

litical organization"—93 CONGRESSIONAL RECORD 6440, Remarks of Senator TAFT.

Today, as 24 years ago, there is a broad consensus that these limited permissions are proper. For example, Senator DOMINICK speaking on the floor of the other body on behalf of an amendment to section 610 he had proposed, stated:

If a member wishes to pay money voluntarily to a candidate or to a labor organization fund for a candidate or even to a fund which the union will determine how it is to be spent, I have no objections . . . A labor organization should be able to expend its funds on behalf of . . . nonpartisan political activity such as voter registration or voter education on campaign issues . . . (and) endorsing a particular candidate in its normal union publications. This, I believe, is a legitimate exercise of free speech.

The compelling policy considerations supporting this consensus can be very succinctly stated.

First, every organization should be allowed to take the steps necessary for its growth and survival. There is, of course, no need to belabor the point that Government policies profoundly affect both business and labor. One need turn no further than the present economic stabilization program for a compelling illustration of the extent to which Federal policy is the critical detriment of corporate and union health. If an organization, whether it be the NAM, the AMA or the AFL-CIO, believes that certain candidates pose a threat to its well-being or the well-being of its members or stockholders it should be able to get its views to those members or stockholders. As fiduciaries for their members and stockholders the officers of these institutions have a duty to share their informed insights on all issues affecting their institution with their constituents. Both union members and stockholders have the right to expect this expert guidance. In determining where their self-interest lies they have no other comparable source of information. Indeed, as the Supreme Court stated in the CIO case, if Congress were to prohibit communications between an organization and its members concerning "danger or advantage to their interests from the adoption of measures or the election to office of men, espousing such measures, the gravest doubt would arise in our minds as to its constitutionality."

Second, it has also been recognized that it is proper to allow corporations and unions to conduct nonpartisan registration and get out the vote campaigns. Indeed, any other conclusion would have been contrary to the basic precept that the exercise of the franchise is not merely a political right but a civic duty. The health of our representative form of government requires that every possible step be taken to maximize the number of eligible voters who go to the polls. Attempts to restrict the number who vote are inimical to the democratic precepts upon which the political process rests.

Of course, such campaigns must be nonpartisan. Within the constraints set by an organization's resources which may require it to concentrate on particular areas where its members are most numerous or where a race of particular

importance is to be held, it must make an effort to reach all those in the area and not merely those who will vote in a certain way. A failure to respect this limitation would, of course, be a violation of section 610.

It is not entirely clear to me, even after substantial study, as to whether the present law requires such campaigns to be limited to members and stockholders. It is my judgment that they should be, and the amendment Mr. HANSEN proposes insures that such a limitation would have to be observed. The dividing line established by section 610 is between political activity directed at the general public in connection with Federal elections which must be financed out of political donations and activities directed at members or stockholders which may be financed by general funds. As a matter of principle this line of demarcation supports the proposed limitation and there is no consideration of which I am aware that requires an exception to the basic guiding theory of this provision.

Finally, there can be no doubt that union members or stockholders should have the right to set up special political action funds supported by voluntary donations from which political "contributions and expenditures" can lawfully be made. As Senator TAFT stated in his floor explanation of section 610:

If [union members or stockholders] are asked to contribute directly . . . to the support of a labor [or management] political organization, they know what their money is to be used for and presumably approve it. From such contribution the organization can spend all the money it wants to with respect to such matters. But the prohibition is against labor unions using their members' dues for political purposes, which is exactly the same as the prohibition against a corporation using its stockholders' money for political purposes, and perhaps in violation of the wishes of many of its stockholders. 93 Cong. Rec. 6440.

For the underlying theory of section 610 is that substantial general purpose treasuries should not be diverted to political purposes, both because of the effect on the political process of such aggregated wealth and out of concern for the dissenting member or stockholder. Obviously, neither of these considerations cuts against allowing voluntary political funds. For no one who objects to the organization's politics has to lend his support, and the money collected is that intended by those who contribute to be used for political purposes and not money diverted from another source.

The essential prerequisite for the validity of such political funds is that the contributions to them be voluntary. For that reason the final section of this amendment makes it a violation of section 610 to use physical force, job discrimination, or the threat thereof, in seeking contributions. This is intended to insure that a solicitor for COPE or BIPAC cannot abuse his organizational authority in seeking political contributions. Of course, nothing can completely erase some residual effects on this score, any more than the law can control the mental reaction of a businessman asked for a contribution by an individual who happens to be his banker, or of a farmer

approached by the head of his local farm organization. The proper approach, and the one adopted here, is to provide the strong assurance that a refusal to contribute will not lead to reprisals and to leave the rest to the independence and good sense of each individual.

As a further safeguard the proviso also makes it a violation to transfer to such a fund money collected as dues or other fees required as a condition of membership or employment or obtained through commercial transactions. This insures that all moneys specifically intended by the donor to be utilized for political purposes will be available for union or corporate political "contributions and expenditures."

At the present time there is broad agreement as to the essence of the proper balance in regulating corporate and union political activity required by sound policy and the Constitution. It consists of a strong prohibition on the use of corporate and union treasury funds to reach the general public in support of, or opposition to, Federal candidates and a limited permission to corporations and unions, allowing them to communicate freely with members and stockholders on any subject, to attempt to convince members and stockholders to register and vote, and to make political "contributions and expenditures" financed by voluntary donations which have been kept in a separate segregated fund. This amendment writes that balance into clear and unequivocal statutory language.

What the gentleman's amendment will do is simple. It, in effect, incorporates the case law into existing statutory law and would allow within a very limited area already existing in the law the expenditure of certain treasury moneys or corporate moneys for the sole purpose of reaching either union members or stockholders in the corporations—and no one else outside of that very specific purpose of reaching the voters or drives for getting out the votes.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman.

Mr. UDALL. Mr. Chairman, I want to commend the gentleman from New Jersey for his statement and the gentleman from Idaho for his amendment.

I like the spirit that I see here this afternoon and I am beginning to believe that we can get a strong, workable, and sensible bill.

We have had a bipartisan spirit evidenced on this amendment and the gentleman from Ohio says that he will accept it. A number of distinguished Republicans in this House have said they can live with this and that they agree with the spirit and the purpose of this amendment.

I hope that we shall not here today try to load this bill down with all kinds of peripheral, emotional, and divisive elements that are not really essential to campaign finance reform. This is a bipartisan amendment. The amendment would merely clear up confusion in existing law. The trouble with existing law is not the way it is written but the way it has been observed. We would make clear

in the history here that we will have a new day, that labor unions and corporations—

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(On request of Mr. UDALL, and by unanimous consent, Mr. THOMPSON of New Jersey was allowed to proceed for 1 additional minute.)

Mr. THOMPSON of New Jersey. I yield to the gentleman from Arizona.

Mr. UDALL. We have made it very clear that labor unions and corporations are no longer going to be able to play unfair games, but that there is a limited role for labor unions and corporations in the political process, and that such roles, however, are limited to their stockholders, limited to their members. We need the kinds of registration and get-out-the-vote activities that are authorized under the amendment. I hope that the gentleman's amendment will be supported in a bipartisan fashion.

Mr. THOMPSON of New Jersey. I might say to the gentleman from Arizona that the purport of the amendment is limited to corporations and to labor unions and not to other organizations, which obviously operate under their first amendment rights, which exist anyway.

Mr. HAYS. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. CABELL. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Texas for the purpose of asking a question.

Mr. CABELL. I thank the gentleman for yielding. I would like to direct this question to the gentleman from Idaho, the author of the amendment. In the case of corporations and with relation to registration drives, nonpartisan, get-out-the-vote drives, if a bank president should authorize, for the purpose of such registration, one of its clerks or deputies to set up a desk in the lobby of a bank to encourage such a drive on strictly a nonpartisan basis, would that be in violation of the law under the terms of your amendment? They have done that quite often, as I am sure the gentleman knows.

Mr. HANSEN of Idaho. If the gentleman will yield, I would not interpret that activity, which I understand the gentleman's question to be directed toward—

Mr. CABELL. This is for the benefit of the general public. It does not necessarily go to the stockholders or the employees of the bank.

Mr. HANSEN of Idaho. Then it would not be permitted under the language of the amendment.

Mr. CABELL. That was the observation that I made. I raise this question because those are very valuable adjuncts in all walks of business life in encouraging registration and where no other effort is made, merely to impress upon those contacted their obligation to register and exercise their vote.

Mr. HAYS. I am afraid I disagree with my friend from Idaho about this because it seems to me under the scope of his amendment if the bank, which is a corporation, is using its place of business

and its employees to register voters, then I think under the gentleman's amendment it would be prohibited as much as a labor union would be prohibited from using its place of business and its employees to register the general public. Do you agree?

Mr. HANSEN of Idaho. The gentleman has not disagreed with me. That is the view I expressed.

Mr. HAYS. Then it would be prohibited.

Mr. HANSEN of Idaho. It would be prohibited.

Mr. CABELL. If the gentleman will yield further, does the gentleman in the well believe that is consistent with good citizenship, to make it impossible for labor unions or corporate entities, as far as that goes, to exercise their duties and responsibilities of citizenship in registering voters and encouraging them to vote?

Mr. HAYS. The gentleman from Ohio can only say in reply that if I were writing the amendment, I would make it broader than it is. But the gentleman from Ohio is also a realist and he believes that this is probably as broad an amendment as we can get through. Therefore he is supporting the amendment offered by the gentleman from Idaho.

Mr. CABELL. I thank the gentleman for yielding. I hope the amendment is defeated.

Mr. HAYS. Mr. Chairman, I had a question I wanted to ask the authors of the bill. I do not see either one of them present in the Chamber at the moment. Perhaps I can defer the question to a later point in the debate. But since we are talking about corporations, I would call your attention to the language on page 14 of the so-called Senate substitute, line 15, which says—

"(e) 'contribution' means—

"(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business),

I wish to speak to this section, because this was in the bill that was reported out of the House Administration Committee, and it was an amendment I offered in the committee because of a fracas we had in Ohio last year, in which an attempt was made to prosecute the Republican candidate for Governor because he obtained a loan for \$10,000 from a national bank. It just so happens that if the gentleman in question, the Republican nominee, had come to the bank of which I am chairman and asked for a \$10,000 loan on his financial statement, we would have granted it to him, because he certainly was a good risk.

I do not think that it was very smart of my party or anybody else to raise this as an issue. But at the time the law was completely unclear and seemed to and probably did prohibit such a loan. I do not think a candidate for office who has a net worth of \$100,000 or \$200,000, who might not want to sell some equity he has to pay, perhaps, for his hotel bills and gasoline for the campaign, should be prohibited from borrowing the money, and I am delighted to see this particular section is in the bill.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. HAYS was allowed to proceed for 2 additional minutes.)

Mr. HAYS. Mr. Chairman, I thought I would call this to the attention of the membership and try to make a little legislative history here. The gentleman from Ohio (Mr. DEVINE), the ranking minority member, is aware of the controversy we had in Ohio. I would like to ask the gentleman if he thinks, in his opinion, this language would clarify that to the point where this would not happen under similar circumstances.

Mr. DEVINE. Mr. Chairman, if the gentleman will yield, I agree with the gentleman from Ohio it does clarify and it would avoid such a situation as did develop in our State during the last campaign.

Mr. HAYS. I thank the gentleman from Ohio.

Mr. CRANE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment that has been offered, because I think it has some egregious deficiencies. The proposed amendment would, in my judgment, allow labor unions and corporations to make expenditures for political activities which under a strict reading of the language of title 18 United States Code, section 610 are now prohibited.

Expenditures by corporations in connection with Federal elections have been flatly prohibited since the original Corrupt Practices Act was adopted in 1925. This prohibition was extended to labor unions in 1947 for the purpose: first, of reducing the undue and disproportionate influence of unions on Federal elections; second, preserving the integrity of such elections for the use of aggregated wealth by union as well as corporate entities; and third, to protect union members holding political views contrary to those supported by the union from use of their membership dues to promote acceptance of those opposing views.

The amendment proposed by the gentleman from Idaho (Mr. HANSEN) would create a large and very significant loophole which would legalize broad-scale union political action—which is now prohibited—and undermine whatever protection the law now seeks to give rank and file union members against political use of their dues money.

The Hansen amendment would redefine the phrase "contribution or expenditure" as used in section 610 as not including expenditures for voter registration and get-out-the-vote campaigns aimed at either a corporation's stockholders and their families or a union's members and their families. Its net effect would be to put the stamp of approval on partisan political action by unions with money obtained through compelled union membership dues and fees which rank and file union members are required to pay under compulsory union shop contracts.

Although the amendment purports to allow corporate expenditures on the same basis as union expenditures it would not work this way. Corporate ex-

penditures for voter registration or get-out-the-vote activities would run head on into the existing laws of practically all States which prohibit corporate expenditures for any political purpose. In addition corporate expenditures for political purposes are considered ultra vires under prevailing case law, and could also be disallowed as not meeting the test of ordinary and necessary business expenses under section 162 of the Internal Revenue Code.

The Hansen amendment on the other hand would validate union voter registration functions which are conducted on a highly partisan basis. The director of AFL-CIO COPE, Alexander Barkan, has candidly described how organized labor has taken over the precinct voter registration activities for political candidates, and how these activities reach out to large segments of the population beyond the ranks of union members. In describing labor's activities in the 1968 elections Mr. Barkan says:

In many States labor did the registration job for Humphrey singlehandedly, the Democratic party had abandoned the field . . . We were the major national organization working at registering black voters and getting out their vote . . . The labor movement mobilized Mexican-American farm workers; and the AFL-CIO funded an operation which included a million leaflets, radio spots, and hundreds of election day workers in California alone. . . . In many States, a house-to-house canvass was conducted as part of our get-out-the-vote effort, particularly in selected labor areas and in minority-group areas where there are relatively few telephones. The number of persons involved in this operation was 72,225.

The source for this is Barkan, *Issues in Industrial Society*, volume 1, No. 2, Cornell University School of Industrial Relations.

The AFL-CIO Executive Council meeting at Miami Beach, Fla., on November 16, 1971, announced a major union-financed effort to register newly enfranchised voters between 18 to 21 years old, and that political action will be "a primary activity of the entire labor movement from now to election day 1972."

The use of union money for these partisan political activities clearly violates the existing prohibition in title 18, section 610 against union expenditures in connection with Federal elections. The gentleman's amendment would legalize these illegal expenditures, in my judgment.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I am happy to yield to the gentleman from Indiana.

Mr. DENNIS. As the gentleman from Illinois has pointed out, the Hansen of Idaho amendment specifically and in so many words makes legal and authorizes the use of union funds, paid in as dues by voluntary and involuntary union members, for financing get-out-the-vote drives.

Is it not true that the gentleman in the well has an amendment which he will offer, if this Hansen of Idaho amendment is defeated, which specifically states that union funds of this kind cannot be used for financing a get-out-the-vote drive—nor can corporate

funds—be so spent, but that either a corporation or a union can set up a separate voluntary fund to which voluntary contributions only are made and which can be used for financing get-out-the-vote drives?

Mr. CRANE. I thank the gentleman from Indiana for raising this question. I do indeed, in the event the amendment offered by the gentleman from Idaho fails, intend to offer an amendment to the amendment under consideration. As a matter of fact, this is already a part of the campaign spending bill that came out of the Committee on House Administration, and it received bipartisan support to come out of that committee.

I believe the essential difference between this amendment I intend to offer and that offered by the gentleman from Idaho is this language:

Nothing in this section shall preclude an organization—

I am referring here to corporations, national banks or unions—

from establishing and administering a separate contributory fund for any political purpose, including voter registration or get-out-the-vote drives, if all contributions, gifts, or payments to such fund are made freely and voluntarily, and are unrelated to dues, fees, or other moneys required as a condition of membership in such organization or as a condition of employment.

Mr. DENNIS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. HAYS. Mr. Chairman, will the gentleman yield to me for an observation?

Mr. DENNIS. I yield to the gentleman from Ohio.

Mr. HAYS. I should like to say to the gentleman I have had long experience in getting-out-the-vote drives and there is just one thing I can tell him. You can get them out, but once they get behind that curtain there is no way for you to know how they vote. I could give an experience we had in Ohio, where a sitting Governor was defeated in a primary.

Mr. DENNIS. I could give the gentleman some experiences, too, but I would rather get along with my remarks, if I may.

Mr. Chairman, I believe this is one place we ought to be very clear about what we are doing. We can do what we please, but let us not kid ourselves.

We have before us an amendment offered by the gentleman from Idaho (Mr. HANSEN) which specifically legalizes the use of union dues money, which is extracted from everybody who has to join the union to work in a union shop, for the purpose of voter registration and get-out-the-vote drives. Now, that is of very doubtful validity under the present law, but it is not going to be doubtful at all if you adopt the Hansen amendment, because the Hansen amendment just states that that is legal.

Mr. HANSEN of Idaho. Will the gentleman yield?

Mr. DENNIS. I yield briefly to the gentleman. Yes.

Mr. HANSEN of Idaho. Is it not true that the language in the present Hays bill adopted by the Committee on House

Administration would also permit union funds or corporate funds to be used to register voters? I believe the gentleman referred to registration of voters.

Mr. DENNIS. No. I talked about getting-out-the-vote drives. That is what I am talking about. I am perfectly well aware that the registration of voters clause was stricken out of the Crane amendment in your committee although the exact effect of that action may be debatable, but getting out the vote was not so stricken. Spending union treasury money for get-out-the-vote drives is not permitted under the Hays bill and it is permitted under your amendment, and that is exactly what you are trying to do.

Mr. HANSEN of Idaho. Except that the gentleman specifically referred to voter registration.

Mr. DENNIS. I am talking about getting-out-the-vote drives. That is what I am referring to now. If I referred to it erroneously before, I want to make that clear now.

However, what my friend from Idaho is doing is legalizing the use of union dues to finance get-out-the-vote drives. He cannot deny that. That is what he is doing.

Now, what Mr. CRANE's amendment will do, if he gets a chance to introduce it, which he will not unless we defeat the Hansen amendment, is to specifically outlaw the use of union dues money for the purpose of financing get-out-the-vote drives or corporate money or stockholders' money, but Mr. CRANE's proposed amendment specifically says that either a corporation or a union can establish and administer a separate contributory fund for any political purpose, including voter registration or get-out-the-vote drives, if all of the contributions are made freely and voluntarily.

So the issue is perfectly plain. If you are in favor of restricting the financing of get-out-the-vote drives to voluntary money contributed by a union member voluntarily, or by a stockholder voluntarily—if you want to limit it to that, then you ought to defeat Mr. HANSEN's amendment and give Mr. CRANE a chance to introduce his. If you think it is all right and fine to take involuntary money that is paid in as dues or for some other purpose and use it to finance get-out-the-vote drives, then you ought to support the Hansen amendment.

What we are doing if we put this Hansen amendment in the law is that we are making positively legal a practice which is now illegal, although it is evaded every day. I have had experience with these things, too. Let us not kid ourselves about what we are doing. I am not against unions or corporations but I am for holding down political activity to voluntary money on the part of anybody.

Mr. HANSEN of Idaho. Will the gentleman yield?

Mr. DENNIS. Yes. I yield to the gentleman.

Mr. HANSEN of Idaho. I think it is important to point out that the permitted activity, that is, the get-out-the-vote drive, which is now permitted under existing law, is limited to the members of the union. I think every time reference is made to it it should be made clear.

Mr. DENNIS. Well, all right.

Mr. HANSEN of Idaho. It would be members of the union to whom this is directed.

Mr. DENNIS. I do not quarrel with that. I am talking about the member of the union who maybe does not want to use his money in that way.

Mr. STEIGER of Wisconsin. Will the gentleman yield?

Mr. DENNIS. I yield to the gentleman.

Mr. STEIGER of Wisconsin. One of the advantages of the Hansen amendment is that the present law is somewhat unclear about whether it is limited to unions.

Mr. DENNIS. But I want to make it clear that you cannot use any of this involuntary money in that way.

Mr. STEIGER of Wisconsin. May I say to my friend I think such a construction would pose serious constitutional problems.

Mr. ASHBROOK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the unique and privileged role of labor organizations in our election processes was recently underscored by delegates to the 1971 convention of the Nation's largest and wealthiest union.

Delegates to the Teamsters Union convention adopted what is generally regarded as an ominous amendment to their constitution. It authorizes the union's general president to "make expenditures from the general fund in amounts to be determined by him in his sole discretion for lobbying and other political purposes, including contributions to candidates for State, provincial or local office."

Without question, this amendment to the Teamsters' constitution will encourage the continued wholesale flouting of restraints imposed by the Congress on union political activities in 1947 when it amended section 610, title 18, of the United States Code.

It is common knowledge that dues payments collected from involuntary members, as well as from voluntary members, are deposited in a union's general fund. Obviously, President Fitzsimmons will not be under any internal restraints when he contemplates contributions to certain political candidates from the union's general fund.

Admittedly, the union's amended constitution does not authorize the use of money from the general fund in connection with Federal elections. Let us not be deceived, however.

The widely respected and authoritative Congressional Quarterly has stated flatly that union officials conceal contributions to Federal candidates by "simply reporting transfers of gross sums to State committees. . . . The State committees, in turn, transfer the money to individual candidates, but the names of the recipients never appear on the nationally filed reports."

This is only one example of methods now being used to circumvent the existing law.

Mr. Chairman, I submit that the convention delegates who handed Mr. Fitzsimmons this blank check are not typical of the Nation's union members. All available evidence indicates that dues-paying unionists take a dim view of the use of

union resources in political campaigns. Partisan politicking is strongly resented by those wage earners who are compelled by collective bargaining agreements to pay for unwanted union representation.

Inclusion of the Crane amendment in the pending legislation would close a gaping loophole in our present law. It will put unions on the same footing in the political arena with corporations, banks, and all other associations.

The amendment of the gentleman from Idaho (Mr. HANSEN) would not. In fact, it would open the door to a use of union general fund moneys not now available for political purposes. The Crane amendment would prohibit such use while the Hansen amendment would allow this use. Both amendments would properly distinguish between voluntary contributions and these which are extracted by union dues which are involuntary since in almost all instances there is a closed shop arrangement and union membership is a condition of employment.

Mr. Chairman, I particularly want to ask a question in relation to the preceding colloquy, and I direct this question to the sponsor of the amendment (Mr. HANSEN).

I think it is patently clear what we would get into. In the Hansen amendment, we are talking about getting out the union vote. Are we to assume that if your amendment were to pass and the Teamsters Union, for example, were to spend money to get out the vote that they could come to the door of the union member and his family and say "We will take you to the polls," but they could not take anyone else in the household to the polls? How can you possibly limit it, I would say to the gentleman from Idaho, just to members of the union and their families? Are you talking about families and friends? Or just family? How do you intend to limit it just to members of the union and their families?

Mr. HANSEN of Idaho. I would say in response to my friend that the language of the amendment includes the members of their families and the stockholders of a corporation and their families.

Mr. ASHBROOK. The gentleman said a few minutes ago that he wanted to make his amendment perfectly clear. It is not being directed just to unions and members of unions but also their families? How far does this go? Do you go to cousins—first, second, and third? What would be the interpretation of "families?"

Mr. HANSEN of Idaho. I would interpret it as immediate family.

Mr. ASHBROOK. In other words, the mother, father, sons, and daughters? That would be as far as you would go and not cousins and nephews?

Mr. HANSEN of Idaho. No, I would not include anything other than immediate family.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to my colleague from Ohio.

Mr. HAYS. I think in applying this you would have to use the rule of commonsense. I suppose if they went up to the door that anyone who lived in that house would be included.

Mr. ASHBROOK. That is the point I

was going to make. Consider this example. I am a union get-out-the-vote organizer. I come to the door of your home. There are people in the home such as the union member and his family but also people who are not members of the family.

Are you saying it would be legal to get out the vote for families of the union member but under the rule of reasonableness I would be allowed as a part of get-out-the-vote campaign to get out other people in the same household who would not be members of the family? Would it be legal, illegal or would the rule of reason cover it all?

Mr. HANSEN of Idaho. I can only give you my own opinion which is perhaps of no greater value than yours, or the opinion of the gentleman from Ohio. However, I would still limit it to immediate families, those who are in the home and are a part of what may be determined to be a family unit. As has been previously stated there may be some cases on the borderline that may be difficult to determine. But I would say to the gentleman that also under the existing law there is no limitation on how far you can extend the get-out-the-vote activities. There are indications of plans in the making for rather broad get-out-the-vote drives directed toward the public at large, but if some kind of language such as this strikes a reasonable compromise is not adopted, I think we will begin to see this activity undertaken.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Ohio.

Mr. HAYS. I would like to call the gentleman's attention to the language in the House Administration bill which, of course, we are not considering now. We are considering the substitute bill. However, we spelled it out as follows:

For the purposes of this section, the term "immediate family" means a spouse, and any child, parent, grandparent, brother, or sister and the spouse of any of them.

I think, if the gentleman will yield further, that probably there will be some borderline cases. I think if you pulled up to a union member's house and asked the wife to go to the polls and her next door neighbor was sitting there and asked may she go too, I do not think they would turn her down. I do not think they should be prosecuted under those circumstances.

The gentleman will recall what I said earlier—it goes back to the old story that you can take a horse to water, but you cannot make him drink. You can haul people to the polls, but you cannot control how they vote once they get in there.

I do not know whether the gentleman remembers the case of Governor Davey when he was defeated in the primary.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

What we did, the late Governor Davey had all the money that you could imagine available to get people to the polls, and in my home county they advertised that they would have 300 cars, which was three cars to a precinct, available for this purpose.

I was managing the other campaign,

we had no money for cars, we did have a little money for handbills, so we had 100,000 handbills printed that said at the top, "You paid funds to get people to get a ride." We said, "These are funds from State money that is hiring these cars, so just get in a car and take a ride with them and go to the polls and vote." And Sawyer carried the county by 10,000 votes.

So I am saying, I do not get too excited about who hauls the people to the polls, but I am excited about who they vote for when they get to the polls.

Mr. ASHBROOK. I would generally agree with the gentleman from Ohio in what he has said, but I do get excited about one particular aspect, and that is this. If you look at the Teamsters Union convention this very year, and the authority that they gave to their international president you can get excited. I will quote you that authority that they gave him. It was the absolute authority "to make expenditures from the general fund in amounts to be determined by him, in his sole discretion, for lobbying and other political purposes including contributions to candidates for State, provincial, or local offices."

So if we go on down the line on the Hansen amendment I do get excited. I will say to the gentleman from Ohio, my good friend and colleague, I do get excited about the absolute potential for abuse that you could have if we legalize this type of activity. When the Teamsters Union gives blanket authority to their international president to use his sole discretion to distribute any amount of money, for any legitimate purpose, I happen to think when we are talking about reform that we ought to be narrowing the area where unions can expend money rather than opening it up, which seems to be the thrust of this amendment.

Mr. CRANE. Mr. Chairman, if the gentleman will yield on the question of who is influenced by the unions. In their own literature they acknowledge operating on the assumption that for every member of the union you are reaching with labor publications, that you are simultaneously reaching their spouse at home, and two friends, neighbors, or relatives. So if we start with 15 million union members, you will be reaching, in addition to the 15 million members, the spouse of the member, and two relatives or friends, and we are then talking about somewhere in the neighborhood of 60 million voters.

I would also like to comment in response to the gentleman from Ohio on knowing where your voters are with a quotation by Mr. Meany himself:

When you spend your money to get people registered, and then spend a lesser proportion to get them out to vote, you know you got a vote in the ballot box. Of course, we are a little bit choosy when we choose the districts in which we want to better these votes in the ballot box, so that when they go in we have a pretty good idea how they are going to vote.

I can assure the gentleman from Ohio that in my home State of Illinois I could on this "choosy" basis make some estimate as to how people would vote, and I think I would be good enough to know how the outcome would be by being selec-

tive in the areas, where if I wanted to conduct a massive voter registration drive I could either turn out a large number of Democrats or a large number of Republicans. To be sure, there will always be gray areas in these things, and as Mr. Meany himself said, the unions exercise selectivity in spending union moneys to get out the vote.

Mr. ASHBROOK. My concern comes more from a national scope than from a local scope, and in my district, if they want to get out the vote for the purpose of voting against me, it probably will end up helping me more than hurting me, but at the national level it is a different situation. I would respectfully oppose the amendment offered by the gentleman from Idaho.

Mr. ZION. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Indiana.

Mr. ZION. Mr. Chairman, under the terms of the Hansen amendment, regarding the involuntary dues, would the union be permitted to pay people to use the dues to haul friends and associates to the polls?

Mr. ASHBROOK. I would assume that would be a legitimate purpose. The gentleman from Idaho said a while ago, that my opinion was as good as his, but I think you will find that, as the author of the amendment, his opinion would be followed more closely than mine. So if the gentleman wishes to respond, I will be glad to yield to the gentleman.

Mr. HANSEN of Idaho. Mr. Chairman, I believe any communications ordered by a labor union to its members which is designed to get out the vote, to get people to the polls to exercise their obligations as citizens, would be permitted. It would also be true of support for the same purpose directed at its stockholders by a corporation.

Mr. STEIGER of Wisconsin. Mr. Chairman, I move to strike out the last word and rise in support of the Hansen amendment.

Mr. Chairman, I support the amendment offered by the gentleman from Idaho. I have listened to the comments of my colleagues on both the Republican and Democratic side and I must say, in all honesty, it is apparent that there are some who believe that if you are for the Hansen amendment that somehow you are granting power to organized labor which now they do not have.

I am one of those who has been rather vigorously opposed on a number of occasions by the AFL-CIO, the United Automobile Workers, and others in this field. Thus, I do not believe it ought to be construed as being pro or antilabor on corporations when one talks about what is available or legitimate for corporations and labor unions reporting under title 18, section 610. What the Hansen amendment does is to codify in the statutes what section 610 of title 18 has been interpreted to mean.

Mr. CUDE. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman.

Mr. CUDE. Mr. Chairman, I rise in support of the Hansen amendment

which is intended to clarify section 610 of title 18 of the United States Code making it a criminal offense for a corporation or labor union "to make a contribution in connection with any Federal election."

I think it is appropriate that we address ourselves to this problem while we are considering Federal election reform and I believe that the Hansen amendment is the best guarantee that the intent of section 610 will be understood and followed.

The original language of section 610 was so ambiguous that its full meaning only becomes clear when it is read along with the numerous court cases which interpreted the legislation. The Hansen amendment would codify these interpretations so that the original purpose of the section—to insure that the general funds of a corporation or union cannot be used for election activities geared to the general public on behalf of specific Federal candidates—will prevail.

Corporate and labor union political communications directed at their stockholders and members should be allowed. Likewise, nonpartisan registration and get-out-the-vote activities were not the target of the original section 610. And, of course, partisan electioneering directed at the general public financed by voluntary contributions are acceptable.

I believe that the Hansen amendment will be very helpful in clarifying the provisions of section 610 without imposing limitations on corporations and labor unions which either violate the Constitution or fly in the face of our American traditions.

I strongly favor the passage of a strict campaign reform measure, and I think that by accepting the Hansen amendment we will significantly improve our final product.

Mr. STEIGER of Wisconsin. I thank the gentleman for his contribution.

Mr. Chairman, I think it ought to be clear at the outset that what the Supreme Court said effects the rights of both labor and management to engage in a narrow range of educational and nonpartisan activities which are allowed and protected at the present time under the so-called CIO case.

The Supreme Court in that said, and I quote:

If [18 USC § 610] were construed to prohibit the publication, by corporations and unions in the regular course of conducting their affairs, of periodically advising their members, stockholders or customers of danger or advantage to their interests from the adoption of measures or the election to office of men, espousing such measures, the gravest doubt would arise in our minds as to its constitutionality.

The Court then went on to say that "the evil" which Congress may constitutionally regulate is "the use of union funds to influence the public at large to vote for a particular candidate or a particular party."

One of the reasons the Hansen amendment makes sense is it does provide a limitation which presently is not found in the language of 18 U.S.C. 610. That limitation is that the funds that are to be used by the union or by a corporation—and I must admit to being somewhat

amazed at my friends like the gentleman from Illinois and others who keep talking about unions and forgetting the dual nature of this problem and the fact that the amendment goes to both unions and corporations and that the Hansen amendment would make it possible for the first time to insure that the funds that are constitutionally protected—union and corporate funds under section 610 of title 18, United States Code can only be used in terms of carrying on campaigns for voter registration and drives to get out the vote and campaigns aimed at members on the family or stockholders of both labor organizations and corporations.

It is for that reason I think this amendment makes a lot of sense.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, let me simply remind the gentleman from Wisconsin that I quoted from my amendment which is contained in the House administration bill and refers equally to corporations, national banks, and labor organizations.

To me the issue still comes back to that of voluntarism versus compulsion. I do not care whether it is a corporation or a national bank or a labor organization—we are talking about compulsion. It seems to me in the interest of fairness and justice to all—whether you are talking of stockholders of a bank or a corporation or whether you are talking of members of a union—I think it is unjust, unfair, and inequitable to take money involuntarily from them and to use that money to promote ideals that are contrary to their own.

Mr. STEIGER of Wisconsin. I refuse to yield further. I might say this is on my time, though I am delighted to have the gentleman's contribution. I simply disagree with him. I think you are imposing what I would judge to be a very questionable concept on organizations, be it a labor union or a corporation, that somehow that organization does not have the right and should not be allowed to carry on a campaign of education among its stockholders or its members, and to try to deny that right on the basis of the ancillary issue of compulsion versus voluntarism is beside the point.

It seems to me that what the Hansen amendment does is to assure that we restrict these funds to being used solely for the purpose of carrying on campaigns among their members and their families.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(By unanimous consent, Mr. STEIGER of Wisconsin was allowed to proceed for 2 additional minutes.)

Mr. HARVEY. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Michigan.

Mr. HARVEY. I thank the gentleman for yielding. My question is really one of clarification. I am not satisfied in my own mind that we are correct in lumping corporations and unions together in the manner in which we are doing it. I

know they are lumped that way in the corrupt practices bill and the present bill. But as I see this, we are talking about corporations which, at least in the State of Michigan from which I come, do not have registration and get-out-the-vote drives, for that matter. However, there has been tremendous union activity.

As I look at what could be contemplated, I am bothered by this. My criticism is sincere, so I ask this question. Corporations are diverse, their stockholders scattered all over the country, and their efforts are perhaps limited to a letter campaign of some kind. But that is not what the unions are doing. The unions are actually registering people, sending out cars, delivering them to the polls. They have computers and other sophisticated equipment to aid them in the process.

I wonder if it is fair to say that corporations are in the same category with unions in this respect?

Mr. STEIGER of Wisconsin. I am sorry I do not have time to yield further. No, corporations are not in the same category. But within my remaining time let me discuss a further reason I support the Hansen amendment. The other body is now considering a national voter registration program through use of the mails. We ought not to turn around and somehow make it impossible or more difficult for voluntary drives of the kind we have discussed to register voters and get out the vote. The United States stands proud in its reliance on volunteer efforts by private organizations—and the fact that we are not like France, Britain, or Canada where they have municipal systems or federal drives—in encouraging voluntary drives. I want the voluntary drive to be maintained and I do not want to move in the direction of our neighbors. Thus, I support the Hansen amendment and urge its adoption.

Mr. Chairman, I rise in opposition to the Hansen amendment primarily because, if adopted, it will preclude consideration of the Crane amendment. Those of you who have a copy of the House Administration bill, the Hays bill, before you, H.R. 11960, look at page 18, section 8. That is the Crane amendment. That is the one that was adopted in the House Administration Committee, because we think it addresses itself properly to the problem. It was inserted in the bill because the members of the committee recognize that section 610, title 18, has failed in the purpose for which Congress originally intended it—to inhibit the activities of labor unions in the political arena. Thus, the Crane amendment does nothing beyond that which Congress set out to do in 1947 when the law was amended to cover political contributions by labor organizations.

Although the Crane amendment, which we hope to reach if the Hansen amendment is defeated, is aimed at corporations and banks in addition to labor organizations, it is now being denounced as antilabor by union spokesmen. So I think it is reasonable to presume that the amendment offered by the gentle-

man from Idaho would be considered an AFL-CIO amendment.

Whereas these spokesmen formerly insisted that union political activities are funded exclusively by voluntary contributions from members, union officials now complain that Mr. CRANE's proposal "would prohibit all union activity financed by Treasury money, connected in any way with Federal elections." Their complaint represents an admission of noncompliance with section 610.

Another complaint by union spokesmen, namely, that "union funds could not be used for nonpartisan, 'get-out-the-vote' activities aimed at union members and their families," is altogether misleading.

In the first place, the Crane amendment includes this notable safeguard:

Nothing in this section shall preclude an organization from establishing and administering a separate contributory fund for any political purpose, including voter registration or get-out-the-vote drives, if all contributions, gifts or payments to such fund are made freely and voluntarily, and are unrelated to dues, fees or other moneys required as a condition of membership in such organization or as a condition of employment.

Second, there is an abundance of evidence proving that union sponsored "get-out-the-vote" campaigns are not nonpartisan. George Meany himself has acknowledged, when he said:

When you spend your money to get people registered, and then spend a lesser proportion to get them out to vote, you know you got a vote in the ballot box. Of course, we are a little bit choosy when we choose districts in which we want to better these votes in the ballot box, so that when they go in we have a pretty good idea how they are going to vote.

Furthermore, AFL-CIO Secretary-Treasurer Lane Kirkland, while addressing the Amalgamated Transit Union convention in Las Vegas, Nev., last September, exploded the myth that union political activities are merely "aimed at union members and their families." While vigorously attacking President Nixon, he said:

Over the next 13 months labor and its political arm—COPE—has a great deal of work to do. We have to carry our message to every American eligible to vote, and we have to make sure that they understand what America's choices really are. And we have to make sure that every voter we can reach is registered, and that they go to the polls.

Clearly, the leaders of organized labor are attempting to influence union members and all other voters in the Nation. And they are using union dues money provided mostly on a compulsory basis from members.

We must protect America's working men and women from this abuse.

I suggest we vote down the Hansen amendment, in order to give us an opportunity to consider the Crane amendment.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, I thank the gentleman for yielding and for his support for my amendment which I hope I will have a chance to introduce.

I want to comment on some of the re-

marks made earlier. Frankly, I find it somewhat surprising that the gentleman from Wisconsin should describe the issue of freedom of choice and freedom to dispose of one's property according to the dictates of one's own conscience as an "ancillary red herring." Clearly in my judgment that is the problem involved.

I would also like to pass on a quotation of Justice Black on the subject.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(On request of Mr. CRANE, and by unanimous consent, Mr. DEVINE was allowed to proceed for 2 additional minutes.)

Mr. CRANE. Mr. Chairman, if the gentleman will yield, I would like to give the quotation by Justice Hugo Black:

There can be no doubt that the federally sanctioned union shop contract here, as it actually works, takes a part of the earnings of some men and turns it over to others, who spend a substantial part of the funds so received in efforts to thwart the political economic and ideological hopes of those whose money has been forced from them under authority of law.

There was a classic battle by Thomas Jefferson on behalf of freedom of religion in the State of Virginia. At that time he stated that to force a man to contribute his money to support the propagation of views that are contrary to his own is sinful and tyrannical. The principle involved today is exactly the same as that involved in Jefferson's day.

Mr. DEVINE. Mr. Chairman, I would ask the gentleman from Illinois if the proposed Hansen amendment does violence to the proposed Crane amendment?

Mr. CRANE. It does, because it ignores this question of involuntarily raised moneys and, in fact, puts the stamp of approval on the use of involuntarily raised moneys for registration drives and get-out-the-vote drives.

Mr. DEVINE. Is it the opinion of the gentleman from Illinois that if the Hansen amendment is adopted, the union activity would be broadened or confined?

Mr. CRANE. It would be significantly broadened and in my judgment it would be to the detriment of most Americans.

Mr. HARVEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am rather confused about this amendment. I should like to ask the author of it, the gentleman from Idaho, a couple of questions.

I would say to the gentleman, to preface my questions, that, believe it or not, I have great admiration for the efficiency of the unions in their activity in getting out the vote and in registration drives as well. These have both been conducted in Michigan, although in a highly partisan manner, nevertheless in an extremely efficient manner. I believe that can be truly said also around the country.

But in Michigan, I would point out, both the registration drives and the get-out-the-vote drives have been, at least in my best judgment, directed not only at union members but also conducted, No. 1, on a door-to-door basis and, No. 2, conducted among minority groups.

I say to my friend from Idaho, am I correct that his amendment would preclude any such activity in the future? In other words, am I correct that any union activity or corporation activity would be

precluded on either a door-to-door basis or among minority groups?

Mr. HANSEN of Idaho. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. I yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. That activity would be precluded to the extent that it was aimed at persons other than members of the union and their families, or for corporations stockholders and their families.

I believe the gentleman raises an excellent point. There is now no effective or practical limitation in the law as to the extent to which these get-out-the-vote activities can go. They may very well be directed, to the general public or to certain segments of the general public, who are obviously more likely to vote in the same way as the sponsors of the campaign.

This amendment would have the effect of restricting the persons who would be the object of a get-out-the-vote campaign.

Mr. HARVEY. Mr. Chairman, in the September 1970, National Journal there was featured a 10-page article on the Committee on Political Education. It stressed, among other things, COPE's involvement in voter registration and campaign work. According to the Journal, and I quote:

In 1968 its nuts and bolts registration and get-out-the-vote effort helped elect 195 House Members and 15 of the 34 Senators chosen by America's voters.

What bothers me, Mr. Chairman, is, as I say, in Michigan, at least, this is not a bipartisan effort, but this is strictly a partisan effort. It points up to me that certainly this whole area is undoubtedly the biggest loophole in either the substitute we are considering or in the Hays-Macdonald bill that we are considering. While we are talking about placing limits on what a candidate can spend in his own behalf, and making that candidate account for all expenditures on his own behalf, we are saying either the union or the corporation, can go out and do it in behalf of a particular candidate and yet that is not accounted for at all.

Mr. HANSEN of Idaho. Mr. Chairman, will the gentleman yield further?

Mr. HARVEY. I yield further.

Mr. HANSEN of Idaho. The gentleman makes an excellent point, and I should like to underscore it.

The gentleman refers to the activities of COPE. I would point out COPE is not touched by this amendment or by the present law or by the language of the Hays bill. As a matter of fact, the Hays bill with the so-called Crane amendment specifically recognizes the right to establish a voluntary political fund, and that is what COPE is.

This amendment does not reach COPE. COPE is excluded from its coverage and from the terms of the Crane amendment as it was adopted in the Hays bill.

Mr. HARVEY. I thank the gentleman for his contribution.

Mr. HAYS. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I think it is important that we understand neither the Crane amendment nor the Hansen amendment is directed toward voluntary or COPE moneys. What we are talking about is Treasury money. The principal distinction is that the Hansen amendment would allow its use to get-out-the-vote drives for union members while the Crane amendment would not.

I cheerfully supported the Crane amendment in committee in its unexpurgated version, which is stronger than the version now in the Hays bill. There is a time, I think, when it is appropriate to retreat just a little bit. If we vote down the Hansen amendment in our efforts to get to the Crane amendment, we may well lose both of them and go into conference with nothing on the subject.

On the other hand, the Hansen amendment is a step forward in clarifying what has been judicial precedents in the field. Therefore I urge an affirmative vote on the Hansen amendment.

I yield to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. I would like to comment on the point the gentleman from Minnesota made.

I disagree. The Hansen amendment in effect guts the amendment I introduced before in the Committee on House Administration. I still argue it is a vital issue. I am fully cognizant of the nature of labor's influence in our legislative councils, and very frankly I do not anticipate, if my amendment were to stay in any bill that came out of this House, it would survive the conference committee.

I think we are engaged in an exercise in semantics, but let us not be hypocritical as to what is contained in the bill. That is the importance, in my judgment, of defeating the Hansen amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HAYS) to close debate.

Mr. HAYS. I would like to say to the Members who are here that there is a lot of sound and fury here about how much money labor spent. In 1968 the Ohio Medical Association contributed more money to my opponent than COPE did to the whole slate of congressional candidates in the State of Ohio.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. HANSEN) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The question was taken; and the chairman announced that the ayes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. CRANE. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. CRANE. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers

Messrs. HANSEN of Idaho, CRANE, HAYS, and DENNIS.

The Committee divided, and the tellers reported that there were—ayes 233, noes 147, not voting 51, as follows:

[Roll No. 416]

[Recorded Teller Vote]

AYES—233

|                 |                 |                |
|-----------------|-----------------|----------------|
| Abourezk        | Garmatz         | Murphy, N.Y.   |
| Abzug           | Gaydos          | Natcher        |
| Adams           | Giammo          | Nedzi          |
| Addabbo         | Gibbons         | Nix            |
| Albert          | Gonzalez        | Obey           |
| Anderson,       | Grasso          | O'Hara         |
| Calif.          | Gray            | O'Konski       |
| Anderson, Ill.  | Green, Oreg.    | O'Neill        |
| Anderson,       | Green, Pa.      | Patman         |
| Tenn.           | Griffiths       | Patten         |
| Andrews,        | Gude            | Pepper         |
| N. Dak.         | Hamilton        | Perkins        |
| Annunzio        | Hanley          | Peyster        |
| Ashley          | Hansen, Idaho   | Pickle         |
| Aspin           | Hansen, Wash.   | Pike           |
| Badillo         | Harrington      | Podell         |
| Begich          | Hathaway        | Preyer, N.C.   |
| Bennett         | Hawkins         | Pryor, Ark.    |
| Bergland        | Hays            | Furcell        |
| Bevill          | Hechler, W. Va. | Quie           |
| Biaggi          | Heckler, Mass.  | Randall        |
| Biester         | Heinz           | Rangel         |
| Bingham         | Helstoski       | Rees           |
| Boggs           | Hicks, Mass.    | Reid, N.Y.     |
| Boland          | Hicks, Wash.    | Reuss          |
| Brademas        | Hillis          | Robison, N.Y.  |
| Brasco          | Hollifield      | Roe            |
| Brooks          | Howard          | Rogers         |
| Burke, Mass.    | Hull            | Roncalio       |
| Burlison, Mo.   | Hungate         | Rooney, N.Y.   |
| Byron           | Ichord          | Rooney, Pa.    |
| Carey, N.Y.     | Jacobs          | Rosenthal      |
| Carney          | Johnson, Calif. | Roush          |
| Celler          | Jones, Tenn.    | Roy            |
| Chappell        | Karsh           | Runnels        |
| Chisholm        | Kastenmeier     | Ryan           |
| Clark           | Kazen           | St Germain     |
| Clay            | Keating         | Sarbanes       |
| Collins, Ill.   | Kluczyński      | Scheuer        |
| Conable         | Koch            | Schwengel      |
| Conte           | Kyros           | Seiberling     |
| Conyers         | Leggett         | Shibley        |
| Corman          | Link            | Shriver        |
| Cotter          | Lloyd           | Slack          |
| Coughlin        | Long, Md.       | Smith, Iowa    |
| Culver          | Lujan           | Smith, N.Y.    |
| Daniels, N.J.   | McCloskey       | Staggers       |
| Danielson       | McCormack       | Stanton        |
| Davis, Ga.      | McCulloch       | J. William     |
| de la Garza     | McDade          | Stanton        |
| Delleney        | McDonald,       | James V.       |
| Dellum          | Mich.           | Steele         |
| Denholm         | McEwen          | Steiger, Wis.  |
| Dent            | McFall          | Stokes         |
| Dingell         | McKay           | Stratton       |
| Donohue         | McKinney        | Stubblefield   |
| Dow             | Macdonald,      | Sullivan       |
| Drinan          | Mass.           | Symington      |
| Dulski          | Madden          | Teague, Tex.   |
| Dwyer           | Maillard        | Terry          |
| Eckhardt        | Martin          | Thompson, N.J. |
| Edmondson       | Matsunaga       | Thomson, Wis.  |
| Edwards, Calif. | Mayne           | Tieman         |
| Esch            | Mazzoli         | Udall          |
| Eshleman        | Meeds           | Ullman         |
| Evans, Colo.    | Melcher         | Van Dearin     |
| Fascell         | Metcalfe        | Vanik          |
| Findley         | Mikva           | Vigorito       |
| Fish            | Miller, Calif.  | Waldie         |
| Flood           | Mills, Ark.     | Whalen         |
| Flowers         | Minish          | Widnall        |
| Foley           | Mink            | Williams       |
| Ford,           | Mitchell        | Wolf           |
| William D.      | Mollohan        | Wydler         |
| Forsythe        | Monagan         | Yates          |
| Fraser          | Moorhead        | Yatron         |
| Frenzel         | Morgan          | Young, Tex.    |
| Fulton, Tenn.   | Morse           | Zablocki       |
| Fuqua           | Mosher          | Zwach          |
| Gallinanakis    | Moss            |                |
|                 | Murphy, Ill.    |                |

NOES—147

|           |                |                |
|-----------|----------------|----------------|
| Abbutt    | Bray           | Burleson, Tex. |
| Abernethy | Brinkley       | Byrnes, Wis.   |
| Archer    | Broomfield     | Cabell         |
| Ashbrook  | Brotzman       | Caffery        |
| Aspinall  | Brown, Mich.   | Camp           |
| Baker     | Brown, Ohio    | Carter         |
| Betts     | Broyhill, N.C. | Casey, Tex.    |
| Blackburn | Buchanan       | Cederberg      |
| Bow       | Burke, Fla.    | Chamberlain    |

|                 |                 |                |
|-----------------|-----------------|----------------|
| Clancy          | Hunt            | Rousselot      |
| Clausen,        | Hutchinson      | Ruppe          |
| Don H.          | Jarman          | Ruth           |
| Clawson, Del.   | Johnson, Pa.    | Sandman        |
| Cleveland       | Jonas           | Satterfield    |
| Collier         | Keith           | Saylor         |
| Collins, Tex.   | Kemp            | Scherie        |
| Colmer          | King            | Schmitz        |
| Crane           | Kuykendall      | Schneebell     |
| Daniel, Va.     | Kyl             | Scott          |
| Davis, Wis.     | Landgrebe       | Sebelius       |
| Dennis          | Latta           | Shoup          |
| Devine          | Lennon          | Skubitz        |
| Dickinson       | Lent            | Smith, Calif.  |
| Dorn            | Long, La.       | Snyder         |
| Downing         | McClory         | Spence         |
| Duncan          | McCollister     | Springer       |
| du Pont         | Mahon           | Steiger, Ariz. |
| Edwards, Ala.   | Mann            | Stephens       |
| Erlenbora       | Mathias, Calif. | Talcott        |
| Fisher          | Mathis, Ga.     | Taylor         |
| Flynt           | Miller, Ohio    | Teague, Calif. |
| Ford, Gerald R. | Mills, Md.      | Thompson, Ga.  |
| Fountain        | Minshall        | Thom           |
| Frelinghuysen   | Mizell          | Vander Jagt    |
| Frey            | Montgomery      | Veysel         |
| Gettys          | Myers           | Waggoner       |
| Goldwater       | Nelsen          | Wampler        |
| Goodling        | Nichols         | Ware           |
| Griffin         | Passman         | Whalley        |
| Gross           | Pelly           | White          |
| Grover          | Pettis          | Whitehurst     |
| Hagan           | Pirnie          | Whitten        |
| Haley           | Poage           | Wiggins        |
| Hall            | Poff            | Winn           |
| Hammer-         | Powell          | Wyatt          |
| schmidt         | Price, Tex.     | Wylie          |
| Harvey          | Quillen         | Wyman          |
| Hastings        | Rarick          | Young, Fla.    |
| Henderson       | Roberts         | Zion           |
| Hosmer          | Robinson, Va.   |                |

NOT VOTING—51

|               |              |              |
|---------------|--------------|--------------|
| Alexander     | Ellberg      | Price, Ill.  |
| Andrews, Ala. | Evins, Tenn. | Pucinski     |
| Arends        | Gallagher    | Railsback    |
| Baring        | Gubser       | Rhodes       |
| Barrett       | Halpern      | Riegler      |
| Belcher       | Hanna        | Rodino       |
| Bell          | Harsha       | Rostenkowski |
| Blanton       | Hébert       | Roybal       |
| Elatnik       | Hogan        | Sikes        |
| Bolling       | Horton       | Sisk         |
| Broyhill, Va. | Jones, Ala.  | Steed        |
| Burton        | Jones, N.C.  | Stuckey      |
| Byrne, Pa.    | Kee          | Wilson, Bob  |
| Davis, S.C.   | Landrum      | Wilson,      |
| Derwinski     | McClure      | Charles H.   |
| Diggs         | McKevitt     | Wright       |
| Dowdy         | McMillan     |              |
| Edwards, La.  | Michel       |              |

So the amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. DEVINE TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. HARVEY

Mr. DEVINE. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. DEVINE to the amendment in the nature of a substitute offered by Mr. HARVEY: Page 21, line 21, after the word "value" and add "(except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business)".

The CHAIRMAN. The gentleman from Ohio (Mr. DEVINE) is recognized for 5 minutes in support of his amendment.

Mr. DEVINE. Mr. Chairman, this is a corrective and clarifying amendment.

The committee will recall that when the chairman of the committee, Mr. HAYS, was discussing the situation that occurred during the Ohio elections last year having to do with candidates borrowing funds for campaign purposes, that we adopted an amendment in committee and we approved an amendment here but it confined itself only to the

Criminal Code Amendments when it related to a definition of "contribution." That appeared on page 14, line 16, of the bill.

If we move to the subject matter and address ourselves to the amendment in question, it has to do with page 21 of the bill under the disclosure features. It merely makes the definition of "contribution" at that point conform with the same definition under the criminal section. I believe the gentleman from Ohio is aware of the amendment.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Ohio.

Mr. HAYS. I agree with everything the gentleman has said. This is in the nature of a corrective amendment to make the bill the same in both areas, and I think that everybody in the House would probably be in favor of it. I certainly support it.

Mr. DEVINE. Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. DEVINE), to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. KEATING TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. HARVEY

Mr. KEATING. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. KEATING to the amendment in the nature of a Substitute offered by Mr. HARVEY: Page 37, immediately after line 17, insert the following:

(b) It shall be the further duty of the Comptroller General to serve as a national clearing house for information in respect to the administration of elections. In carrying out its duties under this subsection, the Comptroller General shall enter into contracts for the purpose of conducting independent studies of the administration of elections. Such studies shall include, but shall not be limited to, studies of—

(1) the method of selection of, and the type of duties assigned to, officials and personnel working on boards of elections;

(2) practices relating to the registration of voters; and

(3) voting and counting methods.

Studies made under this subsection shall be published by the Comptroller General and copies thereof shall be made available to the general public upon the payment of the cost thereof. Nothing in this subsection shall be construed to authorize the Commission to require the inclusion of any comment or recommendation of the Comptroller General in any such study.

And redesignate the following subsection accordingly.

Mr. KEATING. Mr. Chairman, my amendment is designed to broaden the jurisdiction of the Comptroller General which is established in the hopes amendment to the substitute bill.

My amendment will give the Comptroller General the responsibility to contract independent studies on the problems of election administration and shall

serve as a clearinghouse for this information. The Comptroller General is restricted from making any recommendations and is to provide information only when requested. He will not interfere with local and State governments.

Election day is the most important day in any democratic nation. When the Government fails to function efficiently on this day, a tremendous credibility gap occurs between the Government and the people. All of the sections of the bill are meaningless if we are unable to properly execute the election itself.

In Cincinnati this past election the citizens woke up the morning after the election to read in the paper:

There are no election returns to report. There won't be for three days.

A day later the papers reported:

The Hamilton County Board of Elections has tentatively agreed to start the count of all ballots of last Tuesday's election Sunday evening.

Research into this problem shows there have been numerous difficulties in election administration across the Nation.

In Detroit during the primary election the newspaper headline was: "Computers Foul Vote Count." Later when the general election occurred the paper in Detroit reported:

For the second time in a row the counting of Detroit's new punch card ballots turned into a colossal foul-up Tuesday night. Some computers broke down.

Similar stories have appeared in San Francisco, Atlanta, Los Angeles, and indeed in other cities across the Nation.

The magazine Computerworld reported a case in Philadelphia where:

James Martin, a candidate for judge in the recent primary election was almost "elected" by errors in keypunching.

This amendment will allow for State and local officials to turn to a national center or clearinghouse for information on good and bad ideas on voting systems. The center also will collect information on the responsibilities and duties of board of elections officials and personnel, plus the maintaining of registration list and any other problems that plague the effective administration of elections. Hopefully with information officials will be able to carry out their responsibilities on election day in the most efficient manner possible.

It is my understanding that the gentleman from Minnesota (Mr. FRENZEL) and the gentleman from Ohio (Mr. BROWN) and the gentleman from Ohio (Mr. HAYS), the Chairman, are in agreement with this amendment.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, this amendment was proposed to us a long time ago. It seems to us it is a reasonable inclusion for the duties of the supervisory authority without giving them authority in local elections, but it does provide for them a central marketplace for ideas.

Mr. KEATING. Mr. Chairman, I thank the gentleman for his comments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KEATING) to the amend-

ment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The amendment to the amendment in the nature of a substitute was agreed to. AMENDMENT OFFERED BY MR. BINGHAM TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HARVEY

Mr. BINGHAM. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM to the amendment in the nature of a substitute offered by Mr. HARVEY:

Page 13, after line 2, insert a new title as follows:

"TITLE II

"SEC. 201. No candidate for federal elective office may expend, in a primary, primary runoff, or general election, an amount in excess of the limitations imposed by Section 104 of Title I (for the use of communications media) for the following purposes: (a) telephone campaigns, including the cost of telephones, paid telephonists and automated equipment, when telephones are used in banks of five or more instruments to communicate with potential voters, (b) postage for computerized or identical mailings in quantities of 200 or more. Amounts expended for the use of communications media as provided in Section 104 of Title I will be charged against the limitations imposed by this section."

And renumber the following Titles and sections accordingly.

Mr. BINGHAM. Mr. Chairman, earlier I spoke of the amendment that I had intended to offer to the substance of the Macdonald bill, which we have already adopted. This amendment, which I have worked out with the assistance of some of the experts in this House—and I am indebted to them—provides for the same kind of compromise I was talking about before.

What the amendment does is to add two categories to those categories which are the subject of the limitations of title I, and the two categories are organized telephone campaigns and organized mailings using computerized or identical mailings in the quantities of 200 or more. As far as the mailings are concerned, only the postage is covered, and as far as the telephones are concerned, the cost of the telephones or paid telephonists or of automated equipment would be covered. These items are readily identifiable, they constitute a major share of the cost of congressional campaigns in many districts, and if we do not include something of this kind, and if we then adopt the Senate substitute, we will have left a major gap in the coverage intended by this bill.

This does not go as far as the Hays bill, which I personally supported. It does not call for a ceiling across the board covering all expenditures. I myself felt that that effort should be made, but an argument has been raised against that, that all kinds of expenditures would be subject to argument. Do we include this and do we not include that under the ceiling?

If this amendment is adopted we will have five clearly defined, identifiable categories of expenses which cover the major expenditures in the various campaigns we are trying to provide for. I would submit to the committee that this

offers a compromise position between the limited coverage in the Senate bill, the Harvey substitute, and the complete coverage in the Hays bill as it emerged from the Committee on House Administration.

I would hope very much that this amendment would be acceptable to the chairman of the committee and to others who heretofore have supported the complete provisions in the Hays bill, and that it would also be acceptable or at least not objectionable to those who have favored the Senate bill as it emerged from the Senate.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Ohio.

Mr. HAYS. I had hoped, of course, we could get a bill that would set a top ceiling on expenditures for Congress, for the Senate and for the President. The original bill which came out of the Committee on House Administration set a limit of \$50,000 for congressional races, 6 cents times the population of a State or \$50,000 whichever was larger for senatorial races, and 6 cents times the population of the United States for the presidential races. That would be the ideal I should like to shoot for, but, as I said earlier, I am a practical man. I sense that the House does not want to go along with that type of complete limitation, so as a compromise I certainly support the position of the gentleman from New York, because with this amendment and the categories already covered in the Macdonald of Massachusetts amendment we would have the five principal categories of expenditures placed under limitation; namely, telephone, direct mail, radio and television, and newspapers and outdoor advertising.

I could say to the Members, while this does not meet my ideal, some of the press which has been howling for reform and wanting much less than this, apparently, saying that the Senate bill was a great bill—I did not think the Senate bill went far enough—should be informed that I think, with a couple of other minor amendments, I might be in a position to say, "Yes, I will buy the substitute and we can finish up this evening and have a bill perhaps not as complete as some of us might like but one certainly better than what we have now."

Mr. BINGHAM. I thank the chairman very much.

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. I sympathize very much with the gentleman's position. As I said earlier today, candidates from large cities and congressional districts cannot use TV and radio very effectively. But I would ask the gentleman, is this not sort of a backdoor way of amending title I, which has already been adopted?

Mr. BINGHAM. I would say to the gentleman, no. This adds a new title. It is not in any way a violation of the rules under which we are proceeding. I have discussed it with the parliamentarian.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. BINGHAM was allowed to proceed for 1 additional minute.)

Mr. BINGHAM. I should like to say I am sure that this is perhaps not the most artful way to accomplish the purpose, but I would also assume in conference the conferees would be able to work it out so that the gist of these provisions could be added in an orderly way.

I yield to the gentleman from Michigan (Mr. HARVEY).

Mr. HARVEY. I thank the gentleman for yielding.

I very reluctantly have to oppose the gentleman's amendment. I know that he is sincere in seeking a compromise here, but I would say to the gentleman that what the Senate is trying to do and what the Macdonald bill is trying to do is to establish certain categories that could be very easily enforced.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. HARVEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, what the Senate in their deliberations in the other body finally agreed upon is very similar to what the deliberations of the Interstate and Foreign Commerce Committee were and what they finally agreed upon. What both were trying to do was, somehow to find some criteria that could be enforced. This is awfully important. It is one thing to set an absolute limit on what any person can spend in his campaign. It is another thing for anyone to have to prove that person has spent more than that particular limit. It is very difficult to prove that more than that limit has been spent. But if you do limit it to certain readily identifiable and readily provable categories, this can be done. That was the whole intent, I might say, of limiting it to broadcasting, to newspapers, to magazines and then yesterday, by the Frey amendment, enlarging it, as we did, to include outdoor advertising as well.

Certainly the cost of telephones and the cost of the people to man the telephones are a bona fide election expense for any particular candidate. I would guess that the cost of the telephones themselves could probably be proved very easily, but when we get into the telephonists themselves and how much the candidate is paying that particular person, we are getting into a category which is very, very difficult to prove.

Mr. Chairman, as I say, I know the amendment is offered in good faith and the gentleman wants us to enlarge these categories, but for these reasons I must oppose it.

Mr. HAYS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, in my opinion, this amendment plugs up the most serious loophole in the Senate bill.

I do not know whether some Members are aware of it or not, but it is possible to go to certain computer firms and for a tremendous amount of money buy an address, an inside address, a "Dear Mr. Jones" letter to everybody in your district in different categories if you want to compose different letters. Now, that would run in the normal district about \$100,000

or more. This is not covered in any way, shape, or form in the so-called substitute, and all Mr. BINGHAM is trying to do is to bring this kind of expenditure under the limitation.

For those of you who depend on radio and television, that is fine, but there are a number of districts where the Members do not use it much, and this subjects them to the same kind of a blitz that everybody here has been deploring with regard to television and radio. This is easily proved, because if you buy computerized mail, you have to report it, and if you do not report the correct amount, they can go to the firm and, if necessary, subpoena the records and find out how much you did spend.

The same thing with computerized telephones. That is what this is directed to. Nobody is going to say very much or do very much if you have volunteers.

As a matter of fact, they are specifically exempted. This is banks of computerized telephones which again run into tremendous sums of money, and if this amendment is adopted, then the substitute becomes a real campaign limitation bill and I think it is one that all of us should support and one with which we can live.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I would like to associate myself with the gentleman's remarks.

In our committee in talking over these things we were trying to figure every possible loophole we could within the jurisdiction of our committee. However, some of these are outside the jurisdiction of our committee. I think in order to have an effective bill this would very much improve it.

Mr. HAYS. I thank the gentleman.

Mr. Chairman, I would say that there has been a lot of talk about compromise. I have attempted and endeavored to compromise. As I said earlier, if we can get a real limitation here in the form of this amendment—perhaps, the language will have to be changed a little in conference and be made more specific with reference to telephones; I do not know—but this will be a bill with which we can live.

Further, if two other minor amendments are accepted to the substitute and if the House adopts the substitute, then we can call it a day.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Would the gentleman give me some kind of description of "postage for computerized or identical mailings in quantities of 200 or more"?

The gentleman is chairman of the House Administration Committee and as such that committee makes available to Members of Congress reproduction machinery which can reproduce letters from a tape system as well as other kinds of equipment which can produce what I would call "computerized mailings" and "computerized letters."

Is it my understanding that postage for computerized identical mailings in quantities of 200 or more would cover any mailing made by a Member of Congress that would exceed 200?

Mr. HAYS. No, it would not. The gentleman lives under an identical provision as this in the Ohio law. The gentleman mails out campaign literature asking "Vote for Mr. Brown" and if he does so he must put a stamp on it and he must include the cost of the printing, the cost of the stuffing, and the cost of the postage.

This requires that if you send out something that you cannot send out under a frank in quantities of 200, you have to report how much it costs.

Mr. BROWN of Ohio. Mr. Chairman, if the gentleman will yield further, suppose I send out a letter telling what a wonderful job I did in voting on a particular bill of interest to farmers or businessmen in my district and it is a computerized letter?

Mr. HAYS. Are you going to send it out under your frank or not?

Mr. BROWN of Ohio. Suppose it is sent either way?

Mr. HAYS. If you send it under your frank it does not count; otherwise, it does. Your conscience has to be the guide as to whether or not it is campaign literature.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent (at the request of Mr. BROWN of Ohio) Mr. HAYS was allowed to proceed for 1 additional minute.)

Mr. BROWN of Ohio. Suppose I send it out with a stamp.

Mr. HAYS. Then, you have to report it.

Mr. BROWN of Ohio. Because it has a stamp it becomes a campaign expense?

Mr. HAYS. If in your judgment it has become a campaign document. If you send it out this year under a stamp this year or under a frank and say, "I voted for the election reform bill" as a matter of information, I would assume you would send it out under your frank and it would not be covered. However, to send it out 2 weeks before the election in my opinion it would be a campaign document and would be covered.

Mr. BROWN of Ohio. What would be the limit in terms of time under this provision with reference to mailings? Would the gentleman tell me when it becomes all right? If it is not all right 2 weeks before the election, is it all right 2 months before the election?

Mr. HAYS. I cannot set a specific limit of time. As the gentleman knows, some Members send out what purports to be a newsletter 2 weeks before the election, and it has been ruled to be a newsletter, if it is not blatantly political. So it would have to be a bona fide newsletter or a campaign document.

Mr. BROWN of Ohio. So, this becomes a kind of a guessing game?

Mr. MACDONALD of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to clarify in my own mind, and I suppose other Members have the same question in their mind—I would like to ask the gentleman from New York (Mr. BINGHAM) if there

is some definition of the word "banks" as far as telephones are concerned?

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman.

Mr. BINGHAM. Bank is described as five or more telephones in the same place. I think the word is commonly understood. I do not believe it is a technical term.

Mr. MACDONALD of Massachusetts. I would just like to point out to the gentleman what troubles me, and the gentleman from Ohio (Mr. HAYS) indicated that perhaps this will be cleared up in conference, but I would like to have the gentleman clear up what he has in mind because in my area, in my particular district, we have people who volunteer to come in and use a telephone, and they call their friends, or they call throughout a ward, or call an area, would that be included in this bill within this amendment?

Mr. BINGHAM. Where you have—

Mr. MACDONALD of Massachusetts. If I had, for example seven telephones that were used for calling at once, would they be precluded from the jurisdiction of your amendment?

Mr. BINGHAM. If you had seven telephones being used for calls for the purpose of contacting the potential voters, I would say they would be included, yes. People you know who may work on their own time, on their own phones, they would not be included.

Mr. MACDONALD of Massachusetts. Would you think that there would be some sort of difficulty with the first amendment about this, people who want to call their friends, who are we to say they cannot call their friends?

Mr. BINGHAM. No. I do not say that. That is precisely why it is worded this way. It would not prevent or interfere with someone who wants to call his own friend from his own telephone. What we are talking about are telephones installed in banks, and I have done this in campaigns myself, 20 or 30 telephones, and you attempt to get volunteers to do it. And we have gotten volunteers to do it, but the expense is certainly quite substantial, particularly in the city of New York where you pay for each individual telephone call. But this was particularly drawn to exclude the individual who on his own time and on his own phone calls up his friend.

Mr. HAYS. Mr. Chairman, would the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Ohio.

Mr. HAYS. Even if you have banks of telephones manned by volunteers, the only expense you have to report is the telephone expense, you do not report any costs for the volunteers.

Mr. MACDONALD of Massachusetts. That is right, obviously not. But, say you have very generous friends, and they are willing to put in different phones that you do not pay for, and they are doing it on their own, they are paying for the phone, and they are giving you volunteered service, would they be covered by this?

Mr. BINGHAM. If the gentleman will yield, I think the answer there would

be the same as the case under the gentleman's bill for a friend who takes a newspaper advertisement on his own and whether this would be covered. I do not believe there is any substantial difference in that, and the organized phone campaign. If it is conducted for the benefit of the candidate, then I think it would come within the limitation provided there are five or more in one place.

Mr. HAYS. Mr. Chairman, would the gentleman yield further?

Mr. MACDONALD of Massachusetts. I yield further to the gentleman from Ohio.

Mr. HAYS. If you have 100 friends who said, "I am going to put on a telephone campaign," and they divide the phone book up into 100 different sections, and they do it on their own time and on their own phone, that would be all right. It is only if you pay for it.

Mr. MACDONALD of Massachusetts. I thank the gentleman.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, it seems to me that we are going far afield for the purpose of this bill that we have before us. We have already established limitations on the five main categories that we have a reason primarily to put limitations on, the radio, television, newspapers, billboards, and printed material. If we carry this into all other categories you are going to put yourselves—or your opponent—out of business. How far do you go in this?

You add the telephone business, you add the other category—the computerized mail—that he has listed in this particular amendment, I say to you you could put 50 more items in. Are you going to charge for just any kind of telephone in the headquarters? Or are you going to charge for putting furniture in the headquarters?

Are you going to charge for transportation of all kinds? Are you going to have to account for bringing any speaker into your district? Are you going to have to account for all kinds of recreation, food, drinks, including, perhaps, some beer or Coke parties or other entertainment?

Where do we stop? I say that we have already adopted the five categories. We have jurisdictional rights to make limitations in these categories. Our State laws will govern other costs. You keep on and you could put yourself out of business. Some of you pure in heart want to write a bill that the Post and the Star would like. I want to write a bill that I think would be fair to the people in office and the people who would be running against them.

I think you have stretched this so far that you take it clear out of the realm of practicality. I hope you use some judgment here and do not get carried away with the emotion of the moment by saying we are going to account for every conceivable cost in addition to the five categories. I just do not think that is feasible and I think it is going too far.

We have already have these five categories in the bill. I say that that is enough unless there is a bigger and overpowering reason, but I do not think that

there is any such overpowering reason that we should try to detail 50 other categories. I just think we ought to close this thing off and vote down this amendment and I say this without any sense of derogation at all at the gentleman from New York.

I just think we ought to stay with this and stop there and quit trying to find trouble areas for individuals who want to try to run for office.

Mr. ABBITT. Mr. Chairman, I move to strike out the last word.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman.

Mr. HAYS. Mr. Chairman, I want to thank the gentleman for yielding and to say to the gentleman from Texas that we are not trying to kill anybody.

If \$50,000 is not enough to get elected in Texas—we are only limiting radio and television and billboards and newspapers and if this amendment is adopted, banks of telephones and computerized mail.

We are not putting in anything about your beer parties—I do not know how many votes you can get with them, but as many as you can—go ahead. We are not putting in anything about spending money for banquets or about buying balloons to pass out at fairs or nail files or matches and all of those categories. There is nothing like that.

There are plenty of States where you have to report everything. Of course, there are not very many States where you can raise as much money as you can in Texas, but there are plenty of States where you have to report every dime that you spend. We are not trying to do anything to you Texans. We are just saying that in these five categories, you cannot spend over \$50,000 and on all the rest the sky is the limit—let the money come from where it may, presumably.

Mr. PICKLE. Mr. Chairman, will the gentleman from Virginia yield?

Mr. ABBITT. I yield to the gentleman.

Mr. PICKLE. We have five categories now under title I, and you have added two more categories. Why don't you put in fingernail files and pencils and all of those things?

Mr. ABBITT. And beer parties.

Mr. PICKLE. All of those things go for many who have been elected.

I am just saying as a practical matter—try to be reasonable about it. I just say we have gone far enough.

Mr. ABBITT. In Virginia we have to report all expenditures and we do not have any trouble. I think this is a very mild and a very reasonable amendment. I hope very much it will be accepted.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman.

Mr. HAYS. This amendment only plugs up the biggest loophole of all—computerized mail can be the most expensive thing and can put a candidate of modest means out of business.

Mr. MCKINNEY. Mr. Chairman, I would just like to rise and support your remarks on this amendment.

For those of us who live in large urban areas and cannot afford the TV market and cannot afford newspaper ads, the

boilerroom and computerized mail operations have become one of the most vicious unreported campaign tactics going. I will support this amendment to bring that under control.

Mr. ABBITT. As a matter of fact it is a very modest amendment and only applies to mailings and telephone banks and would not apply to any volunteer workers.

Mr. Chairman, I hope the amendment will be adopted.

Mr. FRENZEL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and Members of the Committee, this was one of the very important features which was not in the Senate bill and is in the House bill. Of course, the House bill is much stronger. Nevertheless, in working this out on the floor of the Senate, a very delicate compromise was reached between the majority and the minority and, we are told, concurred in by the White House.

To go beyond that delicate balance may imperil this bill and will certainly make it less of a reform measure.

In the second place, Mr. Chairman, these expenditures are really not auditable. You can disperse your mailing of letters in such a way that nobody in the world can possibly audit you.

You can break down your campaign telephones into fours or fives any way you want to to subvert the definition of the gentleman from New York as to what a bank of telephones is.

Mr. Chairman, these expenses are not verifiable.

In the third place, this particular provision extends the advantage of the incumbent over the challenger, which is delightful for all of us who are incumbents, but there are very few people who speak in the name of the challenger. If a challenger is to do a boilerroom or computer mailing under the limitations imposed here, he could do but three such mailings. In the meantime, there is nothing to prevent any of us from rolling out the same kind of mailing on a weekly basis under our frank, using any kind of mailing or newsletter we would choose to employ.

Mr. Chairman, we have staff. We have telephone privileges. We have access to the media. We have a vast arsenal of weapons with which we can campaign in a legitimate way, and we are not subject to the limitations that a challenger would have. This provision unfairly loads this bill toward the incumbent and against the challenger.

Finally, Mr. Chairman, it broaches the limits of the Macdonald amendment and threatens the expenditure limits that the House has voted upon in the last 2 days. By putting these two items in our expense limitations, we would limit that which we thought would be desirable under the Macdonald amendment.

The gentleman from Texas has correctly stated the problem. This amendment is not meritorious. We have made two decisions in the last 2 days in this House in favor of a 10-cent limitation for media expense. To go beyond that would imperil the passage of this bill. It would be very unwise to give ourselves such additional advantages as to make

our vote hardly credible to the public today.

I yield back the balance of my time. Mr. HAYS. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment cease in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. PODELL).

Mr. PODELL. Mr. Chairman, I support the amendment offered by the gentleman from New York. But I would like to point out to the House that it does not do the trick, nor does it answer the problem that many of us have.

I was involved in a campaign in which my opponent opened up 11 offices, 11 store fronts, each with large billboards, distributing millions of pieces of literature. And there is nothing that prevents an opponent of yours from doing the very same thing, even with the Bingham amendment. I think what we have got to do is to provide an overall limitation on campaign expenditures. If you do not do that, then the bill you are passing today is not worth the paper it is printed on. If any man can go into a district and spend a million dollars to beat you in your seat, let me tell you that for a million dollars he is going to beat you. If that is the kind of thing you want, that is what you are going to get, unless you limit the total amount that a candidate can spend.

One gets to wonder at times whether or not the office held by a public official has that much value, where people spend millions of dollars to try to win it. I ran against a multimillionaire the last time I ran in 1968. Believe me, I know what it means to fight that kind of money. The man organized his own party. He had no major endorsement at all. He had no party affiliation. He organized a brand new party. And I barely beat him by a few thousand votes. That is what could happen in a campaign where money is the major commodity.

I think the people of this country need public officials who are dedicated, who are interested and committed to public life, not people who are millionaires and have nothing else to do but run for public office.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The question was taken; and on a division (demanded by Mr. HARVEY) there were—ayes 80, noes 48.

So the amendment to the amendment in the nature of a substitute was agreed to.

Mr. DEVINE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, last night the Evening Star contained a story about the financ-

ing of the GOP National Convention in San Diego. The story raises a matter which I feel we must clarify as we address ourselves to the issues of reforming the Federal election campaign laws.

Every 4 years major cities throughout our Nation bid for political conventions. These conventions bring business to the cities that far exceed the moneys proffered by them to attract the convention. Not only do they bring business, but they focus national attention on that city as a convention city and this in turn brings more conventions and more business. The convention business is, indeed, a vital part of the financial life blood of our cities.

It has been noted, however, that the Federal law is "gray" or "fuzzy" regarding the necessary activities of the cities in raising bidding money, goods, and services to attract political conventions. I agree that the law is gray and fuzzy in that it is silent, but I think that the legislative history of the Corrupt Practices Act of 1925 and the years of practice under that law are very clear. For example, I note that the Internal Revenue Service has ruled that a corporation may take a deductible business expense for contributions to a committee organized to bring a national political convention to the locality in which the taxpayer is engaged in a trade or business, provided such contributions are made with a reasonable expectation of a commensurate financial return, Revised Ruling 55-265, 1955-1, CB22. Also it is a deductible business expense for any amount paid or incurred for advertising in a convention program of a political party distributed in connection with a convention held for the purpose of nominating candidates for the offices of President and Vice President, provided, first, the proceeds from the program are actually used solely to defray the costs of conducting the convention, or a subsequent convention held for the same purpose; and, second, the amount paid is reasonable in light of the business the taxpayer may expect to receive directly as a result of such advertising, or as a result of the convention being held in an area in which the taxpayer has a place of business. See IRC 276(c).

Since most of these goods, services, and funds must come from local merchants, hotels, and the like, and most of these businesses are corporations, I do not believe that it was ever the intent of the Congress nor has it been the intent of this reform legislation, to place restrictions on corporations contributing to cities to enable them to bid for political conventions. Of course, I am referring to corporations that do business in that city and corporations that would properly anticipate a return on their expenditure in the form of more business.

Mr. Chairman, I had considered offering an amendment addressing itself to this problem, but after reviewing the legislative history of the 1925 act, the many years of practice under that act, the extensive hearings that have been held regarding the needed reforms under the old law and discovering that this problem has never been deemed to be an improper practice, and discussing this

matter with a number of my colleagues, I do not feel that it is necessary. The old law is very clear that it does not prohibit such corporate contributions and the amended language of the new law referring to "contributions" and "expenditures" makes it even clearer that such corporate contributions are not within the proscriptions of the Federal law.

I am raising this matter to make it very clear in the legislative history of this reform legislation that such contributions by corporations are not improper expenditures or contributions. To the contrary they are very healthy expenditures in that they benefit not only the city, but also the corporation, and help defray the increasing cost of the convention phase of our campaign process. I hope that by raising this matter at this time there will no longer be a "gray" or "fuzzy" problem in interpreting the Federal law.

AMENDMENT OFFERED BY MR. UDALL TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. HARVEY

Mr. UDALL. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment Offered by Mr. Udall to the Amendment in the Nature of a Substitute Offered by Mr. Harvey: Page 44, line 16, strike out "title" and insert in lieu thereof "Act".

Page 44, line 18, strike out "title" and insert in lieu thereof "Act".

Mr. UDALL. Mr. Chairman, before we finish marking up the Senate bill I have two clarifying amendments, and I do not believe there is much opposition to them, and I hope they will be accepted.

The first one deals with the severability clause in the Harvey amendment, which is the Senate bill. On at least half of the amendments which have been before us in this debate someone has raised a question whether a particular provision or a particular amendment is constitutional or unconstitutional.

The Senate language has a very limited severability clause, limited just to title III of that bill. All this amendment will do is to strike out "title" and insert in lieu thereof "Act" so that we will have a workable severability clause applying to the entire bill, and if any one of these clauses should be held to be unconstitutional we will make sure it does not affect the balance of the act.

I hope the amendment will be accepted, and then I can offer the next amendment, which I hope will not be any more controversial.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. UDALL) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. UDALL TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. HARVEY

Mr. UDALL. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. UDALL to the amendment in the nature of a substitute of-

ferred by Mr. HARVEY: Page 44, strike out lines 5 through 9 and insert in lieu thereof the following:

"EFFECT ON STATE LAW

"Sec. 313. (a) (1) Nothing in this Act shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this Act.

"(2) Notwithstanding paragraph (1), no provision of State law shall be construed to prohibit any person from taking any action authorized by this Act or from making any expenditure which he could lawfully make under this Act."

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Chairman, I have offered this amendment at the request of several of my colleagues. It deals with the conflict between the new Federal law we are going to have and the 50 State laws. Some of the State laws are very ancient and have unrealistic and unworkable spending limitations and all the rest.

This amendment comes in two parts.

The first deals with the dilemma one might have, where, by complying with the reporting provision in the Federal law one would violate the State law, or, by complying with the State law, would violate the Federal law. So the first half of the amendment says:

Nothing in this Act shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this Act.

That simply says that one does not violate a State law when one complies with this Federal law.

The second half of the amendment deals in a more affirmative fashion with this conflict of State and Federal law problems, and it says that:

No provision of State law shall be construed to prohibit any person from taking any action authorized by this Act or from making any expenditure which he could lawfully make under this Act.

Let me give you an example. One Member here tells me in his State there is a very rigid provision which limits him to about \$5,000. The new Act will have a \$50,000 limitation in it. All this amendment says is you can spend up to the amount authorized by the Federal Act without regard to a lot of old, obsolete State Acts. I do not know of any controversy. I hope it will be adopted.

Mr. STRATTON. Will the gentleman yield?

Mr. UDALL. I yield to the gentleman from New York.

Mr. STRATTON. I wonder if you can explain that last point again. Which provision of your amendment deals specifically with it? It is my understanding you are using the same language as appears in the Frenzel substitute, which refers to cases where "compliance with such provision of State law would result in a violation of the provisions of this

title." If you have a State law that limits you to an unrealistic total of \$5,000 and the only way you can conduct a campaign is to set up separate committees, then if you are going to report properly under this new Federal bill, you would have to report amounts greater than the state limit of \$5,000.

Mr. UDALL. This says you can do that without violating State law.

Mr. STRATTON. I want to make sure that the gentleman's wording actually does take care of that situation.

Mr. UDALL. Let me assure the gentleman from New York that it does. I checked this with staff counsel and with the Legislative Reference Service and double-checked it and submitted it to two or three Members who are very concerned about being prosecuted under State law, and everyone agrees that it does the job.

Mr. STRATTON. I thank the gentleman. I think it is a very necessary amendment.

Mr. GROSS. Will the gentleman yield?

Mr. UDALL. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. In both instances the gentleman changes "title" to "Act," does he not? In both amendments.

Mr. UDALL. Well, I did change the word to "Act" so it applies clear across the board. That is right.

Mr. GROSS. In both instances and in both amendments—

Mr. UDALL. Yes.

Mr. GROSS. The gentleman referred to title.

Mr. UDALL. I thank the gentleman for his clarification.

Mr. McKAY. Will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. McKAY. With your amendment, for example, in my State there is a total limitation on all campaigns, primary and general, of \$50,000. Would this then have the effect of doubling the opportunity for spending, in my State considering the two, both primary and general?

Mr. UDALL. No, it would not. The Federal law would apply in that case, and you have to comply with the Federal law. Under the Symington amendment of yesterday you cannot use money from your primary \$50,000, in effect, for the general election.

Mr. McKAY. But is not the present law we are working on granting \$50,000 as a maximum for each election, primary and general, totaling \$100,000?

Mr. UDALL. \$50,000 for the primary and \$50,000 for the general.

Mr. McKAY. Which is \$100,000.

Mr. UDALL. Yes.

Mr. McKAY. But in my State there is a total for those two elections of \$50,000 for both.

Mr. UDALL. And a candidate would be able to spend up to \$100,000, \$50,000 in each election, by my amendment.

Mr. McKAY. My State is one of those that have been a little more progressive in working on this issue. Therefore, I feel bound to oppose the amendment, because it doubles the potential expenditure in my State.

Mr. PODELL. Will the gentleman yield?

Mr. UDALL. I yield to the gentleman from New York.

Mr. PODELL. I thought you mentioned a moment ago that there was a limitation of \$50,000 on expenditures. That is not the case here. There is no limitation here.

Mr. UDALL. On some expenditures. Under the Bingham amendment, which we just adopted, it is \$50,000 on these five categories.

Mr. PODELL. Yes. But it is possible to spend at least \$100,000 in other categories and still be under the provisions of this bill.

Mr. UDALL. In that event, if you had a State law which prescribed a limitation on the other expenditures, the State law would apply.

Mr. PODELL. But if there is no State law, there is no limitation in the bill.

Mr. UDALL. That is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. UDALL) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PODELL TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. HARVEY

Mr. PODELL. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

Mr. Chairman, I ask unanimous consent that the reading thereof be waived and the amendment be printed in the Record, and I will explain the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. GERALD R. FORD. Mr. Chairman, reserving the right to object, is the gentleman from New York asking that we waive the reading of the amendment?

Mr. PODELL. Mr. Chairman, if the gentleman will yield, only for the purposes of clarification.

Mr. GERALD R. FORD. How long is the amendment?

Mr. PODELL. It is a very brief amendment, but a number of pages had to be reordered in order to get to the meat of the amendment. If I could have the opportunity to explain it—if the gentleman will reserve his objection—

Mr. GERALD R. FORD. Has the gentleman from New York provided us with copies of the amendment?

Mr. PODELL. No, I have not.

Mr. GERALD R. FORD. Then, Mr. Chairman, I object.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. PODELL to the amendment in the nature of a substitute offered by Mr. HARVEY: Page 45, insert after line 14 the following:

OVERALL EXPENDITURE LIMITATIONS

Sec. 402. (a) For purposes of this section:

(1) The term "election" means (A) any general, special, primary, or runoff election or (B) a convention or caucus of a political party held to nominate a candidate.

(2) The term "candidate" means an individual who seeks nomination for election, or election, to the office of Representative, whether or not such individual is elected,

and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (A) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to such office, or (B) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office.

(3) The term "Representative" means the office of Representative, or Delegate or Resident Commissioner to the Congress.

(4) The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of one or more candidates for Federal elective office.

(5) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift, of money, or property or services of significant value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(6) (A) For purposes of paragraph (5), the term "money, or property or services of significant value" includes money in any amount and services or property (other than money) the value of which exceeds \$25.

(2) Notwithstanding paragraph (5) and subparagraph (A) of this paragraph, the term "expenditure" when used in this section shall not include (i) the rendition of personal services for which no compensation is paid to the individual rendering the services, or (ii) an individual permitting a candidate or political committee to use the individual's nonbusiness property or his nonbusiness telephone (but not including toll calls) or similar service.

(b) Notwithstanding any other provision of this Act, the aggregate amount of expenditures made by any candidate for Representative or on behalf of his candidacy—

(1) may not exceed the limitation determined under subsection (c) in any general election.

(2) (i) may not exceed the limitation determined under subsection (c) in each primary, or primary runoff, in which he is a candidate and which is held to select candidates for Representative for any general election.

(b) The limitation applicable to any election for Federal elective office is \$50,000.

(d) For purposes of this section, an expenditure shall be regarded as having been made on behalf of a candidate if it is made at the direction, request, or with the consent of the candidate or of any political committee supporting his election or agent thereof.

(e) Any person who violates this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(f) This section shall apply with respect to elections occurring after December 31, 1971.

Mr. GERALD R. FORD (during the reading). Mr. Chairman, I will withdraw my objection, but reserve the right to object until the explanation by the gentleman from New York.

The CHAIRMAN. Does the gentleman from New York (Mr. PODELL) desire to make a unanimous-consent request?

Mr. PODELL. Yes; I do, Mr. Chairman, so as to explain the amendment.

I ask unanimous consent that further reading of the amendment be dispensed with, and that it be printed in the RECORD.

The CHAIRMAN. And the gentleman from Michigan (Mr. GERALD R. FORD) reserves the right to object to that request?

Mr. TIERNAN. Mr. Chairman, I also object.

The CHAIRMAN. Does the gentleman from Rhode Island object?

Mr. TIERNAN. Yes, Mr. Chairman, I object, because we are halfway through the amendment, or more, at this stage, and it should be read, since we do not have a copy of it.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk concluded the reading of the amendment.

Mr. PODELL. Mr. Chairman, that long amendment that was just read by the Clerk does but only one thing: It provides that notwithstanding the provisions of title I, and notwithstanding any other provisions of the bill before us, the total amount that can be expended by any candidate in a primary election or in a general election is \$50,000 for each election.

In other words, if you have a primary you can spend up to \$50,000. If you have a general election you can spend an additional \$50,000, subject, of course, to the provisions passed by the gentleman from Missouri (Mr. SYMINGTON) in that the moneys cannot be carried over from one election to the other.

I bring this amendment to the attention of the House because I believe that there comes a point in time when more than enough money is spent on elections for public office—particularly to elections in the House. This does not include elections in the Senate, obviously, nor does it include elections for the President.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I yield to the gentleman from Texas.

Mr. KAZEN. What about runoff elections after the primary?

Mr. PODELL. You would have the right to spend \$50,000 in each election that you are compelled to be in.

Mr. KAZEN. Mr. Chairman, if the gentleman will yield further, if I understand the gentleman correctly, a runoff election, is a separate election, and \$50,000 would be the limit for the runoff election itself?

Mr. PODELL. For each election. A runoff election is obviously a separate election.

Mr. KAZEN. But it is in the primary system.

Mr. PODELL. But it is a separate election.

Mr. KAZEN. Therefore, the gentleman is talking about \$150,000 if a candidate has a primary, a runoff, and a general election; am I correct?

Mr. PODELL. That is right, if you have three campaigns, yes.

Mr. KAZEN. I thank the gentleman.

Mr. PODELL. There is one additional thought that I would like to commend to the attention of this body, and I have mentioned this before. While we are sitting here there are people who are running against us, campaigning against us and taking advantage of the fact that they are at home, talking to our constituents, while we are here trying to pass legislation for the benefit of the country.

Mr. MACDONALD of Massachusetts.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I understand what the gentleman from New York is trying to do, and I sympathize with the gentleman, but I would point out to the gentleman that in title I we have already covered that subject, and have put in a cost-of-communications escalator in which, as the cost of communications grow, then the amount of money that can be spent in that area can also grow. It seems to me that if the amendment offered by the gentleman from New York (Mr. PODELL) is adopted that this would put an artificial ceiling on what the House has already adopted. Therefore I urge the defeat of the amendment.

Mr. HARVEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am not at all sure that I understand this amendment. In the first place, none of us over here have seen the amendment at all. We have heard it read and it is impossible to understand from the way it was read.

Mr. PODELL. Mr. Chairman, will the gentleman yield to me to explain the amendment to him?

Mr. HARVEY. I do not yield to the gentleman at this time, but I will ask the gentleman some questions in just a minute.

I do want to protest what you are going to do here. Yesterday we adopted what I thought were some amendments in title I and today we adopted the Macdonald amendment where we affirmed what we said today and we agreed we were not going to plow up old ground.

Now it seems we are doing just exactly that. You seem to be putting in another limitation now on what a candidate can spend here.

This, as I understand it, is a complete overall limitation disregarding completely the number of people of voting age in a district over 17 years of age as spelled out in the Senate bill and as spelled out in the Macdonald bill.

There is no difference at all. It is a flat amount—any candidate for Congress can spend, as I understand it, \$50,000; is that correct?

Mr. PODELL. That is correct.

Mr. HARVEY. Well, I will say to my friend that I seriously object to that. I think it discriminates very sharply against any district that happens to be a large district and that happens to have over 500,000 people—and it is bound to happen in the next period of the census. I do not think that was intended at all.

Mr. PODELL. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. I yield to the gentleman.

Mr. PODELL. Under the one-man one-vote—I think we can agree that most of the districts in the country will eventually at that time be uniform. So, therefore, we will all be operating at the same advantage or disadvantage from the population point of view.

Second, as to the question of the amount of limitation in the Macdonald amendment, it simply means if it is limited to one who spends \$50,000 on television, he can do it. But if he is going to spend \$50,000 on television, he just cannot go out and buy bumper stickers

and placards—that is it—it is the limit. You might call it a poor man's limitation.

But there are certain Members—perhaps millionaires who want to enter into campaigns and spend hundreds of thousands of dollars—and they campaign for Congress. I think it is wrong.

Mr. HARVEY. May I ask my friend another question.

Does this do away completely with categories of expenditures that were set up—the broadcasting media, newspapers, magazines, and outdoor advertising and just recently postage and telephones?

Mr. PODELL. It does not. It says, "Notwithstanding any of the categories aforementioned, no candidate can in any event expend more than \$50,000."

That is all the amendment does.

Mr. HARVEY. I still say to my friend, I am beginning to understand this better now, but I still do not see any reason why you should discriminate here against the person who has a really large district and this seems to me exactly what you are going to do.

Mr. PODELL. I discriminate only against a person who has a real large amount of money.

Mr. HARVEY. Under the Macdonald amendment that we agreed to here, we are talking about 10 cents a vote. Now that 10 cents a vote can conceivably before 1980 when the next census is taken mean a very great deal to some candidate or to some challenger in a district that suddenly mushrooms into the suburbs, of 800,000, and it takes place over and over again.

Mr. Chairman, I do not see any reason at all why you should set up a limitation on this. It seems to me we have acted with a great deal of wisdom so far and I fail to see why you should try to set an upper limit on what is spent at all and change what the Macdonald substitute contains.

Mr. KEITH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I spent about \$30,000 in each of last year's campaigns—the primary and the election. One of my opponents spent \$184,000 in the primary and lost, and the other reported spending a total of \$171,000 in his primary and the runoff.

And so, I do not believe that \$50,000 is at all realistic. If one runs against an incumbent, even though it would have assured my election the last time, \$50,000 or any figure approximating that is unrealistic. Accordingly I cannot support this amendment.

Mr. O'HARA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I represent one of those mushrooming suburban districts that my good friend, Mr. HARVEY, of Michigan, has suggested would be discriminated against under this amendment. My district has a population of 630,000 as of the 1970 census. However, that is not 630,000 of voting age, and the Macdonald amendment speaks in terms of voting age. I cannot imagine a district growing so rapidly that it would, by the end of a decennial census period, have a voting-age population in excess of 500,000 people.

And as a Representative of a large district, let me say that I support Mr. PODELL's amendment. We do need a good, tight, overall limit.

I do not think that any of us really think that a congressional candidate ought to have to raise that kind of money. None of us really feels comfortable with backers who have contributed very large sums. Certainly the public is not served by having its representatives beholden to large contributors. I ask that the Podell amendment be agreed to.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Arizona is recognized.

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment. We are getting a pretty good bill here. I now am encouraged to think that we will have a workable, defensible bill. I hope we do not go too far. I am sympathetic with my friend from Michigan. I am sympathetic with the problem of my friend from New York (Mr. PODELL). A millionaire could not beat him and I do not believe I could have withstood that kind of campaign. I suspect that he will either die in office or retire voluntarily because he cannot be defeated.

I associate myself with the remarks that the gentleman from Ohio (Mr. HAYS) made on this subject awhile ago in talking about the Bingham amendment. I associate myself also with what Mr. MACDONALD said earlier on this subject.

The philosophy of the bill we have developed so far is twofold. There are certain expenditures in a campaign which can be checked, monitored and controlled. There are certain kinds of expenditures that cannot be effectively monitored or controlled, and you breed hypocrisy or evasion when you try to do so.

The things we can control are such things as billboards, television rates, newspapers, magazines, postage and telephones. But as to the cost of matchbox and fingernail-files and beer busts, and workers, and so forth, we have a different situation. Who can tell whether a person is being paid by an employer to work for a candidate? Who can say what the values are? To try to control that kind of thing merely breeds hypocrisy and evasion. You cannot control that kind of thing.

As to the things we can control, we will handle them by tight limits. We can monitor them. You and your opponent can be checked out on those things.

But as to the things you cannot control, the remedy—and it is not a perfect remedy in an imperfect world—is disclosure. We will have a new, tight disclosure system.

So while I am sympathetic with and originally favored the kind of approach proposed, I think we have a good middle ground that we should not depart from.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Ohio.

Mr. HAYS. One thing bothers me. You say there are certain things you cannot control and we never know what is spent. In the next breath you say we will have

complete disclosure where the candidate is required to disclose. If we cannot control it on the one hand, how can we control it on the other? If the gentleman will yield further, I would like to point out that in Ohio we have to disclose everything we spend over \$10, and to be frank with you, I am afraid not to disclose everything. Therefore, I report everything. If we have a \$50,000 limitation, when I get to \$49,500, I quit spending.

Mr. UDALL. You have a good law in Ohio. It works. We want a workable system. We do not want to breed hypocrisy and evasion by trying to limit some things that we cannot effectively limit.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman from Arizona for yielding.

I think the gentleman is talking practical commonsense when he takes the position that he takes in opposition to the amendment of my good friend, the gentleman from New York (Mr. PODELL). We have had experiments in my own State with overall limitations that did not specify categories and give provable limitations, provable standards for those various categories. To my way of thinking, this bill as it stands right now is a practical, workable, and sensible method of controlling the areas in which the abuses have been most severe. I hope it will not be complicated by the additional amendment that has been offered.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I echo what the gentleman from Arizona has said in the very cogent arguments he has made against this particular amendment. We do not want to make this a completely proincumbent bill, and that charge has already been made, but when we take into consideration the staff allowances and the mail allowances and the travel allowances we have as Members of Congress, to impose that kind of ceiling on the challenger is to truly, I think, make this a proincumbent bill, where it will not be really a reform bill at all.

I earnestly hope the Members of this House heed the advice of the gentleman from Arizona, the advice that he has given us that we proceed with what we have worked out today and yesterday, which I think is a very workable bill, wherein we limit the spending ceiling to those items clearly identifiable as listed in the bill.

Mr. HAYS. Mr. Chairman, I ask unanimous consent that all debate on this amendment cease in 5 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DENT. Mr. Chairman, is that limitation to apply after my 5 minutes are up?

The CHAIRMAN. The Chair observed standing when the unanimous-consent request was agreed to the gentleman from Ohio (Mr. HAYS), the gentleman from Pennsylvania (Mr. DENT), the gen-

tleman from Ohio (Mr. BROWN), and the gentleman from Minnesota (Mr. FRENZEL).

Mr. DENT. Mr. Chairman, I was on my feet and asking recognition before the time limit was asked. Normally the person on his feet is given his time before the limitation of time is begun.

The CHAIRMAN. The Chair asked if there was objection, and heard none.

Mr. DENT. Mr. Chairman, I asked for my 5 minutes before the gentleman did, and when he made his request, I asked whether my time would come out first. I think, in fairness, I have not taken the floor yet, and this came out of our committee and I do have a few words to say.

Mr. HAYS. Mr. Chairman, I wish to amend the unanimous-consent request. I do not want any time myself. I do know the gentleman from Pennsylvania was on his feet.

Mr. Chairman, I ask unanimous consent that all debate end in 10 minutes on this amendment and that 5 minutes be given to the gentleman from Pennsylvania and the other 5 be given to the named gentlemen.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. DENT) for 5 minutes.

Mr. DENT. Mr. Chairman, I know all of us are interested in elections and in being elected, or we would not be here. I suppose there are great differences in many of the districts, but I find if one goes out to spend money in an election, he triggers spending on the part of his opponent.

It has been said this is all in favor of the incumbent. I do not know how some Members run their elections, but I was amazed when I heard the reports of a million dollars or \$300,000 being spent. I wonder how any normal person can really have faith in the membership of the Congress of the United States when we are quibbling about a limitation on only a restricted type of spending of almost two and a half times our total gross salary in this body.

Now it is well known that the person who pays the fiddler usually calls the tune. We do not have to spend that kind of money. I do not know whether I am something special. I do not believe I am. But I ran for the U.S. Senate against an incumbent who was entrenched with 12 years of service and a reputation of invincibility at the polls.

I ran for the Congress at the same time. My total expenditure, for both offices, was \$67,000, and I came within 2½ percent of winning the Senate and would have won that if I had not gotten a little "double deal" in Philadelphia.

I say to you, if you want to bring some faith and trust back to the elected offices in the Congress of the United States, let us not tell the people that we cannot win unless we spend the enormous sums some of us are talking about.

Look over the last list of the last immediate elections to this Congress, and look at the amounts that were spent. They may be good Members, certainly.

I do not think it is wrong for a man to be a millionaire, but he should not have to spend a million to be elected.

I should like to know what chance a person like myself has, who is celebrating his 40th year as a member of a legislative body, never having spent at any election during my lifetime more than \$17,000 for a primary and general election, and most of that spent to help carry my colleagues running for the legislature.

Perhaps the time has come when we should do a little peddling of ourselves among our people. What truth is there in an election when one spends the money to hire a John Wayne or somebody to represent him on the air? I am sure if I had to go on TV I would have to hire somebody, because I would never be elected on my looks.

I say to you, it is wrong and completely wrong, and the amendment offered by the gentleman from New York at least tries to make it a little reasonable. Every item should count toward the total limitation of spending per election.

In my case, if I were a big spender, it would be good for me to defeat his amendment, because all my campaigning is done with little items. There is a matchbook now and then, and maybe a little pen or a pencil, little insignificant thing; and I keep it up 24 months every 2 years. I try to go to every wedding, every christening and every funeral. I see people in my office from dawn till dusk when I am not here in the District of Columbia.

I cannot walk down the street without someone saying "Hello," and everybody saying "Hello," and even little kids calling me "Johnny."

I remember when the Governor came to town, they let me ride in the car with him, and everybody was hollering "Johnny," and he said, "Don't they know my name is 'George'?"

If you are going to represent your people, do not represent them through a shadow man or an inbetween runner. Represent them yourself, and you will not need these enormous sums of money, and I do not care what they spend against you. You are talking about things of value.

The most valuable political asset is yourself, see your people, know your district. Stand up to be counted for your people.

This is the formula, not the canned heat campaign of money, money, money.

This is everybody's democracy. Do not put up barriers of gold against the honest but not rich candidate.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

The Chair recognizes the gentleman from Ohio (Mr. Brown).

Mr. BROWN of Ohio. Mr. Chairman, I am sure my 2½ minutes are not going to be worth the gentleman's time, but I believe the gentleman from Arizona (Mr. UDALL), as is so frequently the case, spoke common sense on this subject in opposing the overall limitation on spending.

As we consider this bill we walk a narrow line between trying to determine what controllable expenditures can really be controlled versus unduly limit-

ing the spending by non-incumbents who are trying to unhorse an incumbent Member of Congress.

I suppose if we set a limit of \$50,000 on what our opponent can spend to try to get our job this year, a couple of years from now we could reduce that to \$25,000, and then perhaps to \$10,000, and then to \$5,000, and then to \$2,000, and in a few years hence just make it illegal for anybody to run against us while at the same time we increase our staff allowances and our travel allowances and the various privileges we have as incumbent Members of Congress. At that rate, I think we will probably be able to increase the percentage of incumbents who are reelected from about 93 percent to about 99 percent or even 102 percent.

Mr. LONG of Maryland. Will the gentleman yield?

Mr. BROWN of Ohio. I do not have too much time, so I will yield in a moment when I have completed my thought.

We must have some confidence in the ability of the people to make a judgment on when their vote and their support is being purchased with the challenger's money and when incumbents are trying to purchase voter support with the voting taxpayers' own money. By limiting what we can spend and what we let the challenger spend on the one hand and by increasing what we make available to ourselves in taxpayer financial congressional allowances to spend in holding and trying to maintain ourselves in office.

All of us in this body do run continually for 2 years. We all make those trips home, as the gentleman from Pennsylvania (Mr. DENT) indicated, to go to public functions and baptisms and funerals and all that, but Members of Congress do some of that on the taxpayers' money. If we put an overall limit of the nature of the gentleman from New York's amendment, we will have done a disservice to the voters.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman and members of the committee, I think we should go back to the first point that the gentleman from New York made, which is that this imposes no limitation on the Senate and the President. We are only talking about ourselves. The only people that need special kinds of protection from all challenges are those of us in this body.

Why do we have to have special protection? I submit every man here is good enough to stand on his own two feet against a reasonable challenge from a challenger.

Mr. Chairman, this imposes an additional unreasonable limitation on those already imposed by the Macdonald amendment, and renders the Macdonald amendment limitation redundant. You will be simply restricted to total spending in such a way that it does not make any difference what limitations are applied by the Macdonald amendment.

This does not do anything to protect you or any challenger, from the celebrity candidate. You have protected yourself

from a challenger, because he cannot spend enough to gain recognition, but how are you going to spend enough to defend yourself from John Wayne or Henry Fonda or Lenny Dawson or some other movie star or sports celebrity?

Mr. Chairman, this is an unreasonable restriction which falls more heavily on the minority than on the majority. This amendment ought to be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. PODELL) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DANIELSON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HARVEY

Mr. DANIELSON. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. DANIELSON to the amendment in the nature of a substitute offered by Mr. HARVEY: Page 30, lines 9 and 10, after the word "value" in line 9, strike out "of \$100 or more," and insert "in excess of \$100."

Mr. DANIELSON. Mr. Chairman and members of the committee, this is simply a perfecting or conforming or clarifying amendment.

In the major portion of the amendment offered by the gentleman from Michigan (Mr. HARVEY), the frame of reference is to receipts in excess of \$100. I do not wish to delineate them all, but they appear on page 31, line 8, page 31, line 17, page 31, line 24, and so on.

Mr. Chairman, my amendment would conform the language on page 30, line 9, so that we are talking about contributions having a value in excess of \$100. It would conform to the rest of the bill, and I urge that the amendment be adopted.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I am hard pressed to understand the purpose of the amendment.

Mr. DANIELSON. It is very simple to understand, if I may say so.

Mr. BROWN of Ohio. You are changing it from \$100.01 down to \$99.99?

Mr. DANIELSON. No; just the opposite. It is just the opposite. It is so that throughout the bill we have a uniform standard; we must report contributions which exceed \$100 but we need not report contributions which do not exceed \$100.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DANIELSON) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. DANIELSON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HARVEY

Mr. DANIELSON. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. DANIELSON to the amendment in the nature of a substitute offered by Mr. HARVEY: Page 39, line 9, after line 8, strike out lines 9 through 25 of page 39 and lines 1 through 14 of page 40.

Mr. DANIELSON. Mr. Chairman and Members, the effect of this amendment is to strike out all of that portion of the amendment which requires the filing of campaign statements and the like with the clerk of the U.S. district court.

My purpose in submitting this amendment is, first of all, in line with my belief that we must and should continue to maintain a complete separation of powers between the executive, the judicial, and the legislative branches.

Second, I do not know how the law reads in the other 49 States, but I assume that there are some which are similar to my own State of California in which all candidates, including congressional candidates, are required to file a sworn campaign statement with the secretary of state and with the registrar of voters of the county in which the race is being run.

This provides ample local access to your campaign statement, and I would say to do more is redundant.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I fail completely to understand the constitutional argument that the gentleman has raised against the filing of such statements with the clerk of the U.S. district court. You have said that this somehow violates the doctrine of the separation of powers when you file in the district court when the clerk merely accepts the filing of the statement by candidates. This is merely a ministerial function.

It seems to me it is important to the public's right to know that your statements be on file in the Federal district court in the constituency where a man is running.

I fail to understand either the constitutional argument or why the gentleman should be adverse to having this additional resource made available to the public.

Mr. DANIELSON. Mr. Chairman, I decline to yield further. I desire to answer the gentleman's implied question. I do not say that the proposed procedure is unconstitutional. I said that we should maintain an absolute, complete, separation of powers. I do not want the Judiciary participating even to this extent in our elections. It is much like Caesar's wife, she must avoid even the suspicion of evil.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield further?

Mr. DANIELSON. Yes; I yield further to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Would the gentleman in his concern for the doctrine of separation of powers go so far as he would not want a Federal judge to administer the oath of office to a member of the executive branch?

Mr. DANIELSON. I think we can carry that a little too far. In other words, in our search for virtue, we should not render ourselves sterile.

I would like to point out one other thing. We have here the fourth estate. We have the press. Is there any need to go further than to make a public record here in Washington of these campaign statements?

I wager that the press will report your declaration and mine. They will report every peccadillo, every infraction of law, that any of us make by any chance. That is their mission. They have a public service to perform and I am sure they will do it.

Take the Pentagon papers, there they published something that might not even have been legal. I am certain they would publish anything illegal that appears in our campaign statements.

To further relieve the mind of the gentleman from Illinois, I would like to point out that if this provision of the bill is to do what it claims to do it is ineffective. I would wager that within this body about one-half of the Member do not have a U.S. District Court within their district, therefore it would not pertain, quite obviously.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I am hard pressed to know how you are going to get information back to your newspapers, and television and radio stations in some of the smaller districts, say, as far away as California. Are they to send for this information, or are they to send a reporter to Washington to the Clerk of the House, or the Secretary of the Senate, or the Comptroller General, to get the information?

Mr. DANIELSON. Under the existing law we must file them with the Clerk of the House and the Secretary of the Senate. Frankly, I do not believe we should change that present system, and by passing this amendment we are going to reinstate the present system.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from Iowa.

Mr. GROSS. They do have newspaper services, and press services.

Mr. DANIELSON. I certainly agree.

Mr. BROWN of Ohio. Mr. Chairman, if the gentleman will yield further, I think that the press services would be kept filled for several days, nay, for week, getting reports on a line-by-line basis as to what may have been contributed and spent in each campaign.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HAYS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. DANIELSON).

Mr. Chairman, I would not want to use the word "phony" about some of these arguments about the Federal court, but I will use the word "specious." The gentleman from Illinois says that they want it in the local district court so your local people can have access to it. Do you know where my local district court is? It is in Dayton, Ohio, which is 50 miles farther than Columbus, where I have to report to the secretary of state, and no-

body in my district would ever know what is filed there. And that applies to many of the other Members.

This is a ridiculous requirement. Under this bill now if it becomes law you have to report six times a year, six times a year, to the Clerk of the House, presumably once or twice to the local official in your State, and then they want you to report six more times a year to the Federal court. I say it is ridiculous. I say it is unnecessary. I say let us keep the courts out of the Congress.

I hope the amendment passes, and quickly.

Mr. UDALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the full 5 minutes, but I believe that this amendment is very unwise. For 47 years we have had a system that has been unworkable, and that has caused a great erosion in the public confidence in our whole electoral system. We hope today, and I believe we are going to do it, to start a new system that will start a whole new era, and make politics the honorable profession it ought to be, and which it has been. But the engine that will make that new system work is disclosure. Now either you believe that the public and your local newspapers and your opponents have the right to know what you are spending in your pre-election reports, or you do not. If we believe in disclosure then let us make it effective.

The bill now has a provision in it which says—and the opponents of the Senate bill have already won the point—that the Clerk of the House, is going to be the instrument for the filing of all this. They have won that main point. It is not going to be the Comptroller General. All it says, you send the Clerk your report, you make a carbon copy of it to send to your local U.S. district court.

Now, I have heard great fears here about incumbents. We are all worried about what is going to happen to us as incumbents. Well, let us take a look at that. Say you have a millionaire opponent that the gentleman from New York (Mr. PODELL), was talking about, and he is trying to buy the election. We already have him controlled on television and on billboards, and the only way he can buy the election is through paid workers, store fronts, match boxes, beer busts entertainment, and all the rest. What is needed is disclosure, so that you can charge him—and prove it—with buying the election. And what the simple provision now in the bill does, and this amendment would take it out, is to permit the local press, if we ever find ourselves in that kind of situation, not to have to come to Washington. My local press does not have anyone here in Washington. Can you imagine the scene in the basement of the Longworth Building 9 days before the election, in the heat of all that is going on, with reporters and staffers, of people that you have phoned desperately in Washington, to get over there and find your opponent's report? This would put the information locally where it ought to be. And if disclosure is going to work, then disclosure ought to be effective, and ought to be practicable, and ought to be complete.

It is not going to help much if the Washington Post knows how much your opponent is going to spend for the election, if they have enough interest to send reporters to find out.

I want the local papers to know where and how my opponent is spending \$200,000, and where he got it.

Mr. DANIELSON. Does the gentleman realize that there are some 98 or 99 U.S. district courts and there are 435 Members of Congress? Each district court is located in somebody's district. What are you going to do with the other 336 Members of Congress who do not have a district court?

Mr. UDALL. This is an imperfect situation. The solution is not perfect. What the bill provides is that every congressional district is in some judicial district. There is not a town in America or a congressional district in America that is not in a U.S. court judicial district. You file and your report is sent to the clerk of the court who is closest to the hometown of that candidate. The place from which he files his report.

In three districts out of four there will be no serious problems of administration. I would venture in 80 percent of the cases and in my own case at least, in the district court where it is filed, it is very obvious one can send a law student or volunteer or a college kid over there every morning to find out what your opponent is up to and what he filed.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. STEIGER of Wisconsin. You are right. The whole basis for making this system work is discrimination. I think it is intolerable if this amendment is adopted and it would seriously impair the public and the press' right to know what is being spent by whom and for what.

I commend the gentleman for his statement and I want to join with him and urge the defeat of the amendment.

Mr. ABBITT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this is a very simple amendment. It takes out the requirement that we file with the clerk's office in the district court in our district.

This is a useless matter. We already file in our State and file in the clerk's office.

I hope very much the amendment will be approved. It seems to me we have ample filing requirements now. This is just another requirement to file with the Federal judiciary. I do not want to express my opinion of some members of the Federal judicial courts at this time.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman.

Mr. HAYS. I have listened to the most ridiculous arguments that I have ever heard—that the local papers will not know what you file.

In the first place, the UPI and the AP have a whole bunch of reporters here and they send it out on the wire the minute your return is filed back here to your local paper exactly what you filed, from the office of the Clerk of the House.

In addition, nearly every State requires you to file with the secretary of

the State in the State capital and they also send it out.

So this is a red herring about the public's right to know.

You know I have tried to cooperate with the gentleman from Arizona and with the gentleman from Illinois. Sometimes I wonder who on the committee is handling the bill and who is writing it. I hesitate to bring this up, but the last time we had a big bipartisan move like this, we got the postal reform bill. God forbid that we get another one like that.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman.

Mr. GROSS. I am surprised that the gentleman from Arizona (Mr. UDALL) did not suggest making two copies in order to send one each to the Associated Press and the United Press. That would take care of the situation by providing full and immediate disclosure and I am for that. There is no good reason for filing with the Federal district courts which only means these courts will demand more employees to handle the filings.

The press services supply the television and radio stations with their news and it would simplify the dissemination of information to send each a copy of the statement.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman from Ohio.

Mr. HAYS. I would say that that would make a lot of them happy because they would not then have to go to the bother of doing any work to get it out to their newspapers. They would merely put it on the wire.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman. The gentleman said that the UPI and the AP would pick up the information and they will, but they'll only give the totals. But if I want to get a handle on my opponent, I want to know who his contributors are and exactly what and where he has spent, the UPI or AP will not carry a detailed story on my opponent's spending.

Mr. HAYS. Let me say to my good friend from Arizona that if you want to get a handle on what your opponent has reported, you have 15 employees in Washington. Have one of them walk over to the clerk's office and copy down the details for you.

Mr. ABBITT. Mr. Chairman, this is a simple amendment and I hope it will be adopted.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I wish to associate myself with the remarks of the gentleman from Virginia and the originator of the amendment. Every Member of this body has to report to the proper authorities in his own State as well as to the Clerk of the House of Representatives and those reports are open to the press and to everybody else in the country—I believe this part of the bill is just whit-

ting away some of the strength of the House of Representatives. The first thing you know it would be perhaps to the Department of Justice or to the Supreme Court or to the President of the United States to whom we would have to report? How do we know?

I say that we should stick by the Constitution in the way it was written. If you want to whittle away the powers given to us, this is the way to do it. I say we should report here, and anybody can get any facts they want to get and report them. Why require them to go to a district court? I would have to go 100 miles to a district court if I wanted to be sure that things were right there or if I had some question about the report. Someone might live in a place where a district court is located. But on many others this is an extra burden.

As I have said, the next step will be a requirement to report to the Attorney General, the President, or somebody else.

Mr. Chairman, we have belittled this Congress enough now. Instead of providing that some other officer of the Government is going to supervise what we have to do, we ought to be our own masters.

Mr. FRENZEL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. FRENZEL. When our committee held hearings on the subject of election reform, the only idea that every witness agreed to with full and vigorous enthusiasm was the concept of disclosure of election expenses—complete and timely disclosure. The amendment that you have before you is an anti-disclosure amendment.

It is a limited-disclosure amendment. In fact, we might call it "what the people do not know would not hurt them" amendment. Sure, it is fine if you are a big newspaper, a big radio station, or a large television station. You can send a representative to Washington. It is also possible, if you are so minded, for you to subscribe to the AP or the UPI. But in my district I have a lot of weeklies and small radio stations that do not subscribe to those services. Nevertheless, the people they serve should be fully informed, and as fully informed as the readers of the Washington Post and the subscribers of the Associated Press.

Mr. Chairman, the proposal is not perfect, because there are not enough of these district locations. Nevertheless, it is a hundred times better than jamming the reports into one office in Washington and letting people pick out the evidence. If we really support the people's right to know, we will defeat this amendment.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from New York.

Mr. CONABLE. I am at a loss to understand the vehemence of the opposition to disclosure. I subscribe completely to the statements the gentleman has made. I urge opposition to the amendment. It may be a simple thing, but it is very basic to any idea of reform of election laws. I think we must leave the disclosure provision in the bill.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I would like to say that I am certainly not one who does not wish to disclose what he spends, and I do not think there is a Member on this side of the aisle or on the other side of the aisle who does not want to do that either. I do not believe the gentleman meant to say what he did about antidisclosure. Why was the district court picked out? Why did not you pick somebody else out? Why did you not pick out the Secretary of State or someone else? We have to disclose in our States to our State officials.

Mr. FRENZEL. Mr. Chairman, the answer is that this is the best we could determine in attempting to assemble evidence in a place where it would be readily obtainable by the public. State capitals would have given us half as many locations. That would be a better solution than merely striking this provision.

I thank the gentleman for his comments.

Mr. STAGGERS. If the gentleman will yield further, there are 364 districts that do not have district courts. Yet there is a desire to submit it to the district courts. I would say why do we not find somebody in our own districts, if we are going to do that, or why not give it to the press right there? I think we should have it here, because we have access to it when it is mailed in. It should be in our State capital and here, but the gentleman wants to give it to a district court, and there are nearly 364 districts that do not have district courts. That does not mean to me good commonsense.

Mr. FRENZEL. Mr. Chairman, I did not mean that any Member was antidisclosure. I mean that the amendment is antidisclosure.

Mr. WAGGONNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. We would believe, from listening to the discussions here on this particular amendment, that no disclosure would be required if the amendment offered by the gentleman from California (Mr. DANIELSON) prevails. We are required by his amendment to report to the Clerk of the House. His records are open for any who are curious enough to inquire. I have just talked with the Clerk of the House, and he tells me that the media does inquire.

For those Members who do not believe that reporting to the Clerk is sufficient, I would say there is no prohibition that prohibits a Member from doing more. I would suggest to the Members that any who believe they should do more have Xerox machines in their offices, paid for by the Government, by the taxpayers of this country, and they can duplicate and mail to everyone they choose to, perhaps to every citizen, to every newspaper, radio station, television station, or to every Federal judge and to the U.S. Supreme Court, if the Member feels there is something somebody ought to know without being curious enough to inquire.

I would suggest we support this amendment, because there is no basis for be-

lieving that a Member of this House is dishonest because he simply wants to limit required reports to the Clerk of the House. The U.S. attorney can inquire if he believes any Member has done something fraudulent in reporting what he has received and how he has expended it.

I say this is a matter for the Congress and not a matter for the courts until someone charges formally there has been fraud. One of our problems today and maybe our most serious is too much intervention by the Federal courts.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, another thing under the present law is that we do not have to report contributions of certain sizes, and we do not have to report on the committees. This bill expands it from what we have had, yet the morning paper attacked me and said it was full of loopholes and came out for the Senate bill.

The radio station owned by this same newspaper has some slimy little character who in an editorial said I did not file any report for the last time. The truth is they had a copy of the report which was filed with the Secretary of State and it listed every single contribution over 10 cents, if there was one that low, and every single expenditure of over \$10, with a receipt. But they ignored those facts and in their editorial said exactly what it suited them to say. I do not really care, because WTOP does not reach my district. They even went so far, with this slimy little jerk, as to mail a copy of his editorial to papers in my district, and none of them used it. So far as I am concerned, this bill gives WTOP the chance to come to the Clerk's office and see. If they want it mailed down to them, that I am not going to do.

Mr. WAGGONNER. The gentleman is exactly right. This is a matter for the Congress and not the courts until someone has done something fraudulent which would then involve the courts.

Mr. Chairman, I urge support of the amendment.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it seems to me there are two things really, basically, that we can talk about in this bill. One of them is some kind of expenditure limitation, which is what we have done most of the talking about up until now, and the other is the matter of disclosure.

Now, an expenditure limitation sounds good, but as a matter of fact we have a lot of problems with limitation if we want to look at it, some of them constitutional. If we are not careful we will get ourselves into a position where we have an unrealistic limitation, as we do in the law now, which leads to evasion, as the gentleman from Arizona said awhile ago. We have to watch that, so far as limitations are concerned.

When it comes to disclosure, I really cannot see why we should not have the very fullest disclosure. So far as I am concerned, file them in any number of places. I do not understand the excitement about this particular amendment.

File it with the Clerk of the House. File it with the U.S. district court.

In my State we file with the circuit court already. Nobody has ever considered that was a violation of the separation of powers or anything else. We have been doing it for years.

I will file it with the district court. Why not? File it anywhere. Let us disclose it.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Minnesota.

Mr. FRASER. As I understand the provision now in the bill, that would be stricken, and what we are asked to do is to file with the court as a repository. It does not really involve the court in any respect; it is just simply a place to have the report within the State so that it is available for the press and others who are interested.

Mr. DENNIS. I think the gentleman is right. I suppose for a Federal office one would, under this bill, file it with the clerk of a Federal court, just as I file mine now with the clerk of the State court.

Mr. FRASER. I agree with the gentleman. I do not think it is a wise amendment. I think the disclosure part of this bill is very important.

Originally I was going to support the amendment, but I have listened to the debate, and I think the amendment would be a sad mistake.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the distinguished chairman.

Mr. HAYS. I have no objection to disclosure. I had hoped we could write in something where we would do it in our own districts, with the election board of the largest county in the State, or something of that kind. But if this amendment is defeated, and then we go to conference, there will be no leeway.

There are 300 or 216, or whatever number it is, that have no district court.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. The gentleman from Ohio makes a good statement. On the basis of what he said we ought to defeat this amendment and, if the gentleman would like, put in an amendment to provide that we file with the Board of Elections of the largest county, which is the Ohio law, or at the State capital, which is the Ohio law.

I would be happy to accept that, but I do think the public has a right to know what is spent, and this is the reason for this provision in the law.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Arizona.

Mr. UDALL. I have been bothered by this point all day. I have been carrying around an amendment which says to file it with the postmaster. There seems to be objection to the district court. The gentleman from Ohio mentioned that.

We could file it with a U.S. postmaster in the congressional district, and that may be the answer.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I just want to make a suggestion, and I thank the gentleman for yielding.

If we really want to be fair, why do we not defeat the amendment? I will say at the moment I am for the amendment, because this part of the bill is just a lot of folderol, where we would be demeaning Members of Congress, taking away a little all the time, saying we are not capable, that we are just a bunch of crooks and thieves.

I would say to defeat it, and there ought to be an amendment that would compel every Member to file in every county court, in every county, and in the district, and then everybody would know. I would not mind filing it that way.

Mr. PATTEN. Mr. Chairman, I rise in support of the amendment.

I was the secretary of state in New Jersey for 8 years, and some of you are talking as if you do not know what you are talking about.

In the first place, I have heard no testimony as to how many millions the Federal courts will want if they are willing to take this responsibility.

Let me give you a little of the physical setup in my office the Friday before election where the candidates must file their reports. I have 72 daily papers in the State. I will tell you how it shapes up. Every candidate who is interested in it will have his friends in the area. When you have the 12 or 15 Congressmen and you have a couple of Senators that have to file, it is not uncommon to have 400 people waiting around. You have all of these important friends of the opposing candidates and you have one sheet of paper in connection with the report that is filed the Friday before election. You have a problem there. You will be behind a desk trying to satisfy everybody. Will you read it aloud, or how are you going to do it?

I can tell you that we stayed in our office until 12 o'clock on Friday night to serve the press and everybody else. Most of the reports come in by mail on Saturday. We would be open on Saturday to satisfy the press and other interested people, but you do not think the Federal court clerk will make himself available after 4 p.m., do you?

He will not do it alone, either. You will have five clerks doing it. This takes a little doing. And if he is going to work on Saturday morning, that is another deal.

That is only on the preelection report. Now, on the postelection report where you are supposed to get the whole story, if you think it does not take a little clerical work and activity with four or five people setting up things and security I want to tell you you are wrong. It is a big job.

And I will predict that the clerks of the Federal courts will not even pay any attention if you pass the law. They do not want this task. Otherwise they will be back here next year seeking about \$1 million in order to make it operate.

Mr. HAYS. Will the gentleman yield?

Mr. PATTEN. I yield to the gentleman from Ohio.

Mr. HAYS. I hope we can vote on this amendment shortly.

I would say to the House that if this amendment passes and we go to conference and have the whole subject up in conference, the conferees can write out a better system.

Mr. PATTEN. And on telephoning, most of your friends around the State call you on the telephone. It is just a beehive of activity. And it is not just a mere filing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DANIELSON) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The question was taken; and on a division (demanded by Mr. HAYS) there were—ayes 69, noes 56.

#### TELLER VOTE WITH CLERKS

Mr. BROWN of Ohio. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. BROWN of Ohio. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. DANIELSON, Mr. BROWN of Ohio, Mr. ABBITT, and Mr. DEVINE.

The Committee divided, and the tellers reported that there were—ayes 230, noes 154, not voting 46, as follows:

[Roll No. 417]

[Recorded Teller Vote]

#### AYES—230

|                |                 |                 |
|----------------|-----------------|-----------------|
| Abbitt         | Dickinson       | Jones, N.C.     |
| Abernethy      | Dingell         | Jones, Tenn.    |
| Addabbo        | Donohue         | Karsh           |
| Alexander      | Dorn            | Kazen           |
| Annunzio       | Dow             | Kee             |
| Ashbrook       | Downing         | King            |
| Aspinall       | Drinan          | Kluczynski      |
| Baker          | Dulski          | Kyros           |
| Barrett        | Edmondson       | Landgrebe       |
| Betts          | Edwards, Ala.   | Latta           |
| Bevill         | Edwards, Calif. | Leggett         |
| Blaggi         | Fisher          | Lennon          |
| Blackburn      | Flood           | Long, La.       |
| Boggs          | Flynt           | Long, Md.       |
| Bow            | Frelinghuysen   | McCulloch       |
| Brasco         | Fulton, Tenn.   | McKay           |
| Bray           | Fuqua           | McMillan        |
| Brinkley       | Gallagher       | Madden          |
| Brooks         | Gaydos          | Mahon           |
| Broomfield     | Gettys          | Martin          |
| Buchanan       | G.aimo          | Mathias, Calif. |
| Burke, Fla.    | Goldwater       | Mathis, Ga.     |
| Burke, Mass.   | Gonzalez        | Matsunaga       |
| Burlison, Tex. | Goodling        | Melcher         |
| Burlison, Mo.  | Gray            | Metcalfe        |
| Cabell         | Green, Pa.      | Mills, Md.      |
| Caffery        | Griffin         | Minisi          |
| Carey, N.Y.    | Griffiths       | Mizell          |
| Carney         | Gross           | Mollohan        |
| Casey, Tex.    | Grover          | Monagan         |
| Cederberg      | Hagan           | Montgomery      |
| Celler         | Haley           | Moorhead        |
| Chappell       | Hall            | Morgan          |
| Clark          | Hanmer-         | Murphy, Ill.    |
| Clausen,       | schmidt         | Murphy, N.Y.    |
| Don H.         | Hanley          | Myers           |
| Clawson, Del   | Hansen, Wash.   | Natcher         |
| Clay           | Harrington      | Nedzi           |
| Cleveland      | Harsha          | Nelsen          |
| Collins, Ill.  | Hathaway        | Nichols         |
| Collins, Tex.  | Hawkins         | Nix             |
| Colmer         | Hays            | O'Konski        |
| Conyers        | Helstoski       | O'Neill         |
| Corman         | Henderson       | Passman         |
| Crane          | Hicks, Wash.    | Patman          |
| Daniel, Va.    | Howard          | Patten          |
| Daniels, N.J.  | Hull            | Pelly           |
| Danielson      | Hungate         | Pepper          |
| Davis, Ga.     | Hunt            | Perkins         |
| de la Garza    | Hutchinson      | Pettis          |
| Delaney        | Ichord          | Peyster         |
| Denholm        | Johnson, Calif. | Pickle          |
| Dent           | Johnson, Pa.    | Pike            |
| Devine         | Jonas           | Poage           |

Poff  
Powell  
Price, Tex.  
Purcell  
Quillen  
Randall  
Rarick  
Roberts  
Robinson, Va.  
Roe  
Rogers  
Roncallo  
Rooney, N.Y.  
Rooney, Pa.  
Rostenkowski  
Rousselot  
Runnels  
Ruth  
Ryan  
St Germain  
Sandman  
Satterfield  
Saylor  
Scherle

Schmitz  
Scott  
Sebelius  
Seiberling  
Shipley  
Shoup  
Shriver  
Skubitz  
Slack  
Smith, Calif.  
Smith, Iowa  
Snyder  
Spence  
Springer  
Staggers  
Stanton  
J. William  
Stanton  
James V.  
Stephens  
Stokes  
Stratton  
Stubblefield  
Stuckey

#### NOES—154

|                |                 |                |
|----------------|-----------------|----------------|
| Abourezk       | Ford, Gerald R. | Mills, Ark.    |
| Abzug          | Forsythe        | Mink           |
| Anderson,      | Fountain        | Minshall       |
| Calif.         | Fraser          | Mitchell       |
| Anderson, Ill. | Frenzel         | Morse          |
| Anderson,      | Frey            | Mosher         |
| Tenn.          | Galifianakis    | Moss           |
| Andrews,       | Gibbons         | Obey           |
| N. Dak.        | Grasso          | O'Hara         |
| Archer         | Green, Oreg.    | Pinne          |
| Aspin          | Gude            | Podell         |
| Badillo        | Hamilton        | Freyer, N.C.   |
| Begich         | Hansen, Idaho   | Fryor, Ark.    |
| Bennett        | Harvey          | Quie           |
| Bergland       | Hastings        | Rangel         |
| Biester        | Hechler, W. Va. | Rees           |
| Bingham        | Heckler, Mass.  | Reid, N.Y.     |
| Boland         | Heinz           | Reuss          |
| Brademas       | Hicks, Mass.    | Riegle         |
| Brotzman       | Hillis          | Robison, N.Y.  |
| Brown, Mich.   | Hosmer          | Rosenthal      |
| Brown, Ohio    | Jacobs          | Roush          |
| Broyhill, N.C. | Jarman          | Roy            |
| Byrnes, Wis.   | Kastenmeter     | Ruppe          |
| Byron          | Keating         | Sarbanes       |
| Camp           | Keith           | Scheuer        |
| Carter         | Kemp            | Schneebeli     |
| Chamberlain    | Koch            | Schwengel      |
| Chisholm       | Kuykendall      | Smith, N.Y.    |
| Clancy         | Kyl             | Steed          |
| Collier        | Lent            | Steele         |
| Conable        | Link            | Steiger, Ariz. |
| Conte          | Lloyd           | Steiger, Wis.  |
| Cotter         | Lujan           | Talcott        |
| Coughlin       | McCloskey       | Taylor         |
| Culver         | McClure         | Terry          |
| Davis, Wis.    | McCullister     | Thone          |
| Dellenback     | McCormack       | Udall          |
| Dellums        | McDade          | Van Deerlin    |
| Dennis         | McDonald,       | Vander Jagt    |
| Duncan         | Mich.           | Veysey         |
| du Pont        | McEwen          | Waldie         |
| Dwyer          | McKevitt        | Ware           |
| Eckhardt       | McKinney        | Whalen         |
| Erlenborn      | Macdonald,      | Widnall        |
| Esch           | Mass.           | Wiggins        |
| Ishleman       | Mailliard       | Wilson, Bob    |
| Evans, Colo.   | Mann            | Winn           |
| Fascell        | Mayne           | Wyatt          |
| Findley        | Mazzoli         | Wylie          |
| Fish           | Meeds           | Wyman          |
| Flowers        | Mikva           | Young, Fla.    |
| Poley          | Miller, Ohio    | Zwach          |

#### NOT VOTING—46

|               |              |                |
|---------------|--------------|----------------|
| Adams         | Dowdy        | McClary        |
| Andrews, Ala. | Edwards, La. | McFall         |
| Arends        | Ellberg      | Michel         |
| Ashley        | Evins, Tenn. | Miller, Calif. |
| Baring        | Ford,        | Price, Ill.    |
| Belcher       | William D.   | Pucinski       |
| Bell          | Garmatz      | Rallsback      |
| Blanton       | Gubser       | Rhodes         |
| Blatnik       | Halpern      | Rodino         |
| Bolling       | Hanna        | Roybal         |
| Broyhill, Va. | Hébert       | Sikes          |
| Burton        | Hogan        | Sisk           |
| Byrne, Pa.    | Hoffield     | Teague, Tex.   |
| Davis, S.C.   | Horton       | Wilson,        |
| Derwinski     | Jones, Ala.  | Charles H.     |
| Diggs         | Landrum      | Wright         |

Mr. VIGORITO changed his vote from "no" to "aye."

So the amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. HAYS TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. HARVEY

Mr. HAYS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HAYS to the amendment in the nature of a substitute offered by Mr. HARVEY: Page 23, line 2, immediately after "value" insert the following: "(except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business)".

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. HAYS. Mr. Chairman, this provision has already been written into the bill in two places. The amendment would put it in a third place to make the language conform. The amendment was agreed to on the other occasions it was offered unanimously. I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HAYS) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. HAYS TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. HARVEY

Mr. HAYS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HAYS to the amendment in the nature of a substitute offered by Mr. HARVEY: Page 45, immediately after line 14, insert the following:

"PROHIBITION AGAINST USE OF CERTAIN FEDERAL FUNDS FOR ELECTION ACTIVITIES

SEC. 402. No part of any funds appropriated to carry out the Economic Opportunity Act of 1964 shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Office of Economic Opportunity who, in his official capacity as such an officer or employee, engages in any such activity. As used in this section, the term 'election' has the same meaning given such term by section 301(a) of this Act, and the term 'Federal office' has the same meaning given such term by section 301(c) of this Act."

And renumber the following section accordingly.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. HAYS. Mr. Chairman, the amendment would merely prohibit the OEO and any of its adjuncts in setting up political organizations in any community to influence the vote in any primary or general election. I think it is fair that we do not allow them to use the taxpayers' money for as against any candidate in a Federal election. There have been many instances in which this has been alleged. In a couple of cases I know they were an adjunct of a local election. I do not think that should be, but because I wanted to keep the thing germane, I did not take in local elections but only Federal elections.

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Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Washington.

Mr. McCORMACK. I do not have a copy of the amendment before me, so I am not certain of the language of the amendment. Would the amendment prevent a person who is employed in an administrative capacity in the OEO from becoming involved in a voter registration program on his own time?

Mr. HAYS. Not on his own time, but it sure does on the Government time if any of them work.

Mr. McCORMACK. I thank the gentleman.

Mr. JACOBS. Mr. Chairman, if the gentleman will yield, would this cover the so-called Model Cities program?

Mr. HAYS. It does. In my district in one instance there were some tenants in a low-cost housing project that were literally tearing the place down. The manager of the project sought to evict them. Somehow or other it got to the Federal court, and, talking about the Federal court judges, the Federal judge appointed an attorney at \$40 an hour to defend these people from eviction.

Mr. HARVEY. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Michigan.

Mr. HARVEY. Mr. Chairman, I have no objection to the amendment. In fact, I intend to support it, but this question does come to my mind, which is: How is it that the officers and employees of the Office of Economic Opportunity are presently able to do this under the Hatch Act—at the present time?

Mr. HAYS. They set up these community activities programs, and they take in some people who are so-called volunteers, and pay their way into the meetings, and get them under the thumb, and tell them what they ought to do, and they do it. I cannot tell the gentleman how it happens, but it happens.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HAYS) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. BINGHAM TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. HARVEY

Mr. BINGHAM. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

Amendment offered by Mr. BINGHAM to the amendment in the nature of a substitute offered by Mr. HARVEY: Page 17, line 22, after the word "family" insert "under his control". Page 18, strike out lines 8 through 11 and insert in lieu thereof the following:

"(b) No individual may, in any calendar year, make contributions from his personal funds (including contributions from the personal funds of his immediate family under his control) on behalf of the candidacy of any one candidate for nomination for election, or election, to Federal elective office in excess of—

"(1) \$35,000 in the case of a candidate for the office of President;

"(2) \$5,000 in the case of a candidate for the office of Senator; or

"(3) \$5,000 in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"For the purposes of this subsection, a candidate for Vice President in a general election shall not be treated as a candidate for Federal elective office, but contributions made on behalf of his candidacy shall, for the purposes of such subsection, be deemed to be contributions on behalf of the candidacy of the candidate for the office of President with whom he is running.

"(c) For the purposes of this section, 'immediate family' means a spouse, and any child, parent, grandparent, brother or sister and the spouses of such persons.

and re-designate the following subsections accordingly.

Mr. BINGHAM. Mr. Chairman, what this amendment does is to incorporate into the Harvey substitute the provisions of the Hays bill as it was reported out of the House Administration Committee with regard to limitations on individual contributions to campaigns.

The Senate bill, the Harvey substitute, provides limitations on candidates of \$50,000 for a candidate for President or Vice President \$35,000 on the candidate for Senator, and \$25,000 on the candidate for the House. Those limitations include the members of his family, which are defined quite broadly to include not only the spouse but also the child and parent, grandparent, brother, or sister.

What my amendment does is to set some limitations, I believe they are quite generous limitations, on contributions to candidacies.

Those limitations would be \$35,000 per calendar year in the case of a presidential campaign and \$5,000 in the case of a campaign for the Senate or for the House.

In one way this is a restrictive amendment, and in another way it is a liberalizing amendment.

It is restrictive in the sense that it would extend a limit to individual contributions to campaigns, which is not now in the Senate bill. But it would also liberalize to some extent the limitations on the candidates which are now in the Senate bill, by putting in the term that a contribution from a member of the family is included only if that is a member of the family under the control of the candidate.

As it now stands, a contribution from a candidate's brother is in a different category from a contribution from a candidate's friend or a candidate's nephew.

It seems to me that there is no logic in saying that we are going to limit what the candidate can spend and what the candidate's sister can spend, or his brother in his behalf, but we are not going to limit what the candidate's friend can contribute to the campaign.

A candidate for the House is limited to \$25,000, and that includes everything from any member of his immediate family, but if he has a friend willing to put up \$100,000 or \$50,000, that is perfectly OK as it now stands.

That is what this amendment does. It would provide relatively generous limitations on individual campaign contributions, and this is what was recom-

mended by the Committee on House Administration by an 18 to 4 vote.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. There is one part of the amendment which troubles me, which is the portion of it which uses the words "under his control." I believe those were the words.

This intrigues me, because I do not know what those words mean. I know that a sister might be under control and a wife not. A 16-year-old boy might be under control, yet a grandmother might not.

What does the gentleman mean by the words "under his control?"

Mr. BINGHAM. That is a fair question. This was discussed in the committee.

What is intended to be covered is the case, let us say, of a minor child who has money of his own, or the case of a spouse, where the funds are actually under the control of the candidate.

Mind you, what we are setting up is a limitation on any contribution, so if the contribution is made by the candidate's brother and it is not under his control, that brother is free to contribute up to \$5,000 to the congressional campaign.

In the present bill, as it now stands, the limit is \$25,000 for the candidate and includes brothers, sisters, parents, grandparents, and so on.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from New York.

Mr. PIKE. Specifically, is the candidate's wife deemed to be under his control?

Mr. BINGHAM. I think there could be no certain answer to that.

Mr. PIKE. So that although there might be a limit on the candidate the wife could go ahead and spend anything she wanted in his behalf?

Mr. BINGHAM. No. If she had funds of her own under her control she would be limited to the proper contribution.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. BINGHAM was allowed to proceed for 2 additional minutes.)

Mr. BINGHAM. She would be limited to the contribution limit of \$5,000 in a congressional campaign.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the chairman of the committee.

Mr. HAYS. I think it is perfectly clear that when they say "under his control" that means, for example, if he gave his wife \$5,000 to turn around and give, in addition to what she had already given of her own, that would be under his control.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Do these words apply to the control by the candidate of the money because of legal reasons or do they apply to the relation because of the relationship?

Mr. BINGHAM. No. It is in the funds. If it is held in trust or if it is held, as I said, by minors under control of the parent. In one case there was a matter publicized where a 15-year-old child made a large contribution to a parent's campaign. Now, that would be considered to be under the control of the parent. But if you have brothers and sisters living 5,000 miles away, it does not seem to be logical to put them under greater restraint as far as contributions are concerned than you put your friend.

Mr. EVANS of Colorado. How about loans of money?

Mr. BINGHAM. Loans are considered as contributions, but that is under a different section of the bill.

Mr. VANIK. Will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I would like to ask what the gentleman's amendment will do with respect to family foundations. They have been a factor in several elections.

Mr. BINGHAM. I do not know.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute in order to respond to the gentleman from Ohio's question.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. ROUSSELOT. Mr. Chairman, I object.

Mr. HAYS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments to the substitute end at 7 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. HARVEY. Mr. Chairman, reserving the right to object, I was on my feet trying to get recognition before the chairman made that request. Is my time included in that figure, also?

Mr. HAYS. I would think your time and my time and everybody's time would have to be included.

Mr. HARVEY. Then, I object, Mr. Chairman, because I think the minority ought to have an opportunity to answer this very serious amendment.

MOTION OFFERED BY MR. HAYS

Mr. HAYS. Mr. Chairman, I move that all debate on this amendment and all amendments to the substitute end at 7 o'clock.

May I propound a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. HAYS. Is it in order to reserve, let us say, 3 minutes to each side?

The CHAIRMAN. Not on a motion.

The question is on the motion offered by the gentleman from Ohio.

The motion was agreed to.

PARLIAMENTARY INQUIRY

Mr. BROWN of Ohio. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BROWN of Ohio. If there is a teller vote on the Bingham amendment or any subsequent amendment, would

those teller votes come out of the time limitation at 7 o'clock?

The CHAIRMAN. The Chair will state in response to the parliamentary inquiry of the gentleman from Ohio that the time limitation has been fixed at 7 o'clock and all time used comes out of that time limitation.

(By unanimous consent, Mr. GERALD R. FORD, Mr. COLLIER, and Mr. ABBITT yielded their time to Mr. HARVEY.)

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. HARVEY. Mr. Chairman, the hour is late and we are all impatient to go about our business. However, let me say, Mr. Chairman, that this amendment was discussed in our committee. But more importantly it was discussed over in the other body when that body passed their particular bill. They very carefully considered whether there should be a limitation on contributions.

Mr. Chairman, two things stand out from their consideration of this matter. No. 1, the evidence that it was unconstitutional to place a limitation upon what a person could contribute to a candidate or to a committee was overwhelming, but more important, was the fact that the White House was violently opposed to such an amendment. I say that because thus far this body has pretty well worked its will. I believe we have come up with a bill, although not perfect, nevertheless, is a bill with which we can live. It will go a long way toward campaign spending reform in this country.

But, I say to any of you who truly want to scuttle the bill and end it, adopt this amendment and write in some unconstitutional provisions to the amount which can be contributed.

Let me read a couple of lines by Prof. Ralph Winter of Yale University Law School wherein he says as follows:

No matter what else the rights of free speech and association do, they protect explicit peaceful political activity from regulation by the Government. But the legislation under consideration openly sets a maximum on the political activity in which persons may engage.

Such a law is indistinguishable from laws forbidding people from engaging in other kinds of activity. A law forbidding someone from spending more than a certain amount cannot be distinguished from a law forbidding speeches of over 10 minutes in public parks.

I would point out also that the Attorney General, Mr. Kleindienst, testified it was unconstitutional, but more than that such a requirement, such a limit on contributions, also discriminates. It discriminates against a person who chooses to exercise his political activity by making a contribution. It discriminates against him and in favor of, for example, a labor union which makes its contribution by registrations and by getting-out-the-vote drives such as we have had. It discriminates in favor of universities. As I stated earlier, universities or colleges will declare a recess during which to provide that 2 weeks before an election their students can disband and go to work for whomever they please. Apparently, that is the way they choose to exercise their political activity. They are in favor, rather, of the students who say they are not able to contribute so

many thousands of dollars, we will contribute so many hours in time.

Mr. Chairman, it is clearly discriminatory and for all of these reasons I urge you to oppose the amendment.

But most of all, Mr. Chairman, I urge you to oppose it because it can make the difference as to whether we have an election reform bill or whether we do not have one.

This is really the guts of the reform bill that you have in front of you right now. So I say to you that under all of the circumstances it should be opposed.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, I wonder if the gentleman from New York (Mr. BINGHAM) would respond to a question?

In the amendment I understand that the limits apply to a calendar year. What if a candidate announces 2 or 3 years in advance for an office? Would he be entitled to \$35,000 per year for each year he has announced?

Mr. BINGHAM. He would be, that is correct.

Mr. THOMPSON of Georgia. That would discriminate, would it not, against the major parties whose candidates probably would not be determined or may not be announced candidates until the election year, and they would have a \$35,000 limitation. But if a person wanted to announce 4 years in advance then he would have \$140,000.

Mr. BINGHAM. Mr. Chairman, if the gentleman will yield further, presumably the limitation would apply—

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, there has been so much talk about constitutionality on every issue that has come here that I find myself constantly saying, "I see no constitutional questions about this."

Now, there must be some very sharp constitutional lawyers here to find a constitutional issue on almost every amendment.

There is a constitutional right for a person to express himself by buying his own time on a specific issue, but I know of no constitutional right that anyone can exercise to expend an unlimited amount of money on a campaign of another.

We regulate the right of various organizations to contribute at all, and therefore we cut off the right of expression in some areas with respect to a campaign, but we cut off no one's right to express his own views on his own time, and on issues which he desires to express himself. Certainly there can be no constitutional issue in this particular case.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I think this is a senseless amendment in that it discriminates against somebody from a large family which has four generations covered, as this amendment does, because that means each generation can contribute \$1,330. If you are married, that makes it \$670.

It seems to me that if you are a single person with no siblings, no parents living, or children, then you can contribute the whole \$5,000. Now, if that is not some kind of a constitutional impingement on a person's right to express himself on a campaign, I never heard of it.

Further than that I would like to ask if it is not a constitutional question, because we set \$5,000, then obviously we could set \$1 as a limit on an individual. And, frankly speaking, I think as free citizens we ought to be able to express our opinions with respect to campaigns as long as we are doing it out of our own resources.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, now that I think I understand this amendment, I would like to say a couple of words in its behalf:

I cannot accept the concept that it is not unconstitutional to limit the speech of a candidate by limiting his expenditures, but it is unconstitutional to limit the speech of somebody else by limiting their contribution.

I agree with the gentleman from Texas (Mr. ECKHARDT) that there is no constitutional question here. This amendment is directed toward individuals. We are talking about discriminating against individuals. Well, who are the individuals we are talking about? Those who contribute more than \$35,000 to a presidential campaign, more than \$5,000 to a senatorial or a congressional campaign.

I am perfectly willing to put a few limitations on the power brokers of our land, because that is what we are talking about in this situation.

Mr. Chairman, I would like to see the amendment adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. GRAY).

(By unanimous consent, Mr. GRAY yielded his time to Mr. HAYS.)

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman and members of the committee, there is no reason whatever to adopt under these circumstances a figure which places a limitation on contributions which can be made by anyone including especially a member of a candidate's family. There is nothing sacrosanct about \$35,000 for the Office of the Presidency or about \$5,000 for a U.S. Representative. The figures are just magically drawn out of a hat—they are arbitrary, they are meaningless and are unneeded. This amendment should be rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, this amendment is constitutional. I have made speeches for limitations and written articles for limitations. I am going to vote against it. I want to tell you very quickly why.

We have Democrats on this side who had better decide right now whether you want a bill or an issue. We have a cracker jack bill here today. It will stop million-

aires from buying Senate seats. No one will be able to buy the presidency under this bill. The Macdonald bill got this television monster under control.

I think the President was wrong to indicate that he did not want a contribution limitation. He said he would veto the bill and is also looking for an excuse to veto the bill and this is going to give him that excuse if this is adopted.

I am going to introduce legislation to put contributions in once we get out of the woods here.

I want to make two or three other points.

I have a letter from organized labor that says they want the Senate bill.

The Senate bill—Senator MANSFIELD and other people put it in over there.

This is a bill which the Democratic National Committee wanted. You have a letter from Larry O'Brien on this. The Democrats got more large contributions, oddly enough, over \$5,000, than the Republicans. So on the very practical ground tonight of determining whether or not you want a bill, I urge you very reluctantly, and forcefully appeal to you to please vote down this amendment and we will have a bill and have something meaningful, and something we can be proud of.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I just want to make two points very quickly.

The constitutional point has been well made. I previously put in the RECORD comments by Professor Bickel of the Yale Law School and Professor Freund of Harvard Law School and Professor Rosenthal of Columbia Law School sustaining the constitutionality.

The second point I want to make is that this is not antifamily. It is the Senate provision that is antifamily because if the gentleman from Ohio will look at his own bill, he will find he is limiting contributions that a candidate can get from members of his family to \$25,000 for a contest of the House—brothers, sisters, parents, and so forth.

My provision would increase that amount by \$25,000 for a candidate and those under his control plus \$5,000 from each of his relatives. I would say this is less antifamily than the existing bill.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, the provision to establish limitations on personal contributions is probably unconstitutional; it is certainly unfair; and it is obviously discriminatory since it is many times more restrictive on presidential candidates than on other candidates.

First. Constitutionality: Personal campaign limitations may violate not only the first amendment but also the fifth. The Supreme Court has not reviewed specifically, but dissenting Justices in United States against CIO—1948—and United States against UAW—1957—raised first amendment questions.

In CIO, Justice Rutledge referred to the "presumptive" weight against intrusions or encroachments upon the—first amendment—reserves against legislative annexation.

Justice Douglas in *United States against Auto Workers—1956*—said:

When the exercise of First Amendment rights is tangled with conduct government may regulate, we refuse to allow First Amendment rights to be sacrificed merely because some evil may result.

The equal protection guaranteed by the Constitution may be especially significant to protect the rights of minor party or independent candidates to participate in election processes.

In *William against Rhodes—1968*—the Supreme Court struck down as unconstitutional a part of the Ohio law. The law imposed more burdensome restrictions on minor candidates to get on the Ohio ballot than for regular party candidates.

Second, Unfairness: Money is the only way that some people can participate in political campaigns. It is one valuable commodity. Other valuable commodities are a celebrity status, name recognition, personal services, use of nonbusiness cars and telephones and nonmoney gifts. Of these, obviously personal services are the most usual campaign contribution. We have already given anonymity to those who contribute personal or noncash services. We have already given them unlimited ability to contribute those services. We have already stripped anonymity from the cash participant. Now we seek to place a limit on that which we can contribute. This is obviously an unreasonable and unfair provision. It strikes most violently at the aged and infirm who have no other way to participate in politics.

Third, The provision has been written in such a way that it obviously discriminates against presidential candidates. Whether it intends to discriminate against one obvious presidential candidate or not is a moot question, but the suspicion will arise, and I raise it specifically here, that it may have been aimed at President Nixon. Based on the number of people in the constituency which all of the bills have accepted as a basis for other limitations, the limitation on contributions for a presidential campaign should be 435 times that allowed for a congressional campaign. That ratio would allow contributions in excess of \$2 million. Instead, the proponent of this provision seems to be pretending that it only costs seven times as much to run a presidential campaign as it does to run a House campaign. The Senate limits are equally inappropriate, particularly in the large States. This kind of bias has no place in any election law reform and makes use of the term "reform" ridiculous on its face.

There was no showing of evil in the subcommittee or committee hearings.

Second, this is unfair as well as unconstitutional. Money is the only way some people can participate. It is one valuable commodity. Some other commodities are celebrity standing—voter recognition—your own personal contacts—personal telephones of whatever.

This provision strikes most violently at the aged and the infirm who have no other way of participating.

Third, it is discriminatory against the President. If we have a \$5,000 limitation for Congress, it should be 435 times

\$5,000, but you have made it seven times. Therefore, it looks like somebody is trying to put a little "stuff" in the game. I do not know which President it happens to be aimed at. It looks like it is aimed at the incumbent.

Mr. Chairman, obviously it is unfair. The amendment should be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. MACDONALD).

(By unanimous consent, Mr. MACDONALD of Massachusetts yielded his time to Mr. HAYS).

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, at this late hour we have accomplished, it seems to me, the almost miraculous task of melding together two House committee bills and a Senate bill, and in the process I think we have come up with a pretty acceptable piece of legislation. It seems to me absolutely incredible that my friends on the other side of the aisle, many of whom I know are sincerely dedicated to the cause of campaign finance reform, would put that entire tortuous effort in jeopardy at this late hour by the adoption of this amendment. I tried myself on one occasion to draft a contributions-limitation amendment. I know from my study of the problem that the Bingham amendment is full of loopholes. It does not apply to the Special Interest Committee. It does not apply to groups like COPE.

Why is it wrong for an individual to make a \$25,000 contribution, or for one of these huge national committees to go ahead and make a contribution of that kind? There are loopholes in this law, and I would submit we already have had enough of that under the Corrupt Practices Act of 1925.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, a moment ago I said that what we do here with the district courts should also cover the circuit courts. I meant the county courts and all the courts of the United States.

First, I would like to say this: After all the debate—and a lot of it has been emotional—I think we are coming up with a very good bill. I am for this amendment, and I would not let the threat of a veto deter me from voting the way I think I should vote. I do not believe the gentleman really meant it when he said that we should let that stop us from voting for what we think is in the best interests of the Nation. I think when we come out with a bill, it will be a bill that has been melted down and has come together. It has not been partisan. There has been a great deal of bipartisanship here, and I want to congratulate every Member of the House for the part he or she has taken in it. I think we have come up with a good bill, and the amendment should be adopted.

Mr. BADILLO. Mr. Chairman, for the first time in nearly half a century, the Congress is about to enact a comprehensive election reform bill and it is my most sincere hope that the final product will

represent a major step toward restoring public confidence in the electoral process and in elected officials.

There is no more serious problem in the American political process today than the financing of campaigns. The skyrocketing cost of campaigning has produced a situation in which practically all but the wealthy—or their friends—are prohibited from running for office.

In recent years it has become apparent that the potential candidate of modest means is being driven from the field. Without a source of outside wealth, he is faced with the choice either of running a shoestring campaign or relying on a few major contributors. If he chooses the former course, he faces staggering odds. If he seeks out large contributors, he creates a serious potential conflict-of-interest situation.

It seems clear that at a time when the demand for reform grows strong on many fronts, the area of election law must not be ignored. Current Federal election laws are more loophole than law. Their limits do not limit and their penalties are empty threats.

The Federal Corrupt Practices Act purports to require disclosure of campaign contributions and expenditures, but because the law does not apply to primaries nor to campaign committees operating solely within one State, it is gravely defective.

Another unfortunate omission is our failure to enact legislation either to broaden the base of campaign finance by encouraging contributions from small donors through tax incentives or to achieve perhaps the ultimate campaign reform which eliminates private contributions altogether.

Proposals to replace private campaign contributions with public funds are not new. Such proposals were suggested by President Theodore Roosevelt many years ago and they were recommended to Congress by President Johnson in 1967. As we debate this bill today, the Senate already has passed an amendment to the revenue bill which would create public funding of presidential campaigns through a \$1 tax checkoff fund administered by the Comptroller General.

While such an amendment would not be germane to the legislation before the House today, I am hopeful that the House conferees on the revenue bill will accept it.

With regard to the legislation now before us it is my hope that we will combine the bill H.R. 11231 reported by the Committee on Interstate and Foreign Commerce with H.R. 11280, which is identical to the bill passed by the Senate, and strengthen both with amendments. I think we must keep in mind the overwhelming likelihood that whatever form the election reform bill ultimately takes, it will represent at best a first step and that further reforms clearly will be called for on the basis of our experience under the new law.

The House Commerce Committee bill has several key features which deserve our support. Among these are repeal of section 315, the equal-time provision, of the Federal Communications Act, for presidential and vice presidential can-

didates. This is essential for the broadcasters to provide free air time for debates between the major party presidential candidates but I supported the amendment of the gentleman from California (Mr. VAN DEERLIN) extending this provision to U.S. Senate candidates while authorizing a study of the desirability of including House candidates, as well.

Another key feature of H.R. 8628 is the 10-cent-per-voter ceiling on broadcast media spending. This feature, coupled with the requirement that broadcasters charge candidates the lowest unit rate for media time represents a major step toward curbing the excessive costs of campaigns.

It will be argued that a media spending limitation is only a partial cure for the high cost of campaigns, and that an overall spending limit should be enacted. In this regard, it must be pointed out that whatever law we write here is only as good as the means by which it can be enforced. I am convinced that a media limitation is far more enforceable than an overall limitation and that it really gets at the root of excessive campaign costs.

The key features of the Senate bill I feel should be incorporated are:

First, effective requirements for public reports of campaign contributions and expenditures. The Senate bill requires five reports at regular intervals before an election and on the following January first. The preelection reports will provide the public with the kind of campaign financing information to which it is entitled.

Second, the Senate bill establishes a bipartisan Federal Elections Commission to enforce the legislation, to receive all required reports and to make public the information it receives. This mechanism is clearly preferable to H.R. 11060, which gives this authority to the Clerk of the House and the Secretary of the Senate. If we are to increase public confidence in the electoral process and in elected officials, the task of policing the election reform law must be assigned to an independent agency with no conflicts of interest.

S. 382 has one glaring defect, however, and it must be corrected here. As the bill now stands, limits are set on what a candidate and his immediate family can spend on a campaign, but no limits are set for other contributors. In this regard, the bill actually is regressive for present law contains limits for all contributors. At the very least, the existing limits should be incorporated in this measure, or as an alternative, the limits contained in the House Administration Committee bill, H.R. 11060, should be adopted. These latter limits are \$5,000 from individuals for House and Senate candidates, and \$35,000 per year for presidential and vice-presidential candidates, while use of a candidate's personal funds would be limited to \$15,000 for House races, \$20,000 for Senate races, and \$35,000 for presidential and vice-presidential races.

Adoption of these provisions will represent a major effort by Congress to

make the electoral process more responsive and more responsible. It will represent a true response to a public demand which has been growing for years and which, if not met, would result in an even greater credibility gap between the American people and their Government. A strong election reform bill will stand as one of the major achievements of this Congress. We dare not ignore the challenge.

Mr. DONOHUE. Mr. Chairman, our overriding and lasting objective, with respect to these Federal election reform bills before us, must be, in my opinion, to restore and strengthen public faith and confidence in the National Government.

Our more immediate purpose is to try to insure that our Federal elective offices are, in fact, equally open to any qualified candidate and are not the exclusive preserve of individuals who possess great personal wealth or those who have access to extraordinarily large amounts of campaign spending subsidies.

To accomplish both of these urgently needed objectives, the majority of this House must, and I hope they will, approve the strongest possible compromise bill that will effectively limit campaign spending to a reasonable level and will require a contributor revelation procedure that will serve to remove any public doubt about unwholesome influences in our National Government election campaigns.

In my opinion, the acceptance of the substance of the Senate and Macdonald bills, with other improving amendments, would be a substantial forward step toward the accomplishment of the objectives we desire to reach in this legislative area. I would also hope that the provision in the tax bill, very recently adopted in the Senate, as a beginning toward ultimate public financing of all election campaigns, by permitting individual tax deductions on small political contributions and by allowing each taxpayer to earmark \$1 of his tax for the presidential candidate of the party of his choice or for a fund from which presidential candidates could draw, will be accepted by the House when that measure comes before us in the near future. It seems to me that, in the finality, the establishment of a public financing system that will include all Federal offices might well be the best method of insuring the elimination of the plague of special interest influence by donors of private money in election campaigns and also reassure the public of the integrity of our election processes.

Mr. Chairman, I want to emphasize my belief that neither the executive nor legislative branch of our Federal Government can effectively operate in the national interest without the confidence and the backing of the majority of the American people. The retention and expansion of that public confidence is truly at stake in our action on this campaign spending reform legislation. The particular challenge to the Congress, in this question, is to demonstrate to the American people that, irrespective of personal or party concerns or loyalties, we can patriotically legislate in the lasting national interest by restoring public con-

fidence in our national election campaign procedures and insuring that every qualified citizen has an equal opportunity to run for any Federal office in this country. I, therefore, urge and hope that the House will overwhelmingly accept the challenge and fully discharge the legislative responsibility that is facing us today.

Mr. CONTE. Mr. Chairman, I support the amendment offered by the distinguished gentleman from Idaho.

The purpose of the amendment is quite simple: To codify recent Supreme Court decisions regarding the use of union treasury funds during political campaigns by amending title 18 of the United States Code.

Let us be perfectly clear. This amendment would not prohibit the use of union treasury funds to explain union positions to union members. Nor would this amendment prohibit nonpartisan "get-out-the-vote" activities aimed at union members and their families.

But this amendment would quite properly safeguard the interests of shareholders in their corporations and workmen in their unions by insuring that their funds are not diverted to broad-scale political activities. Without the explicit permission of the donors, the use of such funds would have to be confined to the shareholders and workmen themselves. This is as it should be.

It is imperative that our deliberations on campaign spending reform produce results which will encourage the free and untrammelled functioning of our electoral process. Shareholders and union members have the right to determine whether or not to contribute to particular candidates. And they have the right to make this decision without fear of reprisal. Passage of this amendment would affirm their right to give full vent to their political beliefs without the threat of losing their livelihood.

As a clarification of Supreme Court rulings in this area and as a ringing affirmation of the right to unfettered participation in American political life, this amendment deserves our unqualified support.

Thank you, Mr. Chairman.

Mr. BRASCO. Mr. Chairman, the ever-growing cost of political campaigning is lowering the quality of American political life. As television increasingly dominates most candidates' considerations, he or she must come to grips with the realities of what it costs to run significant numbers of television advertisements. In no way can this be avoided.

Television is the surest way to reach a mass audience up to the moment of the actual poll. The growth of cable television is bringing this harsh reality to the farthest corners of the Nation. A wired society is in the immediate offing, and political candidates are being whipsawed by the political costs. The few special interests who can deliver massive amount of campaign money are too often in a commanding position as far as eventual influence upon an elected candidate's voting positions. This is as true of the Federal as it is of the State legislative area. In sum, the quality of political life

is lowered and the people are less well served in the process.

Campaign spending reform is the only answer and sole hope for a reversal of this ominous trend. We have before us exactly such an opportunity, the first of its kind in 45 years.

It is also a fact that the Republican Party has a virtual lock on major campaign contributions from large vested interests. Most major corporations have persistently poured significant contributions into the coffers of this party, with more than usual success in terms of a quid pro quo.

We must strike some sort of balance which will hold down rising campaign costs and reveal more of the sources of political money. Only in this way can we make public servants less vulnerable to a big, single checkbook. Only in this manner can we insure that the public will know far more of what its public servants are doing in their name. Sunshine is the best disinfectant, and especially in the national legislature its exposure is required.

We have already made significant progress. But more must be made if the measure is to emerge as a full scale reform.

It is my fervent hope that we will understand how unlimited special interest money and the rising cost of campaigning are corrupting the national political process. Understanding these factors, the next step is the obvious one of acting to wrap up the reform package.

Mr. FISHER. Mr. Chairman, the pending bill has my support. I would hope the controls and limitations on campaign spending are made enforceable.

The vast amounts of money expended by and on behalf of candidates for office in recent years has become a national scandal. By sheer influence of unlimited spending, making maximum use of radio and television, and in other ways, wealthy candidates and those who have access to wealth, strive to literally buy public offices. Is the Congress to become eventually a rich man's club?

This spending craze has created a crisis which affects the American system of government. Efforts to control the evil has been feeble and nonproductive. An intolerable situation has been created. It begets corruption, unethical tactics, deceit, and deliberate distortion of facts and issues. That is inherent in "win-at-any-price" campaigns. The public is fed up with it and demands relief. A recent Gallup poll showed 78 percent of the public favors a meaningful limitation on campaign spending.

I am sorry the bill does not contain a restriction on campaign contributions by labor unions. The Corrupt Practices Act now prohibits contributions by corporations and banks. Why should it not apply to union funding, much of which is derived from union dues—and contributed without, in many instances, the consent of those who pay the dues. Whether done indirectly, by evasion or otherwise, the public interest would be better served if such contributions were prohibited. Then let individual union members and their officers provide financial assistance to their favored candi-

dates, within the limitations applied to all others.

It is interesting to note that labor unions spent \$1,097,000 on 24 successful Senate candidates last year—up to as much as \$151,000 for one candidate.

In addition, unions contributed \$669,000 to 17 unsuccessful Senate candidates.

On the House side, 32 successful union-backed candidates got more than \$10,000 each; with \$140,000 going to unsuccessful candidates.

But that is not all. There were 58 additional successful candidates for House seats who received \$5,000 or more each from unions.

These contributions were legal. But it would seem that in the public interest such financial help should come from individuals and not from organizations which obviously and admittedly have selfish interests to be served. Although I am not aware of any individual Member being influenced unduly by such contributions, I think the system which permits it is bad.

Mr. Chairman, on February 4 of this year I introduced H.R. 3320, which contains the chief objectives of the legislation now being considered. I am pleased that progress is being made in advancing legislation on this subject. If the final version, as worked out by the House-Senate conference committee, is in accord with what is being attempted here, and if meaningful enforcement provisions are included, the result will be widely acclaimed by the American public.

Mrs. ABZUG. Mr. Chairman, as we debate H.R. 11060, the Hays bill and the two substitute bills—H.R. 11231 and 11280—we face one of the most serious questions in American politics. We must find a way to reduce the influence of money in the electoral politics of this country if one man, one vote is ever again to have meaning.

The need for reform in the laws governing the financing of Federal elections is urgent. The present laws are inadequate, ignored, and unenforced. As the costs of campaigns increased over the past several years, parties and candidates alike have continued to rely extensively on a few big givers to meet their expanded needs. At the present time, the best estimates have it that 90 percent of the money raised for political campaigns comes from 1 percent of the contributors. There is no way to accurately assess the influence that this secondary constituency of big givers has on public policy.

While the present law provides a ceiling on individual gifts, it is easily and routinely circumvented. First, the limit is excessive—\$5,000 per donor, per committee. Since there is no limit on the number of committees that each candidate may establish, big contributors—and their sons, daughters, and wives—merely contribute whatever total amount they choose to a myriad of special committees. I do not propose to go through the litany of these particular abuses at this time. The Members of this body know them well. None of the bills before us alleviate this problem.

Perhaps the best single example of the unreality of the present law is its failure

to cover primary elections. All of us know that as much and perhaps more money is actually raised and spent in primaries. What possible lapse in legislative intent can explain our failure to provide for reasonable limits and effective disclosure in the nominating process? In this respect, the legislation before the House is a step toward realistic reform.

Even where ceilings on cash contributions are reasonably protected by State reporting laws, Federal statutes have not prohibited corporations and the wealthy from evading those laws by lending airplanes, executives, and other company resources to favored candidates.

Moreover, and most importantly, there has simply been no enforcement of our present laws. Attorneys General in every administration of both political parties have shrugged off their obligations—and candidates for Federal office have routinely engaged in the most transparent hypocracies without fear of prosecution.

I intend to vote for the modified Senate bill (H.R. 11280) legislation we have before us today. But I want to say that I will do so most reluctantly. I will vote for it because it represents a step away from the past, but, at best, it is only a tentative step into the future. By no means does this bill represent a serious effort to reform campaign spending in this country. Moreover, my vote for this bill is cast reluctantly because I am concerned that our present requirements have remained on the books as the law of the land for the past 46 years. If by passing this bill, we are lulling ourselves into the belief that the necessary reforms have been accomplished, then this legislation is more dangerous than no legislation at all.

But, as I have said, I will vote for this bill as a needed, but temporary, measure. In so doing, I believe I assume an obligation to continue to examine this problem and to establish a dialog in the country about the problem and some proper solutions. And I think that we undertake an obligation also to formulate legislation in the next session, and each session thereafter, until we achieve a system of political finance in this country that will restore to voters and dollars the relative influence that they properly deserve.

I do not know all the attributes of such a system, but there are certain characteristics that are fundamental.

There must be effective limits on the size and number of political contributions. The present \$5,000 limit is perhaps 10 times too large; \$50 would be more appropriate if we genuinely seek to limit the influence of money in politics.

At the same time, we should provide tax incentives to encourage small giving. Parties and candidates have been equally lax in developing programs to stimulate average citizens to participate in politics with their dollars as well as with their votes. It is a small enough investment in democracy to permit a citizen a reasonable deduction from his income taxes in return for his support for the candidate of his choice.

There must be effective disclosure provisions to insure that the public is aware of whose money is supporting the po-

litical campaigns of its elected representatives. Reporting provisions must be timely so that abuses are not turned up 45 days after the election, but in time for them to be made public before election day. The penalties for violations must be severe enough to make candidates resist the temptation to evade the law and realistic enough that our law enforcement authorities take them seriously.

Primary elections must be subject to the same regulations as general elections. This is fundamental and cannot be compromised. To purify the influence of money at the final stage of the process and ignore it at earlier stages is either self-deluding or contemptuous of the public intelligence.

Finally, we must begin to reassess the entire premise of our present system of total reliance on private gifts. In this era of rising campaign costs, we have attempted only to regulate the size of private gifts and the total amount of dollars spent. We have been transfixed by ceilings, when the more fundamental problem has to do with floors. We must seriously address the question of how many Americans can no longer afford to participate in politics as active candidates for public office. How many people today find the price tag of public office prohibitive? When a citizen must risk personal bankruptcy or go into political hock to special interests in order to be able to make the initial decision to run for public office, we have created a situation that corrodes the foundation stones of our democracy. We must begin to seriously examine the need for public subsidies for political campaigns. We must equalize access to our political system for all citizens. The costs are not high, especially when measured against the eroding confidence and growing cynicism bred by the present law.

Mr. BLACKBURN. Mr. Chairman, during the debate today, many Members have discussed the need for full disclosure of all campaign finances. I believe there are arguments in opposition to this proposition which have not adequately been presented to this body.

The arguments have been developed that: First, the cost of political campaigns has become so high that America can no longer afford unregulated democracy in action; second, "fat cat" contributors demand commitments from candidates before making contributions and, thus, candidates are controlled by big contributors; and third, a candidate's purity of motive would be insured by complete disclosure by the candidate of every contributor and the amount of his contribution.

These arguments have received such wide publicity that, by reason of repetition, they are rapidly approaching the status of divine revelation, not to be challenged. Let me take this opportunity to challenge these arguments, recognizing the political risk involved in standing alone when political security could best be served by following the herd instinct.

I am firmly convinced that no small motivation of those proposing such legis-

lation is the preservation of office for those who enjoy the status of being an incumbent. Anyone proposing to defeat an incumbent must carry the fight to the incumbent. This entails the use of a lot of money, the amount varying from one congressional district to another. Thus, arbitrary limitation will restrict the ability of nonincumbents to carry the fight, and, thus, help to insure the safety of incumbent officeholders.

But, let me address myself to the three arguments that I have heard most frequently given in favor of rigid campaign limitation laws and rigid reporting laws.

First, I challenge the statement that America cannot afford a free exercise of the democratic process. The right to participate in political campaigns, not only as voters, but as contributors or campaign workers, is too valuable a right to be limited by law. Suppose you, as a citizen, desire to contribute to my opponent in next year's campaign but your contribution is returned because my opponent was limited in his spending and had already accepted the total amount allowable under law. It would be your right as a citizen that would be curtailed, and not merely the candidate who is being inconvenienced.

When I see the material comforts of life which we enjoy, I am somewhat skeptical when someone argues that we cannot afford the most precious right a citizen in a democracy can ever enjoy: that is, in giving direction to his government through full participation in political campaigns.

The second argument, that big contributors exercise an inordinate influence over officeholders probably has some merit. But the campaign limitation laws would only improve their control because a few big contributors could soon fill the financial limitations and thus exclude the smaller contributors from having any impact on a candidate's campaign.

In the final analysis, a politician's personal character will determine the degree to which he can be a "bought" man. If a man is for sale for one price, he is probably equally for sale at a lesser price, depending on his needs of the moment. It is a politician's conduct in office which answers the question of his personal character and integrity. It is these qualities which are reexamined periodically when he offers for reelection. If his conduct in office shows a pattern of undue responsiveness to a particular segment of his constituency to the disadvantage of the great majority of his constituency, then this is a matter to be considered by the voters in choosing between one candidate and the other.

The demands for a disclosure of contributors and the amount of contributions is probably the most questionable argument being advanced. In the first place, a dishonest candidate and a dishonest contributor are not going to report their financial transactions. It would be an impossibility to adequately enforce such a provision of law. The honest candidate and the honest contributor would be the most disadvantaged.

The implementation of full reporting laws would do more to discourage con-

tributions to nonincumbents than any other one law. My campaign treasurers can attest to the differences and difficulties in raising funds for an incumbent and a nonincumbent. People have a right to remain anonymous in casting their ballot.

I think to some degree, there is a parallel between the sanctity of secrecy of the ballot and the right to remain anonymous in making political campaign contributions.

Many people, by reason of their business connection, or professional connections, may wish to support a candidate who espouses a political ideology for which they hold a sympathy. At the same time, they might fear retaliation against their business interests of their professional association by persons holding positions of authority who do not agree with their thinking.

Ironically, it is the small businessman, seeking to hold government-related business, the union member, seeking to support a candidate his union leadership opposes, or the college professor seeking to establish tenure with a college having a leadership of strong political philosophy contrary to his, who would be the least able to afford public disclosure of their financial support for political candidates. The result would be a greater polarization of our country into contests involving big business, big money, and big union bosses to an ever greater exclusion of participation by the "little man" that these laws ostensibly are seeking to serve.

Mr. GUDE. Mr. Chairman, it is a credit to the House that the issue of Federal election reform is up for consideration, and that there is a bipartisan effort to forge a meaningful reform measure. Many of the critics of Congress predicted that a reform bill would never reach the floor. Instead we stand on the verge of passing a strong reform bill which would meet the requirements of those of us who wish to see the undue influence of money in politics reduced and the integrity of the democratic electoral process shored up.

Any campaign reform legislation must, in my view, have as its base a strong reporting and disclosure provision. Private wealth has become a corrupting force in American politics today, not because of the nature of the democratic system or the character of the men in politics, but because of the soaring costs of campaigning. Federal offices must not be allowed to become the exclusive property of millionaires or those whose politics attracts the support of the wealthy. This is not an ideological or party matter. Individuals of both leftwing and rightwing persuasions have been substantial contributors to political campaigns.

I also feel that it is important to keep the system open to challengers. A bill favoring incumbents would be a mockery and would in all likelihood be vetoed. People are well aware of the many advantages enjoyed by incumbent office holders. Well qualified individuals will hesitate to spend their time and money on a campaign if the odds are further stacked against them. As Representatives

we should recognize that our personal self-interest and the national interest separate at this point.

Campaign financing reform must, of course, eventually set some limits on spending. This limit must be high enough to allow a challenger to make himself known and yet low enough to be a meaningful limit and not an enticement to media saturation.

In my view, the Senate passed campaign reform bill, H.R. 11280, is a noteworthy and acceptable measure. The Senate bill would limit broadcast spending to 5 cents per eligible voter and spending for newspapers, magazines and billboards to 5 cents as well. Twenty percent of unspent funds in one category may be transferred to another thus allowing 6 cents per voter for broadcasting and 4 cents per voter for nonbroadcasting media.

H.R. 11280 also puts a limit on spending from the personal funds of candidates in campaigns for nomination or election. These limits would be \$50,000 in a Presidential race, \$35,000 in a Senate race and \$25,000 in a House race. No limit was placed, however, on contributions.

Finally, the Senate bill has quite adequate disclosure provisions. Candidates, individuals and committees would have to file periodic, detailed reports and the bill would extend the report requirements to all primary elections, the presidential nominating process, and State and District of Columbia committees not now covered.

I believe that the time is at hand to control the power of private wealth in Federal elections and we have before us, in H.R. 11280, the means with which to do this.

Mr. CRANE. Mr. Chairman, on the floor of the House of Representatives, we again witness a display of the awesome muscle that organized labor wields in this body.

After an intensive campaign, the labor union bosses have finally succeeded in getting their language into a campaign reform bill, rather than the language that would have provided the only true campaign reform.

My amendment, which was included in H.R. 11060, would have prohibited the use of involuntarily raised funds for political purposes by the unions. It would have restored to millions of union members the right to determine whether they wanted their hard-earned money to be used to support political causes of their own choosing, or to support the causes dictated by the union bosses.

The bill which has now been passed by the House of Representatives is a mockery of campaign reform. It opens wide the floodgates to union, bank and corporate activity in an area where it has never been legal before.

Therefore, I had no alternative but to oppose the bill.

#### HISTORY

My first contact with this problem came during my academic career in 1963 and 1964 when I was writing a book entitled "The Democrat's Dilemma." The central theme of this book deals with the power and control which organized labor has over the U.S. Congress.

When I was writing that book I did not realize that I would one day feel the effects of that power first hand. Following my election in 1969, after a bipartisan agreement, I was to be appointed to the House Committee on Education and Labor along with my colleague from New York (Mrs. CHISHOLM). But the unanimous-consent request, mutually agreed upon by the Democrat and Republican leadership, was denied, and I was subsequently assigned to the Banking and Currency Committee. The events of that day have been detailed in an article by the noted columnist, Willard Edwards, which appeared in the Chicago Tribune. At this time I insert the Edwards column:

#### CRANE FINDS WHO IS BOSS IN HOUSE

(By Willard Edwards)

WASHINGTON, December 28.—On his 22d day in office, Rep. Philip M. Crane, Illinois' newest Republican congressman, was given a dismaying lesson in the harsh political realities of life on Capitol Hill.

Crane learned who really controls the Democratic majority in the House and, thus, Congress itself, even in such a minor matter as a freshman's committee assignment.

It is not, he discovered, Speaker John W. McCormack [D., Mass.] or Rep. Carl Albert [D., Okla.], the majority leader, or the Democratic chairmen of House committees.

These Democratic leaders can be overruled, he found, when organized labor, in the person of Andy Biemiller, chief lobbyist for the AFL-CIO, chooses to exercise his influence.

As a result, Crane was deprived of a position on the House education and labor committee, for which he is eminently qualified as a former history professor at Bradley university and as an author and expert on the problems with which the committee deals.

Instead, he was shunted to a spot on the banking and currency committee. Its legislative jurisdiction, while important, is remote from the field in which his talents would be most useful.

After Crane was sworn into office Dec. 1 he sought out Rep. Gerald Ford [Mich.], the Republican minority leader, and asked to be assigned to the education and labor committee.

Ford consulted Speaker McCormack and Albert, majority leader, as well as the committee chairman, Carl Perkins [D., Ky.], and Rep. William H. Ayres [R., O.], the ranking minority member.

All agreed that Crane was a "natural" for the committee. The Democrat leaders were also seeking a place for Rep. Shirley Chisholm [D., N. Y.], the first Negro woman to serve in Congress. They decided to enlarge the committee to 37 members from 35, putting Crane and Mrs. Chisholm in the two places created.

But when labor lobbyist Biemiller learned of this plan, according to bipartisan sources, he put his foot down. He regards the committee, with considerable reason, as his domain. He made it clear that his opposition was based on an aversion for Crane, a conservative who in his book, "The Democrats' Dilemma," denounced control of Congress by a labor hierarchy, mentioning Biemiller by name.

Protests against the Democratic leadership proposal were led by Representatives Roman C. Pucinski [D., Ill.] and Augustus F. Hawkins [D., Cal.].

In vain, McCormack, much disturbed, pleaded with these objectors that he had reached a firm agreement with Ford. Such bipartisan arrangements are always respected.

But he was rebuffed. The fact that Mrs. Chisholm would also go down the drain was disregarded by Biemiller, who was incensed by his loss of a fight against President

Nixon's Philadelphia plan, a formula for encouraging Negro employment in the construction trades. Mrs. Chisholm voted against him. Ford engineered the defeat.

A last-minute attempt was made on the House floor to secure unanimous consent for the committee enlargement. Both Pucinski and Rep. Joe D. Waggoner [D., La.] jumped up to object. Waggoner, whose objection was presumably aimed at Mrs. Chisholm, won.

"It was disappointing and disillusioning," Crane said of the experience. "It certainly proves my contention that Congress is dominated by labor chiefs who pay little attention to the wishes of the rank and file."

Mr. CRANE. We witness another example of the blatant power of the labor unions. While decrying the Crane amendment, they manage to foist on this House a substitute which would legalize their past illegal actions, while simultaneously stating that this was merely "codifying section 610" of title 18 of the United States Code, the Corrupt Practices Act.

#### CORRUPT PRACTICES ACT

The intent of title 18, United States Code, section 610, is to prohibit contributions or expenditures by banks, corporations and labor unions in connection with Federal election campaigns. Although section 610 appears on its face to be clear and unambiguous, it has not effectively prevented large scale political expenditures by labor unions as Congress intended. When section 610 was amended in 1947 to cover labor union political expenditures, its stated purpose was:

First, to reduce the undue and disproportionate influence of labor unions upon Federal elections;

Second, to preserve the purity of such elections against the use of aggregated wealth by union as well as corporate entities; and

Third, to protect union members holding political views contrary to those supported by the union from the use of funds contributed by them to promote acceptance of those opposing views. See *U.S. v. CIO*, 335 U.S. 106.

Unfortunately, these objectives of the law have not been met. Today the influence of organized labor on Federal elections is greater than ever before, and a very large part of the time, energy and wealth of major labor unions is devoted to political action in Federal election campaigns.

By becoming deeply involved in political campaign activities, American labor unions have departed from their primary functions as collective bargaining agents and have become, in practical effect, political organizations. In the process they are rapidly transforming one of the two major political parties into a labor party, a result which will most certainly have an adverse effect upon the traditional two-party system in this country.

If membership in labor organizations were entirely voluntary, objections to partisan political activities by unions would perhaps have not so strong a base. But Bureau of Labor Statistics figures show that approximately 85 percent of all union contracts now contain clauses which compel continued union membership or payment of union dues and fees as a condition of employment. The rank-

and-file worker is thus compelled to provide financial support for the union even though the union uses a substantial portion of his compulsory dues dollar to support candidates and political causes which he either opposes or would not willingly support if he were given a free choice. Public opinion surveys immediately following the 1968 election showed that 44 percent of union members and their families opposed the presidential candidate endorsed and financially supported by their unions. It was precisely this sort of situation that title 18, section 610 was intended to reach.

#### THE CRANE AMENDMENT

My amendment, which is identical to section 8 of H.R. 11060 except for a technical change, would have clarified and broadened the definition of the terms "contribution" and "expenditure" as used in title 18, section 610. Under this new definition it would be perfectly clear that labor organizations, as well as banks and corporations, could not have made any direct or indirect payments or provide any services or any other thing of value to any candidate, campaign committee or political party or organization, or to make any expenditure related to get-out-the-vote activities in connection with Federal election campaigns, if involuntarily raised.

At the same time, it also made clear that this section would not prohibit a union from organizing and administering a separate contributory fund for political purposes if all contributions, gifts or payments to such fund are made freely and voluntarily, and not related to dues or fees required as a condition of employment. Enactment of this provision would have clarified the intent of Congress to distinguish between voluntary contributions and the use of compulsory union dues for political purposes.

#### UNION POLITICAL ACTIVITIES

It is no secret that labor organizations provide cash contributions to political candidates. But more important is the furnishing of a large volume of union-paid manpower to perform partisan precinct level functions of getting-out-the-vote and moving voters to the polls. During election campaign periods, and even between elections, thousands of union salaried staff personnel are assigned full time to the job of registering voters, keeping voter lists up to date and all of the other functions related to traditional partisan political activity. The massive scale of this type of union political activity is described by Alexander Barkan, director of AFL-CIO COPE, in an article appearing in *Issues in Industrial Society*, vol. 1, no. 2, published by the New York School of Industrial Relations at Cornell University.

Evidence of the intensity of labor's political activity in 1968 was the 55 million pieces of printed matter distributed by National COPE to union members and an additional 60 million plus distributed by state AFL-CIO bodies and international unions. It is unlikely that any organization—including the two major parties—ever produced so much political literature in any one campaign.

Labor's nationwide registration drive put 4.6 million voters on the registration rolls. Most were Humphrey supporters. The figure

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not only represents trade union members and members of their families but reflects the results of labor's registration drives in the Negro, Puerto Rican, and Mexican-American communities. *In many states, labor did the registration job for Humphrey singlehandedly; the Democratic party had abandoned the field.*

Negro trade unionists were mobilized at a series of conferences in the spring of 1968 which led to the formation of units in 31 big cities to increase the vote in the black community. Three and a half million pieces of literature, especially prepared for the Negro community, were distributed. We were the major national organization working at registering black voters and getting their vote. The Negro vote for Humphrey exceeded 80%.

The labor movement mobilized Mexican-American farm workers; and the AFL-CIO funded an operation which included a million leaflets, radio spots, and hundreds of election day workers in California alone. Farm workers' ballot boxes in the state also exceeded 80% for Humphrey.

In many states, a house-to-house canvass was conducted as part of our get-out-the-vote effort, particularly in selected labor areas and in minority-group areas where there are relatively few telephones. The number of persons involved in this operation was 72,225.

There have been other cases. Twice during the past decade the U.S. Supreme Court acknowledged that union officials are spending compulsory dues money for partisan political purposes. Associate Justice Hugo Black wrote 10 years ago.

There can be no doubt that the federally sanctioned union shop contract here, as it actually works, takes a part of the earnings of some men and turns it over to others, who spend a substantial part of the funds so received in efforts to thwart the political, economic and ideological hopes of those whose money has been forced from them under authority of law.

#### RECENT CASES

Mr. Speaker, the interests of union members who oppose the political views of union officials are not being protected under existing law. Because the members are obligated to pay union dues in order to retain their employment, they are powerless to forestall the diversion of their dues into partisan political channels. Only the avenue of costly litigation is open to them, but because of their limited means, it is beyond their reach in most instances.

Just a few months ago a group of McDonnell-Douglas Corp. employees in California achieved a notable legal victory. In 1967 they filed a lawsuit challenging the use of their compulsory "agency shop" fees for political purposes. Their complaint was dismissed by the trial court, but last year their appeal was upheld by the U.S. Court of Appeals for the Ninth Circuit. In a commonsense opinion reversing the trial court, the court of appeals held as follows:

The diversion of the employees' money from use for the purposes for which it was exacted damages them doubly. Its utilization to support candidates and causes the plaintiffs oppose renders them captive to the ideas, associations and causes espoused by others. At the same time it depletes their own funds and resources to the extent of the expropriation and renders them unable by these amounts to express their own convictions, their own ideas, and support their own causes. (*Seay v. McDonnell Douglas* 427 F.2. 996, CA 9 [1970])

If additional proof is needed to confirm labor unions' involvement in partisan politics, listen to this. In January 1968 the national AFL-CIO's official organ, in an article dealing with the federation's annual convention during the preceding month, reported, and I quote:

The Convention called for top priority for political action . . . All unions are urged to assign as many full-time staff members as possible for full-time political education work as early as possible in 1968.

Here is another example. This past June, national director Al Barkan of the AFL-CIO's Committee on Political Education was a principal speaker during the annual convention of the Hotel and Restaurant Employees and Bartenders Union in Chicago. Both he and a Member of the House of Representatives talked principally about the 1972 presidential election, according to reporter Thomas Power of the Chicago Tribune.

Mr. Barkan cautioned his audience not to become confused about its priorities of 1972. According to the Tribune's account, he shouted to the delegates:

Don't tell me about your contract negotiations next year. The important thing you have to do next year is to organize your members and win the election.

Mr. Speaker, thousands and thousands of hours of union staff time are required to carry out the various activities I have just described—staff time that is paid for with the dues collected from union members. By defeating the Crane amendment, we have said to the victims of compulsory unionism:

We will not lift a finger to restore either your freedom of association or your political freedom. You will be required to continue paying union dues against your will in order to earn your livelihood, and we do not object to the use of your tribute to elect candidates you will not voluntarily support.

Mr. Speaker, I, for one, am appalled that we would transmit such a message to our country's union members.

#### PARLIAMENTARY BACKGROUND

In the House Administration Committee, of which I am privileged to be a member, my bill—H.R. 1259—was accepted in a modified form as section 8 of the bill under consideration, H.R. 11060. My bill thus became title 8 of the bill which we are presently discussing.

When the Frenzel-Brown measure was considered as a substitute for the original House administration text, I realized that my section 8, the so-called "Crane amendment" would have to be added as a new section to this measure.

As you know, Mr. Speaker, I attempted to obtain recognition to introduce my amendment, but the Chairman of the Committee of the Whole House instead recognized the gentleman from Idaho (Mr. HANSEN).

There followed a succession of speakers on the new Hansen amendment which included Republicans and Democrats, Liberals, and Conservatives. Regrettably, the Hansen amendment passed by a vote of 233 to 147, which precluded consideration of the Crane amendment.

I say "regrettably" Mr. Speaker, because the Hansen amendment in no way

gets to the problem which we face in this area. In fact, it puts the imprimatur of this body on a situation which has existed for a number of years and which is clearly outside the law. Here I am referring specifically to the use of mandatory union dues for political purposes.

#### THE HANSEN AMENDMENT

Let me explain what the Hansen amendment does.

The Hansen amendment will, in my judgment, allow labor unions and corporations to make expenditures for political activities which under a strict reading of the language of title 18 United States Code, section 610 are now prohibited.

Expenditures by corporations in connection with Federal elections have been flatly prohibited since the original Corrupt Practices Act was adopted in 1925. This prohibition was extended to labor unions in 1947 for the purpose: first, of reducing the undue and disproportionate influence of unions on Federal elections; second, preserving the integrity of such elections for the use of aggregated wealth by union as well as corporate entities; and third, to protect union members holding political views contrary to those supported by the union from use of their membership dues to promote acceptance of those opposing views.

The amendment by the gentleman from Idaho (Mr. HANSEN) will create a large and very significant loophole which will legalize broad scale union political action—which is now prohibited—and undermine whatever protection the law now seeks to give rank and file union members against political use of their dues money.

The Hansen amendment will redefine the phrase "contribution or expenditure" as used in section 610 as not including expenditures for voter registration and get-out-the-vote campaigns aimed at either a corporation's stockholders and their families or a union's members and their families. Its net effect will be to put the stamp of approval on partisan political action by unions with money obtained through compelled union membership dues and fees which rank and file union members are required to pay under compulsory union shop contracts.

Although the amendment purports to allow corporate expenditures on the same basis as union expenditures it will not work this way. Corporate expenditures for voter registration or get-out-the-vote activities will run head on into the existing laws of practically all States which prohibit corporate expenditures for any political purpose. In addition corporate expenditures for political purposes are considered ultra vires under prevailing case law, and could also be disallowed as not meeting the test of ordinary and necessary business expenses under section 162 of the Internal Revenue Code.

The Hansen amendment on the other hand will validate union voter registration functions which are conducted on a highly partisan basis.

#### NONPARTISAN?

There is an abundance of evidence proving that union-sponsored get-out-the-vote campaigns are not nonpartisan. George Meany himself has acknowledged:

When you spend your money to get people registered, and then spend a lesser proportion to get them out to vote, you know you got a vote in the ballot box. Of course, we are a little bit choosy when we choose districts in which we want to better these votes in the ballot box, so that when they go in we have a pretty good idea how they are going to vote.

Furthermore, AFL-CIO Secretary-Treasurer Lane Kirkland, while addressing the Amalgamated Transit Union convention in Las Vegas, Nev., on September 28, 1971, exploded the myth that union political activities are merely "aimed at union members and their families." While vigorously attacking President Nixon, he said:

Over the next 18 months labor and its political arm—COPE—has a great deal of work to do. We have to carry our message to every American eligible to vote, and we have to make sure that they understand what America's choices really are. And we have to make sure that every voter we can reach is registered, and that they go to the polls.

Clearly, the leaders of organized labor are attempting to influence union members and all other voters in the Nation. And they are using union dues money provided mostly on a compulsory basis from members.

In this regard, I have received a copy of a letter to the editor of the Washington Post—which has not yet been published—and which clearly sets out organized labor's role in the 1968 elections. I include the letter at this point:

#### LETTER TO THE EDITOR

DEAR SIR: Mr. Califano's plea for public subsidy of campaigns (November 16, 1971) on the basis that some elected officials are too indebted to an elite group of wealthy individuals obfuscates the real problem of campaign reform. The less than \$3 million which he cites as having been spent by these individuals on the Republican candidate in the 1968 Presidential election is a pittance when compared with the more than \$50 million spent by the various unions on the Democrat candidates in the same elections. Beyond the quantitative differences, however, the real difference is that the money given by wealthy individuals to either party is given on a free will basis, while contributions extracted from union members are seldom obtained in that manner.

An example is the recent disclosure of the nefarious activities of the Marine Engineers Beneficial Association, AFL-CIO, pension fund. Here union officials virtually extort \$10 a month from retired members and widows of former members of the union which are put into a political kitty for distribution to a few favored individuals. It is clear to me, and I think to the vast majority of Americans, that while neither they nor I are completely pleased with large donations from wealthy individuals, nonetheless this does much less violence to the conscience and free will of the individual citizen than does an automatic \$10 rake-off from a \$300 a month pensioner.

A second area of campaign reform which Mr. Califano conveniently ignored is the manner in which the Democratic party particularly is in the process of obtaining taxpayer funding for a good portion of its 1968 campaign debts. The maneuver is quite simple: Charge as much as possible during the campaign period for such items as air fares, telephone, printing, etc., thus overextending yourself far beyond your anticipated income and, then, when the campaign is over, you are unable to pay the bills. This happened to the Democrats in 1968 to the tune of a reported \$9 million. Indications are that the Demo-

crats have no intention of paying this money. Therefore it will be written off as a bad debt by those corporations to whom it is owed, their net profit will decrease accordingly, and the government's tax (usually 48% of the net profit for these corporations) will also decrease proportionately. Thus, the \$9 million debt of the Democrat National Committee and its allied groups will end up costing the taxpayer more than \$4 million lost in revenue to the Treasury.

In summary, Mr. Califano and his friends in the Congress seem unwilling or unable to distinguish between voluntary contributions (of any magnitude) and those which are compulsorily obtained. Beyond this, they also have a very strong proclivity toward spending beyond their means and then saddling the taxpayer with their debts. The latter trait, I might parenthetically add, is certainly not limited to their campaign activities but is very much in evidence daily in the Congress.

Cordially,

EDWIN J. FEULNER, JR.

The Wall Street Journal, in an article by Jerry Landauer on November 15, 1971, describes in more detail the corruption and coercion involved in the Marine Engineers Benefit Association's pension fund. The MEBA is a constituent unit of the AFL-CIO. They finance their political activities by compulsory assessments of \$10 a month from retired members and widows of members and, according to Mr. Landauer's article, virtually extort this money from these members before providing them with the remainder of their pensions.

I inserted the full text of Mr. Landauer's article in the CONGRESSIONAL RECORD on November 17, 1971. It appears on page 41903.

#### UNION ACTIONS

Mr. Speaker, The unique and privileged role of labor organizations in our election processes was recently underscored by delegates to the 1971 convention of the Nation's largest and wealthiest union.

Delegates to the Teamsters Union convention adopted what is generally regarded as an ominous amendment to their constitution. It authorizes the union's general president to "make expenditures from the general fund in amounts to be determined by him in his sole discretion for lobbying and other political purposes, including contributions to candidates for State, provincial or local office."

Without question, this amendment to the Teamsters constitution will encourage the continued wholesale flouting of restraints imposed by the Congress on union political activities in 1947 when it amended section 610, title 18, U.S.C.

It is common knowledge that dues payments collected from involuntary members, as well as from voluntary members, are deposited in a union's general fund. Obviously, President Fitzsimmons will not be under any internal restraints when he contemplates contributions to certain political candidates from the union's general fund.

Admittedly, the union's amended constitution does not authorize the use of money from the general fund in connection with Federal elections. Let us not be deceived, however.

The widely respected and authorita-

tive Congressional Quarterly has stated flatly that union officials conceal contributions to Federal candidates by "simply reporting transfer of gross sums to State committees. The State committees, in turn, transfer the money to individual candidates, but the names of the recipients never appear on the nationally filed reports."

This is only one example of methods now being used to circumvent the existing law.

Mr. Speaker, I submit that the convention delegates who handed Mr. Fitzsimmons this blank check are not typical of the Nation's union members. All available evidence indicates that dues-paying unionists take a dim view of the use of union resources in political campaigns. Partisan politicking is strongly resented by those wage earners who are compelled by collective bargaining agreements to pay for unwanted union representation.

Inclusion of my amendment in the legislation adopted Tuesday would have closed a gaping loophole in our present law. It would have put unions on the same footing in the political arena with corporations, banks and all other associations.

#### THIRTEENTH DISTRICT OPINION

Within the past few months, I conducted my annual constituent survey and one of the questions asked was "Do you favor the use of mandatory union dues for political purposes?"

Almost 40,000 questionnaires have been returned to my office and better than 93 percent of them, representing more than 36,000 of my constituents, indicated they oppose such use of involuntarily raised funds.

I submit that this not only represents the overwhelming majority in my district but that one would find similar views throughout the Nation. Further, I insist that it is hypocrisy to speak of meaningful campaign reform so long as any involuntarily raised funds are used for any political purposes. Mr. Speaker, we have failed in this most elemental regard, and therefore, the bill which is before us is a mockery of campaign reform. Worse still will be the disillusionment suffered by those who are gulled into believing significant reforms have been introduced when belatedly they discover the truth.

I, for one, will not be a party to this deceit. It was for this reason that I voted against the bill when it came before the House.

#### UNION OPPOSITION TO THE CRANE AMENDMENT

My amendment was inserted in H.R. 11060—the Hays bill—by the House Administration Committee because its members recognized that section 610, title 18, has failed in the purpose for which Congress had intended it—to inhibit the activities of labor unions in the political arena. Thus, my amendment would have done nothing beyond that which Congress set out to do in 1947 when the law was amended to cover political contributions by labor organizations.

Although my amendment was aimed at corporations and banks, in addition to labor organizations, it was denounced as anti-labor by union spokesmen. I include excerpts from letters I have received from Mr. Biemiller, the legislative

director of the AFL-CIO and from Mr. Fitzsimmons, president of the Teamsters Union:

One provision, the Crane amendment, is patently anti-labor. If broadly interpreted, this amendment would prohibit all union activity financed by treasury money, connected in any way with federal elections. This interpretation would include prohibitions against using union treasury funds to explain union positions to union members. In addition to prohibiting this educational activity, union funds could not be used for non-partisan "get out the vote" activities aimed at union members and their families.

If narrowly interpreted, the Crane amendment would continue present permission for educational and registration activities, but would prohibit any "get out the vote" activities.

The Crane amendment clearly is aimed at depriving union members of the informed views of their leaders on political matters—views that the members have every right to consider. Further, the amendment's attempt to deny unions the right to get their members to the polls is contrary to the basic precept that exercise of the franchise is a civic duty.

If the Crane amendment is offered to the substitute (H.R. 11280), the AFL-CIO urges you to vote against its adoption. If the substitute bill fails and the House is amending the Hays bill (H.R. 11060), the AFL-CIO urges you to support the effort to strike this unfair provision.

Sincerely,

ANDREW J. BIEMILLER, Director.

We call your special attention to the "Crane" Amendment introduced by Congressman Phillip Crane (R.-Ill.) which is directed toward labor unions. This amendment, if made the law would seriously impair efforts to extend the exercise of the right to vote to thousands, if not millions of Americans who would otherwise fall, through ignorance, fear or apathy, to express their political opinion. We, you and our institution, cannot allow those few who fear the will of the American people to narrow the possibility of the exercise of the right to vote.

We cannot express too strongly that the "Crane" Amendment must be defeated in order that the American political base will not be narrowed.

Sincerely,

FRANK E. FITZSIMMONS,  
General President.

#### CRANE REPLY

Mr. Speaker, in reply to the Biemiller letter, I sent my own detailed letter to all of my colleagues, and I include the full text of it in the RECORD at this point:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C. November 29, 1971.

DEAR COLLEAGUE: Section 8 of H.R. 11060, the Election Reform Bill, contains a provision which would strengthen that portion of existing law (Section 610, Title 18, USC) which prohibits contributions and expenditures by banks, corporations and labor unions in connection with Federal elections.

In 1947 the Congress amended Section 610 to cover political contributions and expenditures by labor unions. Its purposes were summarized as follows in 1948 by the U.S. Supreme Court in *U.S. v. CIO*, 335 US 106:

"... (1) to reduce what has become regarded in the light of recent experience as the undue and disproportionate influence of labor unions upon federal elections; (2) to preserve the purity of such elections... against the use of aggregated wealth by union as well as corporate entities; and (3) to protect union members holding political views contrary to those supported by the union from use of funds contributed by them to

promote acceptance of those opposing views..."

Section 8, which does nothing beyond that which Congress set out to do in 1947, was inserted in H.R. 11060 at my request by the House Administration Committee because its members recognize that the 1947 amendment to Section 610 has failed in the purpose for which Congress had intended it—to inhibit the activities of labor unions in the political arena.

Although Section 8 is aimed at corporations and banks, in addition to labor organizations, it is now being denounced as "anti-labor" by union spokesmen.

Whereas these spokesmen formerly insisted that union political activities are funded exclusively by voluntary contributions from members, union officials now complain that Section 8 of H.R. 11060 "would prohibit all union activity financed by treasury money, connected in any way with federal elections." Their complaint represents an admission of non-compliance with Section 610.

Another complaint by union spokesmen, namely, that "union funds could not be used for non-partisan, 'get-out-the-vote' activities aimed at union members and their families," is altogether misleading.

In the first place, Section 8 includes this notable safeguard:

"Nothing in this section shall preclude an organization from establishing and administering a separate contributory fund for any political purpose, including voter registration or get-out-the-vote drives, if all contributions, gifts or payments to such fund are made freely and voluntarily, and are unrelated to dues, fees or other moneys required as a condition of membership in such organization or as a condition of employment."

Secondly, there is an abundance of evidence proving that union sponsored "get-out-the-vote" campaigns are not non-partisan. George Meany himself has acknowledged:

"... when you spend your money to get people registered, and then spend a lesser proportion to get them out to vote, you know you got a vote in the ballot box. Of course, we are a little bit choosy when we choose districts in which we want to better these votes in the ballot box, so that when they go in we have a pretty good idea how they are going to vote."

Further, AFL-CIO Secretary-Treasurer Lane Kirkland, while addressing the Amalgamated Transit Union convention in Las Vegas, Nevada, on September 28, 1971, exploded the myth that union political activities are merely "aimed at union members and their families." While vigorously attacking President Nixon, he said:

"Over the next 13 months labor and its political arm—COPE—has a great deal of work to do. We have to carry our message to every American eligible to vote, and we have to make sure that they understand what America's choices really are. And we have to make sure that every voter we can reach is registered, and that they go to the polls." (Emphasis added)

Clearly, the leaders of organized labor are attempting to influence union members and all other voters in the nation. And they are using union dues money provided mostly on a compulsory basis from members.

The interests of union members who oppose the political views of union officials are not being protected under existing law. Because the members are obligated to pay union dues in order to retain their employment, they are powerless to forestall the diversion of their dues into partisan political channels.

Only the avenue of costly litigation is open to them (the only such cases on record required more than ten years in court), and because of their limited means it is beyond their reach.

I solicit your support for the Crane Amendment.

PHILIP M. CRANE.

SMALL BUSINESS SUPPORT FOR CRANE  
AMENDMENT

It is clear that the bill which passed the House will work to the advantage of the big unions and the big corporations, but what of the backbone of America, the small, independent businessman?

These individuals wield no big stick in Washington, but they do know what has happened in the past under the Corrupt Practices Act and, therefore, they overwhelmingly support my position.

I include a letter which I have received from the legislative director of the National Federation of Independent Business at this point:

NATIONAL FEDERATION OF  
INDEPENDENT BUSINESS,

Washington, D.C., November 26, 1971.

Hon. PHILIP M. CRANE,  
U.S. House of Representatives,  
Washington, D.C.

DEAR MR. CRANE: On Monday, November 29th, the House will begin consideration of the Election Reform Bill (H.R. 11060). Attached to this legislation is the Crane Amendment—a proviso to strengthen the existing law prohibiting contributions and expenditures by corporations, business organizations and labor unions during Federal elections. On a recent Mandate Ballot, the 294,000 member firms of the National Federation of Independent Business voted 91% in favor of this position.

The reason for this overwhelming endorsement is clear. Small independent businessmen view recent trends in political financing as alarming and dangerous. The spectacle of big business and labor using their almost unlimited economic power and resources to vie for political favor has had a sobering effect. And our member firms strongly believe that the time has come for Congress to take action to eliminate these sources of potential political abuse.

The Federation, therefore, respectfully urges that you give every serious consideration to the merits of the proposed Crane Amendment.

Sincerely,

JAMES A. GAVIN,  
Legislative Director.

CONCLUSION

In conclusion, Mr. Speaker, I would only say that the Nation is again going to receive legislation which will be hailed as a true reform, but which will not be such.

The small man will be the one to suffer, because the large union and the large corporation can participate in their own political activities.

I will not be a party to this charge, and commend my colleagues who endeavored to help me achieve meaningful campaign reform.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HAYS) to close the debate.

Mr. HAYS. Mr. Chairman, I am in favor of this amendment. I do not want to belabor it. I will support the bill whether the amendment is in it or whether it is not. But I think it would be a good addition.

Perhaps the funniest statement I have heard today is that if this amendment passes Mr. FRENZEL said it would take away from the aged and infirm their right to participate. If you know any aged or infirm person who wants to contribute \$5,000 to a crackerjack candidate for Congress, I will be glad to send him my card.

Mr. Chairman, there has been a great deal written in the local press about this issue. There has not been much in the press back home about election reform. I have not been able to impress them with its importance. I believe that if I had sponsored the Senate bill, the editorial writers for the Post—I am not talking about the reporters—would have said it was a bad bill. They start out with the premise that I would not be for anything good, and anything I might propose, in their eyes, is bad. Now that we have the Senate bill with some amendments, I would very much like to confound them, but I know I will not. I know they will find some way to weasel out of it. I would like to confound them by being for the Senate bill with the amendments that have been adopted. We could make a partisan effort to defeat the substitute and go back through all this process with the committee bill. I feel this is not a perfect bill. It does not do everything we desire or would like to see done. But I think it is a start in the right direction and I am going to support the substitute whether you call the substitute the Frenzel-Brown substitute, the Harvey-Brown substitute, the Harvey-Hays substitute, or whatever you call it. I have no pride in authorship. I am not trying particularly to get my name on the bill. I suspect the bill ultimately will be called the elections reporting bill of 1971.

So I intend to support the bill. I do support this amendment. I hope it passes. If it does not, then the vote will come on the substitute and I will vote yes, and if the substitute prevails, the committee can then rise, and the House can vote on the substitute.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. EINGHAM) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The question was taken; and on a division (demanded by Mr. BINGHAM) there were—ayes 38, noes 122.

So the amendment to the amendment in the nature of a substitute was rejected.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY) as amended.

The amendment in the nature of a substitute, as amended was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11060) to limit campaign expenditures by or on behalf of candidates for Federal elective office; to provide for more stringent reporting requirements; and for other purposes, pursuant to House Resolution 694, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any

amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. SPRINGER. Mr. Speaker, I demand a separate vote on the so-called Macdonald of Massachusetts amendment to the Harvey amendment in the nature of a substitute.

The SPEAKER. The question is on the amendment on which a separate vote has been demanded.

Mr. SPRINGER. Mr. Speaker, on that I demand tellers.

Tellers were refused.

PARLIAMENTARY INQUIRY

Mr. SPRINGER. Mr. Speaker, a parliamentary inquiry. May I ask at this time for a division?

The SPEAKER. The gentleman from Illinois requests that this vote be taken by division.

The question was taken; and on a division (demanded by Mr. SPRINGER) there were—ayes 257, noes 1.

So the amendment was agreed to.

The SPEAKER. The question is on the amendment adopted by the Committee of the Whole.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 373, nays 23, not voting 35, as follows:

[Roll No. 418]

YEAS—373

|                  |                |                 |
|------------------|----------------|-----------------|
| Abbt             | Burleson, Tex. | Dingell         |
| Abourezk         | Burlison, Mo.  | Donohue         |
| Abzug            | Byrnes, Wis.   | Dorn            |
| Adams            | Byron          | Dow             |
| Addabbo          | Cabell         | Downing         |
| Alexander        | Caffery        | Drinan          |
| Anderson, Calif. | Camp           | Dulski          |
| Anderson, Ill.   | Carey, N.Y.    | Duncan          |
| Anderson, Tenn.  | Carney         | du Pont         |
| Andrews, N. Dak. | Carter         | Dwyer           |
| Annunzio         | Casey, Tex.    | Eckhardt        |
| Archer           | Cederberg      | Edmondson       |
| Aspin            | Celler         | Edwards, Ala.   |
| Aspinall         | Chamberlain    | Edwards, Calif. |
| Badillo          | Chappell       | Erlenborn       |
| Baker            | Chisholm       | Esch            |
| Barrett          | Clancy         | Eshleman        |
| Bergich          | Clark          | Evans, Colo.    |
| Bennett          | Clausen        | Fascell         |
| Bergland         | Don H.         | Findley         |
| Betts            | Clawson, Del.  | Fish            |
| Bavill           | Clay           | Fisher          |
| Biaggi           | Cleveland      | Flood           |
| Bieber           | Collier        | Flowers         |
| Bingham          | Collins, Ill.  | Foley           |
| Bianco           | Colmer         | Ford, Gerald R. |
| Boggs            | Conable        | Ford,           |
| Boland           | Cents          | William D.      |
| Bolling          | Conyers        | Forsythe        |
| Bow              | Corman         | Fountain        |
| Brademas         | Cotter         | Fraser          |
| Brasco           | Croughlin      | Frelinghuysen   |
| Bray             | Culver         | Frenzel         |
| Brinkley         | Daniel, Va.    | Frey            |
| Brooks           | Daniels, N.J.  | Fulton, Tenn.   |
| Broomfield       | Danielson      | Fuqua           |
| Brotzman         | Davis, Ga.     | Gallfanakis     |
| Brown, Mich.     | Davis, Wis.    | Gallagher       |
| Brown, Ohio      | de la Garza    | Gaydos          |
| Broyhill, N.C.   | Delaney        | Gettys          |
| Buchanan         | Dellenback     | Giatro          |
| Burke Fla.       | Dellums        | Gibbons         |
| Burke Mass.      | Denholm        | Gonzalez        |
|                  | Dennis         | Goodling        |
|                  | Dent           | Grasso          |
|                  | Devine         | Gray            |

|                 |                 |                                          |
|-----------------|-----------------|------------------------------------------|
| Green, Oreg.    | Mailliard       | Ruth                                     |
| Green, Pa.      | Mann            | Ryan                                     |
| Griffin         | Martin          | St Germain                               |
| Griffiths       | Mathias, Calif. | Sandman                                  |
| Grover          | Mathis, Ga.     | Sarbanes                                 |
| Gude            | Matsunaga       | Satterfield                              |
| Hagan           | Mayne           | Saylor                                   |
| Hamilton        | Mazzoli         | Scheuer                                  |
| Hammer-         | Meeds           | Schneebell                               |
| schmidt         | Melcher         | Schwengel                                |
| Hanley          | Metcalfe        | Scott                                    |
| Hansen, Idaho   | Michel          | Sebelius                                 |
| Hansen, Wash.   | Mikva           | Seiberling                               |
| Harrington      | Miller, Calif.  | Shipley                                  |
| Harsha          | Miller, Ohio    | Shoup                                    |
| Harvey          | Mills, Ark.     | Shriver                                  |
| Hastings        | Mills, Md.      | Skubitz                                  |
| Hathaway        | Minish          | Slack                                    |
| Hawkins         | Mink            | Smith, Calif.                            |
| Hays            | Minshall        | Smith, Iowa                              |
| Hechler, W. Va. | Mitchell        | Smith, N.Y.                              |
| Heckler, Mass.  | Mizell          | McClory.                                 |
| Heinz           | M. Alchan       | Mr. Byrne of Pennsylvania with Mr. Rail- |
| Helstoski       | Monagan         | back.                                    |
| Henderson       | Moorhead        | Mr. Rodino with Mr. Horton.              |
| Hicks, Mass.    | Morgan          | Mr. Eilberg with Mr. Diggs.              |
| Hicks, Wash.    | Morse           | Mr. Wright with Mr. Dowdy.               |
| Hillis          | Mosher          | Mr. Andrews of Alabama with Mr. Rhodes.  |
| Holifield       | Moss            | Mr. Hanna with Mr. Landrum.              |
| Hosmer          | Murphy, Ill.    | Mr. Pucinski with Mr. Roybal.            |
| Howard          | Murphy, N.Y.    |                                          |
| Hull            | Myers           |                                          |
| Hungate         | Natcher         |                                          |
| Hunt            | Nedzi           |                                          |
| Hutchinson      | Nelsen          |                                          |
| Ichord          | Nichols         |                                          |
| Jacobs          | Nix             |                                          |
| Jarman          | Obey            |                                          |
| Johnson, Calif. | O'Hara          |                                          |
| Johnson, Pa.    | O'Konski        |                                          |
| Jonas           | O'Neill         |                                          |
| Jones, Ala.     | Patman          |                                          |
| Jones, N.C.     | Patten          |                                          |
| Jones, Tenn.    | Pelly           |                                          |
| Karth           | Pepper          |                                          |
| Kastenmeier     | Perkins         |                                          |
| Kazen           | Pettis          |                                          |
| Keating         | Peysner         |                                          |
| Kee             | Pickie          |                                          |
| Keith           | Pike            |                                          |
| Kemp            | Pirnie          |                                          |
| King            | Poage           |                                          |
| Kluczynski      | Podell          |                                          |
| Koch            | Poff            |                                          |
| Kuykendall      | Powell          |                                          |
| Kyros           | Preyer, N.C.    |                                          |
| Latta           | Price, Tex.     |                                          |
| Leggett         | Fryor, Ark.     |                                          |
| Lennon          | Purcell         |                                          |
| Lent            | Quie            |                                          |
| Link            | Quillen         |                                          |
| Lloyd           | Randall         |                                          |
| Long, La.       | Rangel          |                                          |
| Long, Md.       | Rees            |                                          |
| Lujan           | Reid, N.Y.      |                                          |
| McCloskey       | Reuss           |                                          |
| McClure         | Riegle          |                                          |
| McCollister     | Roberts         |                                          |
| McCormack       | Robinson, Va.   |                                          |
| McCulloch       | Robison, N.Y.   |                                          |
| McDade          | Roe             |                                          |
| McDonald,       | Rogers          |                                          |
| Mich.           | Roncallo        |                                          |
| McEwen          | Rooney, N.Y.    |                                          |
| McFall          | Rooney, Pa.     |                                          |
| McKay           | Rosenthal       |                                          |
| McKevitt        | Rostenkowski    |                                          |
| McKinney        | Roush           |                                          |
| Macdonald,      | Rousselot       |                                          |
| Mass.           | Roy             |                                          |
| Madden          | Runnels         |                                          |
| Mahon           | Ruppe           |                                          |

**NAYS—23**

|               |            |           |
|---------------|------------|-----------|
| Abernethy     | Goldwater  | Passman   |
| Ashbrook      | Gross      | Rarick    |
| Baring        | Haley      | Scherle   |
| Blackburn     | Hall       | Schmitz   |
| Collins, Tex. | Kyl        | Spence    |
| Crane         | Landgrebe  | Waggonner |
| Dickinson     | McMillan   | Whitten   |
| Flynt         | Montgomery |           |

**NOT VOTING—35**

|                  |              |             |
|------------------|--------------|-------------|
| Andrews, Ala.    | Dowdy        | McClory     |
| Arends           | Edwards, La. | Price, Ill. |
| Ashley           | Eilberg      | Pucinski    |
| Belcher          | Evins, Tenn. | Railsback   |
| Bell             | Garmatz      | Rhodes      |
| Blatnik          | Gubser       | Rodino      |
| Brody, Ill., Va. | Halpern      | Roybal      |
| Burt             | Hanna        | Sikes       |
| Byrne, Pa.       | Hébert       | Slack       |
| Davis, S.C.      | Horton       | Wilson,     |
| Derwinski        | Landrum      | Charles H.  |
| Diggs            |              | Wright      |

So the bill was passed.  
The Clerk announced the following pairs:

On this vote:  
Mr. Burton for, with Mr. Hébert against.

**Until further notice:**

Mr. Garmatz with Mr. Broyhill of Virginia.  
Mr. Price of Illinois with Mr. Arends.  
Mr. Evins of Tennessee with Mr. Belcher.  
Mr. Blatnik with Mr. Halpern.  
Mr. Ashley with Mr. Derwinski.  
Mr. Sikes with Mr. Bell.  
Mr. Sisk with Mr. Hogan.  
Mr. Charles H. Wilson with Mr. Gubser.  
Mr. Davis of South Carolina with Mr. McClory.  
Mr. Byrne of Pennsylvania with Mr. Railsback.  
Mr. Rodino with Mr. Horton.  
Mr. Eilberg with Mr. Diggs.  
Mr. Wright with Mr. Dowdy.  
Mr. Andrews of Alabama with Mr. Rhodes.  
Mr. Hanna with Mr. Landrum.  
Mr. Pucinski with Mr. Roybal.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes."

Mr. HAYS. Mr. Speaker, pursuant to House Resolution 694, I call up from the Speaker's table for immediate consideration the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

The Clerk read the title of the Senate bill.

**MOTION OFFERED BY MR. HAYS**

Mr. HAYS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HAYS moves to strike out all after the enacting clause of S. 382 and insert in lieu thereof the provisions of H.R. 11050, as passed, as follows:

That this Act may be cited as the "Federal Election Campaign Act of 1971".

**TITLE I—CAMPAIGN COMMUNICATIONS**

**SHORT TITLE**

SECTION 101. This title may be cited as the "Campaign Communications Reform Act".

**DEFINITIONS**

Sec. 102. For purposes of this title:

(1) The term "communications media" means broadcasting stations, newspapers, magazines, and outdoor advertising facilities.

(2) The term "broadcasting station" has the same meaning as such term has under section 315(d) of the Communications Act of 1934.

(3) The term "Federal elective office" means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States (and for purposes of section 103(b) such term includes the office of Vice President).

(4) The term "legally qualified candidate" with respect to Federal elective office, or nomination for election to such office, has the same meaning as such term has when used in section 315 of the Communications Act of 1934.

(5) The term "voting age population" means resident civilian population, eighteen years of age and older.

(6) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

**MEDIA RATE REQUIREMENTS**

Sec. 103. (a) Section 315(b) of such Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office shall not exceed the actual charges made by such station for any comparable use of such station for other purposes."

(b) (1) To the extent that any person sells space in any newspaper or magazine to a legally qualified candidate for Federal elective office, or nomination thereto, in connection with such candidate's campaign for nomination for, or election to, such office, the charges made for the use of such space in connection with his campaign shall not exceed the charges made for comparable use of space for other purposes.

(2) If any person makes available space in any newspaper or magazine to any legally qualified candidate for Federal elective office, or nomination thereto, in connection with such candidate's campaign for nomination for, or election to, such office, such person shall make equivalent space available on the same basis to all legally qualified candidates for the same office, or for nomination to such office, as the case may be.

**LIMITATIONS OF EXPENDITURES FOR USE OF COMMUNICATIONS MEDIA**

Sec. 104. (a) (1) No legally qualified candidate in an election (other than a primary or primary runoff election) for a Federal elective office may—

(A) spend for the use of communications media on behalf of his candidacy in such election a total amount in excess of the greater of—

(i) 10 cents (or such greater amount as may be certified under paragraph (4) (A) (1)) multiplied by the voting age population (as certified under paragraph (4) (B)) of the geographical area in which the election for such office is held, or

(ii) \$50,000 (or such greater amount as may be certified under paragraph (4) (B) (ii)), or

(B) spend for the use of broadcast stations on behalf of his candidacy in such election a total amount in excess of 60 per centum of the amount determined under subparagraph (A) with respect to such election.

(2) No legally qualified candidate in a primary election for nomination to a Federal elective office, other than President, may spend—

(A) for the use of communications media, or

(B) for the use of broadcast stations, on behalf of his candidacy in such election a total amount in excess of the amounts determined under paragraph (1) (A) or (B), respectively, with respect to the general election for such office. For purposes of this subsection a primary runoff election shall be treated as a separate primary election.

(3) (A) No person who is a candidate for presidential nomination may spend—

(i) for the use in a State of communications media, or

(ii) for the use in a State of broadcast stations,

on behalf of his candidacy for presidential nomination a total amount in excess of the amounts which would have been determined under paragraph (1) (A) or (B), respectively, had he been a candidate for an election for the office of Senator from such State (or for the office of Delegate or Resident Commissioner in the case of the District of Columbia or the Commonwealth of Puerto Rico).

(B) For purposes of this paragraph, a person is a candidate for presidential nomination if he makes (or any other person makes on his behalf) an expenditure for the use of any communications medium on behalf of his candidacy for any political party's nomination in an election to the office of Pres-

ident. He shall be considered to be such a candidate during the period—

(1) beginning on the date on which he (or such other person) first makes such an expenditure (or, if later, January 1 of the year in which the election for the office of President is held), and

(2) ending on the date on which such political party nominates a candidate for the office of President.

For purposes of this title and of section 315 of the Communications Act of 1934, a candidate for presidential nomination shall be considered a legally qualified candidate for public office.

(C) The Attorney General shall prescribe regulations under which any expenditure by a candidate for presidential nomination for the use in two or more States of communications media shall be attributed to such candidate's expenditure limitation in each such State, based on the number of persons in such State who can reasonably be expected to be reached by such communications media.

(4) (A) During the first week of January 1974, and during such week in every second subsequent year, the Secretary of Commerce shall certify to the Attorney General and publish in the Federal Register—

(i) an amount which bears the same ratio to 10 cents, and

(ii) an amount which bears the same ratio to \$50,000,

as the value of the communications price index for the last calendar year ending before the date of certification bears to the value of such index for 1972. The communications price index shall be a price index, using 1972 as a base year, measuring changes in the charges to candidates for the use of communications media. Such index shall be established and maintained by the Secretary of Commerce.

(B) During the first week of January 1972 and during such week in every second subsequent year, the Secretary of Commerce shall certify to the Attorney General and publish in the Federal Register an estimate of the voting age population of each State and congressional district for the last calendar year ending before the date of certification.

(5) Amounts spent for the use of communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(6) For purposes of this section and section 315(c) of the Communications Act of 1934, spending and charges for the use of communications media include not only the direct charges of the media but also agents' commissions allowed the agent by the media.

(7) For purposes of this section and section 315(c) of the Communications Act of 1934, any expenditure for the use of any communications medium by or on behalf of the candidacy of a candidate for Federal elective office (or nomination thereto) shall be charged against the expenditure limitation under this subsection applicable to the election in which such medium is used.

(b) No person may make any charge for the use by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) of any newspaper, magazine, or outdoor advertising facility unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such person in writing that the payment of such charge will not violate paragraph (1), (2), or (3) of subsection (a), whichever is applicable.

(c) Section 315 of the Communications Act of 1934 is amended by redesignating subsection (c) as subsection (2) and by inserting after subsection (b) the following new subsections:

"(c) No station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate any limitation specified in paragraph (1), (2), or (3) of section 104(a) of the Campaign Communications Reform Act, whichever paragraph is applicable.

"(d) For the purposes of this section:

"(1) The term 'broadcasting station' includes a community antenna television system.

"(2) The terms 'license' and 'station licensee' when used with respect to a community antenna television system, mean the operator of such system.

"(3) The term 'Federal elective office' means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States."

#### REGULATIONS

Sec. 105. The Attorney General shall prescribe such regulations as may be necessary or appropriate to carry out sections 102, 103(b), 104(a), and 104(b) of this Act.

#### PENALTIES

Sec. 106. (a) Whoever violates any provision of section 103(b), 104(a), or 104(b) or any regulation under section 105 shall be assessed a civil penalty of not more than \$1,000 for each violation.

(b) Any legally qualified candidate who willfully violates section 104(a) or any regulation under section 105 shall be punished by a fine of not more than \$10,000 or by imprisonment of not more than one year, or both.

#### EFFECTIVE DATE

Sec. 107. Section 103 of this Act and the amendments made thereby shall take effect on January 1, 1972. Section 104 and the amendments made thereby shall apply only to expenditures for the use on or after such date of communications media.

#### TITLE II

Sec. 201. No candidate for Federal elective office may expend, in a primary, primary runoff, or general election, an amount in excess of the limitations imposed by section 104 of title I (for the use of communications media) for the following purposes: (a) telephone campaigns including the cost of telephones, paid telephonists and automated equipment, when telephones are used in banks of five or more instruments to communicate with potential voters, (b) postage for computerized or identical mailings in quantities of 200 or more. Amounts expended for the use of communications media as provided in section 104 of title I will be charged against the limitations imposed by this section.

#### TITLE III—CRIMINAL CODE AMENDMENTS

Sec. 301. Section 591 of title 18, United States Code, is amended to read as follows: "§ 591. Definitions

"When used in sections 597, 599, 600, 602, 610, 611, and 614 of this title—

"(a) 'election' means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a

constitutional convention for proposing amendments to the Constitution of the United States;

"(b) 'candidate' means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

"(c) 'Federal office' means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

"(d) 'political committee' means any individual committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

"(e) 'contribution' means—

"(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

"(3) a transfer of funds between political committees;

"(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or political committee without charge for any such purpose; and

"(5) notwithstanding the foregoing meanings of 'contribution', the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and

"(3) a transfer of funds between political committees;

"(g) 'person' and 'whoever' mean an individual, partnership, committee, association,

corporation, or any other organization or groups of persons; and

"(h) 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States."

Sec. 302. Section 600 of title 18, United States Code, is amended to read as follows:

"§ 600. Promise of employment or other benefit for political activity  
 "Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

Sec. 103. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitations on contributions and expenditures  
 "(a) (1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

"(A) \$50,000, in the case of a candidate for the office of President or Vice President;

"(B) \$35,000, in the case of a candidate for the office of Senator; or

"(C) \$25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"(2) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

"(b) No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of the provisions of this section.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed \$1,000, imprisonment for not to exceed one year, or both."

Sec. 304. Section 609 of title 18, United States Code, is repealed.

Sec. 305. Section 610 of title 18, United States Code, relating to contributions or expenditures by national banks, corporations, or labor organizations, is amended by adding at the end thereof the following paragraph:

"As used in this section, the phrase 'contribution or expenditure' shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value to any candidate, campaign committee, or political party or organization, in connection with an election to any of the offices referred to in this section; but shall not include communications by a corporation to its stockholders and their families or by a labor organization to its members and their families on any subject; nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families; the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization: *Provided*, That it shall be unlawful for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination or financial reprisal; or by dues, fees or other moneys required as a condition of membership in a labor organiza-

tion or as a condition of employment, or by moneys obtained in any commercial transaction."

Sec. 306. Section 611 of title 18, United States Code, is amended to read as follows:

"§ 611. Contributions by Government contractors

"Whoever—  
 "(a) entering into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (1) the completion of performance under, or (2) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land or buildings, directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

"(b) knowingly solicits any such contribution from any such person for any such purpose during any such period; shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

Sec. 307. The table of sections for chapter 29 of title 18, United States Code, is amended by—

(1) striking out the item relating to section 608 and inserting in lieu thereof the following:

"608. Limitations on contributions and expenditures."

(2) striking out the item relating to section 609 and inserting in lieu thereof the following:

"609. Repealed."

(3) striking out the item relating to section 611 and inserting in lieu thereof the following:

"611. Contributions by Government contractors."

#### TITLE IV—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

##### DEFINITIONS

Sec. 401. When used in this title—

(a) "election" means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(b) "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a National or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees;

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose; and

(5) notwithstanding the foregoing meanings of "contribution", the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement whether or not legally enforceable, to make an expenditure; and

(3) a transfer of funds between political committees;

(g) "supervisory officer" means the Secretary of the Senate with respect to candidates for Senator; and the Clerk of the House of Representatives with respect to candidates for Representative in, or Delegate or Resident Commissioner to, the Congress of the United States; and the Comptroller General of the United States in any other case;

(h) "person" means an individual, partnership committee, association, corporation, labor organization, and any other organization or group of persons; and

(i) "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

##### ORGANIZATION OF POLITICAL COMMITTEES

Sec. 402. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of political committee at a time when there is a

vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution in excess of \$10 for a political committee shall, on demand of the treasurer, and in any event within five days after receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address (occupation and the principal place of business, if any) of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) all contributions made to or for such committee;

(2) the full name and mailing address (occupation and the principal place of business, if any) of every person making a contribution in excess of \$10, and the date and amount thereof;

(3) all expenditures made by or on behalf of such committee; and

(4) the full name and mailing address (occupation and the principal place of business, if any) of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of \$100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds \$100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the supervisory officer.

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not authorized by such candidate is not responsible for the activities of such committee.

(f) (1) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the appropriate supervisory officer is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402."

(2) (A) The supervisory officer shall compile and furnish to the Public Printer, not later than the last day of March of each year, an annual report for each political committee which has filed a report with him under this title during the period from March 10 of the preceding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain—

(i) a copy of the statement of organization of the political committee required under section 403, together with any amendments thereto; and

(ii) a copy of each report filed by such committee under section 404 from March 10 of the preceding year through January 31 of the year in which the annual report is so furnished to the Public Printer.

(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the supervisory officer.

#### REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 403. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall file with the supervisory officer a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of \$1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the supervisory officer at such time as he prescribes.

(b) The statement of organization shall include—

(1) the name and address of the committee;

(2) the names, addresses, and relationships of affiliated or connected organizations;

(3) the area, scope, or jurisdiction of the committee;

(4) the name, address, and position of the custodian of books and accounts;

(5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;

(6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;

(7) a statement whether the committee is a continuing one;

(8) the disposition of residual funds which will be made in the event of dissolution;

(9) a listing of all banks, safety deposit boxes, or other repositories used;

(10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and

(11) Such other information as shall be required by the supervisory officer.

(c) Any change in information previously submitted in a statement of organization shall be reported to the supervisory officer within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall so notify the supervisory officer.

#### REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

SEC. 404. (a) Each treasurer of a political committee supporting a candidate or candidates for election to Federal office and each candidate for election to such office, shall file with the supervisory officer reports of receipts and expenditures on forms to be prescribed or approved by him. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the supervisory officer may prescribe, which shall not be less than five days before the date of filing except that any contribution of \$5,000 or more received after the last report is filed prior to the election, shall be reported within forty-eight hours after its receipt.

(b) Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address (occupation and the principal place of business, if any) of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events) within the calendar year in an aggregate amount or value in excess of \$100, together with the amount and date of such contributions;

(3) the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (2);

(4) the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds together with the amounts and dates of all transfers;

(5) each loan to or from any person within the calendar year in an aggregate amount or value in excess of \$100, together with the full names and mailing addresses (occupations and the principal places of business, if any) of the lender and endorsers, if any, and the date and amount of such loans;

(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(7) each contribution, rebate, refund, or other receipt in excess of \$100 not otherwise listed under paragraphs (2) through (6);

(8) the total sum of all receipts by or for such committee or candidate during the reporting period;

(9) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom an expenditure or expenditures have been made by such committee or on behalf of such committee or candidate within the calendar year in an aggregate amount or value in excess of \$100, the amount, date, and purpose of each such expenditure and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made;

(10) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of \$100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(11) the total sum of expenditures made by such committee or candidate during the calendar year;

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the supervisory officer may prescribe and a continuous reporting of their debts and obligations after the election at such periods as the supervisory officer may require until such debts and obligations are extinguished; and

(13) such other information as shall be required by the supervisory officer.

(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.

REPORTS BY OTHERS THAN POLITICAL  
COMMITTEES

SEC. 405. Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of \$100 within a calendar year shall file with the supervisory officer a statement containing the information required by section 404. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

FORMAL REQUIREMENTS RESPECTING REPORTS  
AND STATEMENTS

SEC. 406. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the supervisory officer in a published regulation.

(c) The supervisory officer may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 404 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

(d) The supervisory officer shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

REPORTS ON CONVENTION FINANCING

SEC. 407. Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President, shall, within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the Comptroller General of the United States a full and complete financial statement, in such form and detail as he may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

DUTIES OF THE COMMISSION

SEC. 408. (a) It shall be the duty of the supervisory officer—

(1) to develop and furnish to the person required by the provisions of this Act prescribed forms for the making of the reports and statements required to be filed with him under this title;

(2) to prepare, publish, and furnish to the person required to file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

(4) to make the reports and statements filed with him available for public inspection and copying, commencing as soon as practical but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person: *Provided*, That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

(5) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as he shall determine and broken down into candidate, party, and nonparty expenditures on the National, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as he shall determine and broken down into contributions on the National, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of \$100;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as he may deem appropriate;

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provisions of this title;

(12) to report apparent violations of law to the appropriate law enforcement authorities; and

(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

(b) It shall be the further duty of the Comptroller General to serve as a national clearing house for information in respect to the administration of elections. In carrying out his duties under this subsection, the Comptroller General shall enter into contracts for the purpose of conducting independent studies of the administration of elections. Such studies shall include, but shall not be limited to, studies of—

(1) the method of selection of, and the type of duties assigned to, officials and personnel working on boards of elections;

(2) practices relating to the registration of voters; and

(3) voting and counting methods. Studies made under this subsection shall be published by the Comptroller General and copies thereof shall be made available to the general public upon the payment of the cost thereof. Nothing in this subsection shall be construed to authorize the Comptroller General to require the inclusion of any comment or recommendation of the Comptroller General in any such study.

(c) (1) Any person who believes a violation of this title has occurred may file a complaint

with the supervisory officer. If the supervisory officer determines there is substantial reason to believe such a violation has occurred, he shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the supervisory officer, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

(2) In an action brought under paragraph (1) of this subsection, subpoenas for witnesses who are required to attend a United States district court may run into any other district.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States court of appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

(4) The judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

PROHIBITION OF CONTRIBUTIONS IN NAME  
OF ANOTHER

SEC. 409. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

PENALTY FOR VIOLATIONS

SEC. 410. Any person who violates any of the provisions of this title shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

EFFECT ON STATE LAW

SEC. 411. (a) (1) Nothing in this Act shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this Act.

(2) Notwithstanding paragraph (1), no provision of State law shall be construed to prohibit any person from taking any action authorized by this Act or from making any expenditure which he could lawfully make under this Act.

(b) The supervisory officer shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

PARTIAL INVALIDITY

SEC. 412. If any provision of this Act, or the application thereof, to any person or circumstance is held invalid, the validity of the remainder of the Act and the application of

such provision to other persons and circumstances shall not be affected thereby.

#### REPEALING CLAUSE

Sec. 413. (a) The Federal Corrupt Practices Act, 1925 (2 U.S.C. 241-256), is repealed.

(b) In case of any conviction under this title, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

#### TITLE V—MISCELLANEOUS

##### EXTENSION OF CREDIT BY REGULATED INDUSTRIES

Sec. 501. The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 401(c) of the Federal Election Campaign Act of 1971), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.

##### PROHIBITION AGAINST USE OF CERTAIN FEDERAL FUNDS FOR ELECTION ACTIVITIES

Sec. 502. No part of any funds appropriated to carry out the Economic Opportunity Act of 1964 shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Office of Economic Opportunity who, in his official capacity as such an officer or employee, engages in any such activity. As used in this section, the term "election" has the same meaning given such term by section 301(a) of this Act, and the term "Federal office" has the same meaning given such term by section 301(c) of this Act.

##### EFFECTIVE DATE

Sec. 503. Except as provided for in section 501 of this Act, the provisions of this Act shall become effective on December 31, 1971, or sixty days after the date of enactment of this Act, whichever is later.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio.

The motion was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

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

A motion to reconsider was laid on the table.

A similar House bill (H.R. 11060) was laid on the table.

##### APPOINTMENT OF CONFEREES

Mr. HAYS. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? The Chair hears none and appoints the following conferees on all titles of the foregoing amendment except for titles I and II:

Messrs. HAYS, ABBITT, GRAY, HARVEY and DICKINSON.

And appointed the following Members

as managers on the part of the House on titles I and II:

Messrs. STAGGERS, MACDONALD of Massachusetts, VAN DEERLIN, SPRINGER and DEVINE.

#### AUTHORIZATION FOR CLERK TO MAKE TECHNICAL AND CONFORMING CHANGES IN ENGROSSMENT OF H.R. 11060

Mr. HAYS. Mr. Speaker, I ask unanimous consent that the Clerk, in the engrossment of the bill H.R. 11060, be authorized and directed to make such changes in section numbers, cross references, and other technical and conforming corrections as may be required to reflect the actions of the House.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? There was no objection.

#### GENERAL LEAVE

Mr. HAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? There was no objection.

#### THE SCHOOL PRAYER AMENDMENT CONTROVERSY

(Mr. BURLISON of Missouri asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BURLISON. Mr. Speaker, we all know of the great emotion that has been stirred by the school prayer amendment controversy. Many have threatened revenge and retribution to those who have taken the unpopular side on this issue involving the very personal matter of prayer.

A leading newspaper in my district, "The Southeast Missourian" of Cape Girardeau, Mo., has put the entire affair in proper perspective and I am pleased to bring its editorial of Friday, November 26, 1971, to the attention of my colleagues. It is reprinted below.

##### THE HONEST "No"

It is ironic that those congressmen who voted against the school prayer amendment are now to be the objects of a campaign to defeat them for reelection in 1972.

That, at any rate, is the strategy announced by Mrs. Ben Fuhler, the lady from Cuyahoga Falls, Ohio, who has been the moving force behind the amendment.

Funds will be raised to buy billboard space in the districts of all 162 members who, she says, "(a) voted against the civil right of free school prayer and (b) ignored the proven will of the vast majority of the nation."

It is ironic because there can be little doubt that, in this instance at least, 162 politicians acted with honesty and integrity, which is the way religious people are supposed to act. There is no way of telling how many of the 240 others who voted for the amendment did so from conscience and how many because it was the safe and popular thing to do.

There has been so much misunderstanding about this issue that some of it can only be laid to willful ignorance.

The Supreme Court did not kick God out of the public schools; it kicked the state out of religion.

The Supreme Court never banned voluntary prayer and meditation in the public schools; it forbade state-written prayer and held that even though children could be excused from participation this still amounted to an "establishment of religion."

Perhaps most important, the Supreme Court did not outlaw the teaching of religion in the public schools; it opened the door to it. But this opportunity has been almost wholly ignored.

The prayer amendment may yet be passed by a future Congress and be ratified by the states. Yet what would be accomplished?

Students would be subjected to rote rote exercise so watered down that even many church leaders say it would be meaningless. The plety of a few people would be satisfied, but schoolchildren would still be learning nothing about religion.

In the meantime, we are asked to punish 162 congressmen for demonstrating the very kind of character prayer is supposed to build.

#### CIVIL RIGHTS STILL DENIED LARGE GROUP OF AMERICANS

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BIAGGI. Mr. Speaker, this body has always shown great concern for civil and humanitarian rights. However, there is still one group of citizens that is consistently denied their civil rights. That group is the law enforcement officers of this Nation, the men we call on to assure the rights of others.

Two recent Federal court cases clearly show that a police officer today does not enjoy the rights of due process afforded all other citizens. I inserted fuller commentary on the cases under extensions of remarks yesterday.

However, briefly, in the first case, the judge ruled that a police officer was not entitled to legal counsel at a departmental hearing—a hearing, mind you, that could result in a loss of one's job or in being charged with a crime. The judge stated that—and I quote—

If every officer who appeared before the panel were to invoke the full paucity of judicial process, serious impairment of the disciplinary processes of the Chicago police department could occur."

Is this equal justice?

When a mob threatens to tear up the city of Washington, the courts require full due process for those arrested—regardless of the consequences to the city and its citizens.

In the second case, the court ruled that a lieutenant was not entitled to reinstatement on the force because he sued the police chief. This was a challenge to the authority of the chief and could result in—quote—"internal dissension."

What policeman will resort to the courts for settlement of grievances if he knows the courts will automatically rule against him on the grounds he is challenging the authority of his chief?

The policeman today is truly a second-class citizen. He is frustrated by the contradiction of his position—enforce the law, but the law is not for you. To correct this shameful situation, I have introduced legislation to guarantee civil rights





# **SENATE FLOOR DEBATE**

CALLING FOR  
COMMITTEE  
OF  
CONFERENCE  
DECEMBER 1, 1971



**Bills Reported:** Reports were made as follows:

1970 Annual Report of Constitutional Rights Subcommittee of the Committee on the Judiciary (S. Rept. 92-524);

S. Res. 204, recommending that Robert F. Williams be cited for contempt of the Senate (S. Rept. 92-525);

S. 582, authorizing \$19.5 million for fiscal year 1972 to assist States in establishing and administering coastal zone and estuarine management programs, with amendments, together with individual views (S. Rept. 92-526);

S. 2896, defining "adopted child," for civil service survivor annuity purposes (S. Rept. 92-527);

H.R. 3628, to equalize preferential treatment for male and female Federal employees and applicants for employment in Federal service (S. Rept. 92-528);

H.R. 8548, to prevent mailing of certain articles presenting hazard to postal employees or mail processing machines (S. Rept. 92-529);

H.R. 8689, to authorize overtime pay for certain part-time Federal employees (S. Rept. 92-530);

H.R. 9442, to authorize Comptroller General to fix compensation for five General Accounting Office positions (S. Rept. 92-531);

S. 2262, to permit a bank examiner to obtain a home mortgage loan from a federally insured bank, with an amendment, together with individual views (S. Rept. 92-532).

Page 43748

**Measures Passed:**

**Wage and price stabilization:** By 86 yeas to 4 nays, Senate passed S. 2891, extending Presidential authority to implement program to stabilize the economy and reduce inflation through controls on prices, wages, and interest rates, after taking action on additional proposed amendments thereto as follows:

**Adopted:**

(1) Modified Proxmire amendment No. 771, providing for public hearings in proceedings coming before the Pay Board and Price Commission, except in cases involving confidential information;

(2) By unanimous vote of 85 yeas, Javits amendment to establish a National Productivity Commission;

(3) By 50 yeas to 36 nays, with 1 voting "present," Cranston amendment No. 777, exempting the press and other news media from price and wage controls; and

(4) Inouye amendment requiring a purchaser to present claim for overcharge to seller prior to bringing suit therefor; and

**Rejected:**

(1) By 35 yeas to 56 nays, Proxmire amendment No. 762, limiting to April 30, 1972, period for controls on wages of State or local government employees;

(2) By 11 yeas to 79 nays, Proxmire amendment No. 773, exempting from wage and price controls, effective June 30, 1972, business firms with annual

revenue of less than \$50 million and with fewer than 1,000 employees;

(3) By 26 yeas to 62 nays, Proxmire amendment No. 778, exempting from wage and price controls, effective June 30, 1972, business firms with annual revenue of less than \$5 million and with fewer than 100 employees;

(4) By 36 yeas to 54 nays, Proxmire amendment No. 779, exempting from wage and price controls, effective June 30, 1972, business firms with annual revenue of less than \$1 million and with fewer than 20 employees;

(5) By 40 yeas to 51 nays, Packwood amendment (as a substitute for Cranston amendment No. 777), barring President from taking any action which impairs or detracts from protections guaranteed by the first amendment of the Constitution; and

(6) By 17 yeas to 71 nays, with 1 voting "present," Buckley amendment (to Cranston amendment No. 777), to take away from the exemption provided therein wages paid by the media. Pages 43667-43705, 43710-43722

**Calendar Call:** On call of calendar Senate passed six bills as follows:

**Without amendment and cleared for President:**

**D.C. corporate organization:** H.R. 10383, to permit incorporation of professional individuals in the District of Columbia for purposes of rendering professional services; and

**D.C. charitable trusts:** H.R. 11489, to facilitate amendment of governing instruments of certain charitable trusts and corporations in the District of Columbia.

**Without amendment and sent to House:**

**Potomac River reservoirs:** S. 1362, to authorize D.C. Commissioner to enter into contracts for payment of D.C. portion of certain reservoirs on the Potomac River; and

**D.C. airspace:** S. 1367, to authorize D.C. Commissioner to lease space above and below freeways.

**With amendment and sent to House:**

**D.C. government:** S. 2204, proposed D.C. Administrative Improvements Act; and

**Federal courts juror:** S. 1975, to lower, from 21 to 18 years, age qualification for service as juror in Federal courts. Pages 43642-43656

**Farm Credit:** Senate agreed to the conference report on S. 1483 proposed Farm Credit Act of 1971, clearing the measure for action of the House. Pages 43696-43697

**Federal Election Campaign Practices:** Senate disagreed to the House amendment to S. 382, to permit fair practices in the conduct of election campaigns for Federal political offices, agreed to conference with the House, and appointed as conferees Senators Pastore,

Hart, Hartke, Jordan of North Carolina, Cannon, Pell, Baker, Cook, Stevens, and Scott.

Pages 43705-43710

**Radio Free Europe:** Senate disagreed to the House amendments to S. 18, authorizing funds for grants to Radio Free Europe and Radio Liberty for fiscal year 1972, requested conference with the House, and appointed as conferees Senators Fulbright, Church, Symington, Aiken, and Case.

Pages 43722-43723

**Change of Conferee:** By unanimous consent, Senator Miller was appointed in the place of Senator Bennett to serve as a conferee for the remainder of this week on H.R. 10947, proposed Revenue Act of 1971.

Page 43672

**Nomination—Secretary of Agriculture:** Senate began consideration of the nomination of Earl L. Butz, of Indiana, to be Secretary of Agriculture.

Pages 43671-43672

**President's Message—Trade Agreements Report:** Senate received a message from the President transmitting 15th annual report on the trade agreements program covering the year 1970—referred to Committee on Finance.

Page 43686

**Confirmations:** Senate confirmed the nominations of Kenneth K. Hall, to be a U.S. district judge for the Southern District of West Virginia;

Leroy J. Contie, Jr., to be a U.S. district judge for the Northern District of Ohio; and

Thomas A. Flannery, of Maryland, to be a U.S. district judge for the District of Columbia.

Page 43814

**Nominations:** Senate received the nominations of J. Blaine Anderson, to be a U.S. district judge for the District of Idaho;

Clifford Scott Green, to be a U.S. district judge for the Eastern District of Pennsylvania; and

Numerous Foreign Service, Army, and Marine Corps nominations.

Pages 43806-43314

**Record Votes:** Nine record votes were taken today.

Pages 43677, 43685, 43693, 43695, 43696, 43705, 43711, 43712, 43718

**Recess:** Senate met at 8:30 a.m. and recessed at 8:14 p.m.

Pages 43694, 43715, 43806

## Committee Meetings

### APPROPRIATIONS—SUPPLEMENTAL COMMERCE

*Committee on Appropriations:* Subcommittee, in executive session, marked up and approved for full committee consideration proposed fiscal 1972 supplemental appropriations for the Department of Commerce and related agencies.

### APPROPRIATIONS—D.C.

*Committee on Appropriations:* Subcommittee, in executive session, marked up and approved for full committee

consideration proposed fiscal 1972 appropriations for the District of Columbia.

Full committee will meet in executive session tomorrow to consider this proposed legislation.

### APPROPRIATIONS—SUPPLEMENTAL TREASURY-POSTAL SERVICE

*Committee on Appropriations:* Subcommittee, in executive session, marked up and approved for full committee consideration proposed fiscal 1972 supplemental appropriations for the Department of the Treasury, Postal Service, and independent agencies.

### AIRCRAFT COLLISION AVOIDANCE SYSTEMS

*Committee on Commerce:* Subcommittee on Aviation held hearings on S. 2264, to require installation of collision avoidance and pilot indicator warning systems on certain civil aircraft. Witnesses heard were Senator Moss; Wayne Shear and Louis B. Young, both of Bendix-Aerospace Electronics Co., Washington, D.C.; Glen A. Gilbert, aviation consultant, Washington, D.C.; J. J. O'Donnell, Air Line Pilots Association; Joseph F. McCaddon, RCA; Anatole Browde, McDonnell Douglas Corp., who was introduced by Senator Eagleton; Walter Jensen, Air Transport Association; Clyde A. Parton, Honeywell, Inc.; George G. Rock, Loral Electronics Systems, Bronx, N.Y.; Steven B. Sample, Illinois Board of Higher Education; John P. Bean, National Business Aircraft Association, Inc.; Ken Miller, Wilcox Electric Co., Kansas City, Mo.; Herbert J. Frank, Aero-sonic Corp., Clearwater, Fla.; David H. Scott, Experimental Aircraft Association; Errol L. Johnstad, Flight Engineers' International Association; and Doug Decker, commissioner, Utah Aeronautics Board.

Hearings were recessed subject to call.

### SUBCOMMITTEE BUSINESS

*Committee on the District of Columbia:* Subcommittee on Business, Commerce, and Judiciary held and concluded hearings on the following bills:

S. 1353, vesting in the D.C. Council authority to revise and modernize D.C. licensing procedures, receiving testimony from Graham W. Watt, Assistant to the D.C. Commissioner;

S. 1338, to authorize D.C. government to fix certain fees, receiving testimony from Mr. Watt;

S. 2208, to improve laws regulating insurance in the District of Columbia, receiving testimony from Mr. Watt; Robert Price, Peoples Life Insurance Co.; Arnold W. Woipert, National Education Association; John D. Stringer, American Mutual Insurance Alliance; and Vernon Holleman, D.C. Life Underwriters Association; and

S. 2209, proposed D.C. Law Enforcement and Criminal Justice Act, receiving testimony from Mr. Watt.

Mr. GRIFFIN, I announce that the Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

So the result was announced—yeas 40, nays 51, as follows:

[No. 424 Leg.]

YEAS—40

|              |               |           |
|--------------|---------------|-----------|
| Aiken        | Curtis        | Randolph  |
| Allott       | Dominick      | Roth      |
| Beall        | Fannin        | Schweiker |
| Boggs        | Goldwater     | Scott     |
| Brock        | Gurney        | Smith     |
| Brooke       | Hatfield      | Stafford  |
| Buckley      | Hollings      | Stevens   |
| Byrd, Va.    | Hruska        | Stevenson |
| Byrd, W. Va. | Javits        | Taft      |
| Cannon       | Jordan, Idaho | Thurmond  |
| Case         | Packwood      | Tower     |
| Cook         | Pastore       | Weicker   |
| Cooper       | Pearson       |           |
| Cotton       | Percy         |           |

NAYS—51

|           |              |           |
|-----------|--------------|-----------|
| Allen     | Griffin      | Metcalf   |
| Anderson  | Hansen       | Miller    |
| Baker     | Harris       | Mondale   |
| Bellmon   | Hart         | Montoya   |
| Bentsen   | Hughes       | Moss      |
| Bible     | Humphrey     | Muskie    |
| Burdick   | Inouye       | Nelson    |
| Church    | Jackson      | Fell      |
| Cranston  | Jordan, N.C. | Proxmire  |
| Dole      | Kennedy      | Ribicoff  |
| Eagleton  | Long         | Sparkman  |
| Eastland  | Magnuson     | Spong     |
| Ellender  | Mansfield    | Stennis   |
| Ervin     | Mathias      | Symington |
| Fong      | McClellan    | Talmadge  |
| Fulbright | McGee        | Tunney    |
| Gravel    | McIntyre     | Young     |

NOT VOTING—9

|         |          |          |
|---------|----------|----------|
| Bayh    | Gambrell | Mundt    |
| Bennett | Hartke   | Saxbe    |
| Chiles  | McGovern | Williams |

So Mr. Packwood's substitute amendment was rejected.

Mr. ERVIN, Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

FEDERAL ELECTION CAMPAIGN ACT OF 1971

Mr. PASTORE, Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 382.

The PRESIDING OFFICER (Mr. BROCK) laid before the Senate the amendment of the House of Representatives to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Federal Election Campaign Act of 1971".

TITLE I—CAMPAIGN COMMUNICATIONS

SHORT TITLE

Sec. 101. This title may be cited as the "Campaign Communications Reform Act".

DEFINITIONS

Sec. 102. For purposes of this title:

(1) The term "communications media" means broadcasting stations, newspapers, magazines, and outdoor advertising facilities.

(2) The term "broadcasting station" has the same meaning as such term has under

section 315(d) of the Communications Act of 1934.

(3) The term "Federal elective office" means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States (and for purposes of section 103(b) such term includes the office of Vice President).

(4) The term "legally qualified candidate" with respect to Federal elective office, or nomination for election to such office, has the same meaning as such term has when used in section 315 of the Communications Act of 1934.

(5) The term "voting age population" means resident civilian population, eighteen years of age and older.

(6) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

MEDIA RATE REQUIREMENTS

Sec. 103. (a) Section 315(b) of such Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office shall not exceed the actual charges made by such station for any comparable use of such station for other purposes."

(b) (1) To the extent that any person sells space in any newspaper or magazine to a legally qualified candidate for Federal elective office, or nomination thereto, in connection with such candidate's campaign for nomination for, or election to, such office, the charges made for the use of such space in connection with his campaign shall not exceed the charges made for comparable use of such space for other purposes.

(2) If any person makes available space in any newspaper or magazine to any legally qualified candidate for Federal elective office, or nomination thereto, in connection with such candidate's campaign for nomination for, or election to, such office, such person shall make equivalent space available on the same basis to all legally qualified candidates for the same office, or for nomination to such office, as the case may be.

LIMITATIONS OF EXPENDITURES FOR USE OF COMMUNICATIONS MEDIA

Sec. 104. (a) (1) No legally qualified candidate in an election (other than a primary or primary runoff election) for a Federal elective office may—

(A) spend for the use of communications media on behalf of his candidacy in such election a total amount in excess of the greater of—

(i) 10 cents (or such greater amount as may be certified under paragraph (4) (A) (1) multiplied by the voting age population (as certified under paragraph (4) (B)) of the geographical area in which the election for such office is held, or

(ii) \$50,000 (or such greater amount as may be certified under paragraph (4) (B) (ii)), or

(B) spend for the use of broadcast stations on behalf of his candidacy in such election a total amount in excess of 60 per centum of the amount determined under subparagraph (A) with respect to such election.

(2) No legally qualified candidate in a primary election for nomination to a Federal elective office, other than President, may spend—

(A) for the use of communications media, or

(B) for the use of broadcast stations, on behalf of his candidacy in such election a total amount in excess of the amounts determined under paragraph (1) (A) or (B), respectively, with respect to the general election for such office. For purposes of this subsection a primary runoff election shall be treated as a separate primary election.

(3) (A) No person who is a candidate for presidential nomination may spend—

(1) for the use in a State of communications media, or

(ii) for the use in a State of broadcast stations, on behalf of his candidacy for presidential nomination a total amount in excess of the amounts which would have been determined under paragraph (1) (A) or (B), respectively, had he been a candidate for an election for the office of Senator from such State (or for the office of Delegate or Resident Commissioner in the case of the District of Columbia or the Commonwealth of Puerto Rico).

(B) For purposes of this paragraph, a person is a candidate for presidential nomination if he makes (or any other person makes on his behalf) an expenditure for the use of any communications medium on behalf of his candidacy for any political party's nomination in an election to the office of President. He shall be considered to be such a candidate during the period—

(i) beginning on the date on which he (or such other person) first makes such an expenditure (or, if later, January 1 of the year in which the election for the office of President is held), and

(ii) ending on the date on which such political party nominates a candidate for the office of President.

For purposes of this title and of section 315 of the Communication Act of 1934, a candidate for presidential nomination shall be considered a legally qualified candidate for public office.

(C) The Attorney General shall prescribe regulations under which any expenditure by a candidate for presidential nomination for the use in two or more States of communications media shall be attributed to such candidate's expenditure limitation in each such State, based on the number of persons in such State who can reasonably be expected to be reached by such communications media.

(4) (A) During the first week of January 1974, and during such week in every second subsequent year, the Secretary of Commerce shall certify to the Attorney General and publish in the Federal Register—

(i) an amount which bears the same ratio to 10 cents, and

(ii) an amount which bears the same ratio to \$50,000,

as the value of the communications price index for the last calendar year ending before the date of certification bears to the value of such index for 1972. The communications price index shall be a price index, using 1972 as a base year, measuring changes in the charges to candidates for the use of communications media. Such index shall be established and maintained by the Secretary of Commerce.

(B) During the first week of January 1972, and during such week in every second subsequent year, the Secretary of Commerce shall certify to the Attorney General and publish in the Federal Register an estimate of the voting age population of each State and congressional district for the last calendar year ending before the date of certification.

(5) Amounts spent for the use of communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(6) For purposes of this section and section 315(c) of the Communications Act of 1934, spending and charges for the use of communications media include not only the

direct charges of the media but also agents' commissions allowed the agent by the media.

(7) For purposes of this section and section 315(c) of the Communications Act of 1934, any expenditure for the use of any communications medium by or on behalf of the candidacy of a candidate for Federal elective office (or nomination thereto) shall be charged against the expenditure limitation under this subsection applicable to the election in which such medium is used.

(b) No person may make any charge for the use by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) of any newspaper, magazine, or outdoor advertising facility, unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such person in writing that the payment of such charge will not violate paragraph (1), (2), or (3) of subsection (a), whichever is applicable.

(c) Section 315 of the Communications Act of 1934 is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

"(c) No station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate any limitation specified in paragraph (1), (2), or (3) of section 104(a) of the Campaign Communications Reform Act, whichever paragraph is applicable.

"(d) For the purposes of this section:

"(1) The term 'broadcasting station' includes a community antenna television system.

"(2) The terms 'license' and 'station licensee' when used with respect to a community antenna television system, mean the operator of such system.

"(3) The term 'Federal elective office' means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States."

#### REGULATIONS

SEC. 105. The Attorney General shall prescribe such regulations as may be necessary or appropriate to carry out sections 102, 103 (b), 104(a), and 104(b) of this Act.

#### PENALTIES

SEC. 106. (a) Whoever violates any provision of section 103(b), 104(a), or 104(b) or any regulation under section 105 shall be assessed a civil penalty of not more than \$1,000 for each violation.

(b) Any legally qualified candidate who willfully violates section 104(a) or any regulation under section 105 shall be punished by a fine of not more than \$10,000 or by imprisonment of not more than one year, or both.

#### EFFECTIVE DATE

SEC. 107. Section 103 of this Act and the amendments made thereby shall take effect on January 1, 1972. Section 104 and the amendments made thereby shall apply only to expenditures for the use on or after such date of communications media.

#### TITLE II

SEC. 201. No candidate for Federal elective office may expend, in a primary, primary runoff, or general election, an amount in excess of the limitations imposed by section 104 of title I (for the use of communications media) for the following purposes: (a) telephone campaigns, including the cost of telephones, paid telephonists and automated equipment, when telephones are used in banks of five or more instruments to com-

municate with potential voters, (b) postage for computerized or identical mailings in quantities of 200 or more. Amounts expended for the use of communications media as provided in section 104 of title I will be charged against the limitation imposed by this section.

#### TITLE III—CRIMINAL CODE AMENDMENTS

SEC. 301. Section 591 of title 18, United States Code, is amended to read as follows:

##### "§ 591. Definitions

"When used in sections 597, 599, 600, 602, 610, 611, and 614 of this title—

"(a) 'election' means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(b) 'candidate' means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

"(c) 'Federal office' means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

"(d) 'political committee' means any individual committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

"(e) 'contribution' means—

"(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

"(3) a transfer of funds between political committees;

"(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or political committee without charge for any such purpose; and

"(5) notwithstanding the foregoing meanings of 'contribution', the word shall not be construed to include services provided without compensation, by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and

"(3) a transfer of funds between political committees;

"(g) 'person' and 'whoever' means an individual, partnership, committee, association, corporation, or any other organization or group of persons; and

"(h) 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States."

SEC. 302. Section 600 of title 18, United States Code, is amended to read as follows:

"§ 600. Promise of employment or other benefit for political activity

"Whoever, directly or indirectly, promises any employment, position, compensation, contract, equipment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

SEC. 303. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitations on contribution and expenditures

"(a) (1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

"(A) \$50,000, in the case of a candidate for the office of President or Vice President;

"(B) \$35,000, in the case of a candidate for the office of Senator; or

"(C) \$25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"(2) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

"(b) No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of the provisions of this section.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed \$1,000, imprisonment for not to exceed one year, or both."

SEC. 304. Section 609 of title 18, United States Code, is repealed.

SEC. 305. Section 610 of title 18, United States Code, relating to contributions or expenditures by national banks, corporations, or labor organizations, is amended by adding at the end thereof the following paragraph:

"As used in this section, the phrase 'con-

tribution or expenditure' shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section; but shall not include communications by a corporation to its stockholders and their families or by a labor organization to its members and their families on any subject; nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families; or by a labor organization aimed at its members and their families; the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization: *Provided*, That it shall be unlawful for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination or financial reprisal; or by dues, fees or other monies required as a condition of membership in a labor organization or as a condition of employment, or by monies obtained in any commercial transaction."

Sec. 306. Section 611 of title 18, United States Code, is amended to read as follows: "§ 611. Contributions by Government contractors

"Whoever—

"(a) entering into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (1) the completion of performance under, or (2) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land or buildings, directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

"(b) knowingly solicits any such contribution from any such person for any such purpose during any such period;

shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

Sec. 307. The table of sections for chapter 29 of title 18, United States Code, is amended by—

(1) striking out the item relating to section 608 and inserting in lieu thereof the following:

"608. Limitations on contributions and expenditures.";

(2) striking out the item relating to section 609 and inserting in lieu thereof the following:

"609. Repealed.";

(3) striking out the item relating to section 611 and inserting in lieu thereof the following:

"611. Contributions by Government contractors."

#### TITLE IV—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

##### DEFINITIONS

Sec. 401. When used in this title—

(a) "election" means (1) a general, special,

primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(b) "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States.

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees;

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose; and

(5) notwithstanding the foregoing meanings of "contribution", the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for

the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement whether or not legally enforceable, to make an expenditure, and

(3) a transfer of funds between political committees;

(g) "supervisory officer" means the Secretary of the Senate with respect to candidates for Senator; and the Clerk of the House of Representatives with respect to candidates for Representative in, or Delegate or Resident Commissioner to, the Congress of the United States; and the Comptroller General of the United States in any other case;

(h) "person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons; and

(i) "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

##### ORGANIZATION OF POLITICAL COMMITTEES

SEC. 402. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution in excess of \$10 for a political committee shall, on demand of the treasurer, and in any event within five days after receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address (occupation and the principal place of business, if any) of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) all contributions made to or for such committee;

(2) the full name and mailing address (occupation and the principal place of business, if any) of every person making a contribution in excess of \$10, and the date and amount thereof;

(3) all expenditures made by or on behalf of such committee; and

(4) the full name and mailing address (occupation and the principal place of business, if any) of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office, sought by, each candidate on whose behalf such expenditure was made.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of \$100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds \$100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the supervisory officer.

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not

authorized by such candidate and that such candidate is not responsible for the activities of such committee.

(f) (1) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the appropriate supervisory officer is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402."

(2) (A) The supervisory officer shall compile and furnish to the Public Printer, not later than the last day of March of each year, an annual report for each political committee which has filed a report with him under this title during the period from March 10 of the preceding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain—

(1) a copy of the statement of organization of the political committee required under section 403, together with any amendments thereto; and

(1) a copy of each report filed by such committee under section 404 from March 10 of the preceding year through January 31 of the year in which the annual report is so furnished to the Public Printer.

(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the supervisory officer.

#### REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 403. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall file with the supervisory officer a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of \$1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the supervisory officer at such time as he prescribes.

(b) The statement of organization shall include—

(1) the name and address of the committee;

(2) the names, addresses, and relationships of affiliated or connected organizations;

(3) the area, scope, or jurisdiction of the committee;

(4) the name, address, and position of the custodian of books and accounts;

(5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;

(6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;

(7) a statement whether the committee is a continuing one;

(8) the disposition of residual funds which will be made in the event of dissolution;

(9) a listing of all banks, safety deposit boxes, or other repositories used;

(10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and

(11) such other information as shall be required by the supervisory officer.

(c) Any change in information previously submitted in a statement of organization shall be reported to the supervisory officer within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall so notify the supervisory officer.

#### REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

SEC. 404. (a) Each treasurer of a political committee supporting a candidate or candidates for election to Federal office and each candidate for election to such office, shall file with the appropriate supervisory officer reports of receipts and expenditures on forms to be prescribed or approved by him. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the supervisory officer may prescribe, which shall not be less than five days before the date of filing except that any contribution of \$5,000 or more received after the last report is filed prior to the election, shall be reported within forty-eight hours after its receipt.

(b) Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address (occupation and the principal place of business, if any) of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events) within the calendar year in an aggregate amount or value in excess of \$100, together with the amount and date of such contributions;

(3) the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (2);

(4) the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers;

(5) each loan to or from any person within the calendar year in an aggregate amount or value in excess of \$100, together with the full names and mailing addresses (occupations and the principal places of business, if any) of the lender and endorser, if any, and the date and amount of such loans;

(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(7) each contribution, rebate, refund, or other receipt in excess of \$100 not otherwise listed under paragraphs (2) through (6);

(8) the total sum of all receipts by or for such committee or candidate during the reporting period;

(9) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom an expenditure or expenditures have been made by such committee or on behalf of such committee or candidate within the calendar year in an aggregate amount or value in excess of \$100, the amount, date, and purpose of each such expenditure and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made;

(10) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom an

expenditure for personal services, salaries, and reimbursed expenses in excess of \$100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(11) the total sum of expenditures made by such committee or candidate during the calendar year;

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the supervisory officer may prescribe and a continuous reporting of their debts and obligations after the election at such periods as the supervisory officer may require until such debts and obligations are extinguished; and

(13) such other information as shall be required by the supervisory officer.

(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.

#### REPORTS BY OTHERS THAN POLITICAL COMMITTEES

SEC. 405. Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of \$100 within a calendar year shall file with the supervisory officer a statement containing the information required by section 404. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

#### FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

SEC. 406. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the supervisory officer in a published regulation.

(c) The supervisory officer may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 404 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

(d) The supervisory officer shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

#### REPORTS ON CONVENTION FINANCING

SEC. 407. Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of

such party held to nominate a candidate for the office of President or Vice President, shall, within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the Comptroller General of the United States a full and complete financial statement, in such form and detail as he may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

#### DUTIES OF THE SUPERVISORY OFFICER

SEC. 408. (a) It shall be the duty of the supervisory officer—

(1) to develop and furnish to the person required by the provisions of this Act prescribed forms for the making of the reports and statements required to be filed with him under this title;

(2) to prepare, publish, and furnish to the person required to file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

(4) to make the reports and statements filed with him available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person: Provided, That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

(5) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as he shall determine and broken down into candidate, party, and nonparty expenditures on the National, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as he shall determine and broken down into contributions on the National, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of \$100;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as he may deem appropriate;

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of the title, and with respect to alleged failures to file any report or statement required under the provisions of this title;

(12) to report apparent violations of law to the appropriate law enforcement authorities; and

(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

(b) It shall be the further duty of the Comptroller General to serve as a national clearinghouse for information in respect to the administration of elections. In carrying out his duties under this subsection, the Comptroller General shall enter into contracts for the purpose of conducting independent studies of the administration of elections. Such studies shall include, but shall not be limited to, studies of—

(1) the method of selection of, and the type of duties assigned to, officials and personnel working on boards of elections;

(2) practices relating to the registration of voters; and

(3) voting and counting methods.

Studies made under this subsection shall be published by the Comptroller General and copies thereof shall be made available to the general public upon the payment of the cost thereof. Nothing in this subsection shall be construed to authorize the Comptroller General to require the inclusion of any comment or recommendation of the Comptroller General in any such study.

(c) (1) Any person who believes a violation of this title has occurred may file a complaint with the supervisory officer. If the supervisory officer determines there is substantial reason to believe such a violation has occurred, he shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the supervisory officer, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

(2) In any action brought under paragraph (1) of this subsection, subpoenas for witnesses who are required to attend a United States district court may run into any other district.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States court of appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

(4) The judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

#### PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

SEC. 409. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

#### PENALTY FOR VIOLATIONS

SEC. 410. Any person who violates any of the provisions of this title shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

#### EFFECT ON STATE LAW

SEC. 411. (a) (1) Nothing in this Act shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this Act.

(2) Notwithstanding paragraph (1), no provision of State law shall be construed to prohibit any person from taking any action authorized by this Act or from making any expenditure which he could lawfully make under this Act.

(b) The supervisory officer shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

#### PARTIAL INVALIDITY

SEC. 412. If any provision of this Act, or the application thereof, to any person or circumstance is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

#### REPEALING CLAUSE

SEC. 413. (a) The Federal Corrupt Practices Act, 1925 (2 U.S.C. 241-256), is repealed.

(b) In case of any conviction under this title, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

#### TITLE V—MISCELLANEOUS

##### EXTENSION OF CREDIT BY REGULATED INDUSTRIES

SEC. 501. The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 401(c) of the Federal Election Campaign Act of 1971), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.

##### PROHIBITION AGAINST USE OF CERTAIN FEDERAL FUNDS FOR ELECTION ACTIVITIES

SEC. 502. No part of any funds appropriated to carry out the Economic Opportunity Act of 1964 shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Office of Economic Opportunity who, in his official capacity as such an officer or employee, engages in any such activity. As used in this section, the term "election" has the same meaning given such term by section 401(a) of this Act, and the term "Federal office" has the same meaning given such term by section 401(c) of this Act.

#### EFFECTIVE DATE

SEC. 503. Except as provided for in section 501 of this Act, the provisions of this Act shall become effective on December 31, 1971, or sixty days after the date of enactment of this Act, whichever is later.

Mr. PASTORE. Mr. President, I move that the Senate disagree to the amendment of the House and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be author-

ized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. PASTORE, Mr. HART, Mr. HARTKE, Mr. JORDAN of North Carolina, Mr. CANNON, Mr. PELL, Mr. BAKER, Mr. COOK, Mr. STEVENS, and Mr. SCOTT conferees on the part of the Senate.

#### ECONOMIC STABILIZATION ACT AMENDMENTS OF 1971

The Senate continued with the consideration of the bill (S. 2891) to extend and amend the Economic Stabilization Act of 1970.

Mr. BUCKLEY. Mr. President, I offer an amendment to the Cranston amendment (No. 777).

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The second assistant legislative clerk proceeded to state the amendment.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment reads as follows:

On page 2, line 5, strike the comma and the word "or" appearing after the word "system" and insert a period in lieu thereof.

On page 2, strike everything in subsection (iii) beginning with the word "wages" on line 6 through the word "That" at the end of line 14.

Mr. BUCKLEY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BUCKLEY. Mr. President, this should not take too much time. My amendment is very simple. I think my amendment will be acceptable to the Senator from California.

What it does is to simply take away from his amendment the exemption for the wages paid by the media. It does not interfere with the exemption of the prices charged to that media or the printing plant, an exemption from economic control as it affects the prices charged and as to rates of wages.

But a theoretical case can be made with respect to the power to prevent an organization from disseminating opinion or forcing a newspaper or an organization out of business, thereby giving the Government the option of closing out the media establishment or, in a punitive way, suppressing the written opinion.

To the extent that it is self-evident that if we are going to have a workable system of controls which involve sacrifices on the part of every element in this country, to the extent that the exemptions are limited, to that extent we are more apt to maintain a sense of control.

I suggest that the situation involving a writer who has graduated from Cornell School of Journalism and is subject to control while a classmate of his in the same city is able to negotiate a 15- or 20-percent increase for doing that same kind of work will lead to the situation which will corrupt the whole system.

I submit that a typesetter or a worker for the same printing plant has to pay the same amount of money for rent,

groceries, and taxes. If he finds himself controlled by the Wage-Price Board, while at the same time he sees a man with equal technical skill working for a newspaper and being able to demand and achieve a 10-, 15-, 20-percent increase, again we will have a demonstrable inequity which the American people will not swallow, an inequity which will erode the kind and class of controls which are required.

I believe this would also limit at least the wage part of the wage-price position in this inflationary cycle we are all suffering from by keeping wages in the media under the same type of controls as wages in other industries.

We are not creating charges which have to be absorbed by the publishers or the operators of broadcasting stations that would have to be reflected in higher prices charged by advertisers. That would be one thing which we are trying to eliminate.

I submit that this particular amendment would eliminate one of the glaring inequities of the pending amendment. Mr. President, regardless of the outcome of this amendment, I will vote against the Cranston amendment.

Mr. CRANSTON. Mr. President, I oppose the amendment, and I urge all other Senators to oppose it for the following reasons.

The burden of control should fall equally on labor and business alike. It would be totally inequitable and totally out of keeping with the spirit of this bill to control the prices of industry alone or to control only the wages of those who work for a living.

Where constitutional principles or economic conditions require the exclusion of one segment of either labor or business from controls, it is only, therefore, fair to likewise exclude the other segment, the counterpart.

Equity very plainly demands that, if we free the wages of management and editorial writers, which clearly must be free to protect free speech, we should also free the other workers of these enterprises which are indirectly involved in the expression of these ideas.

If we allow prices of the media to be freed from controls while continuing to control wages, some industries could receive large profits as the result of wage control rather than as a result of increased productivity.

The provision for windfall profits in this bill would not necessarily be able to do the job adequately.

It is very plain that the media are a service intensive industry. In such industries, according to the testimony before our committee which heard the bill, Dr. Arthur Burns pointed out in the Senate hearings, in those hearings on this bill that productivity is just about the toughest things there is to measure.

It seems to me the other aspect we have to consider in relation to this proposed amendment is the classic concept of the chilling effect that governmental authority can have on human freedom. Giving the Government Board the power to determine the maximum pay a writer or commentator can receive puts that board in a role of quasi-employer with

all the powers that an employer can exercise. It gives the Government a club to hold over the members of the press, a club of the very nature that the Constitution expressly prohibits in the first amendment, that has motivated the sponsors of the basic amendment that will be before this body after the amendment of the Senator from New York has been disposed of.

The censor with scissors and blue pencil is very easy to identify and to guard against, but the economic censor, the man who comes along with controls over the payroll, has a power so much greater, because it is so insidious and, therefore, so hard to guard against, so hard to find directly, as you can find the man with his scissors or with the blue pencil.

If the power to tax is indeed a power to destroy, then the power to grant or to withhold pay raises is the power to destroy press creativity, enterprise, and independence.

For these rather simple but I think fundamental reasons, I oppose this amendment.

Mr. PROXMIRE. Mr. President, this provision in the bill which Senator BUCKLEY would amend out was put in by my amendment to the bill. As the proposal came before us initially it provided only for holding down wages and permitting prices to rise. The prices would not be controlled. Senator BUCKLEY would seek to do the same thing.

The suggestion in the proposed amendment by the Senator from New York could hardly be less fair. What does it do? It provides that publishers will be able to increase their prices but the wages of their workers are held down. This makes windfall profits virtually a certainty.

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

Mr. PROXMIRE. I will yield in just a moment.

The other point I would like to make is that the thrust of the Cranston amendment is to protect the free expression by editors, reporters, and so forth. They are the ones who would be continued to be covered if the Buckley amendment were agreed to. Their compensation would be at the mercy of a governmental board.

It seems to me that the Senator from New York offers an amendment which gives us the worst of all possible worlds.

Mr. BUCKLEY. Mr. President, I yield 3 minutes to the Senator from Connecticut for purposes of rebuttal.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, first, the Senator from New York has been candid and honest enough to say that regardless of the outcome of the amendment he is going to vote against the Cranston amendment, period. No one recognizes more clearly than he the arguments of equity and inequity.

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

Mr. WEICKER. I do not wish to yield to the Senator at this time.

If I might go back to the arguments stated by the Senator from California, there was discussion of wage and price controls in terms of equity, yet the





**REPORT OF  
COMMITTEE  
OF  
CONFERENCE**



FEDERAL ELECTION CAMPAIGN ACT OF 1971

DECEMBER 14, 1971.—Ordered to be printed

Mr. HAYS, from the committee of conference,  
submitted the following

CONFERENCE REPORT

[To accompany S. 382]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

*That this Act may be cited as the "Federal Election Campaign Act of 1971".*

TITLE I—CAMPAIGN COMMUNICATIONS

SHORT TITLE

SEC. 101. *This title may be cited as the "Campaign Communications Reform Act".*

DEFINITIONS

SEC. 102. *For purposes of this title:*

(1) *The term "communications media" means broadcasting stations, newspapers, magazines, outdoor advertising facilities, and telephones; but, with respect to telephones, spending or an expenditure shall be deemed to be spending or an expenditure for the use of communications media only if such spending or expenditure is for the costs of telephones, paid telephonists, and automatic telephone equipment, used by a candidate for Federal elective office to communicate with potential voters (excluding any costs of telephones incurred by a volunteer for use of telephones by him).*

(2) The term "broadcasting station" has the same meaning as such term has under section 315(f) of the Communications Act of 1934.

(3) The term "Federal elective office" means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States (and for purposes of section 103(b) such term includes the office of Vice President).

(4) The term "legally qualified candidate" means any person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate, and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors.

(5) The term "voting age population" means resident population, eighteen years of age and older.

(6) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

#### MEDIA RATE AND RELATED REQUIREMENTS

SEC. 103. (a)(1) Section 315(b) of the Communications Act of 1934 is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

"(1) during the forty-five days preceding the date of a primary or primary runoff election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same period; and

"(2) at any other time, the charges made for comparable use of such station by other users thereof."

(2)(A) Section 312(a) of such Act is amended by striking "or" at the end of clause (5), striking the period at the end of clause (6) and inserting in lieu thereof a semicolon and "or", and adding at the end of such section 312(a) the following new paragraph:

"(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate for Federal elective office on behalf of his candidacy."

(B) The second sentence of section 315(a) of such Act is amended by inserting "under this subsection" after "No obligation is imposed".

(b) To the extent that any person sells space in any newspaper or magazine to a legally qualified candidate for Federal elective office, or nomination thereto, in connection with such candidate's campaign for nomination for, or election to, such office, the charges made for the use of such space in connection with his campaign shall not exceed the charges made for comparable use of such space for other purposes.

## LIMITATIONS OF EXPENDITURES FOR USE OF COMMUNICATIONS MEDIA

SEC. 104. (a)(1) Subject to paragraph (4), no legally qualified candidate in an election (other than a primary or primary runoff election) for a Federal elective office may—

(A) spend for the use of communications media on behalf of his candidacy in such election a total amount in excess of the greater of—

(i) 10 cents multiplied by the voting age population (as certified under paragraph (5)) of the geographical area in which the election for such office is held, or

(ii) \$50,000, or

(B) spend for the use of broadcast stations on behalf of his candidacy in such election a total amount in excess of 60 per centum of the amount determined under subparagraph (A) with respect to such election.

(2) No legally qualified candidate in a primary election for nomination to a Federal elective office, other than President, may spend—

(A) for the use of communications media, or

(B) for the use of broadcast stations,

on behalf of his candidacy in such election a total amount in excess of the amounts determined under paragraph (1) (A) or (B), respectively, with respect to the general election for such office. For purposes of this subsection a primary runoff election shall be treated as a separate primary election.

(3)(A) No person who is a candidate for presidential nomination may spend—

(i) for the use in a State of communications media, or

(ii) for the use in a State of broadcast stations,

on behalf of his candidacy for presidential nomination a total amount in excess of the amounts which would have been determined under paragraph (1) (A) or (B), respectively, had he been a candidate for election for the office of Senator from such State (or for the office of Delegate or Resident Commissioner in the case of the District of Columbia or the Commonwealth of Puerto Rico).

(B) For purposes of this paragraph (3), a person is a candidate for presidential nomination if he makes (or any other person makes on his behalf) an expenditure for the use of any communications medium on behalf of his candidacy for any political party's nomination for election to the office of President. He shall be considered to be such a candidate during the period—

(i) beginning on the date on which he (or such other person) first makes such an expenditure (or, if later, January 1 of the year in which the election for the office of President is held), and

(ii) ending on the date on which such political party nominates a candidate for the office of President.

For purposes of this title and of section 315 of the Communications Act of 1934, a candidate for presidential nomination shall be considered a legally qualified candidate for public office.

(C) The Comptroller General shall prescribe regulations under which any expenditure by a candidate for presidential nomination for the use in two or more States of a communications medium shall be attributed to such candidate's expenditure limitation in each such State, based on the number of persons in such State who can reasonably be expected to be reached by such communications medium.

(4)(A) For purposes of subparagraph (B):

(i) The term "price index" means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

(ii) The term "base period" means the calendar year 1970.

(B) At the beginning of each calendar year (commencing in 1972), as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Comptroller General and publish in the Federal Register the per centum difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. Each amount determined under paragraph (1)(A)(i) and (ii) shall be increased by such per centum difference. Each amount so increased shall be the amount in effect for such calendar year.

(5) Within 60 days after the date of enactment of this Act, and during the first week of January in 1973 and every subsequent year, the Secretary of Commerce shall certify to the Comptroller General and publish in the Federal Register an estimate of the voting age population of each State and congressional district for the last calendar year ending before the date of certification.

(6) Amounts spent for the use of communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(7) For purposes of this section and section 315(c) of the Communications Act of 1934—

(A) spending and charges for the use of communications media include not only the direct charges of the media but also agents' commissions allowed the agent by the media, and

(B) any expenditure for the use of any communications medium by or on behalf of the candidacy of a candidate for Federal elective office (or nomination thereto) shall be charged against the expenditure limitation under this subsection applicable to the election in which such medium is used.

(b) No person may make any charge for the use by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) of any newspaper, magazine, or outdoor advertising facility, unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies in writing to the person making such charge that the payment of such charge will not violate paragraph (1), (2), or (3) of subsection (a), whichever is applicable.

(c) Section 315 of the Communications Act of 1934 is amended by redesignating subsection (c) as subsection (g) and by inserting after subsection (b) the following new subsections:

"(c) No station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge

will not violate any limitation specified in paragraph (1), (2), or (3) of section 104(a) of the Campaign Communications Reform Act, whichever paragraph is applicable.

“(d) If a State by law and expressly—

“(1) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection,

“(2) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election,

“(3) has provided in any such law an unequivocal expression of intent to be bound by the provisions of this subsection, and

“(4) has stipulated that the amount of such limitation shall not exceed the amount which would be determined for such election under section 104(a)(1)(B) or 104(a)(2)(B) (whichever is applicable) of the Campaign Communications Reform Act had such election been an election for a Federal elective office or nomination thereto,

then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate such State limitation.

“(e) Whoever willfully and knowingly violates the provisions of subsection (c) or (d) of this section shall be punished by a fine not to exceed \$5,000 or imprisonment for a period not to exceed five years, or both. The provisions of sections 501 through 503 of this Act shall not apply to violations of either such subsection.

“(f)(1) For the purposes of this section:

“(A) The term ‘broadcasting station’ includes a community antenna television system.

“(B) The terms ‘licensee’ and ‘station licensee’ when used with respect to a community antenna television system, mean the operator of such system.

“(C) The term ‘Federal elective office’ means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States.

“(2) For purposes of subsections (c) and (d), the term ‘legally qualified candidate’ means any person who (A) meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors.”

#### REGULATIONS

SEC. 105. The Comptroller General shall prescribe such regulations as may be necessary or appropriate to carry out sections 102, 103(b), 104(a), and 104(b) of this Act.

#### PENALTIES

SEC. 106. Whoever willfully and knowingly violates any provision of section 103(b), 104(a), or 104(b) or any regulation under section 105 shall be punished by a fine of not more than \$5,000 or by imprisonment of not more than five years, or both.

## TITLE II—CRIMINAL CODE AMENDMENTS

SEC. 201. Section 591 of title 18, United States Code, is amended to read as follows:

## § 591. Definitions

"When used in sections 597, 599, 600, 602, 608, 610, and 611 of this title—

"(a) 'election' means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(b) 'candidate' means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

"(c) 'Federal office' means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

"(d) 'political committee' means any individual, committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

"(e) 'contribution' means—

"(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

"(3) a transfer of funds between political committees;

"(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of

another person which are rendered to such candidate or political committee without charge for any such purpose; and

“(5) notwithstanding the foregoing meanings of ‘contribution’, the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

“(f) ‘expenditure’ means—

“(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

“(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and

“(3) a transfer of funds between political committees;

“(g) ‘person’ and ‘whoever’ mean an individual, partnership, committee, association, corporation, or any other organization or group of persons; and

“(h) ‘State’ means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.”

SEC. 202. Section 600 of title 18, United States Code, is amended to read as follows:

**“§ 600. Promise of employment or other benefit for political activity**

“Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.”

SEC. 203. Section 608 of title 18, United States Code, is amended to read as follows:

**“§ 608. Limitations on contributions and expenditures**

“(a)(1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

“(A) \$50,000, in the case of a candidate for the office of President or Vice President;

“(B) \$35,000, in the case of a candidate for the office of Senator; or

“(C) \$25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

“(2) For purposes of this subsection, ‘immediate family’ means a candidate’s spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

“(b) No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of the provisions of this section.

“(c) Violation of the provisions of this section is punishable by a fine not to exceed \$1,000, imprisonment for not to exceed one year, or both.”.

SEC. 204. Section 609 of title 18, United States Code, is repealed.

SEC. 205. Section 610 of title 18, United States Code, relating to contributions or expenditures by national banks, corporations, or labor organizations, is amended by adding at the end thereof the following paragraph:

“As used in this section, the phrase ‘contribution or expenditure’ shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business) to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section; but shall not include communications by a corporation to its stockholders and their families or by a labor organization to its members and their families on any subject; nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families; the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization: Provided, That it shall be unlawful for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues, fees, or other monies required as a condition of membership in a labor organization or as a condition of employment, or by monies obtained in any commercial transaction.”.

SEC. 206. Section 611 of title 18, United States Code, is amended to read as follows:

**“§ 611. Contributions by Government contractors**

“Whoever—

“(a) entering into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress,

at any time between the commencement of negotiations for and the later of (1) the completion of performance under, or (2) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land or buildings, directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

“(b) knowingly solicits any such contribution from any such person for any such purpose during any such period; shall be fined not more than \$5,000 or imprisoned not more than five years, or both.”.

SEC. 207. The table of sections for chapter 29 of title 18, United States Code, is amended by—

(1) striking out the item relating to section 608 and inserting in lieu thereof the following:

“608. Limitations on contributions and expenditures.”;

(2) striking out the item relating to section 609 and inserting in lieu thereof the following:

“609. Repealed.”;

(3) striking out the item relating to section 611 and inserting in lieu thereof the following:

“611. Contributions by Government contractors.”.

### TITLE III—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

#### DEFINITIONS

SEC. 301. When used in this title—

(a) “election” means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(b) “candidate” means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) “Federal office” means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees;

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose; and

(5) notwithstanding the foregoing meanings of "contribution", the word shall not be construed to include services provided without compensation, by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure, and

(3) a transfer of funds between political committees;

(g) "supervisory officer" means the Secretary of the Senate with respect to candidates for Senator; the Clerk of the House of Representatives with respect to candidates for Representative in, or Delegate or Resident Commissioner to, the Congress of the United States; and the Comptroller General of the United States in any other case;

(h) "person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons; and

(i) "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

## ORGANIZATION OF POLITICAL COMMITTEES

SEC. 302. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution in excess of \$10 for a political committee shall, on demand of the treasurer, and in any event within five days after receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address (occupation and the principal place of business, if any) of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

- (1) all contributions made to or for such committee;
- (2) the full name and mailing address (occupation and the principal place of business, if any) of every person making a contribution in excess of \$10, and the date and amount thereof;
- (3) all expenditures made by or on behalf of such committee; and
- (4) the full name and mailing address (occupation and the principal place of business, if any) of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of \$100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds \$100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the supervisory officer.

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

(f) (1) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the appropriate supervisory officer is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402."

(2) (A) The supervisory officer shall compile and furnish to the Public Printer, not later than the last day of March of each year, an annual report for each political committee which has filed a report with him under this title during the period from March 10 of the preceding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain—

(i) a copy of the statement of organization of the political committee required under section 303, together with any amendments thereto; and

(ii) a copy of each report filed by such committee under section 304 from March 10 of the preceding year through January 31 of the year in which the annual report is so furnished to the Public Printer.

(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the supervisory officer.

REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 303. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall file with the supervisory officer a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of \$1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the supervisory officer at such time as he prescribes.

(b) The statement of organization shall include—

(1) the name and address of the committee;

(2) the names, addresses, and relationships of affiliated or connected organizations;

(3) the area, scope, or jurisdiction of the committee;

(4) the name, address, and position of the custodian of books and accounts;

(5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;

(6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;

(7) a statement whether the committee is a continuing one;

(8) the disposition of residual funds which will be made in the event of dissolution;

(9) a listing of all banks, safety deposit boxes, or other repositories used;

(10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and

(11) such other information as shall be required by the supervisory officer.

(c) Any change in information previously submitted in a statement of organization shall be reported to the supervisory officer within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall so notify the supervisory officer.

## REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

**SEC. 304.** (a) *Each treasurer of a political committee supporting a candidate or candidates for election to Federal office, and each candidate or election to such office, shall file with the appropriate supervisory officer reports of receipts and expenditures on forms to be prescribed or approved by him. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the supervisory officer may prescribe, which shall not be less than five days before the date of filing, except that any contribution of \$5,000 or more received after the last report is filed prior to the election shall be reported within forty-eight hours after its receipt.*

(b) *Each report under this section shall disclose—*

(1) *the amount of cash on hand at the beginning of the reporting period;*

(2) *the full name and mailing address (occupation and the principal place of business, if any) of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events) within the calendar year in an aggregate amount or value in excess of \$100, together with the amount and date of such contributions;*

(3) *the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (2);*

(4) *the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers;*

(5) *each loan to or from any person within the calendar year in an aggregate amount or value in excess of \$100, together with the full names and mailing addresses (occupations and the principal places of business, if any) of the lender and endorsers, if any, and the date and amount of such loans;*

(6) *the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;*

(7) *each contribution, rebate, refund, or other receipt in excess of \$100 not otherwise listed under paragraphs (2) through (6);*

(8) *the total sum of all receipts by or for such committee or candidate during the reporting period;*

(9) *the full name and mailing address (occupation and the principal place of business, if any) of each person to whom expenditures have been made by such committee or on behalf of such committee or candidate within the calendar year in an aggregate amount or value in excess of \$100, the amount, date, and purpose of each such expenditure and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made;*

(10) *the full name and mailing address (occupation and the principal place of business, if any) of each person to whom an*

*expenditure for personal services, salaries, and reimbursed expenses in excess of \$100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;*

*(11) the total sum of expenditures made by such committee or candidate during the calendar year;*

*(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the supervisory officer may prescribe and a continuous reporting of their debts and obligations after the election at such periods as the supervisory officer may require until such debts and obligations are extinguished; and*

*(13) such other information as shall be required by the supervisory officer.*

*(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.*

#### REPORTS BY OTHERS THAN POLITICAL COMMITTEES

*SEC. 305. Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of \$100 within a calendar year shall file with the supervisory officer a statement containing the information required by section 304. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.*

#### FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

*SEC. 306. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.*

*(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the supervisory officer in a published regulation.*

*(c) The supervisory officer may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 304 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a state-wide basis.*

*(d) The supervisory officer shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.*

## REPORTS ON CONVENTION FINANCING

*SEC. 307. Each committee or other organization which—*

- (1) *represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or*
  - (2) *represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President,*
- shall, within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the Comptroller General of the United States a full and complete financial statement, in such form and detail as he may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.*

## DUTIES OF THE SUPERVISORY OFFICER

*SEC. 308. (a) It shall be the duty of the supervisory officer—*

- (1) *to develop and furnish to the person required by the provisions of this Act prescribed forms for the making of the reports and statements required to be filed with him under this title;*
- (2) *to prepare, publish, and furnish to the person required to file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;*
- (3) *to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;*
- (4) *to make the reports and statements filed with him available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person: Provided, That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;*
- (5) *to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;*
- (6) *to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;*
- (7) *to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as he shall determine and broken down into candidate, party, and nonparty expenditures on the national, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as he shall determine and broken down into contributions on the national, State, and local levels for candidates and political commit-*

tees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of \$100;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as he may deem appropriate;

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provisions of this title;

(12) to report apparent violations of law to the appropriate law enforcement authorities; and

(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

(b) The supervisory officer shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

(c) It shall be the duty of the Comptroller General to serve as a national clearinghouse for information in respect to the administration of elections. In carrying out his duties under this subsection, the Comptroller General shall enter into contracts for the purpose of conducting independent studies of the administration of elections. Such studies shall include, but shall not be limited to, studies of—

(1) the method of selection of, and the type of duties assigned to, officials and personnel working on boards of elections;

(2) practices relating to the registration of voters; and

(3) voting and counting methods.

Studies made under this subsection shall be published by the Comptroller General and copies thereof shall be made available to the general public upon the payment of the cost thereof. Nothing in this subsection shall be construed to authorize the Comptroller General to require the inclusion of any comment or recommendation of the Comptroller General in any such study.

(d)(1) Any person who believes a violation of this title has occurred may file a complaint with the supervisory officer. If the supervisory officer determines there is substantial reason to believe such a violation has occurred, he shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the supervisory officer, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

(2) In any action brought under paragraph (1) of this subsection subpoenas for witnesses who are required to attend a United States district court may run into any other district.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States court of appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

(4) The judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

#### STATEMENTS FILED WITH STATE OFFICERS

SEC. 309. (a) A copy of each statement required to be filed with a supervisory officer by this title shall be filed with the Secretary of State (or, if there is no office of Secretary of State, the equivalent State officer) of the appropriate State. For purposes of this subsection, the term "appropriate State" means—

(1) for reports relating to expenditures and contributions in connection with the campaign for nomination for election, or election, of a candidate to the office of President or Vice President of the United States, each State in which an expenditure is made by him or on his behalf, and

(2) for reports relating to expenditures and contributions in connection with the campaign for nomination for election, or election, of a candidate to the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, the State in which he seeks election.

(b) It shall be the duty of the Secretary of State, or the equivalent State officer, under subsection (a)—

(1) to receive and maintain in an orderly manner all reports and statements required by this title to be filed with him;

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(3) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

#### PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

SEC. 310. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

## PENALTY FOR VIOLATIONS

*SEC. 311. (a) Any person who violates any of the provisions of this title shall be fined not more than \$1,000 or imprisoned not more than one year, or both.*

*(b) In case of any conviction under this title, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.*

## TITLE IV—GENERAL PROVISIONS

## EXTENSION OF CREDIT BY REGULATED INDUSTRIES

*SEC. 401. The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 301(c) of the Federal Election Campaign Act of 1971), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.*

## PROHIBITION AGAINST USE OF CERTAIN FEDERAL FUNDS FOR ELECTION ACTIVITIES

*SEC. 402. No part of any funds appropriated to carry out the Economic Opportunity Act of 1964 shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Office of Economic Opportunity who, in his official capacity as such an officer or employee, engages in any such activity. As used in this section, the term "election" has the same meaning given such term by section 301(a) of the Federal Election Campaign Act of 1971, and the term "Federal office" has the same meaning given such term by section 301(c) of such Act.*

## EFFECT ON STATE LAW

*SEC. 403. (a) Nothing in this Act shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this Act.*

*(b) Notwithstanding subsection (a), no provision of State law shall be construed to prohibit any person from taking any action authorized by this Act or from making any expenditure (as such term is defined in section 301(f) of this Act) which he could lawfully make under this Act.*

## PARTIAL INVALIDITY

*SEC. 404. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.*

## REPEALING CLAUSE

SEC. 405. *The Federal Corrupt Practices Act, 1925 (2 U.S.C. 241-256), is repealed.*

## EFFECTIVE DATE

SEC. 406. *Except as provided for in section 401 of this Act, the provisions of this Act shall become effective on December 31, 1971, or sixty days after the date of enactment of this Act, whichever is later.*

And the House agree to the same.

WAYNE L. HAYS,  
W. M. ABBITT,  
KEN GRAY,  
JAMES HARVEY,  
WM. L. DICKINSON,

*Managers on the Part of the House  
as to titles III, IV, and V of the House amendment.*

HARLEY O. STAGGERS,  
T. H. MACDONALD,  
LIONEL VAN DEERLIN,  
SAMUEL L. DEVINE,  
ANCHER NELSEN,

*Managers on the Part of the House,  
as to titles I and II of the House amendment.*

JOHN O. PASTORE,  
P. A. HART,  
VANCE HARTKE,  
B. EVERETT JORDAN,  
HOWARD W. CANNON,  
CLAIBORNE PELL,  
HOWARD BAKER,  
MARLOW COOK,  
TED STEVENS,  
HUGH SCOTT,

*Managers on the Part of the Senate.*



## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

### CAMPAIGN COMMUNICATIONS

#### EQUAL TIME AND RELATED MATTERS

##### REPEAL OF EQUAL TIME REQUIREMENT FOR CANDIDATES FOR FEDERAL ELECTIVE OFFICE

*Senate bill.*—The Senate bill amended subsection (a) of section 315 of the Communications Act of 1934 (which presently provides that if a licensee permits any legally qualified candidate for public office to use his station, he must afford equal opportunities to all other candidates for the same office in the use of his station), to make that subsection inapplicable to candidates for Federal elective office (President, Vice President, Senator, Representative, Delegate, and Resident Commissioner).

*House amendment.*—The House amendment made no change in section 315(a).

*Conference substitute.*—The conference substitute does not include this provision of the Senate bill.

##### PROGRAM FORMAT

*Senate bill.*—The Senate bill also provided that when a licensee permits a legally qualified candidate for Federal elective office to use his broadcasting station in connection with the candidate's campaign, the licensee must afford the candidate maximum flexibility in choosing his program format.

(21)

*House amendment.*—No comparable provision.

*Conference substitute.*—The Senate recedes on this provision.

## MEDIA RATE AND ACCESS REQUIREMENTS

### CHARGES BY BROADCAST STATIONS

Both the Senate Bill and the House amendment revised section 315(b) of the Communications Act of 1934. Under the existing section 315(b), the charges made for the use of any broadcast station for any of the purposes set forth in section 315 may not exceed the charges made for comparable use of the station for other purposes.

*House amendment.*—The House amendment provided that the charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office could not exceed “the *actual* charges made by such station for *any* comparable use of such station for other purposes”. (Matter inserted in existing law in italic.)

*Senate bill.*—The Senate bill revised section 315(b) to require that the charges made for the use of a broadcast station by any person who is a legally qualified candidate for public office could not, during the 45 days preceding a primary election and during the 60 days preceding a general or special election, exceed the lowest unit charge of the station for the same class and amount of time for the same period. The comparable rate requirement under existing law would have continued to apply except during these 45 and 60 day periods.

*Conference substitute.*—The conference substitute includes this provision of the Senate bill.

### ACCESS TO BROADCAST STATIONS

*Senate bill.*—The Senate bill made a broadcast license subject to revocation under section 312(a) of the Communications Act for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by any legally qualified candidate on behalf of his candidacy.

*House amendment.*—No comparable provision.

*Conference substitute.*—This provision is included in the conference substitute, with a clarifying amendment limiting the provision to use of broadcast stations by candidates for Federal elective office. A conforming amendment is also made to section 315(a).

### NONBROADCAST MEDIA RATES

*House amendment.*—The House section 103(b)(1) provided that, to the extent that any person sold space in any newspaper or magazine to a legally qualified candidate for Federal elective office, or nomination thereto, in connection with that candidate’s campaign, the charges made for the use of the space in connection with his campaign could not exceed the charges made for comparable use of such space for other purposes.

*Senate bill.*—The Senate bill provided that during the 45 days preceding any primary election, and during the 60 days preceding any general or special election, the charges made for the use of any non-broadcast communications medium (newspapers, magazines, other periodicals, billboards) by an individual who is a legally qualified

candidate for Federal elective office may not exceed the lowest unit rate charged others by the person furnishing such medium for the same amount and class of space.

*Conference substitute.*—The conference substitute contains the provisions of the House amendment in this respect.

#### NONBROADCAST MEDIA ACCESS

*House amendment.*—Section 103(b)(2) of the House version required any person who made space available in any newspaper or magazine to any legally qualified candidate for Federal elective office, or nomination thereto, in connection with the candidate's campaign, to make equivalent space available on the same basis to all candidates for the same office.

*Senate bill.*—The Senate bill contained no provision comparable to section 103(b)(2) of the House amendment.

*Conference substitute.*—The House recesses.

#### FREE OR REDUCED RATE USE OF NONBROADCAST MEDIA

*Senate bill.*—Section 103(e) of the Senate bill provided that any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate without charge or at a reduced rate would be deemed to have made a contribution to such candidate in an amount equal to the excess of the rate normally charged over the rate (if any) charged such candidate.

*House amendment.*—The House amendment contained no comparable provision.

*Conference substitute.*—The Senate recesses.

#### LIMITATIONS ON EXPENDITURES FOR USE OF COMMUNICATIONS MEDIA

Both the Senate bill and the House amendment imposed limitations on expenditures for the use of communications media by candidates for Federal elective office.

#### AMOUNT OF LIMITATION

*House amendment.*—The House bill contained an overall limit on expenditures for the use of communications media of the greater of (1) 10¢ times voting age population, or (2) \$50,000. In addition, the House bill provided that not more than 60% of the overall communications media limitation could be spent for the use of broadcasting stations.

*Senate bill.*—The Senate bill had two separate limitations: One limitation of 5¢ times voting age population (or, if greater, \$30,000), applicable to expenditures for the use of broadcast stations; and a second limitation of 5¢ times voting age population (or, if greater, \$30,000), applicable to expenditures for the use of nonbroadcast communications media. Section 104 of the Senate bill permitted not more than 20% of either of the two limitations to be transferred to the other, if the Federal Elections Commission was notified.

*Conference substitute.*—The conference substitute incorporates the provisions of the House amendment.

### PRIMARIES

Both the Senate bill and the House amendment provided that each primary, general, special, or runoff, election would be treated as a separate election and have a separate expenditure limitation applicable to it. The conference substitute contains this provision.

### PRESIDENTIAL PRIMARIES

*Senate bill.*—The Senate bill provided that in computing the limitations for broadcast and nonbroadcast expenditures applicable to Presidential primary elections, the voting age population in the State in which the election is held would be used to compute the expenditure limitations, and that a candidate's expenditures for a Presidential primary in a State could not exceed the limitations applicable to that State.

*House amendment.*—The House amendment imposed State-by-State limitations on media expenditures by candidates for Presidential nomination. Under the amendment, no candidate for Presidential nomination could spend for the use in a State of communications media, or for the use in a State of broadcast stations, on behalf of his candidacy for Presidential nomination a total amount in excess of either the overall communications media limitation, or the broadcast limitation, which would have been applicable to him had he been a candidate for the office of Senator from that State (or for Delegate or Resident Commissioner in the case of the District of Columbia or Puerto Rico).

Under the House amendment, a person would be considered a candidate for Presidential nomination if he made (or any other person made on his behalf) an expenditure for the use of any communications medium on behalf of his candidacy for any political party's nomination in an election to the office of President. He was considered to be such a candidate during the period—

(i) beginning on the date on which such an expenditure was first made or, if later, on January 1 of the year of the election, and

(ii) ending on the date on which the political party nominated a candidate for the office of President.

The Attorney General was directed to prescribe regulations under which any expenditure for the use in two or more States of a communications medium by a candidate for Presidential nomination would be attributed to the candidate's expenditure limitation in each of the States, based on the number of persons in the State who could reasonably be expected to be reached by such medium.

The House amendment also provided that, for purposes of the bill and section 315 of the Communications Act, a candidate for Presidential nomination would be considered a legally qualified candidate for public office.

*Conference substitute.*—The conference substitute contains the provisions of the House amendment respecting candidates for presidential nomination, except that the function of prescribing regulations is vested in the Comptroller General rather than the Attorney General.

## "ESCALATOR" PROVISION

*Senate bill.*—The Senate bill provided that the broadcast and nonbroadcast expenditure limitations computed under the "5 cent" formulas would be increased (beginning in 1972) in proportion to increases in the Consumer Price Index over calendar year 1970.

*House amendment.*—Under the House amendment, the Secretary of Commerce was directed to set up a communications price index to measure changes in the charges to candidates for the use of communications media. Biennially, beginning in 1974, the Secretary of Commerce would certify a proportionate increase or decrease in the 10 cent multiplier and the \$50,000 alternative limit, based on changes in the communications price index.

*Conference substitute.*—The conference substitute follows the provisions of the Senate bill with technical and conforming changes. Under the conference substitute each communications media expenditure limitation computed under section 104(a)(1)(A) would be increased in proportion to increases in the Consumer Price Index, with base period being calendar year 1970. The first year in which an increase could occur would be 1972.

For example, since the Consumer Price Index for the base period (1970) is 100, if the Consumer Price Index for 1971 was 104.3, each limitation under section 104(a)(1)(A) would be increased by 4.3 percent. Thus, in a State which for 1971 had a voting age population of 400,000, the overall media expenditure limitation for senatorial candidates would be the greater of—

(A) \$41,720 (the product of  $10\% \times 400,000$ , increased by 4.3 percent), or

(B) \$52,150 (\$50,000 increased by 4.3 percent).

The broadcast limitation in this example would be \$31,290 (60 percent of the \$52,150 overall limit). The primary election limits would be identical to the limits for the general election: \$52,150 for all media expenditures, and \$31,290 for broadcast expenditures.

## VOTING AGE POPULATION

*Senate bill.*—Under the Senate bill the "5 cent" formulas were based on "resident population of voting age", determined annually for the year preceding the election.

*House amendment.*—The House "10 cent" formula was based on "resident civilian population, 18 years of age and older", estimated biennially, beginning in 1972.

*Conference substitute.*—The conference substitute bases its "10 cent" formula on "resident population, 18 years of age and older" estimated annually, beginning in 1972.

## EXPENDITURES BY POLITICAL COMMITTEES, ETC., OR BY VICE PRESIDENTIAL CANDIDATES

Both the Senate bill and the House amendment provided, and the conference substitute provides, that amounts spent for the use of communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) will, for purposes of the expenditure limitations of the bill, be deemed to have

been spent by the candidate. Under this provision, the expenditure limitations of the bill apply to all communications media expenditures on behalf of the candidate, whether made by the candidate, a political committee, an individual, or otherwise, and whether or not the person making the expenditure is authorized by the candidate to do so. (See the second following paragraph for requirement of certification from candidate.)

In addition, amounts spent for the use of broadcasting stations by or on behalf of any legally qualified candidate for Vice President will, for the purposes of such limitations, be deemed to have been spent by the candidate for the office of President with whom he is running.

#### CERTIFICATION REQUIREMENTS

The Senate bill, House amendment, and conference substitute all provide that no charge may be made for the use of any newspaper, magazine, outdoor advertising facility, or broadcasting station unless the candidate or his authorized representative certifies that payment of the charge will not violate the applicable expenditure limitations.

#### SPECIAL RULES RELATING TO AGENCY COMMISSIONS; DETERMINATION OF ELECTION TO WHICH EXPENDITURE IS ALLOCABLE

*House amendment.*—The House amendment provided that in computing the amount of a candidate's expenditures for the use of communications media, there would be included not only the direct charges of communications media, but also agents' commissions allowed the agent by the media. In addition the House amendment provided that for purposes of section 104 of the House amendment and section 315(c) of the Communications Act, any expenditure for the use of any communications medium by or on behalf of the candidacy of a candidate for Federal elective office (or nomination thereto) would be charged against the expenditure limitation applicable to the election in which the medium is used.

*Senate bill.*—No comparable provisions.

*Conference substitute.*—The conference substitute contains the provisions of the House amendment.

#### REPORTING TO FCC

*Senate bill.*—The Senate bill contained a provision requiring broadcasting stations and candidates to file such reports as were required under FCC regulations.

*House amendment.*—No comparable provision.

*Conference substitute.*—This provision was not included in the conference substitute because the FCC has adequate authority to require reports under existing law.

#### OPTIONAL COVERAGE OF STATE AND LOCAL ELECTIONS

*Senate bill.*—The Senate bill contained a provision permitting States, if certain conditions were met, to impose limitations under State law on expenditures for use of broadcasting stations by or on behalf of candidates for State and local elective offices, and prohibiting any broadcast station from making any charge for the use of such

station unless the candidate (or his representative) certifies that the payment of the charge will not violate the applicable State expenditure limitation.

*House amendment.*—The House amendment contained no comparable provision.

*Conference substitute.*—The House recesses.

## DEFINITIONS FOR TITLE I

### COMMUNICATIONS MEDIA

*Senate bill.*—Title I of the Senate bill applied to broadcasting stations (defined, *infra*) and nonbroadcast communications media. Nonbroadcast communications media was defined as newspapers, magazines, and other periodical publications, and billboards.

*House amendment.*—Communications media was defined, for purposes of title I of the House amendment, as broadcasting stations, newspapers, magazines, and outdoor advertising facilities. Title II of the House amendment expanded the coverage of the expenditure limitation provisions of the House amendment to include the cost of telephone campaigns when banks of five or more instruments are used, and postage for computerized or identical mailings in quantities of 200 or more. (See below for description of this provision in House amendment.)

*Conference substitute.*—The conference substitute defines communications media as broadcasting stations, newspapers, magazines, outdoor advertising facilities, and telephones; but provides that, with respect to telephones, spending or an expenditure will be deemed to be spending or an expenditure for the use of communications media only if such spending or expenditure is for the costs of telephones, paid telephonists, and automatic telephone equipment, used by a candidate for Federal elective office to communicate with potential voters (excluding any costs of telephones incurred by a volunteer for use of telephones by him).

### BROADCASTING STATIONS, LICENSE, STATION, LICENSEE

The definitions of the terms “broadcasting station”, “license”, and “station licensee” are identical in the Senate bill, House amendment, and conference substitute. The definition of broadcasting station incorporates the definition of broadcasting station used for purposes of the Communications Act, but adds to that definition community antenna television systems.

### FEDERAL ELECTIVE OFFICE

*Senate bill.*—Federal elective office was defined for purposes of title I of the Senate bill to include President, Vice President, Senator, Representative, Delegate, and Resident Commissioner.

*House amendment.*—The definition of Federal elective office for purposes of title I of the House amendment was identical to the Senate definition except that the office of Vice President was not treated as a Federal elective office for purposes of the expenditure limitation provisions of that title. (Expenditures on behalf of the candidacy of a Vice Presidential candidate are deemed to have been made on behalf of the Presidential candidate with whom he is running.)

*Conference substitute.*—The Senate recesses.

### LEGALLY QUALIFIED CANDIDATE

*Senate bill.*—Legally qualified candidate was defined under title I of the Senate bill as a person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors.

*House amendment.*—Under title I of the House amendment, the definition of legally qualified candidate incorporated the FCC's definition of legally qualified candidate for purposes of section 315(a) of the Communications Act. The FCC's regulations presently define legally qualified candidate as a person who has publicly announced his candidacy, who holds the qualifications for the office, and who has either qualified for a place on the ballot or is a write-in or similar candidate who meets certain requirements.

*Conference substitute.*—The conference substitute follows the provisions of the Senate bill.

### USE OF MEDIA BY OR ON BEHALF OF CANDIDATE

*Senate bill.*—Under title I of the Senate bill, use of communications media by or on behalf of any candidate includes not only amounts spent for advocating a candidate's election, but also amounts spent for urging the defeat of his opponent or derogating his opponent's stand on campaign issues.

*House amendment.*—The House amendment contains no comparable provision.

*Conference substitute.*—The conference substitute does not include this provision of the Senate bill. However, the conferees wish to stress that the deletion of this provision does not evince an intention to exclude from the coverage of the expenditure limitations expenditures urging the defeat of a candidate or derogating his stand on campaign issues. In many cases such an expenditure is clearly on behalf of another candidate, and would be treated so for purposes of the expenditure limitations. The conferees expect that the Comptroller General will prescribe regulations respecting this matter.

### VOTING AGE POPULATION

See explanation on page 25.

### STATE

*House amendment.*—State was defined under the House amendment to include Puerto Rico and the District of Columbia.

*Senate bill.*—No comparable provision.

*Conference substitute.*—The Senate recedes.

### REGULATIONS

*Senate bill.*—Title I of the Senate bill contained no provision generally authorizing any Federal officer or agency to prescribe regulations to carry out title I, although the Federal Elections Commission was

authorized to prescribe regulations under section 104 (relating to limited interchange between expenditure limitations) and the Federal Communications Commission's general rulemaking authority under the Communications Act applied to the sections of the bill amending that Act.

*House amendment.*—The House Amendment authorized the Attorney General to prescribe regulations to carry out section 102 (definitions), section 103(b) (charges by and access to newspapers and magazines), section 104(a) (expenditure limitations), and section 105(b) (certification requirements for use of nonbroadcast media). The Federal Communications Commission had authority to prescribe regulations to carry out the provisions of the bill which amended the Communications Act. Violation of the Attorney General's regulations was subject to the penalties provided in section 106 of the House amendment.

*Conference substitute.*—The conference substitute contains the provisions of the House amendment except that the functions of the Attorney General are vested in the Comptroller General.

#### PENALTIES

*Senate bill.*—Under the Senate bill, willful and knowing violations of section 103 of the bill or section 315(c) or (d) of the Communications Act were punishable by a fine not to exceed \$5,000 or imprisonment of not more than five years, or both. Title V of the Communications Act would not apply to these violations.

*House amendment.*—Section 106(a) of the House amendment made any person who violated the provisions of title I (other than those amending the Communications Act) liable for a civil penalty of \$1,000 for each violation. The sanctions provided in title V of the Communications Act would apply to persons violating the provisions added to the Communications Act by title I.

Section 106(b) made any candidate who willfully violated the expenditure limitations of title I subject to criminal penalties in addition to the civil penalties to which he was subject under 106(a). The maximum penalty under this subsection was a fine of \$10,000, or 1 year's imprisonment, or both.

*Conference substitute.*—The conference substitute makes violations of the provisions of title I (other than those amending the Communications Act) and of the regulations of the Comptroller General subject to the penalties provided in the Senate bill. The penalties for violations of the provisions of the bill amending the Communications Act follow the provisions of the Senate bill.

#### EFFECTIVE DATE

*Senate bill.*—The provisions of the Senate bill (other than section 401) would have taken effect on December 31, 1971, or 60 days after the date of enactment of the bill, whichever was later.

*House amendment.*—Section 107 of the House amendment provided that section 103 (media rate requirements) would take effect on January 1, 1972. The expenditure limitations under section 104 would apply to expenditures for communication media if the use of the media occurs on or after January 1, 1972.

*Conference substitute.*—The House recedes. The conferees intend however that the expenditure limitations would apply to all expenditures for communications media the use of which occurs after the effective date of the bill.

## EXPENDITURE LIMITS FOR CERTAIN TELEPHONES AND POSTAGE

*House amendment.*—Title II of the House amendment imposed expenditure limitations—

(1) on telephone campaigns, including the cost of telephones, paid telephonists and automated equipment, when telephones are used in banks of five or more instruments to communicate with potential voters, and

(2) on postage for computerized or identical mailings in quantities of 200 or more.

Under this provision, no candidate for Federal elective office could spend for these purposes, in a primary, primary runoff, or general election, an amount in excess of the limitations imposed on expenditures for the use of communications media under title I, and any amounts spent for the use of communications media would be counted against the limitation under this title.

*Senate bill.*—No comparable provision.

*Conference substitute.*—The conference substitute deletes title II of the House amendment. However, certain expenditures for costs of telephones, paid telephonists, and automated telephone equipment are included in the overall communications media expenditure limitation under title I.

## CRIMINAL CODE AMENDMENTS

### CONTRIBUTIONS OR EXPENDITURES BY NATIONAL BANKS, CORPORATIONS, OR LABOR ORGANIZATIONS

#### AMENDMENT TO SECTION 610 OF TITLE 18, UNITED STATES CODE

*Senate bill.*—No comparable provision.

*House amendment.*—Section 305 of the House amendment amended section 610 of title 18 of the United States Code, relating to contributions or expenditures by national banks, corporations or labor organizations, to add a new paragraph defining the phrase “contribution or expenditure” to include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in such section. In the case of a contribution or expenditure by a national bank, or by a corporation organized by authority of any law of Congress, section 610 refers to “any political office”. In the case of a contribution or expenditure by any corporation whatever, or by any labor organization, section 610 refers to the offices of presidential and vice presidential electors; Senator; and Representative in, or Delegate or Resident Commissioner to, the Congress.

The House amendment specifically provided that the phrase "contribution or expenditure" did not include—

(1) communications by a corporation to its stockholders and their families or by a labor organization to its members and their families;

(2) nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families or by a labor organization aimed at its members and their families;

(3) the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization.

The House amendment further provided that it would be unlawful for any such separate segregated fund to make a contribution or expenditure—

(A) by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat thereof; or

(B) by dues, fees, or other monies required as a condition of membership in a labor organization or as a condition of employment; or

(C) by monies obtained in any commercial transaction.

*Conference substitute.*—The conference substitute is identical with the House amendment except that the phrase "contribution or expenditure" does not include a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business.

## DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

### DEFINED TERMS

#### CONTRIBUTIONS AND EXPENDITURES

*Senate bill.*—For the purposes of provisions relating to the disclosure of Federal campaign funds, section 301 of the Senate bill contained a comprehensive definition of the term "contribution" and of the term "expenditure". Each such definition included a loan of money made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States.

*House amendment.*—The House amendment contained identical definitions of the terms "contribution" and "expenditure", except that, in each case, the House amendment specifically excluded a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business.

*Conference substitute.*—The conference substitute follows the Senate bill.

## FEDERAL ELECTIONS COMMISSION AND SUPERVISORY OFFICER

*Senate bill.*—Section 301 of the Senate bill defined the term “Commission” to mean the Federal Elections Commission. Section 310 of the Senate bill provided for the establishment of the Commission and various provisions of title III of the Senate bill vested in the Commission virtually all of the functions, powers, and duties relating to the reporting and disclosure of campaign funds.

*House amendment.*—The House amendment omitted the definition of the term “Commission” and substituted a definition of the term “supervisory officer”. The House amendment defined the term “supervisory officer” to mean the Secretary of the Senate with respect to candidates for Senator; the Clerk of the House of Representatives with respect to candidates for Representative in, or Delegate or Resident Commissioner to, the Congress of the United States; and the Comptroller General in any other case. The House amendment omitted all references to the Commission and substituted references to the appropriate supervisory officer in each instance. Thus, under the House amendment, the functions, powers, and duties relating to the reporting and disclosure of campaign funds were vested in the supervisory officer having jurisdiction with respect to particular candidates.

*Conference substitute.*—The conference substitute is the same as the House amendment.

## REPORTING OF CONTRIBUTIONS BY POLITICAL COMMITTEES AND CANDIDATES

*Senate bill.*—Section 304(b) of the Senate bill required that each report of receipts and expenditures by a political committee or a candidate disclose the full name and mailing address (occupation and the principal place of business, if any) of each person who made one or more contributions to or for such committee or candidate (including the purchase of tickets for fundraising events) within the calendar year in an aggregate amount or value of “\$100 or more”, together with the amount and date of such contributions.

*House amendment.*—The House amendment was identical, except that it required reporting of such contributions in an aggregate amount “in excess of \$100” within the calendar year.

*Conference substitute.*—The conference substitute is the same as the House amendment.

## REPORTS ON CONVENTION FINANCING

*Senate bill.*—Section 307 of the Senate bill required each committee or other organization which—

(1) represented a State, or political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President; or

(2) represented a national political party in making arrangements for such a convention,

to file a complete financial statement of the sources from which its funds were derived and the purposes for which such funds were expended. Such statement was required to be filed with the Federal Elections Commission within 60 days following the end of the convention, but not later than 20 days before the date on which presidential and vice presidential electors were chosen.

*House amendment.*—The House amendment was identical, except that it required the statement to be filed with the Comptroller General of the United States.

*Conference substitute.*—The conference substitute is the same as the House amendment.

## INFORMATION AND STUDIES RELATING TO ELECTIONS

*Senate bill.*—No comparable provision.

*House amendment.*—Section 408(b) of the House amendment required the Comptroller General to serve as a national clearing house for information in respect to the administration of elections. It also provided that, in carrying out his duties, the Comptroller General was required to enter into contracts for independent studies of the administration of elections, including, but not limited to, studies of (1) the method of selection of, and the type of duties assigned to, officials and personnel on boards of elections; (2) practices relating to the registration of voters; and (3) voting and counting methods. The Comptroller General was required to publish such studies and make copies available for sale to the general public. The Comptroller General was prohibited from requiring that any such study include any comment or recommendation made by him.

*Conference substitute.*—The conference substitute is the same as the House amendment.

## ADDITIONAL FILING OF STATEMENTS

### STATEMENTS FILED WITH STATE OFFICERS

*Senate bill.*—Section 309 of the Senate bill provided that a copy of each statement required to be filed with the Federal Elections Commission under title III of the Senate bill must be filed with the clerk of the United States district court in which is located the residence of the candidate or the principal office of the political committee. The Commission was authorized to require the filing of such statements with clerks of other United States district courts where it determined such additional filing would serve the public interest. Under the Senate bill, the clerk of each United States district court was required—

- (1) to receive and maintain all statements filed with him;
- (2) to preserve all such statements for ten years, except that statements relating solely to candidates for the House of Representatives were required to be preserved for only five years;
- (3) to make such statements available for public inspection and copying; and
- (4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

*House amendment.*—No comparable provision.

*Conference substitute.*—The conference substitute, instead of requiring filing with the clerks of district courts, requires copies of statements filed with a supervisory officer under title II of the Act (relating to disclosure of Federal campaign funds) to be filed with the Secretary of State (or equivalent officer) of the State in which the election is held (in the case of candidates for nomination for election, or election, as Senator, Representative, or Delegate or Resident Commissioner to the Congress) or each State in which an expenditure is made (in the case of a candidate for nomination for election, or election, as President or Vice President). The duties imposed by the Senate bill on district court clerks with respect to the preservation and availability to the public of copies of such statements filed with him are imposed by the conference substitute on the State officer with whom the copies are filed.

## FEDERAL ELECTIONS COMMISSION

### ESTABLISHMENT AND ORGANIZATION OF THE COMMISSION

*Senate bill.*—Section 310 of the Senate bill provided for the establishment of a bipartisan Federal Elections Commission composed of six members appointed by the President, by and with the advice and consent of the Senate. Members of the Commission were required to be appointed to serve staggered terms of twelve years, with the term of one of the members expiring every two years. The President was required to designate one member to serve as Chairman and one member to serve as Vice Chairman. This section of the Senate bill also contained several provisions relating to the organization and operation of the Commission, including provisions—

- (1) requiring four members of the Commission to constitute a quorum;
- (2) requiring an official seal;
- (3) requiring an annual report to the President and to the Congress on matters within the jurisdiction of the Commission and recommending further legislation;
- (4) requiring the Director of the Office of Management and Budget to fix the compensation of the members of the Commission at a rate not to exceed \$100 per day;
- (5) requiring the principal office of the Commission to be located in or near the District of Columbia;
- (6) requiring that all officers and employees of the Commission be subject to the provisions of section 9 of the Hatch Political Activities Act, restricting political activities by officers and employees of the executive branch of the Government;
- (7) requiring the appointment of an Executive Director, without regard to the provisions of the civil service laws governing appointments in the competitive service, to serve at the pleasure of the Commission at level V of the Executive Schedule (\$36,000 per annum);

(8) requiring the appointment of additional personnel to carry out the duties of the Commission, subject to the civil service laws; and

(9) permitting the hiring of consultants.

This provision of the Senate bill also required the Commission to avail itself of the assistance (including personnel and facilities) of the General Accounting Office and the Department of Justice. The Comptroller General and the Attorney General were authorized to make such assistance available, with or without reimbursement, in accordance with the request of the Commission.

Other provisions of title III of the Senate bill vested in the Commission virtually all functions, powers, and duties relating to the disclosure of Federal campaign funds. Such functions, powers, and duties included, among other things, prescribing recordkeeping requirements for political committees; registration of political committees with the Commission; the filing of reports with the Commission by political committees, candidates, and others; and the filing of reports on convention financing. The Senate bill also required the Commission to prescribe and furnish forms for the filing of reports; to compile and maintain a current list of all statements or parts thereof pertaining to each candidate; to prepare and publish an annual report of contributions and expenditures for all candidates, political committees, and others; to prescribe rules and regulations to carry out the disclosure requirements; to investigate complaints of violations; and to cooperate with State election officials to develop procedures to eliminate multiple filings by permitting the filing of Federal reports to satisfy State requirements.

*House amendment.*—The House amendment did not provide for the establishment of a Federal Elections Commission. Under the House amendment, all functions, powers, and duties relating to the disclosure of Federal campaign funds, referred to above in the discussion of the Senate bill, were vested in the appropriate supervisory officer. The House amendment defined the term “supervisory officer” to mean the Secretary of the Senate with respect to candidates for Senator; the Clerk of the House of Representatives with respect to candidates for Representative in, or Delegate or Resident Commissioner to, the Congress; and the Comptroller General of the United States in any other case.

*Conference substitute.*—The conference substitute is the same as the House amendment.

## GENERAL PROVISIONS

## PROHIBITION AGAINST USE OF CERTAIN FEDERAL FUNDS FOR ELECTION ACTIVITIES

*Senate bill.*—No comparable provision.

*House amendment.*—Section 502 of the House amendment prohibited the use of any funds appropriated to carry out the Economic Opportunity Act of 1964 to finance, directly or indirectly, any voter registration activity, or any activity designed to influence the outcome of any election to Federal office, or to pay the salary of any officer or employee of the Office of Economic Opportunity who, in his official capacity as such an officer or employee, engaged in any such activity. This section of the House amendment also provided that the terms "Federal office" and "election" would have the same meanings given such terms by section 401 of the House amendment, relating to disclosure of Federal campaign funds. The term "Federal office" was defined to mean the office of President or Vice President; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress. The term "election" was defined to mean (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (4) a primary election held for the selection of delegates to a national nominating convention of a political party.

*Conference substitute.*—The conference substitute is the same as the House amendment.

## EFFECT ON STATE LAW

*Senate bill.*—Section 313(a) of the Senate bill provided that nothing in title III of the Senate bill (relating to disclosure of Federal campaign funds) would be deemed to invalidate or make inapplicable any provision of State law, except where compliance with State law would result in a violation of such title III.

*House amendment.*—The House amendment provided that nothing in the House amendment (not just the provisions relating to disclosure of Federal campaign funds) would be deemed to invalidate or make inapplicable any provision of State law, except where compliance with State law would result in a violation of the House amendment.

The House amendment also provided that no provision of State law could be construed to prohibit any person from taking any action authorized by the House amendment or from making any expenditure he could lawfully make thereunder.

*Conference substitute.*—The conference substitute is the same as the House amendment.

## SEPARABILITY

*Senate bill.*—Section 314 of the Senate bill provided that if any provision of title III of the Senate bill (relating to disclosure of Federal campaign funds), or the application of such provision to any person or circumstance, was held invalid, the validity of the remainder of such title III and the application of any such provision to other persons and circumstances would not be affected.

*House amendment.*—The House amendment was similar, except that it extended the application of the separability provision to any provision of the House amendment and was not limited to the provisions relating to disclosure of Federal campaign funds.

*Conference substitute.*—The conference substitute is the same as the House amendment.

WAYNE L. HAYS,  
W. M. ABBITT,  
KEN GRAY,  
JAMES HARVEY,  
WM. L. DICKINSON,

*Managers on the Part of the House  
as to titles III, IV, and V of the House amendment.*

HARLEY O. STAGGERS,  
TORBERT H. MACDONALD,  
LIONEL VAN DEERLIN,  
SAMUEL L. DEVINE,  
ANCHER NELSEN,

*Managers on the Part of the House,  
as to titles I and II of the House amendment.*

JOHN O. PASTORE,  
P. A. HART,  
VANCE HARTKE,  
B. EVERETT JORDAN,  
HOWARD W. CANNON,  
CLAIBORNE PELL,  
HOWARD BAKER,  
MARLOW COOK,  
TED STEVENS,  
HUGH SCOTT,

*Managers on the Part of the Senate.*

○



**SENATE  
FLOOR DEBATE  
ON  
CONFERENCE REPORT**

DECEMBER 14, 1971



**Meeting Hour:** By unanimous consent, the House will meet at 11 a.m. on Tuesday, December 14. Page 46602

**Lobbyists:** The compilation by the Clerk of the House and the Secretary of the Senate of all new registrations and reports for the third calendar quarter of 1971, and reports for the second calendar quarter of 1971 received too late to be previously published, that were filed by persons engaged in lobbying activities appears in this issue of the Congressional Record. Pages 46645-46680

**Referrals:** Eight Senate-passed measures were referred to the appropriate House committees. Page 46642

**Adjournment:** Adjourned at 5:51 p.m.

## Committee Meetings

### MEDICATED ANIMAL FEEDS

*Committee on Government Operations:* Subcommittee on Intergovernmental Relations resumed hearings on drug safety and medicated animal feeds. Testimony was heard from FDA Commissioner Edwards and Dr. Kenneth McEnroe, Deputy Administrator, Consumer and Marketing Service, USDA.

Hearings were adjourned subject to call.

### CONTINUING APPROPRIATIONS

*Committee on Rules:* Granted a closed rule providing for the consideration of and 1 hour of debate, waiving the 3-day rule, and waiving all points of order against H.J. Res. 1005, making further continuing appropriations for fiscal year 1972.

## Joint Committee Meetings

### ALASKAN NATIVE CLAIMS

*Conferees,* in executive session, agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 10367, providing for the settlement of certain land claims of Alaska natives.

### APPROPRIATIONS—D.C.

*Conferees* resumed, in executive session, to resolve the differences between the Senate- and House-passed versions of H.R. 11932, fiscal 1972 appropriations for the District of Columbia, but did not reach final agreement and recessed subject to call.

### FEDERAL ELECTION CAMPAIGN PRACTICES

*Conferees,* in executive session, agreed to file a conference report on the differences between the Senate- and House-passed versions of S. 382, to promote fair practices in the conduct of election campaigns for Federal political offices.

### SOCIAL SECURITY—BURIAL PAYMENTS

*Conferees,* in executive session, agreed to file a conference report on the differences between the Senate- and

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House-passed versions of H.R. 10604, to amend the Social Security Act so as to permit payment of burial and memorial expenses for an insured individual whose body is unavailable for burial. Conferees agreed to Senate amendments relating to payment of intermediate care for medically indigent under medicaid, and 1-year extension of the period of pass along of 1970 social security increases. Conferees also agreed to compromise version of Senate work incentive program amendments.

### UNEMPLOYMENT COMPENSATION

*Conferees,* in executive session, agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 6065, providing 10-year extension of period during which States may obligate certain funds transferred from excess Federal unemployment tax collections.

### WAGE AND PRICE STABILIZATION

*Conferees,* in executive session, agreed to file a conference report on the differences between the Senate- and House-passed versions of S. 2891, extending Presidential authority to implement program to stabilize the economy and reduce inflation through controls on prices, wages, and interest rates.

Tuesday, December 14, 1971

## Senate

### Chamber Action

*Routine Proceedings,* pages 46896-46943

**Bills Introduced:** 14 bills and two resolutions were introduced, as follows: S. 3011-3024; and S.J. Res. 183 and 184.

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**Bills Reported:** Reports were made as follows:

Conference report on S. 382, to promote fair practices in the conduct of election campaigns for Federal political offices (S. Rept. 92-580);

Conference report on H.R. 10367, to provide for the settlement of certain land claims of Alaska Natives (S. Rept. 92-581);

S. 2191, to prohibit importation of fishery products from nations not conducting fishery operations in manner consistent with international fishery conservation programs, with an amendment (S. Rept. 92-582); and

H.R. 3304, to prohibit importation of fishery products from nations not conducting fishery operations in manner consistent with international fishery conservation programs (S. Rept. 92-583).

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**Measures Passed:**

*President's Economic Report:* Senate passed S.J. Res. 183, extending to February 15, 1972, date for trans-



The second assistant legislative clerk proceeded to call the roll.

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

#### COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

##### REPORT OF OVERSEAS PRIVATE INVESTMENT CORPORATION

A letter from the President, Overseas Private Investment Corporation, Washington, D.C., transmitting, pursuant to law, a report of that Corporation, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Foreign Relations.

##### PROPOSED TRANSFER OF THE TEACHER CORPS TO ACTION

A letter from the Associate Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to transfer the Teacher Corps to Action (with an accompanying paper); to the Committee on Labor and Public Welfare.

#### PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A letter, in the nature of a petition, relating to the registration and licensing of weapons; to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, for Mr. MAGNUSON, from the Committee on Commerce, without amendment:

H.R. 3304. An act to amend the Fishermen's Protective Act of 1967 to enhance the effectiveness of international fishery conservation programs (Rept. No. 92-583).

By Mr. STEVENS, for Mr. MAGNUSON, from the Committee on Commerce, with an amendment:

S. 2191. A bill to amend the act of August 27, 1954 (commonly known as the Fishermen's Protective Act) to conserve and protect U.S. fish resources (Rept. No. 92-582).

#### ENROLLED BILL SIGNED

The PRESIDENT pro tempore signed the enrolled bill (H.R. 9961) to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

#### FEDERAL ELECTION CAMPAIGN ACT OF 1971—CONFERENCE REPORT (S. REPT. NO. 92-580)

Mr. PASTORE, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, submitted a report thereon, which was ordered to be printed.

#### ALASKA NATIVE CLAIMS SETTLEMENT ACT—CONFERENCE REPORT (S. REPT. NO. 92-581)

Mr. BIBLE, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10367) to provide for the settlement of certain land claims of Alaska Natives, and for other purposes, submitted a report thereon, which was ordered to be printed.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. TAFT:

S. 3011. A bill to offer amnesty under certain conditions to persons who have failed or refused to register for the draft or who have failed or refused induction into the Armed Forces of the United States, and for other purposes. Referred to the Committee on the Judiciary, by unanimous-consent order.

By Mr. CURTIS (for himself, Mr. BENNETT, Mr. FANNIN, Mr. HANSEN, Mr. JORDAN of Idaho, Mr. SCOTT, and Mr. DOMINICK):

S. 3012. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations. Referred to the Committee on Finance.

By Mr. THURMOND:

S. 3013. A bill for the relief of John Robert Davies. Referred to the Committee on the Judiciary.

By Mr. BROCK:

S. 3014. A bill to transfer the Teacher Corps to Action. Referred to the Committee on Labor and Public Welfare.

By Mr. NELSON (for himself and Mr. PROXMIRE):

S. 3015. A bill to provide a temporary district judgeship for the U.S. District Court for the Western District of Wisconsin. Referred to the Committee on the Judiciary.

By Mr. INOUE (by request):

S. 3016. A bill to amend section 101(13) of the Federal Aviation Act by establishing certain conditions under which a corporation organized under the laws of the United States or of any State, territory, or possession of the United States may qualify as a U.S. citizen and for other purposes. Referred to the Committee on Commerce.

By Mr. STEVENS:

S. 3017. A bill to amend section 5303(a) of title 5, United States Code, to authorize higher minimum pay rates for certain additional Federal positions. Referred to the Committee on Post Office and Civil Service.

By Mr. INOUE:

S. 3018. A bill to amend title II of the Social Security Act to permit, in certain cases, a woman who in good faith has gone through a marriage ceremony with an individual, to be considered the widow of such individual even though, because of a legal impediment, such woman is not legally married to such individual. Referred to the Committee on Finance.

By Mr. LONG:

S. 3019. A bill to amend title XV of the Social Security Act so as to include therein certain provisions designed to prevent parents of children, who are receiving aid under State

plans approved under such title, from evading their financial and other parental responsibilities toward such children, and for other purposes. Referred to the Committee on Finance.

By Mr. METCALF:

S. 3020. A bill for the relief of John Un Kim. Referred to the Committee on the Judiciary.

By Mr. BYRD of West Virginia (for Mr. BENTSEN):

S. 3021. A bill to amend section 2031(b) (1) of title 10, United States Code, to remove the requirement that a Junior Reserve Officer Training Corps unit at any institution must have a minimum number of physically fit male students. Referred to the Committee on Armed Services.

By Mr. BAYH (for himself and Mr. CRANSTON):

S. 3022. A bill to provide for the issuance of \$2 bills bearing the portrait of Susan B. Anthony. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JAVITS:

S. 3023. A bill to amend the Public Health Service Act so as to permit greater involvement of American medical organizations and personnel in the furnishing of health services and assistance to the developing nations of the world, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. JAVITS (for himself, Mr. DOMINICK, Mr. SCHWEIKER, Mr. TAFT, and Mr. BEALL) (by request):

S. 3024. A bill to amend the Welfare and Pension Plans Disclosure Act. Referred to the Committee on Labor and Public Welfare.

By Mr. SCOTT:

S.J. Res. 183. Joint resolution extending the date for transmission to the Congress of the President's economic report. Considered and passed.

By Mr. MANSFIELD (for Mr. PROXMIRE):

S.J. Res. 184. Joint resolution extending the dates for transmission of the economic report and the report of the Joint Economic Committee. Considered and passed.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TAFT:

S. 3011. A bill to offer amnesty under certain conditions to persons who have failed or refused to register for the draft or who have failed or refused induction into the Armed Forces of the United States, and for other purposes. Referred to the Committee on the Judiciary, by unanimous consent order.

Mr. TAFT, Mr. President, I introduce a bill which relates to the matter of providing amnesty for draft resisters within this country and outside, on condition that they undertake 3 years of service in the Armed Forces, or in the alternative, other Government service under regulations prescribed by the Attorney General and various other Federal agencies.

Mr. President, we have consulted with the Parliamentarian and there is some question about the appropriate reference of this bill. I have consulted with the chairman of the Armed Services Committee and I am about to make a request with regard to referral of the bill. The distinguished chairman has indicated that he can preserve his rights in this connection, which, of course, he certainly may do, and I shall make the request I am about to make without prejudice to

his right to ask for later referral of the bill to the Committee on Armed Services after the initial referral.

I, therefore, ask unanimous consent that the bill which I send to the desk, dealing with amnesty for draft resisters, be referred to the Committee on the Judiciary.

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

Mr. TAFT. Mr. President, at the present time, more than 500 draft resisters are now in our Federal jails and it is estimated that almost 70,000 young Americans are living as exiles in Canada and other nations, because they sought to avoid participating in the war in Southeast Asia.

Many of these draft resisters are victims of bad judgment or poor advice. Others have acted out of deep and conscientious objections to the course which our country followed as we became involved in the Vietnam conflict.

One of my constituents, Dr. J. Z. Scott of Scio, Ohio, has written to me that—

It is my contention that many of these young men could be induced or persuaded to return to their native land to assume their responsibilities and become useful citizens again. I do not mean grant them amnesty, but they must earn their return and regain their normal heritage and birthright through hard work and proof that they are honest, sincere, and thankful to be re-accepted by the land of their birth.

In this Christmas season I believe the time has come for us to turn our attention to the question of draft resisters and whether we, as a nation, are so wise, strong, and charitable as to offer them an opportunity to be reunified with our American society.

The Seventh General Synod of the United Church of Christ, the 181st General Assembly of the United Presbyterian Church in the U.S.A., the Union of American Hebrew Congregations, and the Catholic Bishops, are among distinguished groups in this country which have advocated various amnesty proposals.

I believe, however, that Dr. Scott is right when he suggests that unqualified amnesty is not the answer. When over 55,000 young Americans have lost their lives serving their country in Southeast Asia, we should not simply welcome back the draft resisters without any endeavor or requirement on their part to undertake service for their country. Similarly, I believe it is a great mistake for us forever to foreclose these young men, however misguided, from participating fully in American life.

In an attempt to deal fairly and effectively with this problem I am today introducing a bill that would permit these men to return to the United States within 1 year from the date of enactment. During that year they could return without fear to criminal prosecution, provided they agreed to serve their country for a period of 3 years. They could serve America in one of two ways. First, they could agree to enlist as members of the Armed Forces, or second, they could elect to serve in alternative service. The alternative service provided in this amendment would include VISTA, Veterans' Administration hospitals, Public Health

Service hospitals, and other Federal service provided by appropriate regulation. It would be my intention that while they could express a preference for one type of alternative service, their duties would be designated in accordance with their abilities and the needs of the various agencies.

Under this approach they would serve such 3-year period at the minimum pay schedule as established by the Armed Forces and the agencies designated for alternative service.

Those electing alternative service would not be eligible for normal Federal employee benefits.

While many draft resisters have gone to Canada, other young men have considered it to be more honorable to stand trial and go to prison. In my judgment we should be no more harsh with these young men; consequently, this bill would permit them to select a form of service to their country and have their time spent in prison credited against their 3-year obligation, except that such credit could not exceed a period of 2 years.

Pending legal proceedings would be dismissed if the defendants entered into such agreements.

Under this measure it would be the sense of the Congress that young men who completed their service obligations under this act would be granted a Presidential pardon.

Young men who had been previously released from prison or given a suspended sentence could receive a pardon if they agreed to undertake the type of military or public service contemplated by this measure.

This measure would be administered by the Attorney General of the United States.

This bill would not apply to those who had deserted the Armed Forces since I believe that is a separate problem which should be dealt with in other ways.

America is a strong country. America is a good country. And I believe that America is the type of country which will give these young men an opportunity to be reunited to the land of their birth by making valuable and positive contributions to our national life.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

The PRESIDENT pro tempore. The bill will be received and without objection it is referred to the Committee on the Judiciary as requested by the Senator from Ohio; and, without objection, the bill will be printed in the RECORD.

The text of the bill is as follows:

§ 3011

A bill to offer amnesty under certain conditions to persons who have failed or refused to register for the draft or who have failed or refused induction into the Armed Forces of the United States, and for other purposes

*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 Amnesty Act of 1972".*

Sec. 2. (a) Notwithstanding any other provision of law, any person who has evaded or refused registration under the Military Selective Service Act subsequent to August 4, 1964, or has evaded or refused induction in

the Armed Forces of the United States under such Act subsequent to such date is hereby granted immunity from prosecution and punishment under section 12 of the Military Selective Service Act, and all other laws, on account of any such evasion or failure to register under such Act or refusal to be inducted under such Act, as the case may be, if not later than one year after the date of enactment of this Act such person—

(1) presents himself to the Attorney General of the United States or such other official or officials as may be designated by the President.

(2) agrees in accordance with regulations established by the Attorney General of the United States to enlist and serve for a period of three years in the Armed Forces of the United States, or agrees to serve for a period of three years in Volunteers in Service to America (VISTA), a Veterans' Administration hospital, a Public Health Service hospital or other federal service eligible pursuant to regulations issued under section 6 of this Act, and

(3) agrees to serve for such period in the lowest pay grade at which persons serve in the Armed Forces of the United States, Volunteers in Service to America (VISTA), Veterans' Administration hospitals, Public Health Service hospitals, or other federal service, as the case may be.

(b) The willful failure or refusal of any person to comply with the terms of this agreement under Section 2(a) of this Act shall void any grant of immunity made to such person under this Act.

SEC. 3. (a) Any person who has been convicted and is serving a prison sentence for evading or failing to register under the Military Selective Service Act after August 4, 1964, or for evading or refusing induction in the Armed Forces of the United States under such Act after such date shall be released from prison, and the remaining portion of any punishment shall be waived if such person complies with the provisions of Section 2(a) of this Act, except that the three year period of military or public service required thereunder shall be reduced by any period equal to the period served by such person in prison for his conviction, but such period shall not be reduced by more than two years. Any such person shall be afforded an opportunity to present himself to the Attorney General pursuant to Section 2(a) of this Act.

(b) Any pending legal proceedings brought against any person as a result of his evading or failing to register under the Military Selective Service Act after August 4, 1964, or for evading or refusing induction in the Armed Forces of the United States under such Act after such date shall be dismissed by the United States if such person enters into an agreement described in Section 2(a) of this Act and completes the period of military or public service prescribed in such agreement.

SEC. 4. (a) It is the sense of the Congress that the President grant a pardon to any person convicted of any offense described in Section 3(a) of this Act if such person enters into an agreement described in Section 2(a) of this Act and completes the period of military or public service prescribed in such agreement.

(b) In any case in which a person has been convicted of an offense described in Section 3(a) of this Act and has been released from prison, or given a suspended sentence, it is the sense of the Congress that the President grant a pardon to such person for such offense if such person performs military or public service prescribed in Section 2(a) of this Act, reduced by a period equal to the period served by such person in prison for his conviction (such period of service not to be reduced by more than two years), provided such person undertook to perform such service prior to the expiration

Our National Marine Fisheries Service estimates that the American industry could perhaps quintuple its catch without even leaving American shores. Obviously, then, we should get on with the job of finding economically feasible ways of taking our share of the oceans' harvest.

Numerous fishery authorities see the ultimate solution in a joint government and industry effort, emphasizing these basic points:

The federal government, which has long neglected our fishermen as politically unimportant, must start treating them as vital to the economic and political goals of the United States. It must not sacrifice them automatically to the interests of other groups. Twice the U.S. Tariff Commission has ruled that imports of fish were damaging fishermen, but Washington responded by lowering our tariffs on fish even further in return for foreign tariff concessions on U.S. exports.

The federal government must vigorously support our fishermen in conflicts with foreigners. Congress has finally declared that Americans have exclusive fishing rights within 12 miles of our shores, but we were one of the last major powers to set such a limit. And we still tolerate Peru's and Ecuador's enforcement of their unilaterally declared 200-mile limit. When they haul American tuna boats into port, the U.S. government ends up meekly paying the fines—as much as \$155,340.

Washington must centralize its scattered efforts to help: at times, 22 federal agencies have had a say in commercial fishing. The industry must modernize, with government subsidies if need be.

Both government and industry must do more basic research on the seas around us and, specifically, learn better ways to locate, catch, handle and market fish. Dayton L. Alverson of the National Marine Fisheries Service, remembers visiting a Soviet scientific boat in the Black Sea: "It had more electrical equipment than all the Service's vessels combined."

State governments must lay aside local politics and remove the restrictions that make American fishing unnecessarily inefficient.

Most of all, fishermen must cast off their lethargy and work toward becoming efficient enough to face a competitive world without permanent subsidy.

"There is no reason why we cannot be a major exporter of fish and fish products," said the late Wilbert Chapman, nationally known fishing authority and government consultant. "We rail against the Russians for developing fisheries off our coasts. What we refuse to face up to is that a communist society is out-competing us capitalists by applying science and technology to its operations. We must stop crying and do what needs doing."

#### CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDENT pro tempore. The time for the transaction of morning business has expired.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

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#### RECESS

Mr. MANSFIELD. I move that the Senate stand in recess until the hour of 2 p.m. today.

The motion was agreed to; and (at 12 o'clock and 43 minutes p.m.) the Senate took a recess until 2 p.m.; whereupon the Senate reconvened when called to order by the Presiding Officer (Mr. PEARSON).

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the amendment of the House to the bill (S. 1938) to amend certain provisions of subtitle II of title 28, District of Columbia Code, relating to interest and usury.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10604) to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial.

#### APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. PEARSON). The Chair, on behalf of the Vice President, under the provisions of Public Law 91-452, appoints the following Senators to the National Commission on Individual Rights:

The Senator from Arkansas (Mr. McCLELLAN), the Senator from North Carolina (Mr. ERVIN), the Senator from Florida (Mr. GURNEY), and the Senator from Delaware (Mr. ROTH).

#### QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

#### QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

#### QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

#### FEDERAL ELECTION CAMPAIGN ACT OF 1971—CONFERENCE REPORT

Mr. PASTORE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. PEARSON). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of this date at pp. 46791-46801.)

Mr. PASTORE. Mr. President, for the purpose of the RECORD, I will say that the signing of the report was unanimous.

Mr. President, today the Senate has the opportunity to complete a task it initiated almost 1 year ago. Enactment of a comprehensive election campaign law.

In terms of its impact on our democratic system and its potential for good, this legislation is the most significant measure considered in this Congress. By the same standards, I believe it is also a major landmark in the entire history of our legislative process.

As benefiting legislation of such transcendent importance, it is in the highest sense a bipartisan effort. Perhaps, Mr. President, nonpartisan would be an even more appropriate word. Because the Members of both Houses were not motivated by Democrat or Republican interests. Rather they were guided solely by what would best serve the American people and our country.

This, I believe, is the highest tribute that can be paid them. The conference report the Senate considers today, in my judgment, substantially reflects the will of the Senate when it passed S. 382 last August.

To be sure, not everything we of the Senate wished remains, but the same is true for the House. And that is the essence of compromise.

The important thing is that, as reported by the managers, the provisions of the bill will deal effectively with the escalating cost of campaigning for public office, and will require frequent and full disclosure of campaign contributions and expenditures.

Mr. President, I will not take the Senate's time with an exhaustive explanation of the conference report be-

cause as I have said, it closely follows what we did last August. Briefly, however, the conferees agreed to the following major provisions:

First. During the 45 days preceding a primary election, and 60 days before a general election, broadcast licensees may only charge candidates their lowest unit rate. Simply stated, a licensee may only charge a candidate the lowest rate he charges anyone else in the same time period; that is, morning, afternoon, prime time, et cetera.

There is no other qualification on the lowest unit rate concept.

Second. At all times, candidates for Federal elective office may be charged no more than comparable rates for other purposes when they purchase space in newspapers and magazines.

Third. A spending limitation of 10 cents times the resident population of voting age for the office in question is placed on the following media for all candidates for Federal elective office in primary and general elections: Broadcast, newspapers, magazines, outdoor advertising facilities, and paid telephone campaigns.

No more than 60 percent of a candidate's total limitation may be spent on the broadcast media.

Agent's commissions are also included in computing a candidate's spending limitation.

What that language actually means, and this explanation is for the convenience of Members of the House more than Members of the Senate—and it is quite understandable—the candidate would spend up to 10 cents for the eligible vote in his district, but no more than 6 cents of that 10 cents on broadcasting; but if he chooses to spend all of it on nonbroadcasting, he can spend up to 10 cents.

Fourth. The Senate provision providing that the amount of the spending limitation may be raised to reflect a rise in the consumer price index.

That is more or less an amendment suggested by my colleague and good friend, the Senator from Kentucky (Mr. Cook).

Fifth. The House provision requiring the Secretary of the Senate, the Clerk of the House, and the Comptroller General to supervise and receive the reports and disclosure information required by the legislation.

On this point there was some dispute in conference. The House was adamant that inasmuch as under the Constitution the House and the Senate are the sole judges of the qualifications of their Members, the House conferees insisted it be filed on the part of the Senators with the Secretary of the Senate and on the part of the House with the Clerk of the House; but at the same time we added that it must be filed also with the Secretary of State or an individual of the agency in that State who has comparable responsibility.

Sixth. The Senate's reporting and disclosure requirements with minor modifications made in the House.

I wish to say at this juncture that insofar as disclosure provisions are concerned, the House and Senate were not very much in disagreement. While it was

quite involved, their thoughts ran along parallel lines.

Mr. President, these, I believe, are the significant features of the bill as agreed to in conference.

Many of us would also liked to have seen the equal time requirement of section 315 of the Communications Act repealed for President and Vice President in the general election.

Here again, the House was absolutely adamant. We were again given the ultimatum that if we insisted on the equal-time proviso we could forget a bill.

Unlike most elections for other offices, a presidential race attracts numerous candidates and broadcasters have told us they are, therefore, reluctant to give free time to significant candidates because of the equal-time requirement.

Thus, I feel the major reason for exempting the office of the Presidency from this requirement is not present where other offices are concerned, and we should have exempted it from section 315.

I repeat, the House was most adamant on this and there was no place to go except to compromise.

I would hope that the broadcasters in cooperation with the Federal Communications Commission will discharge their public interest responsibility imaginatively, and do their utmost to assure that in keeping with the spirit of this legislation, significant candidates for the highest office in the land will be given ample opportunity to present their candidacies to the American people.

I repeat, that is going to be rather difficult. It is a cliché when we say it. The networks made clear that unless there was an exemption under the law they would be besieged under the equal time rule, resulting, it could be, in giving national hookup time to a half-dozen or even a dozen candidates and the cost would be prohibitive. I cannot blame them. We did this in 1960 and we tried it again.

This is not perfect legislation. In this area I do not think anyone can be perfect but I think it is good legislation. Under the circumstances the conferees did what I would term an excellent job.

Mr. SCOTT. Mr. President, I would have been quite happy with a provision suspending or repealing section 315 of the Federal Communications Act. I see no reason why the use of broadcasting facilities should not be made available to all Federal officials, but that was not the decision of the conference. I have no fault to find with the fact we left it alone. It means we will have to come back to it some day and face it again but it was the best that could be done under the circumstances. So I rise today with a bit of satisfaction and a bit of reluctance in support of the conference report on the Federal Campaign Act of 1971. This legislation, truly of landmark nature, is long overdue. It represents many, many months of tedious work by the Congress. Yet, in several ways, some of that work was in vain. We simply missed the mark.

For the first time, Congress has clamped a fairly tight limit on the amounts which Federal candidates can spend on communications media. However, in the rush to be all-inclusive, we have included some very ambiguous lan-

guage with respect to the use of telephones and automated telephone campaigns. We were able to strike out some ill-considered language regarding so-called "computerized mailings," but that other language was retained in modified form reserving what appear to be and are voluntary telephone solicitations. That would not have gone in had it not been for the insistence of the Senate conferees.

I am concerned about the enforceability of this telephone provision, and especially concerned about its obvious first amendment implications. We can almost envision an age of Orwellian snooping when Government agents will bug a candidate's campaign headquarters to find out how many "bootleg" telephones he may be using. In this Philadelphia lawyer's opinion, the "telephone" provision is a legal nightmare.

The conferees also, unwisely, included agents' commissions under the communications media spending ceiling. Here is a perfect example of good intent gone astray. Any candidate who uses an agent to purchase space or time in communications media has to pay a commission, normally in the 10- to 15-percent range. So instead of excluding these fees, they were included. In my estimation, this provision will work to the disadvantage of little-known challengers who may have to use more sophisticated communications techniques and who would thus need the services of a professional campaign consultant.

On the disclosure section of the bill, I do not think we should be requiring the Clerk of the House and the Secretary of the Senate as the repository of reports, to police the compliance of Members. My own campaign reform bill would have created an independent Federal Elections Commission and this was reaffirmed on the Senate floor by a vote of 89 to 2. Our only solace, at this point, is the fact that the bill still retains all of the public availability of records and the functions and duties which the Commission would have had but simply transfers them to the appropriate supervisory officer.

Obviously, there are questions which remain unanswered when we turn to three different repositories—the Clerk and the Secretary for congressional candidates and General Accounting Office for the President and Vice President. For example, some political committees support candidates for all three offices—are they now required to file three separate reports? The language of the bill is not clear on this point and I am hopeful that appropriate guidelines can be issued to clear up some of these gray areas.

The conferees also directed that disclosure reports be filed with the secretaries of State, or comparable officeholders, in each of the States and the District of Columbia. This provision was inserted in lieu of the Senate's wish to have such reports filed with the clerks of the appropriate U.S. district courts. Now, the question is this—where does the Federal Government get the authority to direct these State officeholders to comply with certain Federal directives? This point is unclear and its further implementation will almost have to be left up to court decisions.

During debate in the House of Representatives, there was considerable sentiment for determining, more clearly than ever before, the limits to which labor unions and corporations could go in political campaigns. An amendment was offered in the House, and adopted, which purported to codify existing law on this sensitive point. However, on a closer review of the amendment, I cannot agree with my House colleagues that it is simply a codification of existing law. I regret that the conferees would not agree to modify the House amendment to bring it into closer conformity with the expressed intent of its sponsors.

One new amendment which the conferees approved made the Comptroller General's office a national clearinghouse for the administration of elections. Among the studies and reports it is expected to prepare, I am hopeful that one will focus on the ability of the Clerk of the House and the Secretary of the Senate to comply not only with the letter but the spirit of the law as well. I would also hope that the Comptroller General indicate his preference for an alternative approach, should the Clerk and the Secretary prove to be unable to handle the job.

I am pleased to note that my amendment with respect to the extension of credit to candidates by certain federally regulated businesses was included in the final bill. It was well documented that both political parties were running up huge telephone, telegraph, and airline bills and then, in some cases, renegeing entirely on the unpaid balances. My amendment directs the Federal Communication Commission, the Civil Aeronautics Board, and the Interstate Commerce Commission to promulgate new regulations governing the extension of credit to candidates within 90 days of the President's approval of the campaign reform bill. During that period, I intend to call into my office the three chairmen of these independent offices to ascertain their thinking and their intent on this important subject. In any event, I am hopeful that new rules can be in effect in time for the presidential season.

Mr. President, the Congress has come full circle on this important piece of legislation. A little over 1 year ago, I successfully urged the Senate to sustain President Nixon's veto of another political broadcasting bill. At the same time, I followed through on a pledge to introduce a new, comprehensive bill to compensate for the deficiencies in the vetoed bill. In the months which followed, I testified before two Senate committees in support of this new legislation, worked in executive session to report it favorably, and labored on the Senate floor to make this a fair and workable piece of legislation—a model law, if you will. The Senate pretty well succeeded, although the conference bill, while still meritorious, does not measure up to our previous action.

In the final analysis, we have achieved a compromise bill, in the true sense of that word. But I would be remiss if I did not offer my congratulations and commendations to some of the men in this body who made it possible: First,

the senior Senator from Rhode Island (Mr. PASTORE), whose diligent efforts, good humor under stress, and sense of cooperation enabled the Senate to produce an excellent bill which does limit campaign spending on communications media. Second, the junior Senator from Nevada (Mr. CANNON), with whom I have the great pleasure of serving on the elections subcommittee, and who made the public reporting and disclosure sections of the bill effective and tough. And, of course, my colleagues, the conferees from both political parties in this body. And, I certainly cannot forget my good friend and compatriot, the senior Senator from Montana, the distinguished majority leader (Mr. MANSFIELD), whose patience and guidance led the Senate through a maze of parliamentary and partisan complications.

Mr. President, we have not produced a great bill, but we have produced a good bill. I urge the Senate to approve the conference report and to send it speedily on its way to the other body so that they, too, may join in the spirit of affirmation. Ultimately, the President may also join us in the approval of this bill which, in my opinion, will greatly improve the operation of the campaign spending laws, which have been so long, and, I think, so justly, criticized.

I may conclude by saying, in regard to campaign spending, that it could certainly be said that we have left undone things we ought to have done, and we have done those things which we ought not to have done, and which was not to our political health. We have tried to proceed in accordance with the Book of Common Prayer. So I join in the prayers for the success of this bill.

I yield the floor.

Mr. DOMINICK. Mr. President, I find myself caught in a rather unenviable position here, as I fear I am going to be in opposition not only to the distinguished Senator from Rhode Island (Mr. PASTORE) but also my own leader (Mr. SCOTT), because I rise in opposition to the haste in which this conference report is being considered by the Senate.

Mr. President, it seems to me that such haste is unwarranted because I understand that the House has already decided not to take up this particular report until they return next January. In the meanwhile we are faced with the prospect of pushing through a major piece of legislation which we have not had an opportunity to consider in any detail, the specifics of which we know of only through newspaper reports of the conference, plus the brief explanation by my two distinguished colleagues.

If we delayed this matter for even 24 hours we could at least get the conference report printed and have a chance to compare what actually was done in the conference with the Senate bill which passed this body last August. We are not given even that privilege.

I understand that this being a privileged matter the Senator from Rhode Island can proceed to bring it up at any time; that there is no requirement in the Senate rules that a conference report must be printed. Rather than appealing on the basis of Senate procedure, Mr. President, I am appealing to the judg-

ment of the Senate in considering such major legislation in this hurried manner. If passed, this bill will relate to expenditure reporting procedures and requirements for the most important elections in the United States—those of the President and of Members of Congress, both Senators and Representatives.

As I understand it, if I read the newspaper reports correctly and if I have listened carefully enough to my colleagues, the bill will determine how often voters in the United States will be able to hear or see or read about the proposed platforms and policies of the various presidential and congressional candidates. The impact of this legislation will be substantial, just in the upcoming election year. We have 33 Senators coming up for election next year—34 counting the distinguished Senator from Vermont (Mr. STAFFORD), who will be running for election in January. We have the President of the United States hopefully running for reelection. We have one Member of the Congress who has announced his intention to run for President. We have at least six Members on the Democratic side of the Senate running for the Presidency, either presently or without having officially declared themselves to be candidates.

It is of enormous importance to the future of all the people in this country to have the opportunity to hear and see what the programs and platforms of the various candidate are, and this bill substantially limits these opportunities, if I understand the newspaper reports correctly. Again I reiterate that nobody has had a chance to study the conference report except the conferees.

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

Mr. DOMINICK. I am glad to yield to the Senator from Rhode Island.

Mr. PASTORE. The fact is that we passed that bill in the Senate, and they passed it in the House. The Senator does not have to have the newspaper reports. It is 10 cents in every senatorial district or congressional district, multiplied by the number of people of the age of 18 or over living in that particular area. This is what we determined in the Senate, and we discussed all this for several days, and they did the same thing in the House. So one does not have to read the newspapers to know that. That is the guts of the bill, and it has always been there. And that is what passed in the Senate.

Mr. DOMINICK. It was my understanding that the conference report altered the scope of campaign expense affected.

Mr. PASTORE. Just the telephone expense.

Mr. DOMINICK. Does the conference report expand the coverage of the original Senate bill concerning campaign expenses?

Mr. PASTORE. No, no; the only thing added was what the Senator from Pennsylvania just mentioned, the pay telephones.

Mr. DOMINICK. So pay telephones are within the restrictions also?

Mr. PASTORE. Yes; pay telephones are.

Mr. DOMINICK. What about volunteer telephones?

Mr. PASTORE. They are not. That was the only change we made in that respect.

Mr. DOMINICK. How does the conference report define "pay telephones"?

Mr. PASTORE. No, it means with the telephone bill not being paid by any committee or on behalf of the candidate himself. The Senator knows that there is no such thing as a free telephone bill, because A.T. & T. would be out of business. Let us not be absurd.

What it means is a volunteer; in other words, if someone likes you very much in Colorado, and wants to pick up a telephone, call someone, and say, "Vote for my good friend PERE DOMINICK," that is not charged up to the candidate. That is a volunteer.

Mr. DOMINICK. But if you have a voluntary group organized to make a telephone campaign, is that covered or not?

Mr. PASTORE. No, it is not. They are still volunteers.

Mr. CURTIS. Mr. President, will the Senator yield to me for the purpose of addressing a question to the manager of the conference report?

Mr. DOMINICK. I am glad to yield to the Senator from Nebraska.

Mr. CURTIS. I ask the distinguished Senator from Rhode Island what items of campaigning are included in the 10-cent limitation.

Mr. PASTORE. Electronic media, the newspapers, outdoor advertising facilities, newspapers and magazines, and the House insisted on the telephones. They had had direct mailing in there, too.

Mr. CURTIS. Is direct mail included?

Mr. PASTORE. No, it is not, for the simple reason that it would be unfair to someone running against an incumbent. I resisted that. I mean, the incumbent has his right of franking, and he has his newsletter, which he can use up until election day. I did not want to be accused of making it an incumbent's bill, and, realizing that the frank might be used by some people, I did not want to be in the bind of passing on that, and that is how we compromised. The House conferees listed telephones and computerized mail. Finally the suggestion was made by the Senator from Pennsylvania that he would be amenable to taking the telephone part of it if they took out the mailing part, and that is how it was resolved. I am sorry the Senator from Pennsylvania is not here.

Mr. CURTIS. I ask further, What is the effective date of the measure?

Mr. PASTORE. December 31, or 60 days after enactment, whichever is later.

Mr. CURTIS. Are any transactions prior to the effective date affected in any way by this measure?

Mr. PASTORE. No. I do not think we need fear about that. Does the Senator have in mind that Muskie and the rest of these potential candidates for the presidency are out campaigning a little bit?

Mr. CURTIS. No, I am thinking of Members of Congress who may have entered into contracts, made expenditures, or raised money.

Mr. PASTORE. No. Fundamentally, it does not affect anyone until the day it becomes effective. It is not retroactive.

Mr. CURTIS. I thank the Senator.

Mr. DOMINICK. Mr. President, as long as we are on the subject of what is or is not included, I now have before me for the first time, a print of the conference report defining what is included within the term "communications media." Such term is, in turn, restricted, as I understand it, to 6 cents per voter of the age of 18 or over for broadcast communication media is that correct?

Mr. PASTORE. Well, it is 10 cents, but not more than 6 cents for the electronic media.

Mr. DOMINICK. Ten cents, but not more than 6 cents for the electronic media?

Mr. PASTORE. That is right.

Mr. DOMINICK. Here is what it includes:

The term "communications media" means broadcasting stations, newspapers, magazines, outdoor advertising facilities, and telephones; but with respect to telephones, spending or an expenditure shall be deemed to be spending or an expenditure for the use of communications media only if such spending or expenditure is for the costs of telephones, switchboards, paid telephonists, and automatic telephone equipment used by a candidate for federal elective office to communicate with potential voters, excluding any costs of telephones incurred by a volunteer for use of telephones by him.

I do not know why reference to a female candidate was not included in the definition.

Let me pose a hypothetical; suppose we had a bank of telephones in a company's office, whether it be a business or a labor union, and a group of people go down there at night and use those telephones after business hours to carry on a telephone campaign in a candidate's State or district, or nationally. They are voluntarily undertaking the communicating. The question is, if a committee is formed, to pay the expenses of the telephoning, then they would fall within the coverage of the bill; but if the volunteers themselves, without making a formal committee agree to pay for the expense of the telephoning then they are not covered; is that correct?

Mr. PASTORE. That is the way I understand it. Now, the Senator has to realize that that was an amendment that was in the House bill. I would have preferred that it not be inserted, and I made that clear. The Senator has been around here long enough to know that when you go to a conference, you have to give and you have a chance to take. There were some places where they had to give in to us, and some places where we had to give in to them.

I would have preferred to have had telephones out, and to have adopted the Senate version, but when we got to conference they were adamant. They wanted computerized mailing, too, so we talked back and forth, to and fro, and finally we compromised.

Please do not put me in a position of being devil's advocate; I do not like to do that. But what it means is that if a candidate, or any committee on his behalf, sets up telephone or electronic equipment whereby his candidacy is advocated by him or by people who work for him, as distinguished from a volunteer, that activity is covered. It seems that we are obliged to explain that over

and over again, but I have to give the Senator the explanation the House conferees gave, because they wrote the language. That is exactly what it means.

To answer the question further, if a group of people get together, let us say, on some college campus in the Senator's State, and set up four or five telephones in one room, and begin calling up people asking them to vote for him, and he did not pay them a quarter, and they did not collect a dime, if they paid for the whole thing themselves, because they like him, they are volunteers. That happens every election. We did not want to discourage volunteers working for a candidate.

Mr. DOMINICK. Mr. President, I appreciate the explanation. I think the explanation has served to indicate the shortcomings and loopholes in this bill. There are other difficulties with the bill which I want to enumerate for purposes of maintaining a proper record.

We are asked today to vote for proposed legislation, without having the opportunity to read or consider the conference report or to compare it with the previously passed Senate bill. As I said before, I find it hard to understand why we must do this today, when in just another 24 hours we could have the conference report printed, compared it with the Senate and House bills, and reasonably debate its merits.

As my colleagues know, election reform is more than a passing interest to me. In a statement to the Subcommittee on Privileges and Elections of the Committee on Rules and Administration, I detailed provisions of S. 382 which I considered detrimental to the entire elective process. At that time I voiced concern—and I still voice concern—for protecting the constitutional free speech rights of candidates whose campaign tactics are strictly limited by this bill. Yet, here we have a bill which will dictate how much television time a candidate can purchase and how much newspaper advertising he can place.

Under this bill, a national candidate can speak at as many afternoon teas or PTA meetings as he or she chooses. But the candidate can only communicate to the voters through the medium of television and radio a number of hours and use a number of billboard or newspaper spaces.

It is also obvious that he can use only a number of hours of telephoning. It is fallacious—and may even be unconstitutional—to distinguish between political activity measured by man-hours and political activity measured by dollars, as these sections do.

A step down the road of limiting political activity, whatever its form, is by and large a step away from the process which we consider democratic in this country. And for what purpose? Mr. Ralph J. Winter, Jr., a professor at Yale Law School, in referring to the dollar limitations, points out that:

Constitutionally speaking, there is no countervailing interest—preserving the public peace, et cetera—to "balance" against the restriction on speech for the restriction is imposed not to preserve some other legitimate interest of society but solely for the sake of restricting the speech itself, for the sake indeed of affecting the political outcome.

Because of the ineffectiveness of present campaign restrictions, there has been very little Supreme Court activity in this area, and no freedom of speech precedent has been set. Section 610 of the Criminal Code has enjoyed the greatest litigation activity, but on two past occasions the Supreme Court has avoided the constitutional issues which were raised. Section 610 prevents national corporations and labor unions from making any campaign contributions or expenditures in and of themselves. As we all know, this has been gotten around by virtue of establishing political education committees into which money is siphoned, and then the political education committees give the money to various candidates and committees.

The Eighth Circuit Court of Appeals dismissed a first amendment issue last June in United States against Pipe Fitters Local Union No. 562, by a 4-to-3 decision in which the three minority members argued that the prohibitions were in violation of the Constitution. But the case has not yet reached the Supreme Court.

Perhaps the possible constitutional violations could be avoided if the spending limitations in S. 382 could accomplish the purpose of promoting "fair practices in the conduct of election campaigns," but it does not appear that it can.

The premise of limiting campaign expenditures for broadcast and nonbroadcast time is that it somehow equalizes the opportunity to the media and thus equalizes the opportunity for election. At least, that was given as one of the reasons during the previous debate. But in most campaigns, the restrictions will tend to aggravate rather than equalize campaign opportunities.

Consider for a moment the chance an unknown candidate from a sparsely populated State like Montana would have against an incumbent Congressman. I apologize to the distinguished majority leader for using his State in this hypothetical, but I think it is pertinent. Under section 102, a Montana candidate would qualify for the minimum broadcast media limitation of \$36,000 with \$24,000 left for nonbroadcast media. If he spent the total amount, he would have a total campaign media expense of \$60,000. Not only is the incumbent who is running for reelection well known from the last election, but also, he has been benefiting from the publicity received from his day-to-day functions as a legislator. Also, the incumbent has the tangible benefits of a federally paid staff, free office space in Washington, \$2,400 for office space in his district, \$5,500 worth of office equipment, \$3,000 per year for stationery supplies and printing, 35,000 minutes of long distance telephone per term, 480,000 heavy-duty brown envelopes per year, \$700 worth of stamps per year, and \$2,400 per year for district office supplies.

A great deal of this should and will be expended on constituent problems; but, obviously, it is also going to promote his name and what he is trying to do for the State. In addition, the incumbent has franking privileges, publica-

tion allowances, service of radio and television studios, and travel allowances.

To overcome this tremendous identity lag the challenger is limited to about \$60,000; or, if he finds that billboard or newspaper advertising is ineffective in Montana, he is limited to \$36,000 for television and radio expenditure.

Thus we have the very thing that the Senator from Rhode Island said he was trying to avoid—namely, an incumbent's bill. We might as well admit it. That is what it is. We have all the monetary benefits of the offices we hold, be it in the House or in the Senate—or, for that matter, the President of the United States, if he runs for reelection. We can use these benefits on a national, State, or district basis against an unknown challenger who is now limited, under this bill, as to how much he can spend in order to try to get the voter to listen to what his platform is.

This aspect of the bill causes another serious consequence. We are being asked to vote on campaign restrictions which should be impartial and affect incumbents and challengers alike, but it is not, as I have already pointed out. Should we, in good faith, vote ourselves this rather substantial financial advantage on one hand while restricting the unknown candidate, facing an uphill recognition battle, on the other? I say we should not. We should defer the impact of the bill—we should have done this in August and we should now—for at least 4 years.

As I pointed out in my debate comments on the checkoff provision of the Revenue Act of 1971, we should not allow it to affect this upcoming election. If we are going to do it, we ought to do it for the next one. That is how the checkoff provision was finally determined in the conference, that is, to put over its effects until the 1976 presidential election. But those of us who will be voting on this conference report are putting this into effect right now, giving ourselves an advantage in whatever reelection campaigns we may be participating in. I do not think it is right.

Mr. PASTORE. Mr. President, will the Senator yield on that?

Mr. DOMINICK. I am happy to yield.

Mr. PASTORE. The Senator voted for this bill.

Mr. DOMINICK. I did, hoping that the independent Federal Elections Commission could compel strict disclosures.

Mr. PASTORE. Everything he is complaining about now is in the bill, and he voted for it.

Mr. DOMINICK. Hoping that such strict disclosure would prove adequate for votes policing.

Mr. PASTORE. The arguments the Senator is making now were made at that time and we reached a decision. We crossed that bridge a long time ago. I realize the Senator from Colorado probably feels there should be no restrictions at all on the amount of money to be spent. That is philosophically where we disagree. I think election costs are getting out of whack. It is becoming a national scandal. The idea that a person should spend a half a million dollars or perhaps \$5 million to be elected to an office that pays only \$42,500 is truly scandalous. The

big issue here is, are we going to put public office on the auction block. That is why this legislation is being proposed. I am happy to listen to the Senator from Colorado but please do not tell me that this is an incumbents bill. Incumbency is no guarantee of reelection. Some incumbents are not reelected for the simple reason that they are not good incumbents. If the incumbents do not do a good job, the American people are intelligent enough to know that, and they can throw them out of office.

Mr. DOMINICK. That is true. There are a number who will be looked at quite closely this next fall.

Mr. PASTORE. Let us hope so.

Mr. DOMINICK. I hope so too. But they are not going to be looked at too closely if the challenger's campaign efforts are substantially curtailed. We are not going to have a chance to have reasonable alternatives if the challenger is unable to mount a competitive campaign because of this bill.

What we should be doing, and which the Senator from Rhode Island has resisted tremendously, is to not have any restrictions on campaign gifts or campaign spending but to require explicit reporting and we do not have sufficient reporting controls in the bill.

Mr. PASTORE. Of course we do. That is exactly the purpose—

Mr. DOMINICK. If I may proceed I will explain this further in a second—

Mr. PASTORE. I thought the Senator had not read the bill.

Mr. DOMINICK. I have read everything that was available in the newspaper reports. I have not had a chance to read the conference report.

Mr. President, prior attempted campaign legislation has been totally ineffective. This bill may improve on it a little, I say to my friend from Rhode Island, but not very much. Again, if I understand the explanation of the Senator from Rhode Island and the Senator from Pennsylvania, and the newspaper reports, a person who contributes \$100 or less to a candidate or a campaign committee need not report his contribution. May I ask the Senator from Rhode Island whether I am correct on that?

Mr. PASTORE. Will the Senator please repeat that? My attention was distracted for the moment.

Mr. DOMINICK. If a person contributes \$100 or less to a campaign committee or a candidate, his name and address need not be reported either by him or the candidate or by the committee.

Mr. PASTORE. That is correct. It has to be \$100 or more.

Mr. DOMINICK. Thus, we very well may have a wealthy supporter who contributes \$100 to 100 committees. He spends \$10,000 for the candidate and he does not report a single thing as the bill does not require it. So if anyone thinks that this is a full-disclosure bill, he is misinformed.

Mr. PASTORE. But the candidates have to report it. So if he gives \$100 to a Senator, \$100 to a Congressman, and he gives \$100 to his Governor, and \$100 to his school committee, and \$100 to his sheriff, how does that hurt anyone running for the Senate?

Mr. DOMINICK. It does not hurt a thing—

Mr. PASTORE. I do not get the point the Senator is trying to make.

Mr. DOMINICK. If he gives \$100 to 100 committees for the same candidate he has given \$10,000 to that candidate without having to report.

Mr. PASTORE. All these committees for that candidate have to report the money.

Mr. DOMINICK. Not at \$100 or less.

Mr. PASTORE. Oh, yes. The committees have to report every nickel they collect.

Mr. DOMINICK. They do, but not the name and address of the contributor, so we do not know who is contributing. That is the point I am making.

Also, if a committee spends less than \$1,000, the committee itself does not have to report it. There is nothing that a political candidate has more extensively than ingenuity and it is not going to be very hard for that candidate, be he running for Congress or the Senate, to set up 1,000 committees and tell each one to hold down their committee spending to \$999.99 and do it with every candidate. The net result would be that no committee makes any report. The total of the money spent will be the same as it was before, as though we did not have this bill.

It seems to me that the effort taken by the Senate, the House, and the conference committee is a simplistic one.

Mencken once said that "for every human problem there is an answer, neat, simple, and wrong." This bill provides an answer which is neat, simple, and wrong.

We cannot get campaign reform simply by putting a dollar limitation on what can be spent by a committee or on a candidate, because there are going to be loopholes around which they can move with relative ease. What we need to do is to have full disclosure so that every candidate will receive money and will have to tell the public where it came from. The public can then determine whether they think expensive campaigns are all right, or whether the candidate spent too much money.

Mr. PASTORE. We went all through that in August. I said then, time and time again, that disclosure alone was incomplete and limitation alone was incomplete but we had to have a combination of the two.

This question of the \$100 came up at that time and it was voted on by the Senate. I took the Senate version to the conference. The \$1,000 the Senator speaks of was voted on in the Senate. I think the Senator from Kentucky made a motion to remove that, and it was voted down by the Senate. I took that to conference, so the Senator is just rearguing the bill all over again. He has that right if he wishes to do so, of course, but I hope he does not expect me to answer all these questions again since I answered them time and again in August. I know that the Senator feels that there should be no limitation on spending—

Mr. DOMINICK. That is correct.

Mr. PASTORE. The Senator made that very clear, but I feel that there should be a limitation on spending and there

should be a combination of the two, a reasonable disclosure law and a limitation on spending.

I do not know what may be the eligible population of the Senator's State, but if we take that figure and multiply it by 10 cents, that means a lot of money. There are many capable candidates who do not have that kind of money to spend and they should be given a fair chance to run for public office.

We have had plenty of instances of certain individuals running for public office—individuals who came from wealthy families.

There was an instance in one State where the father said: "My son wants to run for the Senate. If it costs me \$1 million, I am willing to pay that \$1 million."

My daddy never said that. He never had \$1 million. But this generous father happens to have \$100 million. So I guess he did not mind spending a measly \$1 million to make his son a Senator. That is fine. I am not as lucky as that.

Mr. DOMINICK. If my recollection is correct, that candidate got beaten.

Mr. PASTORE. There you are, with all the money you could command, you can still get beaten. There is an argument for saying he probably over-presented his case. Maybe if he had had a wise limitation on spending money, he might have won. Maybe he spent too much. Over-exposure could be deadly.

Mr. DOMINICK. That is exactly what we need, to have full disclosure to an impartial body. I reiterate. I think that limitations in terms of dollars and cents is wrong.

I think it is quite possibly unconstitutional. Let me give an example. Suppose a candidate runs for the Senate who is enthusiastic and dedicated to the welfare of the people. Suppose that he has substantial money behind him, but is brand-new as he just moved into the State, but that man would be restricted from mounting a large campaign while the incumbent would rest on his recognition and campaign assisted by the benefits of his office.

I want to say that it would be a pretty tough situation as far as the challenger was concerned. Unless he spent 24 hours a day in activities during the campaign trying to overcome the incumbent's recognition advantage.

As the Senator from Rhode Island knows, there may be States which are geographically smaller than Rhode Island, but not many.

Mr. PASTORE. No. We are the smallest State. But I can assure the Senator that we vie with all of the States in quality.

Mr. DOMINICK. There was no imputation meant concerning quality. The Senator from Rhode Island is extremely able. And no one is saying that he is not.

I am not saying that strict public disclosure and publication is the answer to all of our election defects but dollars and cents formulas are not.

I voted for the bill originally because I had felt that full and strict disclosures to an impartial independent election commission would overcome many of the minor defects in the bill.

The Senator from Pennsylvania, Mr.

SCOTT, added just such a commission to the bill during the process of consideration to police things and compile reports that tion by the Senate. That was the independent election committee. It was to try were due indicating that the necessary rules and regulations were properly administered so that the limitations were being imposed. As the Senator from Pennsylvania mentioned a few minutes ago, this provision was unfortunately deleted. So we are now back to the old situation of filing our reports with the Clerk of the House and the Secretary of the Senate. Both of whom are fine gentlemen who are aware of the situation in the Senate and House whereby they indirectly rely on the Senators and Representatives for their jobs. With a vested interest, they cannot be as effective as an independent commission.

I might say in answer to some of the inferences raised by the Senator from Rhode Island that I have had the honor of running, in the Rocky Mountain region, probably the three most inexpensive campaigns that they have ever had. And I might also say to the Senator from Rhode Island that this was done on purpose.

Some States, because of their geography or population, require expensive campaigns. For instance, in the State of California, in order to get to the people and to be able to express a candidate's philosophy, a considerable amount of money must be spent either on radio, television, or in the newspapers, and probably in all three.

I very much doubt whether this legislation will give any challenger an opportunity at all against any incumbent.

I understand that an amendment adopted by the House which would have restricted the use of labor union funds has also been eliminated in conference. I might ask the Senator from Rhode Island if he could tell me whether Representative CRANE's amendment, which would have restricted the use of labor union funds, was knocked out.

Mr. PASTORE. Mr. President, would the Senator please tell me to which amendment he is referring?

Mr. DOMINICK. I am referring to Representative CRANE's amendment.

Mr. PASTORE. I do not think it was agreed to on the House floor.

Mr. DOMINICK. I thought it was. But I am not certain.

Mr. PASTORE. I do not think it was agreed to.

Mr. DOMINICK. In any event, there is no restriction on the use of labor union funds.

Mr. PASTORE. Mr. President, under the terms of the law, one cannot use labor union funds for a campaign. This was in relation to a voluntary gesture on the part of a worker.

Mr. DOMINICK. That is a good argument. However, it is not true.

Mr. PASTORE. It may not be true in Colorado, but it is true in Rhode Island.

Mr. DOMINICK. No; it is not.

Mr. PASTORE. Do not tell me what the situation is in Rhode Island. Please do not tell me that, I am telling the Senator a fact. I do not know what the situation is in Colorado. Maybe they do not do

that there. However, in Rhode Island, we do not use public funds to elect anyone to office.

Mr. DOMINICK. I did not say that, I was referring to taking a portion of the funds and putting that portion into political action activities and using it on behalf of a candidate all over the State. In many cases these are compulsory union dues paid by a man in order to maintain his job.

I have argued this matter with the Senator from Rhode Island before, and we know all about it. I thought this was one thing that had been adopted. I did not know that it had been rejected. I am sorry about that.

Mr. President, I want to summarize briefly here some of the points that I am trying to make and then I will ask one additional question of the Senator from Rhode Island.

First of all, I do not think that the question of frequent or full disclosure has been settled. I do not think we can provide a so-called fair-election procedure by restricting the amounts a candidate can spend and thereby restricting his ability to express and debate his viewpoints before the American people.

It strikes me that we made a mistake in agreeing to the insistence of the House that the Clerk of the House and Secretary of the Senate perform this function.

Ultimately even the so-called restriction on spending limitations can be gotten around rather easily. I do not know yet who will write the rules and regulations on this or what will be done about this matter. However, we can just take the matter of the telephone situation, about which we had a colloquy and indicated the difficulty of interpreting this particular law. I ask the Senator from Rhode Island what happened to section 315, the equal opportunity provision in the bill.

Mr. PASTORE. The Senate put in a provision on the Federal election of officers, and the House knocked it out completely.

They told us in no uncertain terms that if we insisted on the provision, we would come out without a bill.

Mr. DOMINICK. Is section 315 in the bill?

Mr. PASTORE. Section 315 is in effect and is intact.

Mr. DOMINICK. That means that equal time must be given to all people, regardless of party.

Mr. PASTORE. The Senator is correct; and this would be true with respect to presidential and congressional races, senatorial races, and the election of officials, I guess, in many of the States.

I would be very happy to agree with the Senator from Colorado that that is true.

Mr. DOMINICK. That creates problems as I think the Senator from Rhode Island would agree.

I remember, just to strike a personal note on this point, being offered time by a prominent television station during my last campaign on an equal basis with my opponent, without the real knowledge of either myself or my opponent that there happened to be three other separate parties who were also running as candidates.

Among all of them I think it would

cover approximately one-half of 1 percent of the vote, but they were unable to give us time without giving each of those fellows time.

Mr. PASTORE. The problem is bad enough in the States. The Senator can imagine how serious it is on a national level. At least there are three prominent candidates. If you give them time you have to give time on a national hookup to the Prohibitionist Party, the Socialist Party, or whatever it may be, and they do not attract altogether more than 1 percent of the vote. The Senator can imagine that inasmuch it runs into a half million dollars to give a national hookup the result is that they would give it to no one. I cannot blame them.

Mr. DOMINICK. I do not either. I wondered how the Senator feels.

Mr. PASTORE. I have discussed this with the networks. They told me in private conversation and they said publicly in the hearings—I have in mind Mr. Goodman, president of National Broadcasting System, Dr. Stanton of CBS and Mr. Goldensen of the other network—that they were willing to give up to 4 hours to each of the candidates on prime time. I thought it was a gift, free. But we were told that perhaps the President would not sign it.

The reason we did it for the Presidency was that only a presidential campaign involved the national networks rather than the individual broadcasters. I had a commitment that the candidate himself could choose the format so it would not be subject to debate. I said that I did not care who the candidate would be, he should not be embarrassed in the debate. There are many things the President cannot say on television and he is put at a disadvantage if the candidate at that level should speak to the American people the way he wants to speak to the American people.

I thought we had that straightened out, but the House said no.

Mr. DOMINICK. The Senator and I totally agree on that point.

I would like to ask the Senator in that connection if there might be some chance to amend that provision next year.

Mr. PASTORE. When the House passes this bill, ask me within 24 hours and I will give the Senator an answer.

Mr. DOMINICK. I understand the House will not take it up until next year.

Mr. PASTORE. That is what they said in our conference. Representative HAYS declared in conference, and I believe it was in the newspapers—he had a press conference after we broke up the conference—that he has an agreement with the leadership that it would not be called up until they came back in January. I said at the time that did not bother me. As far as I was concerned I would rather see it done now. The Senate was to act first on this matter, and I said I was going to present it to the Senate and ask for a vote on it.

Mr. DOMINICK. I understand, and I appreciate the frankness of the Senator.

However, I have great difficulty trying to understand why we should take up this matter this afternoon. The Senator has every right to do it, and I am aware of that. We are not through with our busi-

ness here, unfortunately; I wish we were, but we are not. In view of that, it would be best to give us a chance to go over this matter and to find out how many Members are here. I understand over one-third of the Members of the Senate are away, and if that is so, on a bill of this magnitude, they should at least have the opportunity to have notice that this is being brought up.

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

Mr. DOMINICK. I yield.

Mr. PASTORE. Nothing was more important in this session than phase II of the President's program. We took care of that matter yesterday. The conference report came over and in a matter of minutes we passed it on a voice vote. I have been here and I have been willing to answer all questions. We had four conferees from the Republican side on the conference. All of them signed the report. The matter has been explained by the Senator from Pennsylvania (Mr. SCOTT) and by me. I hope we do not delay it further. I have been with this for a long time and there is a time when I feel my job is done, too. I do not see what purpose it is going to serve. We may or may not be here tomorrow; maybe tomorrow we will not have a quorum. I hope we can vote this up or down. Frankly, this is pretty much what we passed, with some exceptions. There is section 315—that has been knocked out. We report to the Secretary of the Senate or the Clerk of the House under the same guidelines with the same responsibility we had in the measure for the Federal Election Commission. We have the telephone matter and we have gone through that. There is not much change.

I know how the Senator feels. He does not like the limitation on the amount of money that can be spent in the campaign. The Senator thinks it is unconstitutional. I suppose we will have to wait to have that answer. We have a law on the books now prohibiting a candidate from spending above a certain amount, \$3,000 or something like that.

I do not know what the eligible vote is in the Senator's State over the age of 18. What would the Senator say is the total eligible vote in the State of Colorado over the age of 18?

Mr. DOMINICK. I would say probably 950,000, maybe 1 million.

Mr. PASTORE. Then, the Senator can take 1 million times 10 cents and that is \$100,000 to spend on time to be bought for radio and television. Do not tell me the Senator needs more.

Mr. DOMINICK. It is not just that. It includes newspapers.

Mr. PASTORE. That is right as well as magazines and outdoor advertising facilities.

Mr. DOMINICK. And direct mail advertising.

Mr. PASTORE. No, not direct mailing.

Mr. DOMINICK. And telephones.

Mr. PASTORE. And telephones outside of volunteers. Do not tell me that is not enough money. That has nothing to do with production costs, travel, headquarters, automobiles, stickers, buttons, and pencils and sundries that are given out. What we are trying to do is to provide

that whatever applies to you applies to your opponent.

Mr. DOMINICK. If I were running I would think this is good because it would give me an advantage over an opponent, but I am not up for reelection this year, and neither is the Senator from Rhode Island.

Let me ask the Senator this question. I gather we are again mandating the type charge that can be made either by radio, television, or newspapers to anybody running for public office.

Mr. PASTORE. We are not mandating anything. What we are saying is if a broadcaster establishes a low unit rate for any advertising for 45 days before the primary and 60 days before the general election, he cannot charge a candidate for office more than that lowest unit rate he establishes. If he does not like a low rate, he does not have to establish it. The broadcaster has his choice.

Mr. DOMINICK. The lowest unit cost is for an entirely different type of business or advertising program, I take it.

Mr. PASTORE. That is right. Now the Senator is getting down to the crux of the problem. When a man applies for the license, he states that he will conduct himself to the public good. He has to render public service. When he gets that license, he has the pot of gold.

The man who gets that certificate, that license, from the FCC can go to the bank and cash it in for millions of dollars.

To whom do the air waves belong? They belong to the public domain. The Senator should hear applicants when they go before the FCC to get the license. They promise the moon.

What we are saying is that after all the democratic process can only be effective if it is clear and if the people have the proper understanding not only of the candidates but of the issues. All we are asking is that 60 days before the election the broadcasters charge the political candidates no more than the lowest rate established for other advertisers who have the opportunity and the desire to use the facility around the calendar. A political candidate does not do that. The President runs only once every 4 years. Incidentally, this applies to the President. He is entitled to the lowest unit rate, and I think he ought to have it. Then he may not need to have \$500 dinners.

Mr. DOMINICK. I think he ought to get the same free time, as the Senator said earlier, in the electronic media. Now he cannot get that unless every Tom, Dick, and Harry is entitled to the same.

Mr. PASTORE. Why does the Senator say he is not entitled to free time? He is entitled to the lowest unit rate.

Mr. DOMINICK. We have already said over and over again—we have said it by law—in this type of race, as long as all the candidates are there they can get the free time from different media.

Mr. PASTORE. We have it in the law, under the Communications Act of 1934. It is provided, under section 315, that the candidate cannot be charged more than the comparable rate. We have already dictated that. All we have done now is to go a step lower.

Mr. DOMINICK. Almost a leap over a cliff. The Senator from Rhode Island and I are in disagreement on a lot of philosophical things.

Mr. PASTORE. The Senator is not kidding.

Mr. DOMINICK. I voted against salary raises for Senators. I have voted against every salary raise since I have been in office. I said what we ought to be doing is granting a pay raise, if needed, next time, not for the incumbent. Over and over again I said we should not raise our own salaries while we are in office.

That is exactly what is being done here. We are mandating expenses a candidate can get so he will be entitled to a commercial rate, and we are doing it when we are in office. I think it is wrong.

Mr. PASTORE. I do not disagree with the Senator's philosophy about a pay raise. I feel as he does about it. But the fact is that pay raises are not related to this bill at all. I do not know who is going to run and who is not going to run.

Mr. CURTIS. Mr. President, will the Senator yield for a question?

Mr. DOMINICK. I yield.

Mr. CURTIS. I understand that if a committee proceeds to get up to \$1,000, it makes no report.

Mr. DOMINICK. As I understand it, that is correct.

Mr. PASTORE. That is correct.

Mr. CURTIS. Is there any restriction as to what that committee can spend that sum for?

Mr. DOMINICK. As far as I know, there is no restriction except for the 10-cent limitation. They cannot spend more than 10 cents on the media.

Mr. CURTIS. How is that going to be authorized if we permit the setting up of committees that file no reports? How is that going to be charged against the candidate?

Mr. DOMINICK. I would not have the faintest idea. This is one of the questions that arise.

Mr. PASTORE. Let me remove the cloud of doubt from the Senator. If the committee went down to the television station in his State in support of the Senator, the committee would have to get his authorization to buy the time, because the time is charged up to the candidate.

Mr. CURTIS. Does the law say that?

Mr. PASTORE. Surely. We went all through that in August. What we are doing here is resurrecting the dead. We went through that in August. It is in the fundamental law.

Mr. DOMINICK. It may be, but it may be well to bring it out again.

Mr. CURTIS. How are we going to control something that we exempt from reporting? If a committee does not have to make a report, how are we going to hold the candidate for something that committee may do?

Mr. PASTORE. Because he has to report to the FCC the amount of money being spent. They have to report it all to the FCC. Before he goes to the FCC, he goes to the broadcaster and says, "I want to buy time for JOHN PASTORE." He is not JOHN PASTORE, and they will want authorization. JOHN PASTORE has to cer-

tify that he is not exceeding his time. Otherwise they will not sell him the time, and they do not have to sell him the time. It is as simple as that.

Mr. CURTIS. That applies to broadcasting. How about the other restricted items?

Mr. PASTORE. It applies to the others, too.

Mr. CURTIS. With respect to the other items, there is no report made to the Federal Communications Commission or to any other agency.

Mr. PASTORE. Can I read the law to the Senator?

Mr. CURTIS. I will be glad to have the Senator do so. I tried to get a copy of the conference report. It is not printed.

Mr. PASTORE. The law reads:

No person may make any charge for the use by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) of any newspaper, magazine, or outdoor advertising facility, unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such person in writing that the payment of such charge will not violate paragraphs (1), (2), or (3) of subsection (a), whichever is applicable.

Mr. DOMINICK. That means, then, as I understand it, that for every advertisement in any newspaper, and for any radio, or television broadcast, that facility must have a written authorization for that broadcast from the person who is the candidate?

Mr. PASTORE. Or his agent, if he is doing it on behalf of the candidate. If anyone went down to the Providence Journal and said, "I want to run an ad to endorse JOHN PASTORE," the Providence Journal will say, "Do you have his permission?" He would have to bring not only my authorization but my certificate that I am within the limit. If the Senator wants anything tougher than that, let him invent it.

Mr. DOMINICK. All I can say is we are going to have a lot of volunteers out of work this way. What they are going to have to have, as I see it, is a written authorization from the candidate on every single thing that goes on. Is that correct?

Mr. PASTORE. That is about it. That is what the Senator is talking about—full disclosure. The Senator was for full disclosure a moment ago. Now he is complaining about full disclosure.

Mr. DOMINICK. I do not think it is full disclosure to the people. This is just whether or not the candidate stays within the limit. Suppose he does not stay within the limit. What then? Suppose the group goes to the Providence Journal and says, "We want to run an ad for JOHN PASTORE. We are Providence Volunteers for PASTORE—PVP."

Mr. PASTORE. What are those initials?

Mr. DOMINICK. PVP—Providence Volunteers for PASTORE.

Mr. PASTORE. It is beautiful. It is euphonious. That is why I wanted the Senator to repeat it.

Mr. DOMINICK. They go to the Providence Journal and say, "We want to put this in for PASTORE." Now what?

Mr. PASTORE. Now what, what?

Mr. DOMINICK. And if they say, "This is Providence Volunteers for PASTORE" and they put it in, are they subject to penalty?

Mr. PASTORE. The Providence Journal will say, "Have you PASTORE's permission?" "Yes, I have." "Where is his certificate?" "Here it is."

Mr. DOMINICK. All right. What about the first amendment?

Mr. PASTORE. There you go. What about the first amendment? I am not against it. Is the Senator?

Mr. DOMINICK. The Senator sure is in this bill.

Mr. PASTORE. No, I am not.

Mr. DOMINICK. What the Senator is saying is that a person who wants to come in and put an ad in his behalf is not permitted to do so. That is exactly what this bill is going to do and, Mr. President, with that I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. 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. CANNON. Mr. President, the Senate and House conferees on the Federal Election Campaign Act of 1971 have met to consider their differences on the bills passed by each House and have submitted the conference report. The Senate is acting first and the House will act at a later date.

I am giving my strong support to the conference report because I believe it will set into motion an entirely new and meaningful series of limitations upon spending and requirements for public disclosure which will help to restore the public confidence in the Federal election process.

In 1925 the Congress passed the Federal Corrupt Practices Act, a 46-year-old law. And the Congress passed the Communications Act of 1934, about 37 years ago. The time has finally come when the Congress has decided to impose realistic ceilings upon expenditures and to demand at the same time that all contributions and all expenditures should be reported to all of the citizens of the Nation.

I regret, Mr. President, that the repeal of section 315 of the Communications Act of 1934 was not approved or accepted by the House because I believe it would have afforded a far greater exposure to the public of the opinions and programs of the candidates with respect to important issues. Citizens have the right to know what their candidates are thinking and, most importantly, what candidates for the Office of President think they may offer to solve domestic and international problems. I believe that the repeal of section 315 pertaining to free time on broadcast stations would have been a significant step in the public interest.

I am pleased that the conferees agreed to accept the "lowest unit cost" concept for candidates during the limited period of 45 days before the date of a primary election and 60 days before the date of

a general election. This provision means that all candidates, whether rich or poor, will be given the same right to purchase broadcast time and not be required to compete for time with the big industries and others who buy huge portions of the broadcast time on a regular basis. This, in my opinion, indicates a recognition of the principle that elective office in the United States is a position requiring the support of all of its citizens, and in return carries an obligation to present to the public as much information about the parties and candidates as possible so as to give each voter a fair opportunity to judge for himself the best qualified candidates.

The limitation on expenditures as adopted by the Senate and the House for broadcast and nonbroadcast media is very acceptable to me because it permits candidates for every Federal elective office from any State, as well as for the offices of President and Vice President, to purchase adequate time and space to insure public availability of issues and programs. The base of \$50,000, or the amount to be obtained by multiplying 10 cents by the total eligible votes in each State, should be sufficient to meet the needs of all candidates for every office. Additionally, the provision for increases on the basis of price index increases will keep the present law abreast of changes in the cost of campaigning as the years progress. I agree with the formula and believe it will accomplish the goal we have been striving for.

I regret, Mr. President, that the conferees did not agree with my long-time proposals that an independent agency, such as a Federal Elections Commission, or the Comptroller General of the United States, would be a vast improvement over the provisions of the existing law. I know that the Constitution of the United States provides that each House shall be the sole and exclusive judge of the elections, returns, and qualifications of its Members, and that the officers of the Senate and of the House have tried to do a good job in carrying out the duties of existing law. However, the duties imposed upon those officers were inadequate, and, moreover, mounting criticism has been directed toward the control by each House over the financial statements of its Members. Nevertheless, I believe that this Senate and House bill makes it so clear what the exact duties and obligations of the Senate and the House will be to receive, compile, summarize, categorize, and publish for public consumption all of the information submitted in statements of all candidates for the House of Representatives and by candidates for the Senate and committees working in their behalf, that the staunchest critics should be satisfied.

Further, all statements by candidates for the Offices of President and Vice President and committees supporting them, will be filed with the Comptroller General. The Comptroller General will act as a national clearinghouse for this information. Finally, copies of all reports must be sent by candidates to the Secretary of State in each State, or to the equivalent officer, in order to make available on the local level the details of campaign receipts and expenditures by

candidates and committees the local citizens are interested in.

I will not attempt to detail at this time, Mr. President, all of the specific provisions of the new act which will constitute a complete change in present election laws, practices, limitations, and reporting; but I want to state very clearly my gratification, personally, that a bill incorporating most of the essential reforms that I have been seeking for many, many years, finally has reached the stage of congressional approval it now has. I am sure it will be signed into law by the President in the very near future.

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

The report was agreed to.

#### QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### LUMP-SUM DEATH PAYMENT; PROVISIONS RELATING TO WORK INCENTIVE PROGRAM, INTERMEDIATE CARE FACILITIES COVERAGE UNDER MEDICAID, AND PUBLIC ASSISTANCE INCOME DISREGARD—CONFERENCE REPORT

Mr. LONG. Mr. President, I submit a 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. 10604) to amend title II of the Social Security Act to permit the payment of the lump-sum death payment to pay the burial and memorial services expenses and related expenses for an insured individual whose body is unavailable for burial. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. HANSEN). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of this date at pp. 46769-46772.)

Mr. LONG. Mr. President, the Senate added three amendments to H.R. 10604, a noncontroversial bill providing for the payment of social security lump sum death benefits in certain cases in which the body is not available for burial.

#### IMPROVEMENT OF THE WORK INCENTIVE PROGRAM

The first of these Senate amendments, introduced by Senator TALMADGE, makes a number of changes designed to improve the work incentive program for welfare recipients under the Social Security Act. I am pleased to say that these provisions were accepted by the con-



**HOUSE  
FLOOR DEBATE  
ON  
CONFERENCE REPORT**

DECEMBER 14, 1971

&

JANUARY 19, 1971



du Pont  
Eckhardt  
Edmondson  
Edwards, Calif.  
Euberg  
Erlenborn  
Esch  
Evans, Colo.  
Fascell  
Flood  
Flowers  
Ford, Gerald R.  
Ford,  
    William D.  
Forsythe  
Fountain  
Fraser  
Frelinghuysen  
Frenzel  
Galianakis  
Gallagher  
Garmatz  
Gettys  
Gialmo  
Gibbons  
Gonzalez  
Gray  
Green, Oreg.  
Green, Pa.  
Griffin  
Grover  
Gude  
Haley  
Halpern  
Hamilton  
Hammer-  
    schmidt  
Hanley  
Hanna  
Hansen, Idaho  
Harvey  
Hastings  
Hathaway  
Hawkins  
Hays  
Hechler, W. Va.  
Heckler, Mass.  
Heinz  
Helstoski  
Henderson  
Hicks, Mass.  
Hillis  
Hogan  
Horton  
Howard  
Hull  
Hungate  
Hunt  
Ichord  
Jacobs  
Jarman  
Johnson, Calif.  
Johnson, Pa.  
Jonas  
Jones, Ala.  
Jones, Tenn.  
Karth  
Kazen  
Keating  
Keith  
Kemp  
Kluczynski  
Koch  
Kuykendall  
Kyl

NAYS—60

Abernethy  
Alexander  
Ashbrook  
Bevill  
Biester  
Bray  
Broomfield  
Buchanan  
Burlerson, Tex.  
Cederberg  
Clancy  
Clawson, Del.  
Collins, Tex.  
Crane  
Dennis  
Devine  
Duncan  
Edwards, Ala.  
Eshleman  
Findley

NOT VOTING—64

Anderson, Ill.  
Anderson,  
    Tenn.  
Andrews, Ala.

Baker  
Belcher  
Blatnik  
Bolling

Riegle  
Rodino  
Roe  
Rogers  
Roncalio  
Rooney, Pa.  
Rosenthal  
Rostenkowski  
Roush  
Roy  
Roybal  
Runnels  
Ruppe  
Ruth  
Ryan  
St Germain  
Sandman  
Sarbanes  
Satterfield  
Scheuer  
Schneebell  
Schwengel  
Sebelius  
Seiberling  
Shipley  
Shoup  
Shriver  
Sikes  
Sisk  
Skubitz  
Slack  
Smith, Iowa  
Smith, N.Y.  
Stagers  
Stanton,  
    J. William  
Stanton,  
    James V.  
Steed  
Steele  
Steiger, Ariz.  
Steiger, Wis.  
Stratton  
Stubblefield  
Stuckey  
Talcott  
Taylor  
Teague, Tex.  
Terry  
Thomson, Wis.  
Thone  
Tiernan  
Udall  
Ullman  
Van Deerlin  
Vander Jagt  
Vanik  
Waldie  
Ware  
Whalen  
White  
Whitehurst  
Whitten  
Williams  
Winn  
Wolf  
Wright  
Wyatt  
Wylie  
Yates  
Yatron  
Young, Tex.  
Zablocki  
Zwach

Derwinski  
Dowdy  
Dwyer  
Edwards, La.  
Evins, Tenn.  
Fish  
Flynt  
Fulton, Tenn.  
Fuqua  
Gaydos  
Goldwater  
Griffiths  
Gubser  
Hagan  
Hall  
Hansen, Wash.  
Hébert  
Hicks, Wash.

Hollifield  
Kastenmeier  
Kee  
Landrum  
Latta  
Lujan  
McClure  
McKevitt  
McMillan  
Martin  
Mills, Ark.  
Mink  
Mollohan  
Moss  
O'Hara  
O'Neill  
Pelly  
Pryor, Ark.

Rees  
Reuss  
Rhodes  
Robison, N.Y.  
Rooney, N.Y.  
Rousselot  
Smith, Calif.  
Springer  
Stephens  
Stokes  
Sullivan  
Symington  
Thompson, N.J.  
Veysey  
Waggoner  
Widnall  
Wilson,  
    Charles H.

be inserted by the House amendment insert the following:

That this Act may be cited as the "Federal Election Campaign Act of 1971".

TITLE I—CAMPAIGN COMMUNICATIONS

SHORT TITLE

SEC. 101. This title may be cited as the "Campaign Communications Reform Act".

DEFINITIONS

SEC. 102. For purposes of this title:

(1) The term "communications media" means broadcasting stations, newspapers, magazines, outdoor advertising facilities, and telephones; but, with respect to telephones, spending or an expenditure shall be deemed to be spending or an expenditure for the use of communications media only if such spending or expenditure is for the costs of telephones, paid telephonists, and automatic telephone equipment, used by a candidate for Federal elective office to communicate with potential voters (excluding any costs of telephones incurred by a volunteer for use of telephones by him).

(2) The term "broadcasting station" has the same meaning as such term has under section 315(f) of the Communications Act of 1934.

(3) The term "Federal elective office" means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States (and for purposes of section 103(b) such term includes the office of Vice President).

(4) The term "legally qualified candidate" means any person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate, and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors.

(5) The term "voting age population" means resident population, eighteen years of age and older.

(6) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

MEDIA RATE AND RELATED REQUIREMENTS

SEC. 103. (a) (1) Section 315(b) of the Communications Act of 1934 is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

"(1) during the forty-five days preceding the date of a primary or primary runoff election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same period; and

"(2) at any other time, the charges made for comparable use of such station by other users thereof."

(2) (A) Section 312(a) of such Act is amended by striking "or" at the end of clause (5), striking the period at the end of clause (6) and inserting in lieu thereof a semicolon and "or", and adding at the end of such section 312(a) the following new paragraph:

"(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate for Federal elective office on behalf of his candidacy."

(B) The second sentence of section 315(a) of such Act is amended by inserting "under this subsection" after "No obligation is imposed".

(b) To the extent that any person sells space in any newspaper or magazine to a legally qualified candidate for Federal elective office, or nomination thereto, in connection

So the conference report was agreed to. The Clerk announced the following pairs:

On this vote:

Mr. Thompson of New Jersey for, with Mr. Smith of California against.

Mr. Rhodes for, with Mr. Conte against.

Mr. Widnall for, with Mr. Rousselot against.

Until further notice:

Mr. O'Neill with Mr. Anderson of Illinois.

Mr. Moss with Mr. Goldwater.

Mr. Waggoner with Mr. Derwinski.

Mr. Andrews of Alabama with Mr. Belcher.

Mr. Hollifield with Mr. Gubser.

Mrs. Sullivan with Mrs. Dwyer.

Mr. Rooney of New York with Mr. Fish.

Mr. Reuss with Mr. Conyers.

Mrs. Mink with Mr. Stokes.

Mr. Evins of Tennessee with Mr. Baker.

Mr. O'Hara with Mr. Pelly.

Mr. McMillan with Mr. Martin.

Mr. Hébert with Mr. Hall.

Mr. Fuqua with Mr. Veysey.

Mrs. Griffiths with Mr. Latta.

Mr. Mills of Arkansas with Mr. Lujan.

Mr. Kee with Mr. Springer.

Mrs. Hansen of Washington with Mr. Rob-

inson of New York.

Mr. Caffery with Mr. McClure.

Mr. Blatnik with Mr. McKeitt.

Mr. Anderson of Tennessee with Mr. Lan-

drum.

Mr. Casey of Texas with Mr. Mollohan.

Mr. Flynt with Mr. Pryor of Arkansas.

Mr. Dowdy with Mr. Hagan.

Mr. Gaydos with Mr. Symington.

Mr. Charles H. Wilson with Mr. Fulton of

Tennessee.

Mr. Rees with Mr. Hicks of Washington.

Mr. Kastenmeier with Mr. Stephens.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 382, FEDERAL ELECTION CAMPAIGN ACT OF 1971

Mr. HAYS submitted the following conference report and statement on the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92-752)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to

Rarick  
Roberts  
Robinson, Va.  
Saylor  
Scherie  
Schmitz  
Scott  
Snyder  
Spence  
Teague, Calif.  
Thompson, Ga.  
Vigorito  
Wampler  
Whalley  
Wiggins  
Wilson, Bob  
Wyder  
Wyman  
Young, Fla.  
Zion

with such candidate's campaign for nomination for, or election to, such office, the charges made for the use of such space in connection with his campaign shall not exceed the charges made for comparable use of such space for other purposes.

LIMITATIONS OF EXPENDITURES FOR USE OF COMMUNICATIONS MEDIA

SEC. 104. (a) (1) Subject to paragraph (4), no legally qualified candidate in an election (other than a primary or primary runoff election) for a Federal elective office may—

(A) spend for the use of communications media on behalf of his candidacy in such election a total amount in excess of the greater of—

(i) 10 cents multiplied by the voting age population (as certified under paragraph (5)) of the geographical area in which the election for such office is held, or

(ii) \$50,000, or

(B) spend for the use of broadcast stations on behalf of his candidacy in such election a total amount in excess of 60 per centum of the amount determined under subparagraph (A) with respect to such election.

(2) No legally qualified candidate in a primary election for nomination to a Federal elective office, other than President, may spend—

(A) for the use of communications media, or

(B) for the use of broadcast stations, on behalf of his candidacy in such election a total amount in excess of the amounts determined under paragraph (1) (A) or (B), respectively, with respect to the general election for such office. For purposes of this subsection a primary runoff election shall be treated as a separate primary election.

(3) (A) No person who is a candidate for presidential nomination may spend—

(i) for the use in a State of communications media, or

(ii) for the use in a State of broadcast stations,

on behalf of his candidacy for presidential nomination a total amount in excess of the amounts which would have been determined under paragraph (1) (A) or (B), respectively, had he been a candidate for election for the office of Senator from such State (or for the office of Delegate or Resident Commissioner in the case of the District of Columbia or the Commonwealth of Puerto Rico).

(B) For purposes of this paragraph (3), a person is a candidate for presidential nomination if he makes (or any other person makes on his behalf) an expenditure for the use of any communications medium on behalf of his candidacy for any political party's nomination for election to the office of President. He shall be considered to be such a candidate during the period—

(i) beginning on the date on which he (or such other person) first makes such an expenditure (or, if later, January 1 of the year in which the election for the office of President is held), and

(ii) ending on the date on which such political party nominates a candidate for the office of President.

For purposes of this title and of section 315 of the Communications Act of 1934, a candidate for presidential nomination shall be considered a legally qualified candidate for public office.

(C) The Comptroller General shall prescribe regulations under which any expenditure by a candidate for presidential nomination for the use in two or more States of a communications medium shall be attributed to such candidate's expenditure limitation in each such State, based on the number of persons in such State who can reasonably be expected to be reached by such communications medium.

(4) (A) For purposes of subparagraph (B):

(i) The term "price index" means the average over a calendar year of the Consumer

Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

(ii) The term "base period" means the calendar year 1970.

(B) At the beginning of each calendar year (commencing in 1972), as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Comptroller General and publish in the Federal Register the per centum difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. Each amount determined under paragraph (1) (A) (i) and (ii) shall be increased by such per centum difference. Each amount so increased shall be the amount in effect for such calendar year.

(5) Within 60 days after the date of enactment of this Act, and during the first week of January in 1973 and every subsequent year, the Secretary of Commerce shall certify to the Comptroller General and publish in the Federal Register an estimate of the voting age population of each State and congressional district for the last calendar year ending before the date of certification.

(6) Amounts spent for the use of communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(7) For purposes of this section and section 315(c) of the Communications Act of 1934—

(A) spending and charges for the use of communications media include not only the direct charges of the media but also agents' commissions allowed the agents by the media, and

(B) any expenditure for the use of any communications medium by or on behalf of the candidacy of a candidate for Federal elective office (or nomination thereto) shall be charged against the expenditure limitation under this subsection applicable to the election in which such medium is used.

(b) No person may make any charge for the use by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) of any newspaper, magazine, or outdoor advertising facility, unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies in writing to the person making such charge that the payment of such charge will not violate paragraph (1), (2), or (3) of subsection (a), whichever is applicable.

(c) Section 315 of the Communications Act of 1934 is amended by redesignating subsection (c) as subsection (g) and by inserting after subsection (b) the following new subsections:

"(c) No station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate any limitation specified in paragraph (1), (2), or (3) of section 104(a) of the Campaign Communications Reform Act, whichever paragraph is applicable.

"(d) If a State by law and expressly—

"(1) has provided that a primary or other election for any office of such State or of a

political subdivision thereof is subject to this subsection,

"(2) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election,

"(3) has provided in any such law an unequivocal expression of intent to be bound by the provisions of this subsection, and

"(4) has stipulated that the amount of such limitation shall not exceed the amount which would be determined for such election under section 104(a) (1) (B) or 104(a) (2) (B) (whichever is applicable of the Campaign Communications Reform Act had such election been an election for a Federal elective office or nomination thereto);

then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate such State limitation.

"(e) Whoever willfully and knowingly violates the provisions of subsection (c) or (d) of this section shall be punished by a fine not to exceed \$5,000 or imprisonment for a period not to exceed five years, or both. The provisions of sections 501 through 503 of this Act shall not apply to violations of either such subsection.

"(f) (1) For the purposes of this section:

"(A) The term 'broadcasting station' includes a community antenna television system.

"(B) The terms 'licensee' and 'station licensee' when used with respect to a community antenna television system, mean the operator of such system.

"(C) The term 'Federal elective office' means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States.

"(2) For purposes of subsections (c) and (d), the term 'legally qualified candidate' means any person who (A) meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors."

REGULATIONS

SEC. 105. The Comptroller General shall prescribe such regulations as may be necessary or appropriate to carry out sections 102, 103(b), 104(a), and 104(b) of this Act.

PENALTIES

SEC. 106. Whoever willfully and knowingly violates any provision of section 103(b), 104(a), or 104(b) or any regulation under section 105 shall be punished by a fine of not more than \$5,000 or by imprisonment of not more than five years, or both.

TITLE II—CRIMINAL CODE AMENDMENTS

SEC. 201. SECTION 591 of title 18, United States Code, is amended to read as follows:

§ 591. Definitions

"When used in sections 597, 599, 600, 602, 60E, 610, and 611 of this title—

"(a) 'election' means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(b) 'candidate' means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek

nomination for election, or election, to Federal office, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

"(c) 'Federal office' means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

"(d) 'political committee' means any individual, committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

"(e) 'contribution' means—

"(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

"(3) a transfer of funds between political committees;

"(4) the payment by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or political committee without charge for any such purpose; and

"(5) notwithstanding the foregoing meanings of 'contribution', the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and

"(3) a transfer of funds between political committees;

"(g) 'person' and 'whoever' mean an individual, partnership, committee, association, corporation, or any other organization or group of persons; and

"(h) 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States."

Sec. 202. Section 600 of title 18, United States Code, is amended to read as follows:

"§ 600. Promise of employment or other benefit for political activity

"Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

Sec. 203. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitations on contributions and expenditures

"(a) (1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

"(A) \$50,000, in the case of a candidate for the office of President or Vice President;

"(B) \$35,000, in the case of a candidate for the office of Senator; or

"(C) \$25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"(2) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

"(b) No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of the provisions of this section.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed \$1,000, imprisonment for not to exceed one year, or both."

Sec. 204. Section 609 of title 18, United States Code, is repealed.

Sec. 205. Section 610 of title 18, United States Code, relating to contributions or expenditures by national banks, corporations, or labor organizations, is amended by adding at the end thereof the following paragraph:

"As used in this section, the phrase 'contribution or expenditure' shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business) to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section; but shall not include communications by a corporation to its stockholders and their families or by a labor organization to its members and their families on any subject; nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families; the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization; *Provided*, That it shall be unlawful for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues, fees, or other monies required as a condition of membership in a labor organiza-

tion or as a condition of employment, or by monies obtained in any commercial transaction."

Sec. 206. Section 611 of title 18, United States Code, is amended to read as follows:

"§ 611. Contributions by Government contractors

"Whoever—

"(a) entering into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (1) the completion of performance under, or (2) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land or buildings, directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

"(b) knowingly solicits any such contribution from any such person for any such purpose during any such period; shall be fined not more than \$5,000 or imprisoned not more than five years, or both."

Sec. 207. The table of sections for chapter 29 of title 18, United States Code, is amended by—

(1) striking out the item relating to section 608 and inserting in lieu thereof the following:

"608. Limitations on contributions and expenditures."

(2) striking out the item relating to section 609 and inserting in lieu thereof the following:

"609. Repealed."

(3) striking out the item relating to section 611 and inserting in lieu thereof the following:

"611. Contributions by Government contractors."

#### TITLE III—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

##### DEFINITIONS

Sec. 301. When used in this title—

(a) "election" means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(b) "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for reelection, or election, to such office;

(c) "Federal office" means the office of

President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees;

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose; and

(5) notwithstanding the foregoing meanings of "contribution", the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure; and

(3) a transfer of funds between political committees;

(g) "supervisory officer" means the Secretary of the Senate with respect to candidates for Senator; the Clerk of the House of Representatives with respect to candidates for Representative in, or Delegate or Resident Commissioner to, the Congress of the United States; and the Comptroller General of the United States in any other case;

(h) "person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons; and

(i) "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

#### ORGANIZATION OF POLITICAL COMMITTEES

SEC. 302. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution in excess of \$10 for a political committee shall, on demand of the treasurer, and in any event within five days after receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address (occupation and the principal place of business, if any) of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) all contributions made to or for such committee;

(2) the full name and mailing address (occupation and the principal place of business, if any) of every person making a contribution in excess of \$10, and the date and amount thereof;

(3) all expenditures made by or on behalf of such committee; and

(4) the full name and mailing address (occupation and the principal place of business, if any) of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of \$100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds \$100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the supervisory officer.

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

(f) (1) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the appropriate supervisory officer is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402."

(2) (A) The supervisory officer shall compile and furnish to the Public Printer, not later than the last day of March of each year, an annual report for each political committee which has filed a report with him under this title during the period from March 10 of the preceding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain—

(1) a copy of the statement of organization of the political committee required under section 303, together with any amendments thereto; and

(2) a copy of each report filed by such committee under section 304 from March 10 of the preceding year through January 31 of the year in which the annual report is so furnished to the Public Printer.

(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the supervisory officer.

#### REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 303. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall file with the supervisory officer a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of \$1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the supervisory officer at such time as he prescribes.

(b) The statement of organization shall include—

(1) the name and address of the committee;

(2) the names, addresses, and relationships of affiliated or connected organizations;

(3) the area, scope, or jurisdiction of the committee;

(4) the name, address, and position of the custodian of books and accounts;

(5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;

(6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;

(7) a statement whether the committee is a continuing one;

(8) the disposition of residual funds which will be made in the event of dissolution;

(9) a listing of all banks, safety deposit boxes, or other repositories used;

(10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and

(11) such other information as shall be required by the supervisory officer.

(c) Any change in information previously submitted in a statement of organization shall be reported to the supervisory officer within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall so notify the supervisory officer.

#### REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

SEC. 304. (a) Each treasurer of a political committee supporting a candidate or candidates for election to Federal office, and each candidate for election to such office, shall file with the appropriate supervisory officer reports of receipts and expenditures on forms to be prescribed or approved by him. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the supervisory officer may prescribe, which shall not be less than five days before the date of filing, except that any contribution of \$5,000 or more received after the last report is filed prior to the election shall be reported within forty-eight hours after its receipt.

(b) Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address (occupation and the principal place of business, if any) of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events) within the calendar year in an aggregate amount or value in excess of \$100, together with the amount and date of such contributions;

(3) the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (2);

(4) the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers;

(5) each loan to or from any person within the calendar year in an aggregate amount or value in excess of \$100, together with the full names and mailing addresses (occupations and the principal places of business, if any) of the lender and endorsers, if any, and the date and amount of such loans;

(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(7) each contribution, rebate, refund, or other receipt in excess of \$100 not otherwise listed under paragraphs (2) through (6);

(8) the total sum of all receipts by or for such committee or candidate during the reporting period;

(9) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom expenditures have been made by such committee or on behalf of such committee or candidate within the calendar year in an aggregate amount or value in excess of \$100, the amount, date, and purpose of each such expenditure and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made;

(10) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of \$100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(11) the total sum of expenditures made by such committee or candidate during the calendar year;

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the supervisory officer may prescribe and a continuous reporting of their debts and obligations after the election at such periods as the supervisory officer may require until such debts and obligations are extinguished; and

(13) such other information as shall be required by the supervisory officer.

(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.

#### REPORTS BY OTHERS THAN POLITICAL COMMITTEES

Sec. 305. Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of \$100 within a calendar year shall file with

the supervisory officer a statement containing the information required by section 304. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

#### FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

Sec. 306. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the supervisory officer in a published regulation.

(c) The supervisory officer may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 304 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

(d) The supervisory officer shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

#### REPORTS ON CONVENTION FINANCING

Sec. 307. Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President, shall, within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the Comptroller General of the United States a full and complete financial statement, in such form and detail as he may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

#### DUTIES OF THE SUPERVISORY OFFICER

Sec. 308. (a) It shall be the duty of the supervisory officer—

(1) to develop and furnish to the person required by the provisions of this Act prescribed forms for the making of the reports and statements required to be filed with him under this title;

(2) to prepare, publish, and furnish to the person required to file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

(4) to make the reports and statements filed with him available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person: *Provided*,

That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

(5) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as he shall determine and broken down into candidate, party, and nonparty expenditures on the national, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as he shall determine and broken down into contributions on the national, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of \$100;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as he may deem appropriate;

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provisions of this title;

(12) to report apparent violations of law to the appropriate law enforcement authorities; and

(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

(b) The supervisory officer shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

(c) It shall be the duty of the Comptroller General to serve as a national clearinghouse for information in respect to the administration of elections. In carrying out his duties under this subsection, the Comptroller General shall enter into contracts for the purpose of conducting independent studies of the administration of elections. Such studies shall include, but shall not be limited to, studies of—

(1) the method of selection of, and the type of duties assigned to, officials and personnel working on boards of elections;

(2) practices relating to the registration of voters; and

(3) voting and counting methods. Studies made under this subsection shall be published by the Comptroller General and copies thereof shall be made available to the general public upon the payment of the cost thereof. Nothing in this subsection shall be construed to authorize the Comptroller General to require the inclusion of any comment or recommendation of the Comptroller General in any such study.

(d) (1) Any person who believes a violation of this title has occurred may file a complaint with the supervisory officer. If the supervisory officer determines there is substantial reason

to believe such a violation has occurred, he shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the supervisory officer, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

(2) In any action brought under paragraph (1) of this subsection, subpoenas for witnesses who are required to attend a United States district court may run into any other district.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States court of appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

(4) The judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

#### STATEMENTS FILED WITH STATE OFFICERS

SEC. 309. (a) A copy of each statement required to be filed with a supervisory officer by this title shall be filed with the Secretary of State (or, if there is no office of Secretary of State, the equivalent State officer) of the appropriate State. For purposes of this subsection, the term "appropriate State" means—

(1) for reports relating to expenditures and contributions in connection with the campaign for nomination for election, or election, of a candidate to the office of President or Vice President of the United States, each State in which an expenditure is made by him or on his behalf, and

(2) for reports relating to expenditures and contributions in connection with the campaign for nomination for election, or election, of a candidate to the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, the State in which he seeks election.

(b) It shall be the duty of the Secretary of State, or the equivalent State officer, under subsection (a)—

(1) to receive and maintain in an orderly manner all reports and statements required by this title to be filed with him;

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(3) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the day during which it was

received, and to permit copying of any such report or statement by hand or by duplicating machine, requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

#### PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

SEC. 310. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

#### PENALTY FOR VIOLATIONS

SEC. 311. (a) Any person who violates any of the provisions of this title shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) In case of any conviction under this title, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

#### TITLE IV—GENERAL PROVISION

##### EXTENSION OF CREDIT BY REGULATED INDUSTRIES

SEC. 401. The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 301(c) of the Federal Election Campaign Act of 1971), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.

##### PROHIBITION AGAINST USE OF CERTAIN FEDERAL FUNDS FOR ELECTION ACTIVITIES

SEC. 402. No part of any funds appropriated to carry out the Economic Opportunity Act of 1964 shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Office of Economic Opportunity who, in his official capacity as such an officer or employee, engages in any such activity. As used in this section, the term "election" has the same meaning given such term by section 301(a) of the Federal Election Campaign Act of 1971, and the term "Federal office" has the same meaning given such term by section 301(c) of such Act.

##### EFFECT ON STATE LAW

SEC. 403. (a) Nothing in this Act shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this Act.

(b) Notwithstanding subsection (a), no provision of State law shall be construed to prohibit any person from taking any action authorized by this Act or from making any expenditure (as such term is defined in section 301(f) of this Act) which he could lawfully make under this Act.

##### PARTIAL INVALIDITY

SEC. 404. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

##### REPEALING CLAUSE

SEC. 405. The Federal Corrupt Practices Act, 1925 (2 U.S.C. 241-256), is repealed.

#### EFFECTIVE DATE

SEC. 406. Except as provided for in section 401 of this Act, the provisions of this Act shall become effective on December 31, 1971, or sixty days after the date of enactment of this Act, whichever is later.

And the House agree to the same.

WAYNE L. HAYS,  
WATKINS M. ABBITT,  
KEN GRAY,  
JAMES HARVEY,  
WM. L. DICKINSON,

*Managers on the Part of the House as to Titles III, IV, and V of the House Amendment.*

HARLEY O. STAGGERS,  
TORBERT H. MACDONALD,  
LIONEL VAN DEERLIN,  
SAMUEL L. DEVINE,  
ANCHER NELSEN,

*Managers on the Part of the House as to Titles I and II of the House Amendment.*

JOHN O. PASTORE,  
P. A. HART,  
VANCE HARTKE,  
B. EVERETT JORDAN,  
HOWARD W. CANNON,  
CLAIBORNE FELL,  
HOWARD BAKER,  
MARLOW COOK,  
TED STEVENS,  
HUGH SCOTT,

*Managers on the Part of the Senate.*

#### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

#### CAMPAIGN COMMUNICATIONS

##### *Equal time and related matters*

**Repeal of Equal Time Requirement for Candidates for Federal Elective Office**

*Senate bill.*—The Senate bill amended subsection (a) of section 315 of the Communications Act of 1934 (which presently provides that if a licensee permits any legally qualified candidate for public office to use his station, he must afford equal opportunities to all other candidates for the same office in the use of his station) to make that subsection inapplicable to candidates for Federal elective office (President, Vice President, Senator, Representative, Delegate, and Resident Commissioner).

*House amendment.*—The House amendment made no change in section 315(a).

*Conference substitute.*—The conference substitute does not include this provision of the Senate bill.

##### **Program Format**

*Senate bill.*—The Senate bill also provided that when a licensee permits a legally qualified candidate for Federal elective office to

use his broadcasting station in connection with the candidate's campaign, the licensee must afford the candidate maximum flexibility in choosing his program format.

**House amendment.**—No comparable provision.

**Conference substitute.**—The Senate recedes on this provision.

#### Media rate and access requirements

##### Charges by Broadcast Stations

Both the Senate Bill and the House amendment revised section 315(b) of the Communications Act of 1934. Under the existing section 315(b), the charges made for the use of any broadcast station for any of the purposes set forth in section 315 may not exceed the charges made for comparable use of the station for other purposes.

**House amendment.**—The House amendment provided that the charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office could not exceed "the actual charges made by such station for any comparable use of such station for other purposes". (Matter inserted in existing law in *italics*.)

**Senate bill.**—The Senate bill revised section 315(b) to require that the charges made for the use of a broadcast station by any person who is a legally qualified candidate for public office could not, during the 45 days preceding a primary election and during the 60 days preceding a general or special election, exceed the lowest unit charge of the station for the same class and amount of time for the same period. The comparable rate requirement under existing law would have continued to apply except during these 45 and 60 day periods.

**Conference substitute.**—The conference substitute includes this provision of the Senate bill.

##### Access to Broadcast Stations

**Senate bill.**—The Senate bill made a broadcast license subject to revocation under section 312(a) of the Communications Act for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by any legally qualified candidate on behalf of his candidacy.

**House amendment.**—No comparable provision.

**Conference substitute.**—This provision is included in the conference substitute, with a clarifying amendment limiting the provision to use of broadcast stations by candidates for Federal elective office. A conforming amendment is also made to section 315(a).

##### Nonbroadcast Media Rates

**House amendment.**—The House section 103(b)(1) provided that, to the extent that any person sold space in any newspaper or magazine to a legally qualified candidate for Federal elective office, or nomination thereto, in connection with that candidate's campaign, the charges made for the use of the space in connection with his campaign could not exceed the charges made for comparable use of such space for other purposes.

**Senate bill.**—The Senate bill provided that during the 45 days preceding any primary election, and during the 60 days preceding any general or special election, the charges made for the use of any nonbroadcast communications medium (newspapers, magazines, other periodicals, billboards) by an individual who is a legally qualified candidate for Federal elective office may not exceed the lowest unit rate charged others by the person furnishing such medium for the same amount and class of space.

**Conference substitute.**—The conference substitute the provisions of the House amendment in this respect.

#### Nonbroadcast Media Access

**House amendment.**—Section 103(b)(2) of the House version required any person who made space available in any newspaper or magazine to any legally qualified candidate for Federal elective office, or nomination thereto, in connection with the candidate's campaign, to make equivalent space available on the same basis to all candidates for the same office.

**Senate bill.**—The Senate bill contained no provision comparable to section 103(b)(2) of the House amendment.

**Conference substitute.**—The House recedes.

#### Free or Reduced Rate Use of Nonbroadcast Media

**Senate bill.**—Section 103(e) of the Senate bill provided that any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate without charge or at a reduced rate would be deemed to have made a contribution to such candidate in an amount equal to the excess of the rate normally charged over the rate (if any) charged such candidate.

**House amendment.**—The House amendment contained no comparable provision.

**Conference substitute.**—The Senate recedes.

#### Limitations on expenditures for use of communications media

Both the Senate bill and the House amendment imposed limitations on expenditures for the use of communications media by candidates for Federal elective office.

##### Amount of Limitation

**House amendment.**—The House bill contained an overall limit on expenditures for the use of communications media of the greater of (1) 10¢ times voting age population, or (2) \$50,000. In addition, the House bill provided that not more than 60% of the overall communications media limitation could be spent for the use of broadcasting stations.

**Senate bill.**—The Senate bill had two separate limitations: One limitation of 5¢ times voting age population (or, if greater, \$30,000), applicable to expenditures for the use of broadcast stations; and a second limitation of 5¢ times voting age population (or, if greater, \$30,000), applicable to expenditures for the use of nonbroadcast communications media. Section 104 of the Senate bill permitted not more than 20% of either of the two limitations to be transferred to the other, if the Federal Elections Commission was notified.

**Conference substitute.**—The conference substitute incorporates the provisions of the House amendment.

##### Primaries

Both the Senate bill and the House amendment provided that each primary, general, special, or runoff, election would be treated as a separate election and have a separate expenditure limitation applicable to it. The conference substitute contains this provision.

##### Presidential Primaries

**Senate bill.**—The Senate bill provided that in computing the limitations for broadcast and nonbroadcast expenditures applicable to Presidential primary elections, the voting age population in the State in which the election is held would be used to compute the expenditure limitations, and that a candidate's expenditures for a Presidential primary in a State could not exceed the limitations applicable to that State.

**House amendment.**—The House amendment imposed State-by-State limitations on media expenditures by candidates for Presidential nomination. Under the amendment,

no candidate for Presidential nomination could spend for the use in a State of communications media, or for the use in a State of broadcast stations, on behalf of his candidacy for Presidential nomination a total amount in excess of either the overall communications media limitation, or the broadcast limitation, which would have been applicable to him had he been a candidate for the office of Senator from that State (or for Delegate or Resident Commissioner in the case of the District of Columbia or Puerto Rico).

Under the House amendment, a person would be considered a candidate for Presidential nomination if he made (or any other person made on his behalf) an expenditure for the use of any communications medium on behalf of his candidacy for any political party's nomination in an election to the office of President. He was considered to be such a candidate during the period—

(i) beginning on the date on which such an expenditure was first made or, if later, on January 1 of the year of the election, and

(ii) ending on the date on which the political party nominated a candidate for the office of President.

The Attorney General was directed to prescribe regulations under which any expenditure for the use in two or more States of a communications medium by a candidate for Presidential nomination would be attributed to the candidate's expenditure limitation in each of the States, based on the number of persons in the State who could reasonably be expected to be reached by such medium.

The House amendment also provided that, for purposes of the bill and section 315 of the Communications Act, a candidate for Presidential nomination would be considered a legally qualified candidate for public office.

**Conference substitute.**—The conference substitute contains the provisions of the House amendment respecting candidates for presidential nomination, except that the function of prescribing regulations is vested in the Comptroller General rather than the Attorney General.

##### "Escalator" Provision

**Senate bill.**—The Senate bill provided that the broadcast and nonbroadcast expenditure limitations computed under the "5 cent" formulas would be increased (beginning in 1972) in proportion to increases in the Consumer Price Index over calendar year 1970.

**House amendment.**—Under the House amendment, the Secretary of Commerce was directed to set up a communications price index to measure changes in the charges to candidates for the use of communications media. Biennially, beginning in 1974, the Secretary of Commerce would certify a proportionate increase or decrease in the 10 cent multiplier and the \$50,000 alternative limit, based on changes in the communications price index.

**Conference substitute.**—The conference substitute follows the provisions of the Senate bill with technical and conforming changes. Under the conference substitute each communications media expenditure limitation computed under section 104(a)(1)(A) would be increased in proportion to increases in the Consumer Price Index, with base period being calendar year 1970. The first year in which an increase could occur would be 1972.

For example, since the Consumer Price Index for the base period (1970) is 100, if the Consumer Price Index for 1971 was 104.3, each limitation under section 104(a)(1)(A) would be increased by 4.3 percent. Thus, in a State which for 1971 had a voting age population of 400,000, the overall media expenditure limitation for senatorial candidates would be the greater of—

(A) \$41,720 (the product of 10¢ × 400,000, increased by 4.3 percent), or

(B) \$52,150 (\$50,000 increased by 4.3 percent).

The broadcast limitation in this example would be \$31,290 (60 percent of the \$52,150 overall limit). The primary election limits would be identical to the limits for the general election: \$52,150 for all media expenditures, and \$31,290 for broadcast expenditures.

#### Voting Age Population

**Senate bill.**—Under the Senate bill the "5 cent" formulas were based on "resident population of voting age", determined annually for the year preceding the election.

**House amendment.**—The House "10 cent" formula was based on "resident civilian population, 18 years of age and older", estimated biennially, beginning in 1972.

**Conference substitute.**—The conference substitute bases its "10 cent" formula on "resident population, 18 years of age and older" estimated annually, beginning in 1972.

**Expenditures by Political Committees, Etc., or by Vice Presidential Candidates**

Both the Senate bill and the House amendment provided, and the conference substitute provides, that amounts spent for the use of communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) will, for purposes of the expenditure limitations of the bill, be deemed to have been spent by the candidate. Under this provision, the expenditure limitations of the bill apply to all communications media expenditures on behalf of the candidate, whether made by the candidate, a political committee, an individual, or otherwise, and whether or not the person making the expenditure is authorized by the candidate to do so. (See the second following paragraph for requirement of certification from candidate.)

In addition, amounts spent for the use of broadcasting stations by or on behalf of any legally qualified candidate for Vice President will, for the purposes of such limitations, be deemed to have been spent by the candidate for the office of President with whom he is running.

#### Certification Requirements

The Senate bill, House amendment, and conference substitute all provide that no charge may be made for the use of any newspaper, magazine, outdoor advertising facility, or broadcasting station unless the candidate or his authorized representative certifies that payment of the charge will not violate the applicable expenditure limitations.

**Special Rules Relating to Agency Commissions; Determination of Election to Which Expenditure Is Allocable**

**House amendment.**—The House amendment provided that in computing the amount of a candidate's expenditures for the use of communications media, there would be included not only the direct charges of communications media, but also agents' commissions allowed the agent by the media. In addition the House amendment provided that for purposes of section 104 of the House amendment and section 315(c) of the Communications Act, any expenditure for the use of any communications medium by or on behalf of the candidacy of a candidate for Federal elective office (or nomination thereto) would be charged against the expenditure limitation applicable to the election in which the medium is used.

**Senate bill.**—No comparable provisions.

**Conference substitute.**—The conference substitute contains the provisions of the House amendment.

#### Reporting to FCC

**Senate bill.**—The Senate bill contained a provision requiring broadcasting stations and candidates to file such reports as were required under FCC regulations.

**House amendment.**—No comparable provision.

**Conference substitute.**—This provision was not included in the conference substitute because the FCC has adequate authority to require reports under existing law.

#### Optional Coverage of State and Local Elections

**Senate bill.**—The Senate bill contained a provision permitting States, if certain conditions were met, to impose limitations under State law on expenditures for use of broadcasting stations by or on behalf of candidates for State and local elective offices, and prohibiting any broadcast station from making any charge for the use of such station unless the candidate (or his representative) certifies that the payment of the charge will not violate the applicable State expenditure limitation.

**House amendment.**—The House amendment contained no comparable provision.

**Conference substitute.**—The House recedes.

#### Definitions for title I Communications Media

**Senate bill.**—Title I of the Senate bill applied to broadcasting stations (defined, *infra*) and nonbroadcast communications media. Nonbroadcast communications media was defined as newspapers, magazines, and other periodical publications, and billboards.

**House amendment.**—Communications media was defined, for purposes of title I of the House amendment, as broadcasting stations, newspapers, magazines, and outdoor advertising facilities. Title II of the House amendment expanded the coverage of the expenditure limitation provisions of the House amendment to include the cost of telephone campaigns when banks of five or more instruments are used, and postage for computerized or identical mailings in quantities of 200 or more. (See below for description of this provision in House amendment.)

**Conference substitute.**—The conference substitute defines communications media as broadcasting stations, newspapers, magazines, outdoor advertising facilities, and telephones; but provides that, with respect to telephones, spending or an expenditure will be deemed to be spending or an expenditure for the use of communications media only if such spending or expenditure is for the costs of telephones, paid telephonists, and automatic telephone equipment, used by a candidate for Federal elective office to communicate with potential voters (excluding any costs of telephones incurred by a volunteer for use of telephones by him).

#### Broadcasting Stations, License, Station Licensee

The definitions of the terms "broadcasting station", "license", and "station licensee" are identical in the Senate bill, House amendment, and conference substitute. The definition of broadcasting station incorporates the definition of broadcasting station used for purposes of the Communications Act, but adds to that definition community antenna television systems.

#### Federal Elective Office

**Senate bill.**—Federal elective office was defined for purposes of title I of the Senate bill to include President, Vice President, Senator, Representative, Delegate, and Resident Commissioner.

**House amendment.**—The definition of Federal elective office for purposes of title I of the House amendment was identical to the Senate definition except that the office of Vice President was not treated as a Federal elective office for purposes of the expenditure limitation provisions of that title. (Expenditures on behalf of the candidacy of a Vice Presidential candidate are deemed to have been made on behalf of the Presidential candidate with whom he is running.)

**Conference substitute.**—The Senate recedes.

#### Legally Qualified Candidate

**Senate bill.**—Legally qualified candidate was defined under title I of the Senate bill as a person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors.

**House amendment.**—Under title I of the House amendment, the definition of legally qualified candidate incorporated the FCC's definition of legally qualified candidate for purposes of section 315(a) of the Communications Act. The FCC's regulations presently define legally qualified candidate as a person who has publicly announced his candidacy, who holds the qualifications for the office, and who has either qualified for a place on the ballot or is a write-in similar candidate who meets certain requirements.

**Conference substitute.**—The conference substitute follows the provisions of the Senate bill.

#### Use of Media by or on Behalf of Candidate

**Senate bill.**—Under title I of the Senate bill, use of communications media by or on behalf of any candidate includes not only amounts spent for advocating a candidate's election, but also amounts spent for urging the defeat of his opponent or derogating his opponent's stand on campaign issues.

**House amendment.**—The House amendment contains no comparable provision.

**Conference substitute.**—The conference substitute does not include this provision of the Senate bill. However, the conferees wish to stress that the deletion of this provision does not evince an intention to exclude from the coverage of the expenditure limitations expenditures urging the defeat of a candidate or derogating his stand on campaign issues. In many cases such an expenditure is clearly on behalf of another candidate, and would be treated so for purposes of the expenditure limitations. The conferees expect that the Comptroller General will prescribe regulations respecting this matter.

#### Voting Age Population

See explanation on page 25.

#### State

**House amendment.**—State was defined under the House amendment to include Puerto Rico and the District of Columbia.

**Senate bill.**—No comparable provision.

**Conference substitute.**—The Senate recedes.

#### Regulations

**Senate bill.**—Title I of the Senate bill contained no provision generally authorizing any Federal officer or agency to prescribe regulations to carry out title I, although the Federal Elections Commission was authorized to prescribe regulations under section 104 (relating to limited interchange between expenditure limitations) and the Federal Communications Commission's general rulemaking authority under the Communications Act applied to the sections of the bill amending that Act.

**House amendment.**—The House Amendment authorized the Attorney General to prescribe regulations to carry out section 102 (definitions), section 103(b) (charges by and access to newspapers and magazines), section 104(a) (expenditure limitations), and section 105(b) (certification requirements for use of nonbroadcast media). The Federal Communications Commission had authority to prescribe regulations to carry out the provisions of the bill which amended the Communications Act. Violation of the Attorney General's regulations was subject to the penalties provided in section 106 of the House amendment.

**Conference substitute.**—The conference substitute contains the provisions of the House amendment except that the functions of the Attorney General are vested in the Comptroller General.

#### Penalties

**Senate bill.**—Under the Senate bill, willful and knowing violations of section 103 of the bill or section 315 (c) or (d) of the Communications Act were punishable by a fine not to exceed \$5,000 or imprisonment of not more than five years, or both. Title V of the Communications Act would not apply to these violations.

**House amendment.**—Section 106(a) of the House amendment made any person who violated the provisions of title I (other than those amending the Communications Act) liable for a civil penalty of \$1,000 for each violation. The sanctions provided in title V of the Communications Act would apply to persons violating the provisions added to the Communications Act by title I.

Section 106(b) made any candidate who willfully violated the expenditure limitations of title I subject to criminal penalties in addition to the civil penalties to which he was subject under 106(a). The maximum penalty under this subsection was a fine of \$10,000, or 1 year's imprisonment, or both.

**Conference substitute.**—The conference substitute makes violations of the provisions of title I (other than those amending the Communications Act) and of the regulations of the Comptroller General subject to the penalties provided in the Senate bill. The penalties for violations of the provisions of the bill amending the Communications Act follow the provisions of the Senate bill.

#### Effective date

**Senate bill.**—The provisions of the Senate bill (other than section 401) would have taken effect on December 31, 1971, or 60 days after the date of enactment of the bill, whichever was later.

**House amendment.**—Section 107 of the House amendment provided that section 103 (media rate requirements) would take effect on January 1, 1972. The expenditure limitations under section 104 would apply to expenditures for communication media if the use of the media occurs on or after January 1, 1972.

**Conference substitute.**—The House recedes. The conferees intend however that the expenditure limitations would apply to all expenditures for communications media the use of which occurs after the effective date of the bill.

#### EXPENDITURE LIMITS FOR CERTAIN TELEPHONES AND POSTAGE

**House amendment.**—Title II of the House amendment imposed expenditure limitations—

(1) on telephone campaigns, including the cost of telephones, paid telephonists and automated equipment, when telephones are used in banks of five or more instruments to communicate with potential voters, and

(2) on postage for computerized or identical mailings in quantities of 200 or more.

Under this provision, no candidate for Federal elective office could spend for these purposes, in a primary, primary runoff, or general election, an amount in excess of the limitations imposed on expenditures for the use of communications media under title I, and any amounts spent for the use of communications media would be counted against the limitation under this title.

**Senate bill.**—No comparable provision.

**Conference substitute.**—The conference substitute deletes title II of the House amendment. However, certain expenditures for costs of telephones, paid telephonists, and automated telephone equipment are included in the overall communications media expenditure limitation under title I.

CXVII—2946—Part 38

#### CRIMINAL CODE AMENDMENTS

##### Contributions or expenditures by national Banks, corporations, or labor organizations

##### Amendment to Section 610 of Title 18, United States Code

**Senate bill.**—No comparable provision.

**House amendment.**—Section 305 of the House amendment amended section 610 of title 18 of the United States Code, relating to contributions or expenditures by national banks, corporations or labor organizations, to add a new paragraph defining the phrase "contribution or expenditure" to include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in such section. In the case of a contribution or expenditure by a national bank, or by a corporation organized by authority of any law of Congress, section 610 refers to "any political office". In the case of a contribution or expenditure by any corporation whatever, or by any labor organization, section 610 refers to the offices of presidential and vice presidential electors; Senator; and Representative in, or Delegate or Resident Commissioner to, the Congress.

The House amendment specifically providing that the phrase "contribution or expenditure" did not include—

(1) communications by a corporation to its stockholders and their families or by a labor organization to its members and their families;

(2) nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families or by a labor organization aimed at its members and their families;

(3) the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization.

The House amendment further provided that it would be unlawful for any such separate segregated fund to make a contribution or expenditure—

(A) by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat thereof; or

(B) by dues, fees, or other monies required as a condition of membership in a labor organization or as a condition of employment; or

(C) by monies obtained in any commercial transaction.

**Conference substitute.**—The conference substitute is identical with the House amendment except that the phrase "contribution or expenditure" does not include a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business.

#### DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

##### Defined terms

##### Contributions and Expenditures

**Senate bill.**—For the purposes of provisions relating to the disclosure of Federal campaign funds, section 301 of the Senate bill contained a comprehensive definition of the term "contribution" and of the term "expenditure". Each such definition included a loan of money made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of dele-

gates to a constitutional convention for proposing amendments to the Constitution of the United States.

**House amendment.**—The House amendment contained identical definitions of the terms "contribution" and "expenditure", except that, in each case, the House amendment specifically excluded a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations, and in the ordinary course of business.

**Conference substitute.**—The conference substitute follows the Senate bill.

##### Federal Elections Commission and Supervisory Officer

**Senate bill.**—Section 301 of the Senate bill defined the term "Commission" to mean the Federal Elections Commission. Section 310 of the Senate bill provided for the establishment of the Commission and various provisions of title III of the Senate bill vested in the Commission virtually all of the functions, powers, and duties relating to the reporting and disclosure of campaign funds.

**House amendment.**—The House amendment omitted the definition of the term "Commission" and substituted a definition of the term "supervisory officer". The House amendment defined the term "supervisory officer" to mean the Secretary of the Senate with respect to candidates for Senator; the Clerk of the House of Representatives with respect to candidates for Representative in, or Delegate or Resident Commissioner to, the Congress of the United States; and the Comptroller General in any other case. The House amendment omitted all references to the Commission and substituted references to the appropriate supervisory officer in each instance. Thus, under the House amendment, the functions, powers, and duties relating to the reporting and disclosure of campaign funds were vested in the supervisory officer having jurisdiction with respect to particular candidates.

**Conference substitute.**—The conference substitute is the same as the House amendment.

##### Reporting of contributions by political committees and candidates

**Senate bill.**—Section 304(b) of the Senate bill required that each report of receipts and expenditures by a political committee or a candidate disclose the full name and mailing address (occupation and the principal place of business, if any) of each person who made one or more contributions to or for such committee or candidate (including the purchase of tickets for fundraising events) within the calendar year in an aggregate amount or value of "\$100 or more", together with the amount and date of such contributions.

**House amendment.**—The House amendment was identical, except that it required reporting of such contributions in an aggregate amount "in excess of \$100" within the calendar year.

**Conference substitute.**—The conference substitute is the same as the House amendment.

##### Reports on convention financing

**Senate bill.**—Section 307 of the Senate bill required each committee or other organization which—

(1) represented a State, or political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President; or

(2) represented a national political party in making arrangements for such a convention,

to file a complete financial statement of the sources from which its funds were derived and the purposes for which such funds were

expended. Such statement was required to be filed with the Federal Elections Commission within 60 days following the end of the convention, but not later than 20 days before the date on which presidential and vice presidential electors were chosen.

**House amendment.**—The House amendment was identical, except that it required the statement to be filed with the Comptroller General of the United States.

**Conference substitute.**—The conference substitute is the same as the House amendment.

**Information and studies relating to elections**

**Senate bill.**—No comparable provision.

**House amendment.**—Section 408(b) of the House amendment required the Comptroller General to serve as a national clearing house for information in respect to the administration of elections. It also provided that, in carrying out his duties, the Comptroller General was required to enter into contracts for independent studies of the administration of elections, including, but not limited to, studies of (1) the method of selection of, and the type of duties assigned to, officials and personnel on boards of elections; (2) practices relating to the registration of voters; and (3) voting and counting methods. The Comptroller General was required to publish such studies and make copies available for sale to the general public. The Comptroller General was prohibited from requiring that any such study include any comment or recommendation made by him.

**Conference substitute.**—The conference substitute is the same as the House amendment.

**ADDITIONAL FILING OF STATEMENTS**

**Statements Filed With State Officers**

**Senate bill.**—Section 309 of the Senate bill provided that a copy of each statement required to be filed with the Federal Elections Commission under title III of the Senate bill must be filed with the clerk of the United States district court in which is located the residence of the candidate or the principal office of the political committee. The Commission was authorized to require the filing of such statements with clerks of other United States district courts where it determined such additional filing would serve the public interest. Under the Senate bill, the clerk of each United States district court was required—

- (1) to receive and maintain all statements filed with him;
- (2) to preserve all such statements for ten years, except that statements relating solely to candidates for the House of Representatives were required to be preserved for only five years;
- (3) to make such statements available for public inspection and copying; and
- (4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

**House amendment.**—No comparable provision.

**Conference substitute.**—The conference substitute, instead of requiring filing with the clerks of district courts, requires copies of statements filed with a supervisory officer under title II of the Act (relating to disclosure of Federal campaign funds) to be filed with the Secretary of State (or equivalent officer) of the State in which the election is held (in the case of candidates for nomination for election, or election, as Senator, Representative, or Delegate or Resident Commissioner to the Congress) or each State in which an expenditure is made (in the case of a candidate for nomination for election, or election, as President or Vice President). The duties imposed by the Senate bill on district court clerks with respect to the preservation and availability to the public of copies of such statements filed with him are

imposed by the conference substitute on the State officer with whom the copies are filed.

**Federal Elections Commission**

**Establishment and Organization of the Commission**

**Senate bill.**—Section 310 of the Senate bill provided for the establishment of a bipartisan Federal Elections Commission composed of six members appointed by the President, by and with the advice and consent of the Senate. Members of the Commission were required to be appointed to serve staggered terms of twelve years, with the term of one of the members expiring every two years. The President was required to designate one member to serve as Chairman and one member to serve as Vice Chairman. This section of the Senate bill also contained several provisions relating to the organization and operation of the Commission, including provisions—

- (1) requiring four members of the Commission to constitute a quorum;
- (2) requiring an official seal;
- (3) requiring an annual report to the President and to the Congress on matters within the jurisdiction of the Commission and recommending further legislation;
- (4) requiring the Director of the Office of Management and Budget to fix the compensation of the members of the Commission at a rate not to exceed \$100 per day;
- (5) requiring the principal office of the Commission to be located in or near the District of Columbia;
- (6) requiring that all officers and employees of the Commission be subject to the provisions of section 9 of the Hatch Political Activities Act, restricting political activities by officers and employees of the executive branch of the Government;
- (7) requiring the appointment of an Executive Director, without regard to the provisions of the civil service laws governing appointments in the competitive service, to serve at the pleasure of the Commission at level V of the Executive Schedule (\$36,000 per annum);
- (8) requiring the appointment of additional personnel to carry out the duties of the Commission, subject to the civil service laws; and
- (9) permitting the hiring of consultants.

This provision of the Senate bill also required the Commission to avail itself of the assistance (including personnel and facilities) of the General Accounting Office and the Department of Justice. The Comptroller General and the Attorney General were authorized to make such assistance available, with or without reimbursement, in accordance with the request of the Commission.

Other provisions of title I.I of the Senate bill vested in the Commission virtually all functions, powers, and duties relating to the disclosure of Federal campaign funds. Such functions, powers, and duties included, among other things, prescribing recordkeeping requirements for political committees; registration of political committees with the Commission; the filing of reports with the Commission by political committees, candidates, and others; and the filing of reports on convention financing. The Senate bill also required the Commission to prescribe and furnish forms for the filing of reports; to compile and maintain a current list of all statements or parts thereof pertaining to each candidate; to prepare and publish an annual report of contributions and expenditures for all candidates, political committees, and others; to prescribe rules and regulations to carry out the disclosure requirements; to investigate complaints of violations; and to cooperate with State election officials to develop procedures to eliminate multiple filings by permitting the filing of Federal reports to satisfy State requirements.

**House amendment.**—The House amendment did not provide for the establishment

of a Federal Elections Commission. Under the House amendment, all functions, powers, and duties relating to the disclosure of Federal campaign funds, referred to above in the discussion of the Senate bill, were vested in the appropriate supervisory officer. The House amendment defined the term "supervisory officer" to mean the Secretary of the Senate with respect to candidates for Senator; the Clerk of the House of Representatives with respect to candidates for Representative in, or Delegate or Resident Commissioner to, the Congress; and the Comptroller General of the United States in any other case.

**Conference substitute.**—The conference substitute is the same as the House amendment.

**GENERAL PROVISIONS**

**Prohibition against use of certain Federal funds for election activities**

**Senate bill.**—No comparable provision.

**House amendment.**—Section 502 of the House amendment prohibited the use of any funds appropriated to carry out the Economic Opportunity Act of 1964 to finance, directly or indirectly, any voter registration activity, or any activity designed to influence the outcome of any election to Federal office, or to pay the salary of any officer or employee of the Office of Economic Opportunity who, in his official capacity as such an officer or employee, engaged in any such activity. This section of the House amendment also provided that the terms "Federal office" and "election" would have the same meanings given such terms by section 401 of the House amendment, relating to disclosure of Federal campaign funds. The term "Federal office" was defined to mean the office of President or Vice President; or of Senator or Representative in, or Delegate or Resident Commissioner of, the Congress. The term "election" was defined to mean (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (4) a primary election held for the selection of delegates to a national nominating convention of a political party.

**Conference substitute.**—The conference substitute is the same as the House amendment.

**Effect on State law**

**Senate bill.**—Section 313(a) of the Senate bill provided that nothing in title III of the Senate bill (relating to disclosure of Federal campaign funds) would be deemed to invalidate or make inapplicable any provision of State law, except where compliance with State law would result in a violation of such title III.

**House amendment.**—The House amendment provided that nothing in the House amendment (not just the provisions relating to disclosure of Federal campaign funds) would be deemed to invalidate or make inapplicable any provision of State law, except where compliance with State law would result in a violation of the House amendment.

The House amendment also provided that no provision of State law could be construed to prohibit any person from taking any action authorized by the House amendment or from making any expenditure he could lawfully make thereunder.

**Conference substitute.**—The conference substitute is the same as the House amendment.

**Separability**

**Senate bill.**—Section 314 of the Senate bill provided that if any provision of title III of the Senate bill (relating to disclosure of Federal campaign funds), or the application of such provision to any person or circumstance, was held invalid, the validity of the

remainder of such title III and the application of any such provision to other persons and circumstances would not be affected.

**House amendment.**—The House amendment was similar, except that it extended the application of the separability provision to any provision of the House amendment and was not limited to the provisions relating to disclosure of Federal campaign funds.

**Conference substitute.**—The conference substitute is the same as the House amendment.

WAYNE L. HAYS,  
W. M. ABBITT,  
KEN GRAY,  
JAMES HARVEY,  
WM. L. DICKINSON,

*Managers on the Part of the House as to titles III, IV, and V of the House amendment.*

HARLEY O. STAGGERS,  
TORBERT H. MACDONALD,  
LIONEL VAN DEERLIN,  
SAMUEL L. DEVINE,  
ANCHER NELSEN,

*Managers on the Part of the House as to titles I and II of the House amendment.*

JOHN O. PASTORE,  
P. A. HART,  
VANCE HARTKE,  
B. EVERETT JORDAN,  
HOWARD W. CANNON,  
CLAIBORNE PELL,  
HOWARD BAKER,  
MARLOW COOK,  
TED STEVENS,  
HUGH SCOTT,

*Managers on the Part of the Senate.*

#### FEDERAL ELECTION CAMPAIGN ACT OF 1971

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, the conference report which I have just sent to the desk for printing under the rule is on the so-called Elections Reform bill which we just got, after the rollcall started, from the staff which has been working most of the night on it with the Senate staff.

Mr. Speaker, I do not plan to call this conference report up for the simple reason that it affects every Member of this body. I think every Member of this body ought to have a chance to read it and understand what it is before they are called upon to vote on it.

I do plan to call it up the first week when we come back, and I would notify every Member that I expect to ask for a rollcall vote on it at that time.

Mr. Speaker, I have received some criticism from certain parts of the press to the effect that my failure to call it up at this time would delay its application for 3 months. I asked them to read the last paragraph of the bill to the effect that it shall take effect on December 31 or 60 days after it is signed by the President, whichever is later. So, there would be no chance for it to take effect before the end of February anyway and to take it up earlier would serve nothing. There is no ulterior motive. I simply think everyone ought to have a chance to read it and know what is in it.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Let me say to the gentleman that I think the conferees did a good job and I wish to compliment the House conferees for coming back with what I think are the most important portions of the bill which we sent over to the other body.

I congratulate the gentleman from Ohio and his fellow conferees.

Mr. HAYS. I thank the gentleman.

I would point out, Mr. Speaker, that one reporter from a local newspaper criticized me severely because the bill has in it a section that repeals all State laws. In other words, if a State had a law which says you could not spend more than \$20,000, now that limitation is out the window.

I pointed out to him that his paper had editorialized for the Senate bill and that we should swallow it whole, which we did not do, but that that provision was in the Senate bill. Some of the editorialists in this town do not know what is in the bills that they are editorializing about.

#### PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE REPORT ON H.R. 6957, SAWTOOTH NATIONAL RECREATION AREA, IDAHO, UNTIL MIDNIGHT SATURDAY

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs have until midnight Saturday, December 18, 1971, to file the report on H.R. 6957, a bill to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

#### AUTHORIZING SPEAKER TO DECLARE RECESSES TODAY

Mr. McFALL. Mr. Speaker, I ask unanimous consent that at any time during the remainder of the day it may be in order for the Speaker to declare recesses subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

#### PERSONAL ANNOUNCEMENT

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the Record.)

Mr. MIKVA. Mr. Speaker, I was necessarily absent during several rollcall votes on December 9 and 10. Had I been present, I would have voted as follows:

"No" on roll 450, on the adoption of the conference report to accompany H.R. 10947, the Revenue Act of 1971;

"No" on roll 451, passage of House Resolution 729 waiving the 3-day rule for conference reports for the remainder of the session;

"Aye" on roll 453, adoption of the conference report to accompany H.R. 11955,

the second supplemental appropriations bill;

"No" on roll 455, restricting payment of retroactive pay increases negotiated before the wage-price freeze;

"Aye" on roll 456, requiring disclosure to public of information submitted to Price Commission in justification of price increases;

"No" on roll 457, subjecting pension contributions by employers to phase II controls;

"Yes" on roll 458, final passage of H.R. 11309, extending the Economic Stabilization Act and the President's powers to exercise wage and price controls;

"Aye" on roll 459, adoption of the conference report to accompany H.R. 11341, authorizing funds for the District of Columbia.

#### PERSONAL ANNOUNCEMENT

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the Record.)

Mr. MIKVA. Mr. Speaker, I was necessarily absent during the week of November 15, pursuant to a leave of absence granted for official business, and was unable to be present during several rollcall and teller votes. Had I been present, I would have voted "aye" on the following seven record votes:

First, passage of H.R. 11302, Cancer Attack Act, roll 386;

Second, passage of Senate Joint Resolution 132, extending copyrights for 1 year, roll 388;

Third, amendment to H.R. 11731, Department of Defense appropriations bill, cutting funds for F-14 jets, roll 395;

Fourth, amendment to H.R. 11731 prohibiting President from calling up troops for more than 60 days without congressional approval, roll 398;

Fifth, amendment to H.R. 11731, prohibiting expenditures after June 1972 to continue Indochina war, roll 399;

Sixth, amendment to H.R. 11731, cutting total Defense Department appropriations by 5 percent, roll 400; and

Seventh, amendment to H.R. 11731, holding defense appropriations at fiscal year 1971 level, roll 401.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to advise the Members that in order to get as much accomplished as we can, and in view of the fact that we have no legislative business ready at this moment, we will call special orders, and after they are completed declare a recess, unless legislative business is in order.

The Chair in making this announcement will state that we are not setting this as a precedent, but that we are calling special orders today and then going back to the legislative business, if any, after recessing if necessary.

#### THE LATE RALPH BUNCHE

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. Diggs) is recognized for 60 minutes.



HOUSE  
FLOOR DEBATE  
ON  
CONFERENCE REPORT  
**JANUARY 19, 1971**



sults. Even though there has been a stabilization of the unemployment rate at a figure too high, on the other hand I believe we can point out that for the last 2 months, for the first time in the history of the United States, more than 80 million people have been gainfully employed, for an all-time record.

As of last month, compared to 6 months before, over 1.5 million more Americans were employed; in other words, an increase of those totally employed of 1.5 million in the last 6 months.

This is progress, and I am going to make a little prediction for my friend from Louisiana. Come the summer, that unemployment rate will be down, and employment will continue to go up, and that is what the American people want.

Mr. CEDERBERG. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Michigan.

Mr. CEDERBERG. I believe the gentleman's prognostication is correct. Actually, the unemployment rate is now back to where it was at the beginning of the Kennedy administration and through the Kennedy administration until we got so deeply involved in the war in Vietnam.

One of the easiest ways to handle unemployment is to draft young men in the country, put them in the Army, and increase your defense expenditures and your defense contracts. There is no secret about how to handle unemployment that way.

I understand also there is a movement on foot on the other side of the aisle—there was during the last part of the session—that some are complaining about the fact that the President is not spending all of the money which the Congress has appropriated, and there have been resolutions adopted or proposed to demand and require that the Congress go on record to say that every dime which is appropriated for all projects should be spent. This does not seem to me to be the way to handle fiscal responsibility, if we are really concerned about it. I would forget those kinds of resolutions.

**DEFICITS**

(Mr. HAYS asked and was given permission to address the House for 1 minute.)

Mr. HAYS. Mr. Speaker, for the edification of the minority leader, let me say that I, too, was a little surprised by all these speeches from my side of the aisle about the deficit but, you know, there has been a big vacuum here, and inevitably a vacuum always has something to go in to fill it.

The speeches about the deficit should have been coming, as they have been for years, from the Republican side of the aisle. They deplored and prognosticated and predicted the imminent downfall of the Republic when the deficit was only \$10 billion a year, and now it is projected to be \$35 billion or \$40 billion and they are strangely silent, and consequently somebody over here began talking about it.

The way to keep the Democrats from talking about a deficit is for you fellows over on that side to continue your ancient practice of deploring it.

**CONFERENCE REPORT ON S. 382, FEDERAL ELECTION CAMPAIGN ACT OF 1971**

Mr. HAYS. Mr. Speaker, I call up the conference report on the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill. The SPEAKER. Is there objection to the request of the gentleman from Ohio? There was no objection.

(For conference report and statement, see proceedings of the House of December 14, 1971.)

Mr. HAYS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? There was no objection.

**CALL OF THE HOUSE**

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 3]

|               |                |                |
|---------------|----------------|----------------|
| Annunzio      | Glaimo         | Passman        |
| Aspin         | Goldwater      | Pelly          |
| Baring        | Gray           | Pepper         |
| Barrett       | Green, Oreg.   | Pettis         |
| Bell          | Griffin        | Rangel         |
| Betts         | Griffiths      | Rees           |
| Boland        | Gubser         | Rhodes         |
| Brademas      | Hansen, Wash.  | Rosenthal      |
| Bray          | Harvey         | Roybal         |
| Burke, Fla.   | Hébert         | Ruppe          |
| Byrne, Pa.    | Heckler, Mass. | Saylor         |
| Caffery       | Henderson      | Schauer        |
| Carey         | Ichord         | Schneebeli     |
| Chisholm      | Jarman         | Shipley        |
| Clark         | Johnson, Pa.   | Sisk           |
| Clay          | Jonas          | Stokes         |
| Collier       | Kluczynski     | Stubblefield   |
| Conyers       | Leggett        | Stuckey        |
| Corman        | Lennon         | Teague, Calif. |
| Dellums       | Long, La.      | Teague, Tex.   |
| Diggs         | McClure        | Udall          |
| Dingell       | McCulloch      | Van Deerin     |
| Downing       | McDade         | Vander Jagt    |
| Edwards, Ala. | McKay          | Waldie         |
| Edwards, La.  | McKevitt       | Whalen         |
| Esch          | Martin         | Wilson, Bob    |
| Evins, Tenn.  | Mayne          | Wolf           |
| Fisher        | Mills, Ark.    | Wyatt          |
| Fraser        | Minshall       | Young, Tex.    |
| Fulton        | Murphy, Ill.   | Zwach          |
| Fuqua         | Nelsen         |                |
| Garmatz       | Nichols        |                |

The SPEAKER. On this rollcall 337 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

**MESSAGE FROM THE SENATE**

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a resolution of the following title:

S. RES. 225

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable George W. Andrews, late a Representative from the State of Alabama.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof of the family of the deceased.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Representative.

The message also announced that the Senate had passed a concurrent resolution of the House of the following title:

H. Con. Res. 499. Concurrent resolution providing for a joint session to receive the President of the United States on January 20, 1972.

**CONFERENCE REPORT ON S. 382, FEDERAL ELECTION CAMPAIGN ACT OF 1971**

Mr. HAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference report has been printed since December. The report was deliberately not brought up until now to allow every Member to have an opportunity, if he so desired, to look at the conference report.

I do not propose to take a great deal of time, but I do want to mention some of the key provisions as cleared by the conference committee.

The report retains the equal time requirement of the Communications Act of 1934.

It limits to 10 cents per voter, the amount that can be spent by candidates for Congress and the President on advertising by television, radio, newspapers, magazines, billboards, and automatic telephones.

Up to 60 percent of the overall limitation could be spent for broadcasting purposes.

It requires broadcasters to sell candidates advertising at the lowest unit rate in effect for the time and space used for the period of the last 45 days preceding a primary election or the last 60 days preceding a general election.

It strengthens the requirements for reporting to the public on how much a candidate spent in his campaign and the sources of his contributions.

It specifies that all candidates, including political committees, must report the names and addresses of all persons who made contributions or loans in excess of \$100 and all persons to whom expenditures in excess of \$100 are made.

It authorizes the supervisory officers for the filing of campaign reports; the Secretary of the Senate for the Senate and the Clerk of the House for the House and the Comptroller General for presidential candidates.

In addition to that, it requires reports to be filed with the secretaries of State

or whoever the election official is in the State where the election is held.

It defines more strictly the roles of corporations and limits the amount a candidate or his family can contribute to his own campaign and repeals the Corrupt Practices Act of 1925.

Mr. HALL. Will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. HALL. I appreciate the gentleman's explanation of the conference report.

I just wonder, as far as the limitations are concerned, if they are, in the opinion of the gentleman from Ohio, the chairman of the Committee on House Administration, equally applicable and limiting to all concerned.

The gentleman knows, as do I, that we have different congressional clubs, some partisan and some nonpartisan; we have different groups; we have a marching organization, as I understand it. I have never marched with them, but we do have these organizations. We have this kind of a conference and that kind of a caucus. I wonder if this would be applicable in its limitations to all of these organizations insofar as reporting requirements and limitations are concerned.

As another example I will give the recently formed black caucus as an example.

Will the gentleman please explain that to us?

Mr. HAYS. My opinion is that it absolutely does apply to all of the organizations mentioned, if they come within the purview of the rules laid down, which I will read: "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000.

Mr. HALL. I appreciate the gentleman's explanation.

Mr. HAYS. My opinion is whatever name they may go by, if they receive or spend more than \$1,000, they must report it.

Mr. HALL. I appreciate that, because I am constantly asked and constantly besieged by people wanting contributions for this or for that ideology. I find it most difficult to find out how they have expended their funds. In some cases we know they have not been expended for the purpose for which the funds were originally solicited. I believe that this will take care of it, and I compliment the gentleman.

Mr. BINGHAM. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding.

First of all, I would like to compliment the chairman and the conferees for their work. I think this is a very satisfactory measure, and indeed I intend to vote for it.

I would like to ask the chairman of the Committee on House Administration a question about the interpretation of section 403 which deals with the effect of this legislation on State laws. As I understand it, section 403(b) would vitiate any State laws which impose either spending ceilings or lower ceilings on the

amount that a candidate or his family might spend for a campaign. Is that correct?

Mr. HAYS. My opinion is that the gentleman is correct in his interpretation. Subsection (b) of section 403 refers to a whole list of purposes in section 301(f) for which expenditures may be lawfully made. Obviously, contradictory State laws are superseded. Similarly limitations on contributions lower than those in this bill forcibly vitiate the intent of this bill and therefore, in my opinion, they are not valid.

Mr. BINGHAM. I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. GROSS. Is the so-called Hansen amendment in this conference report?

Mr. HAYS. It is.

Mr. GROSS. In all of its glory?

Mr. HAYS. Well, I do not know exactly what the gentleman means by that, but the Hansen amendment is in.

Mr. GROSS. In other words, it was not changed; is that correct?

Mr. HAYS. That is correct.

Mr. GROSS. And I wonder if we will have a repetition such as that in the November 30, 1971, CONGRESSIONAL RECORD of two almost verbatim speeches put in the RECORD by two Members of the House in support of the Hansen amendment?

Mr. HAYS. May I say to the gentleman that I do not know anything about who is going to put what in the RECORD. Surely, some people will ask unanimous consent to extend their remarks, but insofar as the question is directed to me, my remarks are being made, as you can plainly see, extemporaneously. They will not be changed substantially, unless there is a grammatical error, if they are changed at all.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Speaker, first of all, I would like to pay tribute to you, my chairman, for what I consider to be a really splendid job, but not an easy one by any means; and to pay tribute for your courage, for your willingness during the debate to yield, for your willingness during the debate to accept the ideas of other persons about a matter which is extraordinarily sensitive and complicated, and for the product that you have brought here today.

You, in my judgment have done not only the committee but the House a wonderful service.

With respect to the question by my distinguished friend from Iowa, it might well be important that in order to make legislative history, in order that there be no misunderstanding and that there may be coincidentally, or otherwise, a degree of identity or similarity expressing the legislative intent which is so important in this matter.

I have no idea what my distinguished colleague (Mr. HANSEN of Idaho) is or is not going to say, but his amendment is intact. In my judgment it should be intact because it is correct.

Mr. Speaker, I simply want to conclude by saying again that this is an opportunity for this body to respond to a national demand for election reform.

Many of us have differences. You, our chairman, yielded some of the things that you held most closely in your view.

I, as the second-ranking member on the committee, having worked on this for a long time, felt strongly about certain matters but I did not get my way and, therefore, had to yield on the question that the reporting should go elsewhere.

However, it did not come out that way.

That item is not nearly so important as the overall product which you produced and I am willing with complete enthusiasm to accept and to support this conference report. I wish to express my personal appreciation and the appreciation of the members of your committee to you for the job that you have done.

Mr. HAYS. Well, I thank the gentleman for his remarks and I hope that some of the people in one or two of the newspapers who have been accusing me of trying to kill the bill were listening.

Mr. Speaker, I hope that the gentlemen on the other side, the gentleman from Illinois (Mr. SPRINGER) and the gentleman from Ohio (Mr. DEVINE) will use some time.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. Yes, I yield to the gentleman.

Mr. WILLIAMS. I want to ask the distinguished chairman if I understood correctly that they are to report to the State or to somebody that the State designates?

Mr. HAYS. Everyone will send a copy of their report to the Clerk of the House of Representatives and to the Secretary of State, if he is the chief election officer, as he is in most States.

Mr. WILLIAMS. And one other question: The gentleman made the statement that anyone who contributes more than \$100, their name and address and other information must be included in the report.

What happens if you have a dinner where the cost of the dinner may be anywhere from \$10 to \$50? It would not be necessary to report the names and addresses of those in attendance?

Mr. HAYS. Not if the person contributes \$100 or less.

Mr. WILLIAMS. I thank the gentleman.

Mr. SPRINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as all Members are well aware, the campaign reform bill is a very complicated piece of legislation. When it was considered by this body there were three bills touching the various issues involved. The rule under which the House operated in considering these bills was unique. In order to arrive at a consensus it was necessary to look at the terms of bills which came from two different committees and which were being handled separately by the leadership of those committees. That the House was able to make the necessary decisions and pass what seemed to us a fairly good bill was a minor miracle.

The prospects for conferring with the other body in the hope of retaining most

of the decisions made in the House were not promising. The conference as expected was difficult but agreement was eventually reached, and we bring to you today for your approval the results of that effort.

There were two issues upon which the House expressed strong conviction, and in these two matters your conferees were able to prevail. The first of these issues affects the status of section 315 of the Federal Communications Act—the equal-time section. The House determined after lengthy debate and several proposed amendments to leave section 315 in the law as it is today. The conference struggled greatly over this particular provision, but the other body did recede, and we bring a bill back to you with section 315 intact.

The other major issue upon which the House expressed strong feeling was the matter of an election commission. You will recall that in the course of considering the Senate bill as a substitute the House made a very definite and firm decision that such a commission is not desirable and that candidates for Federal elective offices should report to supervisory officers of the Houses of Congress as at present. This issue also was resolved in favor of the House version.

Naturally the House conferees could not expect to win every argument on every issue involved in this legislation and of course they did not. In the matter of rates for the use of broadcast media the House conferees did recede so that the bill before you today provides that broadcasters must offer to candidates the "lowest unit rate." We preferred to have broadcast media and newspapers on the same level as regards rates and use "comparable" standards. This was not possible. As a result we do have a different standard for printed media and for broadcast media. Newspapers and magazines will be required to charge "comparable rates," but the requirement of equal access to printed media was deleted.

In the very important matter of spending limitations the provisions of the House bill were accepted. The Senate bill would have given an overall ceiling of \$60,000 for the use of media while the House version provides only \$50,000. Both bills allowed as much as 60 percent of that spending limitation to be used for broadcast purposes. The bills did this in quite different ways, but the result was in fact the same and the House language was used to accomplish it.

Many changes that were made, although important, were not as controversial as those which I have already mentioned. There was, for example, the matter of who should make the regulations to implement certain provisions of this law. There was some rather strong feeling that the Attorney General was too apt to be a party in interest in things political. An agreement was reached to use instead the General Accounting Office.

The base upon which all of these expenditures will be made is certainly an important consideration. The House bill used the term "civilian residents" while the Senate bill counted all residents over

18 years old. The conferees considered the Senate version to be fair to all concerned, and this was agreed upon.

Considerable discussion was directed at the problem of telephone campaigns and computerized mail campaigns. There was considerable feeling that administration of any restrictions on such expenses would be most difficult, although the desirability of limiting these activities was undeniable. This issue was resolved by eliminating restrictions on the use of postage but including in the definition of communications media the cost of telephones when used by other than volunteers.

Members of the House may recall earlier discussion of the status of loans to political candidates. Some Members feel that loans for use in a political campaign should be considered as contributions. Others felt that loans made in the regular course of business to an individual with proper credentials and security should in no way be considered a part of campaign funds. The conference version provides that loans by banks to candidates must be disclosed but they will not be considered to be contributions if they are made in the regular course of business.

Since the thrust of this entire bill is the improvement of campaign practices in Federal elections, State laws are preempted only insofar as they would frustrate the operation of the Federal law for the purposes included. If States wish to create restrictions applying to State and local candidates in much the same manner as this bill applies to Federal candidates, it may be done and broadcasters would be under the same requirement to obtain certification if this is included in the State law.

This bill goes a long way in campaign reforms. It also falls far short of providing the ultimate desirable reforms. There are many things I would like to see included which do not appear, things which did not finally end up in either the House or Senate bill and therefore were not even subject to the consideration of the conference.

The subject of campaign reform brings forth wide differences of opinion in the committees concerned and in a legislative body as a whole. Considering this the resulting legislation is well worth the effort and the conference report deserves our support.

Attached, by reference, are the specific parts of the conference report—15 in number.

CONFERENCE REPORT ON S. 382—FEDERAL ELECTION CAMPAIGN ACT OF 1971

1. Section 315 is untouched. The House voted on this issue and the conference report follows its decision.
2. The House bill provided for "comparable" rates for broadcasting while the Senate bill used "lowest unit rate". The House conferees agreed to the Senate language.
3. The Senate bill made it an offense resulting in loss of license for a broadcaster to wilfully fail to make time available to candidates. This was limited to federal offices by the conference.
4. The conference agreed to "comparable" rates for newspapers and deleted the "equal access" requirements.
5. The spending limitations of the House

bill, \$50,000 with up to 60% for broadcasting, prevailed.

6. House provisions for presidential primaries limitations were retained except that regulations will be prescribed by GAO rather than the Attorney General.

7. Cost of living increases in the limits, based on the price index, were provided in both bills. Both needed some technical changes to be workable and these were made.

8. Persons counted to determine the limits will be all residents over 18. The House limited this to "civilian" residents.

9. House provision for including agents' commissions in the limits was retained.

10. A Senate provision for state limits on local candidates and certifying procedures was included in the conference version.

11. Accounting for amounts spent purely against a candidate or an issue will be covered by regulations of GAO.

12. Costs of telephones other than by volunteers are included, postage is not.

13. Loans by banks must be disclosed as in the Senate bill but they will not be considered contributions if made in the regular order of business.

14. The Senate bill created an elections commission while the House bill kept the present system of reporting to the "supervisory officer". The House had expressed itself on this issue by amending the substitute and its version prevailed.

15. State law is preempted only so far as it would frustrate the federal law.

Mr. TIERNAN. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. Mr. Speaker, I thank the gentleman for yielding, and I want to congratulate the gentleman and the other conferees in reporting back to the House a fine conference report. There is one area that I was concerned about, and that was the deletion of the inclusion of computerized letters of 200 or more. It is my understanding that that has been taken out by the conference.

Mr. SPRINGER. Mr. Speaker, will the gentleman repeat his statement? I missed about two or three words in the middle of his statement.

Mr. TIERNAN. In the overall categories that are included in the limitations on expenditures, including radio, television, newspapers, magazines, outdoor advertising, telephones in banks of more than five phones, we had included in the House version to be incorporated in that limitation, also computerized letters of 200 or more.

It is my understanding that that provision or that category has been deleted from the final bill.

Mr. SPRINGER. The gentleman is correct.

Mr. TIERNAN. Could the gentleman tell us why that was deleted if there is any explanation? Could the gentleman enlighten the Members on that? Because I remember we debated that quite at length here in the House. I believe that is one of the areas that should be included in the limitation.

Mr. SPRINGER. May I say I think the gentleman raised a good question, but in the compromise we had, it was eliminated after a lot of opposition because this is a provision which I do not believe we had full and accurate knowledge of.

I hope in the future we can get some good experience and knowledge with regard to this category.

I understand the gentleman's concern because this has been viewed by certain candidates who have had the expense of using computerized mail in the various communities who have been using this and it was a matter of concern to the conferees, but we did not feel we had sufficient knowledge to be able to say that such restrictions were capable of administration and enforcement.

Mr. TIERNAN. I appreciate the gentleman's remarks and his explanation made about the development in the conference.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. PEYSER. I, too, would like to join in that comment. As I understand it, the mass mailing question was not included as the House had voted on it. But I would like to ask a question—is there a limitation on the money that can be spent on an individual staff in a campaign? In other words, if a candidate wanted to put on an unlimited staff of people to work; is that counted in the total expense of the campaign?

Mr. SPRINGER. I think it would be included but defer to the other committee on this subject. I do not believe that the question of House staffs is included.

Mr. PEYSER. I am not talking of House staffs. I am talking of outside staffs, in other words, if you hire 50 people in an area; is that included in as part of the campaign expense?

Mr. SPRINGER. I am not sure it is included. But as to whether it is in the compromise version, the gentleman would have to ask the gentleman from Ohio to answer that specifically.

Mr. HAYS. My impression is that if you hire a staff of 100 people that the wages if they were telephonists would be included as part of the \$50,000 limitation that would have to be reported and included in that limitation. This would not however include regular staff members of a sitting Congressman.

Mr. PEYSER. I thank the gentleman.

Mr. HAYS. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Speaker and Members of the House, I rise in support of the conference report and to say I think the conferees on the part of the House did a very fine job.

The bill was very intricate and there was a lot of emotion tied up in it.

I am going to review only briefly some of the things involved here.

In 1970, we passed a campaign media spending bill which was vetoed by the President. One of the things he said was that it only plugged up one of the holes and there were several more that needed to be stopped up.

And so this year we decided in our committee that we would try to stop up all the holes possible. Our distinguished colleague, the gentleman from Massachusetts (Mr. MACDONALD), introduced a bill to do this. Under his leadership, the Subcommittee on Communications

and Power reported out the bill which I believe is substantially the version adopted by the conference.

Mr. Speaker, this legislation cannot be defeated to serve the purposes of any private interest group. I am told that there is some opposition to the legislation because of the so-called lowest unit rate provision. For the benefit of the Members, I would like to explain how that provision got into the Conference Report.

As Members may recall, the House bill provided that candidates for public office could be charged the same rate for use of a broadcast station as was charged for other comparable uses of the station. The Senate version contained the "lowest unit rate" provision.

The Senate bill also contained a repeal of the equal-time provisions (sec. 315(a)) of the Communications Act for all Federal elective offices. This was a provision to which I, and, I think, most Members of the House, and certainly the House conferees were dead set against. The House version made no change in section 315(a). The White House had passed out the word that section 315 had to apply to all Federal elective offices or none, otherwise the legislation would be vetoed. Faced with these alternatives the House conferees were adamant on leaving section 315(a) alone. We finally prevailed over the Senate conferees but in return reluctantly agreed to accept their "lowest unit rate" provision for broadcast stations.

But this "lowest unit rate" provision only applies during the 45 days before a primary election and the 60 days before a general election. During any such period a broadcast licensee may not charge a candidate more for air time than the licensee's lowest unit charge for the same class and amount of time in the same time period.

I would like to point out, Mr. Speaker, that the legislation passed in 1970 on campaign spending did not limit the "lowest unit rate" to a class and applied the whole year round.

Mr. Speaker, there was a lot of give and take between the conferees on the part of the Senate and those on the part of the House. I wish to congratulate the House Administration Committee under the leadership of the gentleman from Ohio (Mr. HAYS) and particularly the conferees from that committee, their distinguished chairman whom I have already named, Mr. ABBITT, the chairman of the subcommittee on elections; Mr. GRAY; Mr. HARVEY who is also a member of our committee; and Mr. DICKINSON.

I would also like to recognize the members of our Subcommittee on Communications and Power who have worked on this legislation going on to 2 years under their distinguished chairman, Mr. MACDONALD, LIONEL VAN DEERLIN, FRED ROONEY, BOB TIERNAN, GOODLOE BYRON, HASTINGS KEITH, CLARENCE BROWN, JAMES COLLINS, and LOUIS FREY. And also the conferees from our committee, who, in addition to Mr. MACDONALD and myself, were Mr. VAN DEERLIN, SAM DEVINE, and ANCHER NELSEN. Each of these Members worked long, hard, and faithfully on this legislation.

Mr. Speaker, I would be remiss if I did not also mention our distinguished ranking minority member, BILL SPRINGER, who has worked cooperatively and patiently for the last 2 years on getting good legislation in the field of media rates and expenditures for political campaigns. Mr. Speaker, I would like to say that I believe the Members on the other side of the aisle showed real statesmanship during the consideration of this legislation, in subcommittee, the full committee, in conference, and here on the House floor. They should be commended for it.

Mr. Speaker, I hope that there will not be any votes against the conference report, although I am sure there will be some.

We must look at reality. The time has come for us to revise the law and put a lid on spending during political campaigns. That is evident from what has been happening in this country.

I should like to make two things clear. First, the legislation provides that anyone who spends \$100 or receives contributions of more than \$100, and uses it in any way, must report that. I would ask the chairman of the Committee on House Administration if that is not correct, and if there is not also provided a fine of \$1,000 or a term in jail if that is not done?

Mr. HAYS. The gentleman is absolutely correct. The person, whoever he may be, must make such a report, and section 612 of title XVIII in the election laws, which we did not repeal, provides for the publication or distribution of political statements, and states that they must be signed, and there is a fine for a violation of that section. So it is covered twice.

Mr. STAGGERS. The legislation will stop a lot of scurrilous material that has been going out before elections against individuals that is unsigned. Those who engage in such activity will be liable for prosecution and a fine of up to \$1,000 and imprisonment for 1 year, or both.

Mr. Speaker, the time has come for the House to make a judgment as to whether we shall have better election laws. When we considered the bill on the floor of the House last November, I said if we did not put a limitation on spending, sooner or later the United States would be governed by a plutocracy. That is the direction we are headed. If candidates running for public office are not rich men, they will not be able to afford to run, and if those who run but do not have the money themselves to do so, those who put up the money for them will be the ones who dictate to those candidates as to how they should vote.

Mr. Speaker, I do not believe that we want such a form of government. It certainly is not the kind of government our forefathers envisioned when they founded this Nation.

This legislation is a small but effective start in revising the election laws. I am sure it will have to be revised from time to time. I suggest that it should be looked at every year or two.

Again I wish to compliment both the subcommittee under the chairmanship of the gentleman from Massachusetts (Mr. MACDONALD) and the committee headed

up by the gentleman from Ohio (Mr. HAYS) for the work they have done in bringing this measure and conference report to the floor.

Mr. Speaker, I hope the conference report will be adopted unanimously.

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Illinois.

(Mr. CRANE asked and was given permission to revise and extend his remarks, and to include extraneous material.)

Mr. CRANE. Mr. Speaker, this afternoon, the House of Representatives is being asked to approve the conference report on the Federal Election Reform Act. Undoubtedly, passage of this act will be hailed as a step toward meaningful reform of campaign spending laws and many of our colleagues will tell their constituents during this election year that they have voted in favor of campaign spending regulations.

Well, Mr. Speaker, they may be voting for a campaign spending bill but they are not voting for meaningful reform.

Anyone who has studied the legislation we are considering this afternoon realizes that it fails to come to grips with one of the major weaknesses of our election system, the labor union practice of spending millions of dollars of funds compulsorily contributed by union members for candidates or causes with which the members may be in total disagreement.

The original version of this legislation, H.R. 11060, included an amendment which would have addressed this problem. Yet that amendment—the so-called Crane amendment—was not included in the substitute version of the bill after an intensive campaign against it by the labor unions.

A revealing article in the Wall Street Journal of Tuesday, January 18, 1972, explained what happened when this bill was passed in the House. This article needs no further explanation and I include it with my remarks at this point:

HOW TWO LEGISLATORS, UNIONS WORK TO UNDO FUNDRAISING CURBS  
(By Jerry Landauer)

WASHINGTON.—Rep. Orval Hansen of Idaho and Rep. Frank Thompson of New Jersey seem to be lawmakers of different breeds. Mr. Hansen is a softspoken Republican with conservative leanings, and Mr. Thompson is a voluble, super-liberal Democrat whose voting record is rated 100% right by the AFL-CIO.

Nonetheless, as the House resumes work today on long-pending legislation to clean up the financing of political campaigns, the two lawmakers are collaborating to support a little-noticed provision in the bill. It would nullify a five-year effort by the Justice Department to stamp out questionable fundraising by labor unions—and, in fact, could enhance labor's political clout.

The provision would specifically authorize unions (and corporations) to "establish and administer" fund-raising campaigns, so long as the collections go into a separate bank account and so long as the soliciting doesn't involve force, financial reprisals or job discrimination. Moreover, union chiefs could use dues money to pay for the soliciting, and they wouldn't be required to tell members for what purpose the money is going.

The campaign-reform bill, complete with this provision, has been approved by the Sen-

ate. Only a final House vote, which may come today, is needed to send the measure to President Nixon's desk.

The proceeds of union fund-raising mostly go to labor-leaning Democrats such as Mr. Thompson. But the amendment in question was sponsored by Republican Hansen shortly before the House adjourned in December. Many moderates and even some conservatives voted for the amendment after hearing the respected Mr. Hansen explain that it merely "codifies" federal court rulings defining labor's permissible political activity.

#### "OVERRULES EXISTING LAW"

In fact, however, the Hansen amendment invalidates a key court of appeals decision restricting labor's right to raise political dollars and upholding the first successful criminal prosecution of any union for making illegal campaign contributions. "The (Hansen) provision . . . not only doesn't codify existing law, but it overrules existing law," a man at the Justice Department says.

Mr. Hansen seems surprised that his "clarifying" amendment could have any such union-protecting effect. "If that should be the interpretation, the language should be refined," he now says. (But it's too late in the legislative process for any revising; the House can only vote the whole bill up or down.) The Congressman wasn't aware of all the implications when he agreed to sponsor the amendment, and for a noteworthy reason: The text as well as an explanation he gave on the House floor apparently were drafted not by congressional aides but by the labor lobby.

Mr. Hansen was acting in good faith. His objective was to protect the campaign clean-up bill against another amendment, considered hostile by labor, which conservative Rep. Philip Crane of Illinois was pushing. "If the Crane amendment or something like it had gotten in, enough guys would have voted against the bill to kill it," Democratic Rep. Morris Udall of Arizona explains.

(Basically, the reform bill limits candidates' spending on political advertising and requires disclosure of who's giving or getting campaign dollars; Congress is acting partly in response to criticism that many elections are being bought.)

To head off Rep. Crane's proposal, campaign reformers and labor lobbyists got less-conservative Republican Hansen to sponsor a competing amendment. He isn't unfriendly toward unions, and he enjoys just enough seniority on the House committee handling the reform bill to deserve floor recognition ahead of Mr. Crane.

#### "I TOOK IT AROUND . . ."

Spokesmen for the AFL-CIO disavow participation in the drafting—perhaps because the campaign bill might not survive its final House hurdle if more lawmakers knew who wrote the provision relating to labor. "Sure, I took it around to talk to people, and we discussed with Hansen the importance of the legislative history," says Kenneth Young, the labor federation's No. 2 operative on Capitol Hill. "I don't recall who actually did the drafting," he adds.

Still, an unusual mix-up on the House floor involving Rep. Thompson suggests that lobbyist Young isn't telling all he knows.

The mix-up occurred on the day of the House vote, right after Mr. Hansen explained his amendment. When he sat down, Rep. Thompson got up "to commend the distinguished gentleman from Idaho for the development and for the offering of this amendment." Mr. Thompson spoke some more off-the-cuff, then gained permission to "revise and extend"—that is, edit—his remarks before publication in the Congressional Record. In doing so, he inadvertently inserted a copy of the canned explanatory speech that had also been supplied to Mr. Hansen.

The consequence of Mr. Thompson's slipup

appears in the Congressional Record of Nov. 30. Diligent readers of that day's proceedings will find Mr. Hansen and Mr. Thompson giving almost the same speech, back to back. Except for minor editing ("Analytically, my proposal has three component parts," Mr. Hansen intoned; "Analytically the proposal has three component parts," Mr. Thompson echoed) the two successive explanations coincide word for word, for 18 paragraphs.

Mr. Thompson attributes this embarrassing overlap not to a common authorship but to "interchangeability of staff and identity of legislative intent." But he won't identify the staffers who supposedly wrote the speech. His three top aides say they weren't involved, and Mr. Hansen's legislative assistant says he was out sick at the time.

In any case, the speech ghost-written for Messrs. Hansen and Thompson is perhaps more significant for what it omits than for what it says. Most important, the speech ignores a 1970 ruling by the Eighth Circuit Court of Appeals in St. Louis that holds that labor can raise campaign cash only through voluntary funds that are "separate and distinct" from the sponsoring union.

A bit of background is necessary to understand why this decision threatens labor's multi-million-dollar political drives and why union strategists so keenly seek to reverse it, either in the Supreme Court (where an appeal was argued last week) or by means of Mr. Hansen's amendment.

Since the Taft-Hartley Act was passed in 1947, unions haven't been permitted to contribute directly to candidates for Congress or President (corporations can't contribute either). But it's been generally assumed that unions could set up separate collection committees and give to politicians the proceeds of voluntary fund-raising drives. So long as force wasn't used, most unions assumed that such collecting was legal. Nor did the government challenge that assumption until 1968.

In that year, the Justice Department brought charges against Pipefitters Local 562 in St. Louis, a 1,200-member union that raised well over \$1 million in five years. The Pipefitters achieved this unprecedented feat by systematically collecting up to \$2 a day from every man on the job. An indictment didn't allege that the union extracted cash by force. Instead, it accused the union of organizing an innocent-sounding fund—Pipefitters Voluntary Political, Educational, Legislative, Charity and Defense Fund—as a device to contribute what in effect was union money.

After the Pipefitters were convicted, the Justice Department went after the Seafarers International Union. The indictment in this case is based on the same theory: that the Seafarers Political Activity Donation Committee (1968 contributions: \$947,000) exists mostly on paper—as a front to conceal unlawful union contributions—instead of being a "separate and distinct entity," as the court decision in the Pipefitters case seems to require.

Indeed, it's safe to suggest that much of labor's political income would dry up if all the dollars had to be collected by separate organizations wholly or even largely independent of union control. How many Pipefitters or Seafarers would give if their unions' foremen or port patrolmen weren't soliciting? And would 2,000 retired Marine Engineers let some independent fund take \$10 from every monthly pension check?

To labor politicians worried about these questions, the answer is the Hansen amendment. But as the Justice Department reads the amendment, prosecuting violators when and if it becomes law will pose "a very difficult burden."

A memorandum by Wallace Johnson, Associate Deputy Attorney General, stresses how hard it could be to prove that a union fund's

donations aren't voluntary. "Suppose one man in a 50,000-member union is beaten for not making a 'voluntary' contribution. Whether this would be sufficient to show that the entire fund was derived from threats of force, job discrimination, et cetera, is doubtful, but that one incident would definitely influence many union members to make their 'voluntary' contributions."

"In some unions," Mr. Johnson argues, "membership itself is inherently coercive, since the union exercises complete control over the hiring, firing, payroll, job allocations and other incidents of employment. In those unions, if the union representative states to the member that he wants a \$100 contribution to an unnamed cause, the union member won't question the agent. . . . Thus it is the government's position that a contribution to a political fund be not only 'voluntary,' in the sense of an absence of force, but also knowingly made."

Mr. HAYS. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MACDONALD).

Mr. MACDONALD of Massachusetts. Mr. Speaker, I am not going to use the 3 minutes. We have plowed this ground innumerable times. We did it in 1970, we did it in 1971, and now we are here at the moment of truth. I think this bill is a great example of how the House can work its will on difficult subjects when it puts its mind to do that.

One point when I thought this bill would be in serious trouble was when we had the rule granted by the Rules Committee, because there could have been disputes between the Committee on House Administration and the Committee on Interstate and Foreign Commerce on the serious abuses which this bill seeks to correct. But the persons involved put their differences aside and we have a good bill. It is a bill I understand President Nixon said he would sign. It is a bill which covers areas which President Nixon said he objected to previously and a bill which under bipartisan support we sent to him a year ago. I hope we will send this bill to the President today. I urge adoption of the conference report.

Mr. Speaker, as the 92d Congress convened a year ago, prospects for campaign reform legislation were virtually nonexistent. The President had vetoed one major effort with the promise to come up with a better bill—one that plugged more than "one hole in the sieve."

Those of us in the Congress who are concerned with this important issue waited into the spring of last year for this promised legislation; however, none was forthcoming. In May, I introduced the Campaign Communications Reform Act in an effort to meet the objections raised in the President's veto message.

This legislation, which has become title I of the conference report before us today, had as its goal the placing of meaningful curbs on media spending during campaigns for Federal office.

The spiral of this media spending has continued unabated for far too long and the time has come to put an end to it. The area of primary abuse is in spending on broadcast media. In the 1970 elections, candidates from both parties in the various Federal, State, and local elections spent a total of \$59.2 million to purchase time on television and radio. What is especially significant about this figure is

that it represented an increase of almost 100 percent over the figures for the previous off year election in 1966.

The abuse of the communications media, and specifically the broadcast media, has developed a new form of politics in America. It is politics by bankroll, where those who are rich have the advantage and those who are not are being forced in many, many cases, to prostrate themselves to various monied interests.

Many of the most competent candidates are literally being priced out of the competition. On the other hand, many who enter the political lists do so because they are confident that with things as they presently are they can buy their way into office. The American people are deprived of the opportunity to judge candidates on their individual merits, political beliefs, and innate ability.

As we enter the 1970's, American political campaigns are being handled like accounts with a Madison Avenue advertising agency and candidates are being packaged in the same way that we package toothpaste or shaving cream.

Ultimately, it is the American voter who is being abused. While in some cases he rejects the high-priced, high-powered campaign, the fact is that the millions are still spent and that money has become the biggest single factor in determining a person's ability to run for office.

In the 1970 elections, of the major candidates for the Senate in the Nation's seven largest States, 11 of the 15 were millionaires. While not all 11 won, the four candidates who were not millionaires all lost.

We will take an important and noteworthy step today in giving final approval to the conference report on the Federal Election Campaign Act of 1971. Not only will we put an end to the media blitz as a campaign tool, but we will also be enacting the first significant piece of campaign reform legislation since the Federal Corrupt Practices Act was adopted in 1925.

Title I of this bill, which embodies the legislation which I introduced last May, returns campaigning for political office to a level of financial sanity. The development of title I in subcommittee, committee, on the House floor, and finally in conference with the Senate has embodied the spirit of cooperation between those from both political parties. The fact that title I was adopted by the House last November with only one dissenting vote is ample testimony to that fact. The entire bill was approved by a vote of 373 to 23, and your conferees, of whom I was privileged to be one, were successful in maintaining the House position in conference on virtually every major point.

The Senate approved this conference report by voice vote shortly before the recess, and the House should act decisively today to send the bill on to the White House.

On occasion, there have been ill-founded charges that this was a partisan bill or an incumbent's bill. Clearly, this is not the case. It is a bill in the public interest—a bill which will bring new life to our American system of politics. It is

a step forward which we should not delay one day longer in taking. I urge adoption of this conference report.

#### PARLIAMENTARY INQUIRY

Mr. DEVINE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DEVINE. Mr. Speaker, how is the time allocated, and how much time is left?

The SPEAKER. The Chair assumes the gentleman was using time from the 30 minutes allocated to his side.

Mr. DEVINE. Does the 30 minutes represent the time of both committees, the Committee on House Administration and the Committee on Interstate and Foreign Commerce?

The SPEAKER. The total time allowable is 1 hour, 30 minutes to each side. At this time the minority have 21 minutes remaining and the majority have 9 minutes remaining.

Mr. SPRINGER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio (Mr. DEVINE), the ranking minority member of the Committee on House Administration.

Mr. HEINZ. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Pennsylvania.

Mr. HEINZ. Mr. Speaker, I rise to indicate my concern over one provision in what is otherwise an excellent campaign spending reform bill. The section which guarantees candidates the lowest unit cost for advertising on radio and television is discriminatory because it effectively destroys the media marketplace by providing cut rates for candidates. Occasionally radio and television fill their open time slots at the last minute with commercials offered at special low rates. This legislation allows candidates to take advantage of this practice by giving the same low rate on a regular basis. This sets a bad precedent. Congress in effect is starting a fire sale in one industry which could conceivably extend to other areas of political self-interest.

Mr. DEVINE. Mr. Speaker, the conference report on S. 382 now before the House represents the successful conclusion of a great many efforts over a number of years to replace our antiquated Federal election laws with updated campaign spending and disclosure regulations.

I think I would be remiss if I did not point out at this time that special commendation should go to the chairman of the House Committee on Administration, the gentleman from Ohio (Mr. HAYS), the gentleman from Massachusetts (Mr. MACDONALD), on behalf of the Interstate and Foreign Commerce Committee, and, of course, the gentleman from West Virginia (Mr. STAGGERS), chairman of that committee, in addition to the work which was done by the gentleman from Minnesota (Mr. FRENZEL), of the Committee on House Administration, as well as the tremendous and dedicated work of the gentleman from Michigan (Mr. HARVEY) and the gentleman from Illinois (Mr. ANDERSON), all of whom demonstrated great in-

terest and worked hard to have legislation in this area.

The conferees on S. 382 have brought back to the House, in my opinion, a workable campaign spending bill and one that will be generally acceptable to the membership of the House.

The controls placed on campaign activities by this legislation should go a long way toward helping to cope with the problem of rapidly spiraling campaign costs in many Federal campaigns and also to provide more information to the public about elections and create more trust and confidence in the election process.

As the Members of the House will recall, when the House Administration Committee bill, H.R. 11060, was brought up in the House the rule made it in order to consider as an amendment the text of an Interstate and Foreign Commerce Committee bill, H.R. 11231, which contained limitations on communications media spending in Federal elections and related provisions. That amendment was modified and approved. Under the rule H.R. 11280, which was identical with the Senate-passed bill S. 382, was then considered as an amendment in the nature of a substitute. That amendment was approved, but after it was modified by the addition of the communications media spending limitations the House had already approved and by the addition of some of the major provisions of the original House bill, H.R. 11060, and several other amendments.

The situation, then, at the time the conferees met was that while the bill as it emerged from the House was identical in many respects with the campaign spending legislation passed by the Senate, there were some fundamental differences. The House conferees were successful in bringing back a report upholding the House position to a considerable extent.

One of the most significant actions taken in conference is that relating to section 315(a) of the Communications Act of 1934, the equal time requirement which provides that if a licensee permits a legally qualified candidate for public office to use his station he must afford equal opportunity to all other candidates for the same office in the use of the station. The Senate bill would have made that section inapplicable to candidates for all Federal elective offices, in other words, not only for the Presidency but also to House and Senate races. The House, on the other hand, amended the bill to provide that there would be no change at all in section 315(a), that it would stay just as it is. I am glad to report that the House position prevailed in conference.

A major purpose of this legislation is to place limits on campaign spending. Both the House and Senate versions of S. 382 contained limitations on expenditures for the use of communications media by candidates for Federal elective office. The House formula was accepted. It sets an overall limit on spending for communications media to 10 cents time the voting age populations or \$50,000, whichever is greater. Not more than 60 percent of that amount can be spent for

broadcasting stations. Each primary, general, special, or runoff election is treated as a separate election and has a separate expenditure limitation.

In this regard, the conferees also adopted the House provisions covering limitations on media expenditures with regard to Presidential nominations. Under those provisions candidates for Presidential nomination will be limited on media expenditures to the same amount applicable to the candidates for the office of Senate. As the bill passed the House, the Attorney General was directed to prescribe regulations to determine to which State the limitation would be charged if media is used which reaches more than one State. The conferees modified this to provide that the Comptroller General would prescribe such regulations.

The Senate escalator clause applying to the spending limitations for communications media was adopted, providing for the limitation to be increased in proportion to increases in the Consumer Price Index over calendar year 1970.

Both the House and Senate provided that amounts spent for the use of communications media on behalf of candidates are deemed to have been spent by the candidates for the purposes of the expenditure limitations of the bill, and also that no charge may be made for the use of any broadcasting station, newspaper, magazine, outdoor advertising facility unless the candidate or his authorized representative certifies the charge will not violate the applicable expenditure limitation. These provisions are of course included in the conference report before the House.

The conferees accepted a House amendment providing that in computing the candidates expenditures for the use of communications media there would be included not only the direct charges but also agents commissions. Also adopted was a Senate provision which permits States to impose limitations under State law on expenditures for the use of broadcasting stations by or on behalf of candidates for State and local office.

A significant modification made in conference was with regard to two items the House added for inclusion under the communications spending limitations, in addition to broadcasting stations and nonbroadcast media such as newspapers, magazines, and outdoor advertising facilities. When this legislation was being considered by the House an amendment was passed providing that the cost of telephone campaigns, when telephones are used in banks of five or more, and the cost of postage for computerized or identical mailings in quantities of 200 or more, would come under the communications media limitation. The mailing part was dropped in conference. However, telephone costs will come under the spending limitation to the extent they reflect expenses for telephones, paid telephonists, and automatic telephone equipment used by Federal candidates to communicate with voters. Costs of telephones incurred by volunteers for use of telephone by volunteers are excluded.

Various other provisions concerning communications media are included in

this legislation. Both the House and Senate bills contained restrictions on charges to candidates for the use of both broadcast and nonbroadcast media, the Senate proposing to require the media to grant candidates the benefit of their lowest unit rate charge, while the House approach was that the media could charge candidates no more than they charged others for comparable use.

In the area of broadcast media, the Senate position was accepted. It stipulates that a station may not charge candidates more than the lowest unit charge of the station for the same class and amount of time for the same period. This applies for a 45-day period before primaries and a 60-day period before a general or special election. The House position was accepted concerning non-broadcast media rates. It provides that to the extent newspaper or magazine space is sold to candidates for nomination or election to Federal office the charges for the use of such space in connection with the campaign may not exceed the charges for comparable use of such space for other purposes. Actually this test should have been applied across the board, rather than to discriminate.

The conferees accepted a Senate provision designed to insure access to broadcast stations. As it emerged from conference it amends the Communications Act to make a broadcast license subject to revocation for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of broadcasting stations by candidates for Federal elective office.

A somewhat similar House provision, to require that space made available in any newspaper or magazine to candidates for Federal office equivalent space must be made available on the same basis to all candidates for that same office, was dropped by the conferees.

The Senate had a provision to require that candidates be given maximum flexibility to choose their program format for use on broadcasting stations and a provision stipulating if nonbroadcast media is furnished without charge or at a reduced rate it would be deemed a contribution made to the candidate. These were also dropped by the conferees.

One of the primary purposes of this legislation is to provide for complete and comprehensive reporting of campaign expenditures and related activities by candidates and political committees. While the bills were very much alike generally in this regard, there was a major difference in the approach taken concerning who will receive the reports and disseminate the information. As passed by the Senate, S. 382 would have created a Federal Elections Commission to receive and handle the reports. In contrast, the House version, which was accepted, retains the Clerk of the House as the supervisory officer to handle the reports in the case of House elections. The Secretary of the Senate will be the supervisory officer for Senate elections and the Comptroller General for presidential elections. Reports on political convention financing are also required to be submitted to the Comptroller General.

The conferees accepted House provisions under which the Comptroller General would serve as a national clearinghouse with respect to information regarding elections, and which would prohibit the use of OEO funds from being used in any way to influence the outline of any election to Federal office. The conferees accepted in part the Senate requirement that copies of reports required to be filed with the supervisory officer be also filed with the various U.S. district courts. However, instead of being filed with the clerk of the U.S. district court, they would be filed with the Secretary of State or equivalent office.

The conference report contains a provision to modify section 610 of title 18 of the United States Code. That law was enacted to prevent national banks, corporations, and labor unions from making political contributions or expenditures, a prohibition which is now extensively circumvented, especially by labor unions as was brought out when this legislation was being debated. H.R. 11060, the original House bill, as reported contained a proposed amendment to strengthen the language of section 610 to help it better to serve its original purpose. However, that provision was replaced with a watered down amendment that will in all likelihood allow labor unions an even wider latitude to engage in political activities. The author of the so-called Hansen amendment clearly stated its purpose was to codify existing law, so no other interpretation should be made as to his intention nor the application of the amendment. This provision has the potential to allow widespread abuse of what should be a union member's right to prevent the channeling of his dues to political purposes against his wishes and will bear close watching. Possibly followup legislation will be indicated.

The gentleman from Idaho (Mr. HANSEN) offered an amendment that was adopted in the House, and at that time he stated specifically that it was his intention that his amendment codified existing law. I believe that should be made clear as a part of the legislative history, that that was the intention of the gentleman from Idaho. I believe the gentleman will enlarge upon that when time is allotted to him.

With such reservations as I have expressed, I would recommend adoption of the conference report on S. 382. The bill does represent a significant step forward by way of providing essential guidelines and controls on the conduct of Federal elections and in my opinion its enactment into law will be in the public interest.

Mr. SPRINGER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Speaker, as one of the Senate-House conferees who worked out final details of the campaign spending reform measure before us today, I want once again to publicly protest those provisions in this otherwise laudatory bill that are clearly discriminatory to the broadcasting industry.

On the last day of the first session, I pointed out to colleagues that under this bill, broadcasters solely would be required to extend their lowest unit rate

for campaign advertising of Federal political candidates.

Obviously, this requirement singles out the broadcasting industry and requires it to provide bargain basement rates for politicians, entirely overlooking the fact that nonpolitical advertisers are often much more entitled to a more economical rate by virtue of their advertising volume or frequency.

The measure is, therefore, discriminatory to millions of businesses and enterprises that are in no way related to politics and political candidates.

I very much regret that this unfair requirement was not removed during the conference. The "comparable rate" requirement of our original House bill was much more equitable.

While I do intend to vote for this legislation because of its many improvements other than this particular matter, I do want once again to express my concern that the measure does discriminate against the broadcast industry in the manner described.

Mr. SPRINGER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Speaker, I shall vote for this conference report on S. 382, the Federal Election Campaign Act of 1971.

On balance, it is good and necessary reform legislation. It gives us a broad basis for this badly needed reform. And it gives us great ability to end abuses.

I am particularly pleased that this report contains the things for which I have been pressing—and which the House adopted in passing its version of the bill last November: Full and timely disclosure of contributions to campaigns for Federal office, and prohibition of unsecured credit advancement by federally regulated industries to such candidates.

I consider these reforms so necessary that we cannot risk losing the benefits that they provide by voting down this report in the hope of rectifying or remedying the elements of this report which, so obviously, impose undue restrictions upon the Nation's radio and television broadcast industry.

There is no doubt that this conference report does contain elements that are inequitable and discriminatory as far as the federally regulated broadcasting industry is concerned—particularly when compared with the manner in which its unregulated competition is treated by this report.

This legislation will require broadcasters to give political candidates a broadcaster's lowest unit rate for campaign advertising. But it will permit such other media as newspapers and billboards to charge prices paid for "comparable" use by commercial advertising accounts.

It will impose a 6-cents-per-voter restriction on a political candidate's total broadcast spending. But it will permit the full 10-cents-per-voter limitation to be spent with competing media.

It includes the Pearson amendment to require broadcasters to permit any legally qualified candidate to purchase a "reasonable amount of time" for his campaign advertising. Any broadcaster found in willful or repeated violation of this requirement could lose his license and be

thrown out of business, his total record of public service notwithstanding.

In other words, this conference report not only retains the unfair and repressive equal-time law now on the books as section 315, but it tightens it, thereby making it all the more unfair and repressive.

Who is to say what is really a "reasonable amount of time"?

What a broadcaster may consider, under his circumstances, a "reasonable amount of time" may not be considered so by a candidate who demands such time in the heat of a campaign.

In fact, what may be considered a "reasonable amount of time" by one broadcaster may not be so considered by another broadcaster. Their regular contractual and programing commitments—and audience requirements or preferences—may vary greatly.

There are bound to be times in every broadcasting schedule—and in the professional experience of every broadcaster—that are not conducive to the sale of political time, however badly a candidate may think he wants it, or should have it.

Who is to say whether it is reasonable for a broadcaster, upon a political candidate's demand, to be compelled to preempt the time of the long-term commercial client to whom, by contract, that time belongs?

Who is to say whether it is reasonable, and really in the public interest, for a broadcaster, upon such demand, to be compelled to preempt an established public service program which his listeners have come to enjoy and, upon which to depend?

Yet, under this provision, a broadcaster, whose license is obtained and retained on basis of performance in the public interest, may be charged with being unreasonable and, therefore, fall subject to revocation of his license.

To suggest that such a requirement is needed to assure reasonable responses to political campaign advertising purchase requests is to fly in the face of the industry's 37-year record of performance under FCC regulation. In fact, a number of large market radio and television stations have actually given substantial discounts to political candidates. Their hard-copy competitors have done less.

But, here again, it is wrong to enact legislation which is discriminatory and inequitable to the regulated electronic media and which, therefore, places it at severe handicap and considerable jeopardy vis-a-vis its unregulated competition.

And so it is that, for these reasons, I shall work for early remedy of the inequitable and discriminatory aspects of this conference report as they pertain to the broadcasting and telecasting industry—but, today, I shall vote for passage of the report as essential to long-overdue campaign reform.

Mr. SPRINGER. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL of North Carolina. Mr. Speaker, today the House is considering the conference report on a most im-

portant piece of legislation, the Federal Election Campaign Act. This measure would provide some greatly needed reforms in regulating political campaigns, and it is especially timely in light of upcoming presidential primaries in a few months.

The enactment of this reform legislation would be the first major revision of the Corrupt Practices Act of 1925, the law currently governing campaign spending practices. Consideration of this issue is long overdue in view of the astronomical expense of conducting political campaigns in the age of mass communications.

While I feel it is commendable that the Congress is addressing its attention to this problem, I would like to express a few reservations I hold about some provisions of the conference report.

One of my major objections concerns the treatment of limitations on rate charges for political advertisements for the broadcast and print media. I feel that the distinction which has been made in the conference report between the broadcast and print media is unjustified and unfairly discriminates against the broadcasters. Under this provision, newspapers and magazines may charge political candidates comparable rates to charges for commercial advertisers. However, broadcasters are restricted to charging the lowest unit rate available to commercial advertisers. This change from the original House version of the bill, which treated the broadcast and nonbroadcast media alike and allowed for comparable rates for both, is unsatisfactory and can, I hope, be corrected in the future.

Another section which I would like to see included in the conference report is the repeal of section 315(a) of the Communications Act, or the "equal time" requirement, for candidates for President and Vice President. I do not feel that section 315(a) should be repealed for all candidates for Federal office, as had been provided by the Senate, but I feel that leaving this section of the law as it presently stands has the effect of reducing access to broadcast time by major presidential and vice presidential contenders.

I feel that the section of the conference report regarding the filing of campaign reports was weakened by the elimination of the provision for a Federal Elections Commission. Originally included in the Senate version, this section was replaced by the House version vesting supervision of campaign reports in the Clerk of the House for House candidates and in the Secretary of the Senate for Senate candidates. I feel that the supervisory role should be outside of the Congress itself in order to maintain greater distance between political candidates and election supervisors.

I am also dissatisfied with the provision which would define in law the roles that corporations and labor unions may take in political campaigns. I feel that this section is not as strong as it should be and would have the effect of sanctioning certain union and corporate activities in political campaigns. I would much prefer a provision to prohibit any union activity and any union funds for political purposes.

While I cannot in good conscience oppose this legislation, I would certainly be willing for the bill to be returned to conference in order to correct some of the defects which I have mentioned.

Mr. SPRINGER. Mr. Speaker, I yield one minute to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. I rise in support of the conference report on the Federal Elections Campaign Act of 1971. This legislation represents a significant and important first step forward in the imperative task of restoring public confidence in the integrity of the electoral process. To be sure, we should be under no illusions that this legislation is perfect or that it is the final solution to the problems of campaign finance; but at the same time, there can be little doubt that it is a vast improvement over the loophole-ridden Corrupt Practices Act of 1925 which it replaces.

One long-time advocate of campaign finance reform said earlier this year that if we could at least close up the District of Columbia Committee loophole, require intrastate as well as interstate committees to report, and extend coverage of the act to primaries, we would have made a significant improvement over the old law. Well, this act does eliminate these important areas of abuse and a number of other ones as well. Most importantly, the act provides for timely and thorough pre-election reports on campaign contributions and expenditures. As Senate Majority Leader SCOTT said during the debate in the other body, the single most important item on the agenda of campaign finance reform is to provide the electorate with the opportunity to determine "who gave it and who got it" before they enter the voting booth. Every poll and opinion survey that I have seen indicates that the great majority of the American people disapprove of the escalating costs of modern campaigns and the disproportionate influence that this gives groups and individuals possessed of large financial resources. This act now gives the electorate a concrete opportunity to register that disapproval at the ballot box.

Mr. Speaker, I must also point out that the conference report is disappointing in one major respect. I refer to the fact that the supervisory power was left with the Clerk of the House and the Secretary of the Senate. I strongly supported the Senate provision for an Independent Election Commission, and when it became clear that this could not gain the approval of the House, I, along with many of my colleagues on both sides of the aisle, urged that an Election Board be established in the GAO with the Speaker of the House, the President pro tempore of the Senate, and the President sharing in the appointments. In my view, this was a reasonable compromise that would have been far superior to the provision as finally agreed to by the conferees.

I think we must remember that thorough and timely reporting by candidates is only one side of the disclosure equation. The other half is an agency that can process, collate, and disseminate these reports in an expeditious manner. I do not believe that the Clerk of the

House, as presently equipped, can possibly fulfill this important function. So, if we are determined to leave the supervisory responsibilities in that office, it seems to me that it is essential that we promptly provide him with the additional resources and manpower that will be required to do the job effectively.

Mr. Speaker, despite this one area of disappointment let me again urge that the conference report be approved. As my able colleague, Jim Harvey, who played such an important and instrumental role in moving this measure through the legislative process last year said in a recent report to his constituents: "The final version of this legislation is far from perfect." One newspaper properly entitled a story about its history "Chronicle of Compromise." The final version passed by the Senate and the House certainly is a compromise, but it is also a noteworthy accomplishment. I urge adoption of the conference report.

(Mr. McCLORY (at the request of Mr. SPRINGER) was granted permission to extend his remarks at this point in the RECORD.)

Mr. McCLORY. Mr. Speaker, I am pleased to express my support of the conference report on the Federal Election Campaign Act of 1971 (S. 382). This measure sets forth detailed provisions for reporting campaign receipts and expenditures.

Mr. Speaker, this measure imposes appropriate responsibilities on political candidates and campaign committees. It is designed to close loopholes which, at present, permit concealment of contributions and campaign spending. The bill sets a top limit on campaign expenditures which should prevent any future charges that a political candidate has "bought" an election. The language of S. 382 is fair to candidates of modest means. Those who seek election as a Representative in the Congress—for instance—would be barred from spending personal or family funds in excess of \$25,000 in any election.

Mr. Speaker, the Comptroller General is given principal responsibility for administering the new law. This should persuade the American public to have confidence that the Congress is determined to establish fair and honorable standards with which all candidates for Federal office are required to comply.

Mr. Speaker, the new law has some obvious shortcomings—including exemptions which others have discussed in the course of this debate. However, the measure provides a substantial response to the need for reform in campaign spending—and I am pleased to express my full support for the conference report.

Mr. SPRINGER. Mr. Speaker, I yield such time as he may use to the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Speaker, it difficult for me to understand how anyone can justify the discrimination that exists in this bill against the broadcast media and the candidates' use of the broadcast media.

Make no mistake about the fact that I am delighted that we now have a campaign spending bill before us and will vote for the bill although I cannot sup-

port the unfair section relating to broadcasts.

In the committee I voted against treating the broadcast media differently than the printed media. It is wrong to allow all money allotted for media advertising to be spent, if it is the individual's desire, on newspaper ads and not at the same time allow a similar right for the use of broadcasting media. I hope this will be changed at a later date.

Another unfair provision in this bill is to require of the broadcast media the "lowest unit rate" rather than a "comparable unit rate" allowed the printed media. It is also my hope that this too will be corrected at a later date.

Taken in its entirety, however, this is a much needed bill and will have my support and vote.

(Mr. LLOYD (at the request of Mr. SPRINGER) was granted permission to extend his remarks at this point in the RECORD.)

Mr. LLOYD. Mr. Speaker, the proverb states: "A journey of a thousand miles begins with the first step." We are taking a long step today toward campaign expenditure reform.

Actually, so far as expenditure limitation is concerned, I am very little personally affected. This bill allows 10 cents per eligible voter to be spent for media advertising, or \$50,000, whichever is greater. I represent more than 500,000 persons, one of the largest districts in the country. There are less than 350,000 "eligible voters" in the district. Thus, in the case of a Congressman, the 10-cent limitation is meaningless. In my case, it would mean \$35,000. Therefore, the meaningful figure becomes \$50,000. This is more than has ever been spent on my campaign media advertising in the past.

The reporting requirements, the contribution limitations, the disclosure mechanics, these are all long-needed improvements. I regret we have not eliminated the equal-time requirements, because I believe it encourages irresponsible political efforts and mischief makers, and does not contribute to constructive and useful campaign procedure.

There are other changes I would make, but I realize that each one of us sees this problem a little differently. In the American tradition, our product today is a consensus product. As such consensus product, I support it enthusiastically, in the hope and in the belief that it will be further refined and further improved by subsequent Congresses.

Mr. SPRINGER. Mr. Speaker, I now yield to the distinguished gentleman from Nebraska (Mr. McCOLLISTER) for a question.

Mr. McCOLLISTER. Mr. Speaker, I thank the gentleman for yielding.

I would like to direct a question to the chairman of the Committee on House Administration.

The gentleman from Ohio, in describing the subjects with respect to which limitation is made, made some mention of the campaign staff. I see that in section 104 is described the limit on communications media, and it describes in section 102 what the communications media are. I see no reference there to the staff.

Mr. HAYS. Will the gentleman yield?

Mr. McCOLLISTER. I yield to the chairman of the committee.

Mr. HAYS. Well, I made a broad generalization which I would like to explain in more detail.

As I see it, it seems to me that under the law that we have in the proposed legislation, if no member of that staff you are talking about hiring as much as picked up a telephone, that they would not be covered, but if they picked up a telephone and talked to someone about something for somebody, that they would be covered, in my opinion.

That is not the way we wanted it. That came about as part of a compromise. The only thing I can say to you is if any staff person you hired has anything to do wide open, as I am trying to explain, on will be covered, in my opinion. So personally I will be very cautious and include staff as a part of the \$50,000.

Mr. McCOLLISTER. Does the gentleman mean in his description of the use of the telephone where it is used in banks of five or more?

Mr. HAYS. Well, I have that specifically in mind, but the thing is a little wide open, as I am trying to explain, on communications media. You know they are prohibited. I am just telling you how I am going to handle it. I am going to consider any staff who works in my election, that their salary is part of the \$50,000.

If somebody else wants to take a chance, and if it is interpreted otherwise, and someone comes in and says, "Joe Doakes was on the telephone and he called 50 people," and they bring in 50 people and ask them to vote, I think they would be covered.

Mr. SPRINGER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. FREY).

Mr. FREY. Mr. Speaker, I would like to very briefly address the attention of the House to the provision regarding the media. There has been much made and written about it and, quite frankly, I worked very hard in the committee to allow the candidate complete discretion regarding the spending of his campaign funds. However, this did not come about, but we did manage to get a compromise through.

Mr. Speaker, I think it is extremely important that we have this bill. The house has acted and the Senator has also. While I am not necessarily in favor of all of the provisions of this bill, I think it is a good compromise and one with which we can live. This bill is important, more important, than the few items with which I disagree.

Therefore, I would urge everyone, to support this bill.

Mr. SPRINGER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. Mr. Speaker, I take this time because questions have recently been raised as to the purpose and effect of the so-called Hansen amendment to the election reform bill. This amendment was adopted by the House of Representatives by a margin of 233 to 147 and was retained by the joint Senate-House conference committee.

At the outset, I would like to make two points. First, I stand fully behind every word of the statement I made in explanation of my amendment and in answer to questions during the course of the debate on the amendment. Second, I will repeat what I stated several times during the course of the debate that the purpose and effect of my amendment is to codify and clarify the existing law and not to make any substantive changes in the law.

It is significant that I gave notice to the House and to the public of my intention to introduce my amendment approximately 2 weeks before it was considered on the floor of the House. On November 17, 1971, I inserted the full text of the proposed amendment and an explanation in the CONGRESSIONAL RECORD, volume 117, part 32, page 41869. The amendment was offered and debated on November 30, 1971. Prior to the time of the debate no question was raised by anyone in the Justice Department or by anyone else to my knowledge concerning the provisions of the amendment that have recently been questioned. Those provisions relating to the legality of a separate, segregated voluntary political fund were not raised during the course of the debate. In fact, most of the attention during the debate was centered on the feature of the bill which represented the principal difference between the Hansen amendment and the so-called Crane amendment; that is, the extent to which union or corporate funds could be used to finance a get-out-the-vote drive directed at the union members or the corporate stockholders.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. HANSEN of Idaho. I yield briefly to the gentleman from Ohio, but I would like to complete my statement.

Mr. HAYS. I will say to the gentleman that what he is saying will be the legitimate legislative history and that what somebody down in the Department of Justice, some Assistant Attorney General's opinion, is worth exactly as much as the piece of paper it is printed on, no more and no less.

Mr. HANSEN of Idaho. I thank the gentleman.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. HANSEN of Idaho. I shall yield to the gentleman when I complete my statement.

I can certainly understand why the questions now being raised were not raised prior to or during the course of the debate on the amendment. The Hansen amendment is consistent with the legislative intent expressed by the original author of section 610, the late Senator Robert Taft of Ohio. The Hansen amendment is consistent with the position taken by the Justice Department in the brief it filed with the U.S. Supreme Court in the Pipefitter case and with the position taken by the Justice Department when the case of United States against UAW was before the Supreme Court. The Hansen amendment is also consistent with the provisions of the so-called Crane amendment dealing with the legality of a separate, voluntary po-

litical fund. The pertinent portions of both amendments are as follows:

HANSEN AMENDMENT

"As used in this section, the phrase 'contribution or expenditure' . . . shall not include . . . the establishment, administration and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization: *Provided*, That it shall be unlawful for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination or financial reprisal; or by dues, fees, or other moneys required as a condition of membership in a labor organization or as a condition of employment, or by moneys obtained in any commercial transaction." (Emphasis supplied.)

CRANE AMENDMENT

(Sec. 8 of H.R. 11060)

Nothing in this section shall preclude an organization from establishing and administering a separate contributory fund for any political purpose, including voter registration or get-out-the-vote drives, if all contributions, gifts, or payments to such fund are made freely and voluntarily, and are unrelated to dues, fees, or other moneys required as a condition of membership in such organization or as a condition of employment. (Emphasis supplied)

It has been suggested recently that the so-called Hansen amendment to the present 18 U.S.C. section 610 has the purpose and effect of thwarting present prosecutions against the Pipefitters Local 562 and the Seafarers International Union as well as a contemplated prosecution against the Marine Engineers Beneficial Association. As I will show, this contention is completely without substance.

In its original draft form, the Hansen amendment made it unlawful for a labor political committee to make a contribution or expenditure by utilizing money secured by physical force or job discrimination or threat thereof. Subsequently, when the allegation was made that the Marine Engineers Beneficial Association had coerced contributions to its political action fund by threatening pension cut-offs or reductions, the amendment was redrafted and broadened in order to make the use of financial reprisals or threats thereof unlawful. Therefore, far from undercutting any action the Department of Justice may see fit to take in this case, if action is warranted, the Hansen amendment actually strengthens the Department's hand.

Again, in the Seafarers' case, the Government's contention insofar as it can be gleaned from the indictment and from the newspaper stories which led to the indictment, is that section 610 was violated because the payments were coerced through job discrimination and threats of job discrimination. That precise evil is also covered and prohibited in explicit terms in the Hansen amendment.

With respect to the Pipefitters' case, the thrust of the prosecutions there, as is evident from the Government's briefs, is that section 610 was violated because the Pipefitters' Political Action Fund utilized assessments whose payment was required as a condition of employment. That precise evil is covered in explicit terms in the Hansen amendment.

The Hansen amendment is completely

consistent with the basic theory of the Government's prosecution in *United States against Pipefitters Local 562—United States Supreme Court No. 70-74 October Term, 1971*—as stated in the Solicitor General's brief filed with the Court in November 1971. In that brief the Government states:

The essential charge of the indictment and the theory on which the case was tried was that the Fund, although formally set up as an entity independent of Local 562, was in fact a union fund, controlled by the union, contributions to which were assessed by the union as part of its dues structure, collected from non-members in lieu of dues, and expended, when deemed necessary, for union purposes and the personal use of the directors of the Fund. (Brief for the United States at p. 23, emphasis added.)

The Hansen amendment makes it perfectly plain that Federal contributions or expenditures financed by "dues, fees, or other moneys required as a condition of membership in a labor organization or as a condition of employment" are unlawful. Thus, under the Hansen amendment the Government would be entitled to a guilty verdict whenever it meets the burden of proving to a properly instructed jury that contributions were made from assessments which were part of a union's dues structure.

There could be no dispute on this point for in his floor explanation of the 18 U.S.C. section 610 Senator Taft emphasized that:

[U]nions can . . . organize something like the PAC, a political organization, and receive direct contributions, just so long as members of the union know what they are contributing to, and the dues which they pay into the union treasury are not used for [the] purpose [of making federal political expenditures and contributions]. 93 Congressional Record 6440.

In light of this explanation the Government advised the Supreme Court in *United States v. UAW*, 352 U.S. 567, that section 610 "had not silenced the political voice of labor unions" since unions may "properly" use "special funds contributed voluntarily by the membership" for "purely political activities." Brief for the United States in the UAW case at pages 37 and 38. And, consistent with that view, despite the fact that unions, as well as the Chamber of Commerce and the NAM, have openly and notoriously carried on political activities through labor and business political organizations such as AFL-CIO, COPE, and BIPAC for almost 30 years, the Government has never prosecuted either a union or a corporate group on the theory that unions and corporations have no right to set up and run legitimate labor or corporate political organizations such as COPE and BIPAC.

Thus as Senator DOMINICK stated, speaking in support of an amendment to section 610 he offered to the other body, the general view is that:

If a member wishes to pay money voluntarily to a candidate or to a labor organization fund for a candidate or even to a fund which the union will determine how it is to be spent, I have no objections.

CONGRESSIONAL RECORD, volume 117, part 22, page 29329.

The Hansen amendment building on

this consensus tracks this language with a single addition making explicit what is implicit in the Crane amendment—that unions and corporations may solicit contributions to these funds as long as they do so without attempting to secure money through "physical force, job discrimination, financial reprisals" or the threat thereof. Thus the Hansen amendment does not break new ground, it merely writes currently accepted practices into clear and explicit statutory language.

Much has been made of the fact that some of the material which I inserted in the CONGRESSIONAL RECORD as part of legislative history in connection with my remarks is similar to material inserted by the gentleman from New Jersey (Mr. THOMPSON) as part of his remarks.

Those who are familiar with the operation of the Congress are aware of the rather common practice of Members drawing upon committee reports, hearings, briefs, and other background materials and documents in developing legislative history for a bill which will help to set forth legislative intent to guide those charged with responsibility of implementing and administering the act. In the development of my amendment I worked with other Members and their staffs. A background paper was prepared and underwent several modifications reflecting comments and suggestions made by Members who had an opportunity to review it. In order to make certain that the record was complete I inserted portions of that background material in the RECORD under authority to revise and extend my remarks. Obviously, the gentleman from New Jersey (Mr. THOMPSON) with whom I serve on the House Administration Committee which considered this legislation, utilized some of the same materials in revising and extending his own remarks.

Obviously, the members of the joint Senate-House conference committee were not concerned about the suggested effect of this amendment on pending cases. Nor were Members of the other body who approved the conference report by a voice vote. There is no reason for Members of this body to be concerned. This is much needed and meritorious legislation. I strongly urge an overwhelming vote of approval.

GENERAL LEAVE

Mr. DEVINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this subject.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DEVINE. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Speaker, and Members of the House, I regret that I could not ask the question of the gentleman from Idaho, but during the debate, in a colloquy with the gentleman, I pointed out that it seemed to me that his amendment operated to legalize certain union practices regarding the use of union dues for political purposes which heretofore had not been legalized. I am glad to note that the gentleman claims that this is

not true, and that he is merely codifying existing law.

I presume—and this is the question I wished to ask the gentleman—that the existing law which the gentleman says his amendment codifies, includes the decision in the Circuit Court of Appeals in the Eighth Circuit, I believe, in the Pipefitters' case, which specifically holds that the use for political purposes, of coerced funds, or of union dues which have to be paid, is illegal.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. DEVINE. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, today this House will pass a much-needed election reform bill. It is a good compromise bill which merits broad support. In addition it stands as a prime example of congressional responsiveness.

This bill is the first significant reform in decades. It provides for expanded disclosure both for expenses and contributions, and establishes spending limitations for certain media expenses. More importantly, it is tailored to disrupt as little as possible our traditionally fair and open election systems.

The Congress has wisely resisted the strong temptation to expand substantially the existing, and obvious, advantages of incumbency. It also resisted the equally strong temptation to restrict unduly the rights of citizens who participate financially in the political process.

The bill has flaws, omissions, and even a loophole, or two. Most significant is the omission of a Federal Elections Commission. On balance, however, the good in this bill far outweighs its minor defects.

This reform bill complements the \$50—\$100 joint—deductibility for political contributions. Together, they provide great incentives for broadened political participation. Together, they are a real bonus for the people of this country.

Perhaps the happiest element in our whole treatment of election reform is that we are passing Congress own bill. It did not come from the Executive, although the Executive did contribute greatly and has indicated support and approval. It did not come from pressure groups, although many groups also made important inputs. It did not come from heavy popular interest, although the majority of our citizenry has been shown, in poll after poll, as favoring election reform.

All of these influences were important, but this bill was passed because Congress saw a problem area and tried to solve it in a reasonable way.

I want to add my commendations to those already heaped on the deserving chairmen, the gentleman from Ohio and the gentleman from West Virginia, and on the deserving subcommittee chairman, the gentleman from Virginia, and the gentleman from Massachusetts. Their efforts reflect credit on all of us.

It is my hope that this bill will be passed by an overwhelming majority today.

Mr. HAYS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, the Members of the House will remember that during the first floor debate on this legislation I offered an amendment providing that broadcasters should charge comparable or earned rates, the same as the newspapers and other media could charge. The House passed that amendment by a strong vote of 219 to 150, a 69-vote majority, on a record vote.

When the bill went to conference this amendment was sort of traded off on the equal time provision. If I could offer an amendment now that would restate what was the clear intent of the House I would do so.

But, as you know, we have a straight yes or no vote on this conference report.

I want to make it plain that I do support the legislation because overall the two committees have done a good job and the overall purposes and the strong intent here outweighs any individual objection that I might have.

I do think the provision requiring broadcasters to give the lowest unit rate to political candidates, if that is indeed what the language really says, is patently unfair and should be corrected. I hope to take steps as we go along this year to correct that difference.

Mr. HAYS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Speaker, the question has been raised about the meaning of the term paid telephonists in section 102(1) and the suggestion was made that this might include a campaign staff. For what it is worth, I would like to say as author of the amendment in House which included the term "paid telephonists"—it was not my intention to include in that term all staff that might use telephones incidentally talk to voters.

I had in mind people who are hired for the purpose of making telephone calls. That is a very distinct and recognizable category. It was not my intention to include anything beyond that. These people are generally hired in considerable numbers and it is, as I say, a distinct category. I repeat it was not my intention as author of the amendment which included the phrase "paid telephonists" to include general campaign staffs.

Mr. HAYS. Mr. Speaker, I yield 1 minute to the gentleman from Wyoming (Mr. RONCALIO).

Mr. RONCALIO. Mr. Speaker, I thank the chairman of the committee, the gentleman from Ohio (Mr. HAYS).

Mr. Speaker, my purpose in taking the floor at this time is to ask a question for the benefit of absent Members.

What about attacks on an incumbent? For example, those who have already said, in effect, "We will come into your area and put up billboards attacking you on the way you voted on a particular thing last year." Is that allocable to your opponent's expense limitations?

Mr. HAYS. No, it is not. But if a person—if it is an individual, and he spends more than \$100, he has to make a report on it and, if he does not, then he is in violation of the law and can be fined or sent to jail.

Mr. RONCALIO. I thank the gentleman very much.

Mr. HAYS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. ABBITT), chairman of the subcommittee, who did all of the hard work holding the hearings and who did a great job on the section of the bill on House administration.

Mr. ABBITT. Mr. Speaker, I appreciate very much the gentleman yielding to me and the kind words he has just spoken.

Mr. Speaker, I want to commend the chairman of the committee, and the chairman of the conference, and the House Members for the splendid job they have done.

To all intents and purposes, this is a bill that was passed originally by the House, with a few exceptions.

First, I want to comment on the subject of telephones. There was a slight change there. Some of the Members are a little bit excited and exercised by what we mean when we say "media".

If you will look at the first page of the report, it explains it very concisely.

The report reads as follows:

(1) The term "communications media" means broadcasting stations, newspapers, magazines, outdoor advertising facilities, and telephones; but, with respect to telephones, spending or an expenditure shall be deemed to be spending or an expenditure for the use of communications media only if such spending or expenditure is for the costs of telephones, paid telephonists, and automatic telephone equipment.

Mr. Speaker, it is just that simple. That is all that applies to telephones.

Now, as to the conference report, there were only about five instances in which the House bill was changed.

First, the provision of the Senate bill relating to the requirements on broadcasters, that is, television and radio, was adopted. Broadcasters must charge the lowest unit rate for space and time during the 45 days preceding a primary and 60 days preceding the general election.

Second, there was stricken from the House bill the provision requiring anyone who makes space available in a newspaper or magazine to a candidate in a national election campaign must make space available to other candidates for office.

Third, under the definition of "news media," we took out the provision relating to postage in computerized mailing as defined in the House version, and changed cost of telephoning to telephone expenditures.

Fourth, the House receded from their provision providing for a penalty for violation of section 103 and adopted the Senate provision, which provides for a fine of not exceeding \$5,000 or imprisonment of not more than a year or both.

The fifth change was in the matter of reporting. We in the House report to the Clerk; the Senate reports to the Secretary of the Senate. In addition, there was the amendment that was offered by Mr. HARVEY requiring a report to the clerk's office of the Federal court in the various districts. That amendment was defeated in the House. At that time the chairman, (Mr. HAYS) promised that some provision would be made. What we did in the conference committee was to say that a report should be filed with the appropriate

State official, either the State election official or whoever the appropriate State official might be, the secretary of state or the equivalent officer. A copy of the report would be filed with that officer so it would be available locally. Other than that the House provision stands.

I think we have a good bill, one we can live with, and one which represents a great step in the right direction.

I am pleased that the Members of the House of Representatives were afforded ample time to study the conference report on S. 382, and I'm sure that having read the provisions of the bill, we all realize the importance and far-reaching effects of the legislation.

Although the bill is not what we had all hoped it would be, it takes a giant step in the right direction. Our existing laws are so outdated and unrealistic that an urgent need for reform exists.

The House conferees were opposed to a Senate attempt to repeal the "Equal Time" requirement for political candidates and after lengthy discussion, the repeal clause was removed and the existing law remained unchanged.

In an attempt to keep down the rapidly rising costs of campaigning, the conferees agreed to limit expenditures for the communications media to 10 cents per eligible voter, or \$50,000, whichever is greater. Of this limit, no more than 60 percent could be spent for television and radio. An escalator clause was included with the communications media spending limit, based on annual increases in the consumer price index.

The bill also provides that broadcasters, meaning TV and radio stations, are required to sell candidates advertising time at the lowest unit rate for the time and space used. This stipulation would take effect only during the last 45 days preceding a primary election and the last 60 days preceding a general election.

In order to maintain the highest degree of confidence in Federal campaigns, the public is entitled to know specifically and accurately what money is spent by and on behalf of a candidate for Federal elective office, and also where those funds came from. This bill goes a long way in strengthening the requirements for reporting expenditures and contributions, and thus providing for disclosure to the people.

As opposed to creating another high cost commission, financed by the taxpayers, the House conferees were able to retain the provisions of the House version which provided for campaign reports to be filed with the Clerk of the House, for House candidates, the Secretary of the Senate for Senate candidates, and the Comptroller General for Presidential candidates. Also, copies of campaign reports are to be filed with the secretary of state—or equivalent officer—of the State in which the election is held. This last stipulation, I feel, is much more practical than what was proposed by the Senate which attempted to have additional copies of the campaign reports filed with the clerk of the United States District Court in which is located the residence of the candidate or the principal office of the political committee.

Another important aspect of the bill pertains to the role unions and corporations can play in political campaigns. Under the provisions of this bill, the definition of the terms "contribution" and "expenditure" does not include communications, nonpartisan registration, and get-out-the-vote campaigns directed at the stockholders of the corporation and their families and members and their families of labor organizations.

One of the most crucial provisions of the bill provides for a ceiling on contributions by any candidate from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election to Federal office in excess of \$50,000 for President or Vice President, \$35,000 for Senator, and \$25,000 for Representative. I feel that this will help deter a wealthy candidate from being in a position, as a result of his or his family's personal fortune, to "buy" an election. The cost of campaigning is so great today that the average citizen cannot even consider running for office.

Finally, this bill repeals the Corrupt Practices Act of 1925 which is so outdated and impossible to live under that, as we all know, it has been honored only in its breach.

Gentlemen, the time to act is now. Although S. 382 is not a perfect bill, I urge your full support for passage—so that we might take the first step to needed election reform.

Mr. SPRINGER. Mr. Speaker, I yield the remaining time to the minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, at the outset let me commend the Conferees. I think a good job has been done, and I intend to support the report. I think it is good legislation.

I would like to ask the distinguished gentleman from Ohio one question. As I read the Conference Report, except for section 401, the effective date for the new legislation is 60 days after the President signs it and it becomes law. Is that correct?

Mr. HAYS. The answer to that is "Yes." That is exactly right.

Mr. GERALD R. FORD. One other clarification. When I say "effective date," that means as to reporting expenditures, disbursements, or any other requirements under the legislation.

Mr. HAYS. That is right. No section, except for one, takes effect, and it does not either until 60 days after. It even has a longer period. But the rest of it, no part of it becomes effective until 60 days after the President signs it.

Mr. GERALD R. FORD. Mr. Speaker, let me reiterate what I said at the outset: I congratulate the conferees. I think this is good legislation and I hope it is overwhelmingly approved.

Mr. HAYS. Mr. Speaker, I yield myself the remaining time.

Does the gentleman from South Dakota have a question?

Mr. DENHOLM. Thank you very much, Mr. Chairman. The question I wanted to ask is this: If someone is operating on less than \$50,000 in contri-

butions, is there any attempt or purpose in the proposed law that would suggest or compel an allocation of the funds?

Mr. HAYS. No, not at all. If a person, for example, had only \$20,000, he could spend the whole \$20,000 on the media if he wanted to. The only limitation is that he may not spend more than \$30,000 total of the \$50,000 on the media.

Mr. DENHOLM. Thank you very much.

Mr. HAYS. Mr. Speaker, I want to say in conclusion that I appreciate all the cooperation from both sides, from all the members of my committee especially Mr. DEVINE and those on the other side, who while they were exhausting and penetrating in their questions made no attempt to filibuster consideration of the bill. Also I appreciate the cooperation of the members of the Committee on Interstate and Foreign Commerce, the gentleman from West Virginia (Mr. STAGGERS), and the gentleman from Massachusetts (Mr. MACDONALD) as well as the minority members of that committee.

Mr. Speaker, I do not say this is a perfect bill. It does not suit me in every particular. I would rather have had lower limits and a few other things, but we gave very little to the Senate in the conference. There are only a few items, which did not amount to much. In a conference we have to take as well as give in order to get agreement. I appreciate the attitude of the Senator from Rhode Island (Mr. PASTORE) and the other Senate conferees. We came up with the bill in record time. I think it is a long step in the right direction, and I urge adoption of the conference report.

Mr. MAHON. Mr. Speaker, under permission to extend my remarks, I wish to insert at this point in the RECORD the following:

Last Saturday, January 15, I met with members of the broadcasting industry from the district which I have the honor to represent. We had a splendid meeting. It was informative and helpful to me. I was given a broad range of information and assistance with respect to the pending measure, and other pending legislation, and with respect to a multitude of serious problems which confront the broadcasting industry. I was much impressed with the objectivity and dedication to public service which was apparent throughout the meeting.

As to the pending conference report, those speaking on the report have pointed out many of the weaknesses and inequities. The measure is far from perfect, but, under all the circumstances, I shall join in the passage of the measure as the best thing that can be done at this time.

With respect to related measures affecting the broadcasting industry I would urge that early hearings be held and House consideration be given to the high-priority problems involved.

Mr. HILLIS. Mr. Speaker, campaign reform is an absolute must, if we are to make our election system more just and democratic.

However, justice and democracy cannot

be well served by legislation which treats any party involved in election reform with gross inequity.

I feel the reform legislation we have before us today is unjustifiably discriminatory against the American broadcast industry and therefore it is with great reluctance that I am voting against the conference bill.

I agree with all other sections of the reform bill and am pleased Congress has finally taken action in this important field. However, the great advantages which would result from the bill still cannot outweigh the gross injustice which we would perpetrate on the broadcast media by passing this bill as reported out of conference committee.

What is so discriminatory? Only three provisions, but they are quite important. First, while print media would be required by the bill to charge political candidates "comparable rates," broadcasters would be required to furnish time at "the lowest unit rate." This could represent as much as a 50-percent difference in rates.

Second, in the 10-cent-per-voter limitation on spending, this bill specifies that only 6 cents can be spent on the broadcast media, but makes no similar provision for any other media—print, letters, telephoning, and so forth.

Third, the bill retains the equal-time requirement for broadcast media, but includes no such provision for other media.

To me, this amounts to unfair discrimination and favoritism at the expense of an industry which the Federal Government has already sought to control far beyond the bounds which I consider necessary and in the public interest. Certainly, I recognize the need for regulation of the airwaves, but not to this extent.

I would guess we feel justified in placing additional restraints on this media merely because it is the only one which the Federal Government licenses and, therefore, has considerable control over. Congress did not attempt to apply these three odious requirements to the print media because we knew full well we would have to answer to charges of violation of freedom of the press. Surely the electronic press should receive the same consideration. Freedom of the press must apply to all forms of public communication and information, and not only to certain segments.

Furthermore, if we are to accomplish the ends these provisions were designed to accomplish, we would have to extend these regulations to all the media.

For instance, in Indianapolis, if the equal-time provision did not exist and a candidate was not allowed to appear or advertise on one radio station, he would have more than a dozen other stations to go to. However, he would have the chance to appeal to only two daily newspapers in the city. Is it fair for us to require equal time of only one segment of a city's media? This is not to say I feel these regulations should be extended to the other media—I do not. Instead, they should be lifted from the broadcast industry's back.

What are the consequences of this type of favoritism and overregulation? Take a look at the railroads. Because of

legislative and executive restrictions which were uniquely punitive and inequitable, America's railroads could not continue to operate competitively with airlines, buses, and the trucking industry. Hence, they are now being heavily subsidized and passenger service has been taken over by the Federal Government.

Overregulation is worse than no regulation at all, in my opinion, because it leads to such Government control and, ultimately, heavy subsidization and takeover.

Is broadcasting to be next on this list? If so, there are few who could doubt this would spell a heavy blow to a free press and, most importantly, to a free society.

I recognize how hard the Conference Committee has worked to report out a workable, compromise bill. But I simply do not think this is something on which Congress should compromise. What we are dealing with is a basic principle—and this is something on which Congress cannot compromise.

Surely Congress has not come so far in this important area to hurriedly accept at this point a blatantly inferior and unjust piece of legislation. I feel this bill should be sent back to committee so these odious provisions can be eliminated and Congress can send to the President a truly fair and effective campaign reform bill.

Mr. EDMONDSON. Mr. Speaker, the conferees have done a good job with a most difficult piece of legislation in bringing this conference report on S. 382 to the floor. I believe the Committee on House Administration and the Committee on Interstate and Foreign Commerce are deserving of general public commendation for the product of their joint labor in this most important field.

The bill on which we vote today is not perfect and no one who has worked for its passage makes such a claim for it.

Nonetheless, it represents progress in an area on which progress is long overdue, and good men have worked long and hard to make this day possible.

The committee and subcommittee chairman, and their minority counterparts, have earned the appreciation of the House and of the country.

I am confident their product will be overwhelmingly approved, both in this body and in the country at large.

Mr. Speaker, I supported the Pickle amendment in the House when this matter was before us last year, and share his view that broadcasters should have equal treatment with other media in rate requirements for candidates.

I hope this question can be resolved to assure this fairness of treatment by later legislation.

Mr. DERWINSKI. Mr. Speaker, I am, with some reluctance, voting for this Conference Report on the Federal Election Campaign Act of 1971.

The reason for my reluctance is that the final bill before us does have, in my judgment, substantial loopholes and inconsistencies. I am also concerned by the possibility that the public will be led to believe that through this vehicle we have solved all the abuses of election campaigns.

I also question the propriety of limiting

funds that might be allocated for a specific media. I have a feeling that this decision should be made by the candidate or his advisers.

Further review of campaign expenditures and funds is certainly in order. However, I recognize that there is much in the bill which is certainly needed. I have expressed reservations but feel that the overall need and the great amount of study and legislative effort that has gone into this measure deserve a positive vote on final passage.

Mr. ANDERSON of California. Mr. Speaker, the current law governing political campaign financing was written in 1925 and does not adequately control the conduct of elections for Federal office. In addition, it does not protect the electorate, nor the candidate, from corruption.

Under the current 1925 law, the spending ceiling for House of Representatives candidates is unrealistically low at \$5,000; for Senatorial elections, the ceiling is \$25,000; and worse, there is no ceiling on Presidential election spending.

The unrealistically low House and Senate ceilings invite avoidance; whereas the absence of a spending ceiling in Presidential elections tends to give a candidate with large financial resources an undue advantage over one whose resources are limited.

The 1925 act is riddled with loopholes that allow an estimated 50 percent of the money spent on political campaigns to go unreported. In fact, 182 candidates for the U.S. Congress in 1968 filed campaign financial disclosure reports indicating that they neither received nor spent any money on their campaigns.

Largely because of advanced communications technology, campaign costs have skyrocketed in recent years. In 1952, candidates for all elective office spent 19 cents per vote. In 1968, candidates for public office spent nearly \$60 million on radio and television broadcasts alone. Spending in 1968 totaled over \$300 million.

In order to close the loopholes, open the doors of Federal office to men of outstanding ability who have limited financial resources and, simultaneously, free all candidates from the pressure of political obligations which are often incurred in raising funds to underwrite political campaigns, I urge my colleagues to support the Conference Report to the bill, S. 382, the Federal Election Reform.

Under this measure, a candidate for Federal office would be limited to 10 cents per eligible voter, or \$50,000, whichever is the larger for the use of the communications media. Not more than 60 percent of these funds could be spent for the use of broadcasting stations.

A candidate who spent more than the legal amount would be subject to a \$5,000 fine and 5 years imprisonment.

Special interests would not be allowed to unduly influence the outcome of elections by making contributions which were secured by physical force, job discrimination, nor would they be allowed to use dues required as a condition of membership or employment to further the interests of a candidate.

In addition, so that the public will know who is attempting to influence elec-

tions, the disclosure of campaign contributions is required. If a person contributed over \$100 toward the election of a candidate, this would be revealed to the public.

Mr. Speaker, I support S. 382 as a meaningful reform in the election process.

However, the bill has several shortcomings. I feel that individual contributions to campaigns must be limited to \$5,000. I feel that a candidate's use of his personal funds should also be limited. I feel that television and radio stations should be allowed to present "debates" between the major candidates.

These provisions are not in the bill, but will be introduced in the future and, hopefully, the law will be amended.

In conclusion, Mr. Speaker, I feel that the conference report, S. 382, is a necessary step toward campaign reform. It closes loopholes, and it provides for a more open atmosphere in campaign finance. I will support this conference report and I urge my colleagues to also vote for its adoption.

Mr. DONOHUE. Mr. Speaker, our overriding objective, with respect to this Federal Election Campaign Reform Conference Report before us, must be, in my opinion, to strengthen public faith and confidence in the national government.

Our immediate purpose, in our action on this report, is to try to insure that our Federal elective offices are, in fact, equally open to any qualified candidate and are not the exclusive preserve of individuals who possess great wealth or those who have access to extraordinarily large amounts of campaign spending subsidies.

To accomplish both of these primary objectives, I earnestly hope and urge that the great majority of the House will register their acceptance of this Conference Report. It is not, of course, perfect nor as strong as many of us would like but it is commonly regarded as the most acceptable compromise presently obtainable to effectively limit election campaign spending to a reasonable level and establish a contributor revelation procedure that will serve to reassure the general public about the integrity of the elective process in our national government election campaigns.

The SPEAKER. Without objection, the previous question is ordered on the Conference Report.

There was no objection.

The SPEAKER. The question is on the Conference Report.

Mr. SPRINGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 334, nays 20, not voting 77, as follows:

[Roll No. 4]  
YEAS—334

Abbutt  
Abernethy  
Abourezk  
Abzug  
Adams  
Addabbo  
Alexander  
Anderson, Calif.  
Anderson, Ill.  
Anderson, Tenn.  
Andrews  
Archer  
Arends  
Ashley  
Aspinall  
Badillo  
Baker  
Begich  
Belcher  
Bennett  
Bergland  
Bevill  
Blaggi  
Biester  
Bingham  
Bianton  
Blatnik  
Boggs  
Bolling  
Bow  
Brasco  
Brinkley  
Brooks  
Broomfield  
Brotzman  
Brown, Mich.  
Brown, Ohio

Broyhill, N.C.  
Broyhill, Va.  
Buchanan  
Burke, Mass.  
Burlinson, Tex.  
Burlinson, Mo.  
Burton  
Byrnes, Wis.  
Byron  
Cabell  
Camp  
Carney  
Carter  
Casey, Tex.  
Cederberg  
Celler  
Chamberlain  
Chisholm  
Clancy  
Clark  
Clausen, Don H.  
Clawson, Del.  
Cleveland  
Collins, Ill.  
Collins, Tex.  
Colmer  
Conable  
Conte  
Cotter  
Coughlin  
Culver  
Curlin  
Daniel, Va.  
Daniels, N.J.  
Danielson  
Davis, Ga.  
Davis, S.C.  
Davis, Wis.  
de la Garza  
Delaney  
Dellenback  
Dellums  
Denholm  
Dennis  
Dent  
Derwinski  
Devine  
Dickinson  
Donohue  
Dorn  
Dow  
Dowdy  
Drinan  
Dulski  
Duncan  
du Pont  
Dwyer  
Eckhardt  
Edmondson  
Edwards, Calif.  
Eilberg  
Erlenborn  
Eshleman  
Evans, Colo.  
Fascell  
Findley  
Fish  
Flood  
Flowers  
Flynt  
Foley  
Ford, Gerald R.  
Ford, William D.  
Forsythe  
Fountain  
Frelinghuysen  
Frenzel  
Frey  
Fuqua  
Gallifanakis  
Gallagher  
Garmatz  
Gaydos  
Gettys  
Giaino  
Gibbons  
Gonzalez  
Grasso  
Gray  
Green, Pa.  
Grover  
Gude  
Hagan  
Haley  
Halpern  
Hamilton  
Hammer- schmidt  
Hanley  
Hanna  
Hansen, Idaho  
Hansen, Wash.  
Harrington  
Harsha  
Hastings  
Hathaway  
Hawkins  
Hays  
Hechler, W. Va.  
Heinz  
Helstoski  
Hicks, Mass.  
Hicks, Wash.  
Hogan  
Hollifield  
Horton  
Hosmer  
Howard  
Hull  
Hungate  
Hunt  
Hutchinson  
Ichord  
Jacob  
Jarman  
Johnson, Calif.  
Jones, Ala.  
Jones, Tenn.  
Karth  
Kastenmeier  
Kazen  
Keating  
Kee  
Keith  
Kemp  
King  
Kluczynski  
Koch  
Kuykendall  
Kyros  
Landrum  
Latta  
Lent  
Link  
Lloyd  
Long, Md.  
Lujan  
McClory  
McCloskey  
McCollister  
McCormack  
McCulloch  
McDonald, Mich.  
McEwen  
McFall  
McKinney  
Macdonald, Mass.  
Madden  
Mahon  
Malliard  
Mallory  
Mann  
Mathias, Calif.  
Mathis, Ga.  
Matsunaga  
Mazzoli  
Meeds  
Melcher  
Metcalfe  
Michel  
Mikva  
Miller, Calif.  
Miller, Ohio  
Mills, Md.  
Minish  
Mink  
Mizell  
Mollohan  
Monagan  
Montgomery  
Moorhead  
Morgan  
Morse  
Mosher  
Moss  
Murphy, N.Y.  
Natcher  
Nedzi  
Nelsen  
Nix  
Obey  
O'Hara  
O'Neill  
Patman  
Patten  
Pelly  
Pepper  
Perkins  
Peyster  
Pickle  
Pike  
Pirnie  
Podell  
Poff  
Powell  
Preyer, N.C.  
Price, Ill.  
Price, Tex.  
Pucinski  
Quie  
Quillen  
Rallsback  
Randall  
Rees  
Reid  
Reuss  
Riegle  
Roberts  
Robinson, Va.  
Robison, N.Y.  
Rodino  
Roe  
Rogers  
Roncalio  
Rooney, N.Y.  
Rooney, Pa.  
Rostenkowski  
Roush  
Rousselot  
Roy  
Runnels  
Ruth  
Ryan  
St Germain  
Sandman  
Sarbanes  
Satterfield  
Scherle  
Schwengel  
Scott  
Sebelius  
Seiberling  
Shipley  
Shoup  
Shriver  
Skubitz  
Slack  
Smith, Calif.  
Smith, Iowa  
Smith, N.Y.  
Snyder  
Spence  
Springer  
Staggers  
Stanton, J. William  
Stanton, James V.  
Steed  
Steele  
Steiger, Ariz.  
Steiger, Wis.  
Stephens  
Stratton  
Stuckey  
Sullivan  
Symington  
Talcott  
Taylor  
Teague, Calif.  
Terry  
Thompson, Ga.  
Thompson, N.J.  
Thomson, Wis.  
Thone  
Tiernan  
Ullman  
Vanik  
Veysey  
Vigorito  
Wampler  
Ware  
Whalley  
White  
Whitehurst  
Whitten  
Widnall  
Wiggins  
Williams  
Wilson, Charles H.  
Winn  
Wright  
Wyder  
Wylie  
Wyman  
Yates  
Yatron  
Young, Fla.  
Zablocki  
Zion

NAYS—20  
Ashbrook  
Blackburn  
Chappell  
Crane  
Goodling  
Gross  
Hall  
Hillis  
Jones, N.C.  
Kyl  
McMillan  
Myers  
O'Konki  
Poage  
Purcell  
Rarick  
Schmitz  
Sikes  
Teague, Tex.  
Waggoner

NOT VOTING—77  
Annunzio  
Aspin  
Baring  
Barrett  
Bell  
Betts  
Boland  
Brademas  
Bray  
Burke, Fla.  
Byrne, Pa.  
Caffery  
Carey, N.Y.  
Clay  
Collier  
Conyers  
Corman  
Diggs  
Dingell  
Downing  
Edwards, Ala.  
Edwards, La.  
Esch  
Evins, Tenn.  
Fisher  
Fraser  
Fulton  
Goldwater  
Green, Oreg.  
Griffin  
Griffiths  
Gubser  
Harvey  
Hébert  
Heckler, Mass.  
Henderson  
Johnson, Pa.  
Jonas  
Landgrebe  
Leggett  
Lennon  
Long, La.  
McClure  
McDade  
McKay  
McKevitt  
Martin  
Mayne  
Mills, Ark.  
Minshall  
Mitchell  
Murphy, Ill.  
Nichols  
Passman  
Pettis  
Pryor, Ark.  
Rangel  
Rhodes  
Rosenthal  
Roybal  
Ruppe  
Saylor  
Scheuer  
Schneebell  
Sisk  
Stokes  
Stubblefield  
Udall  
Van Deertin  
Vander Jagt  
Waldie  
Whalen  
Wilson, Bob  
Wolf  
Wyatt  
Young, Tex.  
Zwach

So the conference report was agreed to.  
The Clerk announced the following pairs:

On this vote:  
Mr. Annunzio for, with Mr. Passman against.  
Mrs. Green of Oregon for, with Mr. Baring against.  
Mr. Nichols for, with Mr. Hébert against.  
Mr. Martin for, with Mr. Landgrebe against.  
Mr. Rhodes for, with Mr. Goldwater against.

Until further notice:  
Mr. Wolf with Mr. Bell.  
Mr. Barrett with Mr. Collier.  
Mr. Stubblefield with Mr. Edwards of Alabama.

Mr. Fisher with Mr. Betts.  
Mr. Evins of Tennessee with Mr. Johnson of Pennsylvania.  
Mr. Griffin with Mr. McClure.  
Mr. Mitchell with Mr. Leggett.  
Mr. Aspin with Mr. McDade.  
Mr. Henderson with Mr. Burke of Florida.  
Mr. Lennon with Mr. Jonas.  
Mr. Byrne of Pennsylvania with Mr. Bray.  
Mr. Carey of New York with Mrs. Heckler of Massachusetts.  
Mr. Dingell with Mr. Esch.  
Mr. Murphy of Illinois with Mr. Diggs.  
Mr. Rosenthal with Mr. Clay.  
Mr. Fraser with Mr. Rangel.  
Mr. Conyers with Mr. Roybal.  
Mr. Stokes with Mr. Scheuer.  
Mr. Fulton of Tennessee with Mr. McKevitt.  
Mr. McKay with Mr. Mayne.  
Mr. Brademas with Mr. Harvey.  
Mr. Boland with Mr. Saylor.  
Mr. Sisk with Mr. Gubser.  
Mr. Young of Texas with Mr. Schneebell.  
Mr. Waldie with Mr. Pettis.  
Mr. Udall with Mr. Minshall.  
Mr. Ullman with Mr. Ruppe.  
Mr. Caffery with Mr. Vander Jagt.  
Mr. Downing with Mr. Bob Wilson.  
Mr. Corman with Mr. Long of Louisiana.  
Mrs. Griffiths with Mr. Mills of Arkansas.  
Mr. Pryor of Arkansas with Mr. Whalen.  
Mr. Wyatt with Mr. Zwach.

The result of the vote was announced as above recorded.  
A motion to reconsider was laid on the table.



**STATEMENT  
BY THE  
PRESIDENT  
UPON SIGNING  
S.382  
INTO LAW**

FEBRUARY 7, 1972



Opportunity Act—with a single statute which incorporates the flexibility needed by State and local government.

The Manpower Revenue Sharing Act submitted to the Congress in March of 1971 incorporates all three of these vital concepts. I believe that the application of these principles in the Manpower Revenue Sharing Act is sound, but the principles are more important than the details. Reasonable men may disagree on the specifics of any important legislation, but there comes a time when its principles must be earnestly debated and decisions made. For the principles of Manpower Special Revenue Sharing, that time has come. The fine points of this legislation, which were discussed in my message of March 4, 1971, are open to refinement, but I believe the principles of Special Revenue Sharing are too important to be eviscerated.

Our country needs new manpower legislation. Let us now write a new charter for the second decade of manpower development that will produce solid performance—for the economy, for the unemployed and underemployed, and for government itself.

### *Restoring the American Spirit*

The Special Revenue Sharing approach to providing Federal help would enable us to deal more effectively with many of this Nation's most pressing problems. But it would do much more. It would help to restore the American spirit.

In recent years many Americans have come to doubt the capacity of government—at all levels—to meet the needs of an increasingly complex Nation. They have watched as the power to effect change in their communities has moved gradually from the local level, with the reality of friends and community, to the national center, to Washington. There was a time when the increasing centralization of government fostered a greater sense of national purpose. But more recently, the weight of unfulfilled promises reinforced by the growing complexity of social problems has caused many Americans to doubt the capability of our system of government.

By providing new resources to the levels of government closest to the problems and closest to the people involved—people who may see their problems in a different light than the Federal Government—both General and Special Revenue Sharing will do much to revive the confidence and spirit of our people. A free and diverse Nation needs a diversity of approaches; a free Nation should invest its faith in the right and ability of its people to meet the needs of their own communities. No greater sense of confidence can be found than that of a community which has solved its own problems and met its own needs.

Confidence in government is nowhere under greater challenge than among the young, yet the future of America depends upon the involvement of our young in the day-to-day business of governing this land. By making resources available to the more localized units of

government, where more people can play a more direct role—and by placing the power of decision where the people are—I hope that many of the young will come to realize that their participation can truly make a difference. This purpose—this philosophy—is at the heart of Special Revenue Sharing.

The people's right to change what does not work is one of the greatest principles of our system of government—and that principle will be strengthened as the governments closest to the people are strengthened. Though the Federal Government has tried with intelligence and vigor to meet the people's needs, many of its purposes have gone unfulfilled for far too long. Now, let us help those most directly affected to try their hand. American society and American government can only benefit from ensuring to our citizens the fullest possible opportunity to make their communities better places, for themselves, for their families, and for their neighbors.

RICHARD NIXON

The White House  
February 7, 1972

NOTE: For a statement by the President in connection with the message, see page 194 of the Weekly Compilation of Presidential Documents (Vol. 8, No. 6).

## Federal Election Campaign Act of 1971

### *Statement by the President Upon Signing the Bill Into Law. February 7, 1972*

When I vetoed the bill to limit expenditures on political broadcasting in October of 1970, I pointed out that the goal of controlling campaign expenditures was a highly laudable one. The chief problem with the bill then before me was that it did not limit overall costs but applied only to radio and television. As I put it then, it plugged "only one hole in a sieve."

Since that time, the House and Senate have worked to design a better bill. I believe they have succeeded in that endeavor. S. 382, the Federal Election Campaign Act of 1971, limits the amount candidates for Federal elective offices may spend on advertising, not just on radio and television, but through all communications media. It limits contributions by candidates and their families to their own campaigns. It provides for full reporting of both the sources and the uses of campaign funds, both after elections and during campaigns. By giving the American public full access to the facts of political financing, this legislation will guard against campaign abuses and will work to build public confidence in the integrity of the electoral process.

The Federal Election Campaign Act of 1971 is a realistic and enforceable bill, an important step forward in

an area which has been of great public concern. Because I share that concern, I am pleased to give my approval to this bill.

NOTE: As enacted, the bill (S. 382) is Public Law 92-225.

## Ambassador Llewellyn E. Thompson

*Statement by the President on the Ambassador's Death.*  
February 7, 1972

The death of Ambassador Llewellyn E. Thompson deprives the Nation—and, indeed, the entire world—of one of its wisest and most experienced counselors in statecraft.

He served a succession of Presidents with consummate skill in the arts of diplomacy.

I was particularly indebted to him when he came out of well-earned retirement to advise me personally, on the crucial SALT talks, and to participate in the early negotiating sessions as a member of the U.S. Delegation.

I deeply regret the passing of this great public servant, who contributed so much to the successes of American foreign policy over the past generation.

Mrs. Nixon and I join Ambassador Thompson's wife and children—and his many friends, colleagues, and admirers in Washington and around the world—in mourning this grave loss to the Nation.

NOTE: The White House Press Office later announced that Secretary of State William P. Rogers would represent the President at funeral services for Ambassador Thompson.

## Foreign Assistance Act of 1971

*Statement by the President Upon Signing the Bill Into Law.* February 7, 1972

I have today signed S. 2819, the Foreign Assistance Act of 1971. That act authorizes appropriations for our international development assistance programs until June 30, 1973, and for the remainder of foreign aid activities, including international security assistance programs, through June 30, 1972.

Viewed against the vital national objectives which our foreign assistance programs are designed to pursue, the act is a great disappointment. It severely cuts the amounts requested by the Administration for development assistance and security assistance and is below minimum acceptable levels. It does not include the major reform proposals that I sent to the Congress in April of last year.

Moreover, the bill reaches my desk more than halfway through the fiscal year, delayed by legislative entanglements resulting from the attachment in committee of an unprecedented number of restrictive and non-germane amendments, some of which raise grave constitutional

questions. While many were modified or removed in the long months of debate, the final product adds significant additional restrictions and limitations to those already in law which have hampered the efficient administration of foreign aid and the effective conduct of foreign affairs.

The foreign assistance programs of the United States constitute a fundamental element of our strategy for peace. While these programs have had a troubled history and have sometimes been unpopular, their role in maintaining the security of our Nation is indispensable. I call upon this session of the 92d Congress to restore a comprehensive security and development assistance program through legislation equal to the challenges and the opportunities for peace which lie before us.

NOTE: As enacted, the bill (S. 2819) is Public Law 92-226.

## White House Conference on the Industrial World Ahead

*The President's Remarks to Conference Participants.*  
February 7, 1972

*Secretary Stans, Members of the Cabinet, all of the distinguished guests here at this conference:*

After that rather lengthy introduction, I shall try to respond in kind. I was expecting that Maurice Stans, my longtime friend from Washington, California, and now Washington days, would perhaps find something he could say. [Laughter]

Could I just say a word, however, about him? As you probably have noted in the press—and this report in the press is accurate [Laughter]—Secretary Stans is completing his service as Secretary of Commerce and then will be taking on a new position. Since this is a nonpartisan group, he is going to be the Chancellor of the Exchequer of one of the two major parties.

But I think all of you should know that the idea of this conference, the concept, was his. He has been a splendid Secretary of Commerce in this Administration. In so many fields that are not well known, like minority business enterprise and others, he has done an outstanding job. He is a man, pragmatist though he is, who has vision, who sees the future. I remember his coming to me many, many months ago, talking about this conference, developing its concepts.

I cannot think of any more effective way that a man could leave the position of Secretary of Commerce on a higher note than a conference of this type, which was his idea.

I appreciate the fact that all of you—representatives of business, representatives of labor and of government—have participated in the conference, and will be doing so in the next 2 days.





**PUBLIC LAW**  
**92—225**





Public Law 92-225  
92nd Congress, S. 382  
February 7, 1972

**An Act**

To promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

*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 "Federal Election Campaign Act of 1971".

Federal Election Campaign Act of 1971.

**TITLE I—CAMPAIGN COMMUNICATIONS**

**SHORT TITLE**

SEC. 101. This title may be cited as the "Campaign Communications Reform Act".

Citation of title.

**DEFINITIONS**

SEC. 102. For purposes of this title:

(1) The term "communications media" means broadcasting stations, newspapers, magazines, outdoor advertising facilities, and telephones; but, with respect to telephones, spending or an expenditure shall be deemed to be spending or an expenditure for the use of communications media only if such spending or expenditure is for the costs of telephones, paid telephonists, and automatic telephone equipment, used by a candidate for Federal elective office to communicate with potential voters (excluding any costs of telephones incurred by a volunteer for use of telephones by him).

86 STAT. 3  
86 STAT. 4

(2) The term "broadcasting station" has the same meaning as such term has under section 315(f) of the Communications Act of 1934.

Post, p. 7.

(3) The term "Federal elective office" means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States (and for purposes of section 103(b) such term includes the office of Vice President).

(4) The term "legally qualified candidate" means any person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate, and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors.

(5) The term "voting age population" means resident population, eighteen years of age and older.

(6) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

**MEDIA RATE AND RELATED REQUIREMENTS**

SEC. 103. (a) (1) Section 315(b) of the Communications Act of 1934 is amended to read as follows:

66 Stat. 717.  
47 USC 315.

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

"(1) during the forty-five days preceding the date of a primary or primary runoff election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same period; and

74 Stat. 894.  
47 USC 312.

“(2) at any other time, the charges made for comparable use of such station by other users thereof.”  
(2) (A) Section 312(a) of such Act is amended by striking “or” at the end of clause (5), striking the period at the end of clause (6) and inserting in lieu thereof a semicolon and “or”, and adding at the end of such section 312(a) the following new paragraph:

66 Stat. 717.  
47 USC 315.  
Nonbroadcast  
media rates.

“(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate for Federal elective office on behalf of his candidacy.”  
(B) The second sentence of section 315(a) of such Act is amended by inserting “under this subsection” after “No obligation is imposed”.  
(b) To the extent that any person sells space in any newspaper or magazine to a legally qualified candidate for Federal elective office, or nomination thereto, in connection with such candidate’s campaign for nomination for, or election to, such office, the charges made for the use of such space in connection with his campaign shall not exceed the charges made for comparable use of such space for other purposes.

86 STAT. 4  
86 STAT. 5

LIMITATIONS OF EXPENDITURES FOR USE OF COMMUNICATIONS MEDIA

SEC. 104. (a) (1) Subject to paragraph (4), no legally qualified candidate in an election (other than a primary or primary runoff election) for a Federal elective office may—

(A) spend for the use of communications media on behalf of his candidacy in such election a total amount in excess of the greater of—

- (i) 10 cents multiplied by the voting age population (as certified under paragraph (5)) of the geographical area in which the election for such office is held, or
- (ii) \$50,000, or

(B) spend for the use of broadcast stations on behalf of his candidacy in such election a total amount in excess of 60 per centum of the amount determined under subparagraph (A) with respect to such election.

Primaries.

(2) No legally qualified candidate in a primary election for nomination to a Federal elective office, other than President, may spend—

- (A) for the use of communications media, or
- (B) for the use of broadcast stations,

on behalf of his candidacy in such election a total amount in excess of the amounts determined under paragraph (1) (A) or (B), respectively, with respect to the general election for such office. For purposes of this subsection a primary runoff election shall be treated as a separate primary election.

Presidential  
primaries.

(3) (A) No person who is a candidate for presidential nomination may spend—

- (i) for the use in a State of communications media, or
- (ii) for the use in a State of broadcast stations,

on behalf of his candidacy for presidential nomination a total amount in excess of the amounts which would have been determined under paragraph (1) (A) or (B), respectively, had he been a candidate for election for the office of Senator from such State (or for the office of Delegate or Resident Commissioner in the case of the District of Columbia or the Commonwealth of Puerto Rico).

(B) For purposes of this paragraph (3), a person is a candidate for presidential nomination if he makes (or any other person makes on his behalf) an expenditure for the use of any communications medium on behalf of his candidacy for any political party’s nomination for election to the office of President. He shall be considered to be such a candidate during the period—

(i) beginning on the date on which he (or such other person) first makes such an expenditure (or, if later, January 1 of the year in which the election for the office of President is held), and

(ii) ending on the date on which such political party nominates a candidate for the office of President.

For purposes of this title and of section 315 of the Communications Act of 1934, a candidate for presidential nomination shall be considered a legally qualified candidate for public office.

(C) The Comptroller General shall prescribe regulations under which any expenditure by a candidate for presidential nomination for the use in two or more States of a communications medium shall be attributed to such candidate's expenditure limitation in each such State, based on the number of persons in such State who can reasonably be expected to be reached by such communications medium.

(4) (A) For purposes of subparagraph (B):

(i) The term "price index" means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

(ii) The term "base period" means the calendar year 1970.

(B) At the beginning of each calendar year (commencing in 1972), as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Comptroller General and publish in the Federal Register the per centum difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. Each amount determined under paragraph (1) (A) (i) and (ii) shall be increased by such per centum difference. Each amount so increased shall be the amount in effect for such calendar year.

(5) Within 60 days after the date of enactment of this Act, and during the first week of January in 1973 and every subsequent year, the Secretary of Commerce shall certify to the Comptroller General and publish in the Federal Register an estimate of the voting age population of each State and congressional district for the last calendar year ending before the date of certification.

(6) Amounts spent for the use of communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(7) For purposes of this section and section 315(c) of the Communications Act of 1934—

(A) spending and charges for the use of communications media include not only the direct charges of the media but also agents' commissions allowed the agent by the media, and

(B) any expenditure for the use of any communications medium by or on behalf of the candidacy of a candidate for Federal elective office (or nomination thereto) shall be charged against the expenditure limitation under this subsection applicable to the election in which such medium is used.

(b) No person may make any charge for the use by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) of any newspaper, magazine, or outdoor advertising facility, unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies in writing to the

66 Stat. 717;  
73 Stat. 557.  
47 USC 315.  
Regulations.  
86 STAT. 5  
86 STAT. 6

"Price index."

"Base period."

Publication in  
Federal Register.

Publication in  
Federal Register.

Post, p. 7.

Certification  
requirement.

person making such charge that the payment of such charge will not violate paragraph (1), (2), or (3) of subsection (a), whichever is applicable.

66 Stat. 717.  
47 USC 315.

(c) Section 315 of the Communications Act of 1934 is amended by redesignating subsection (c) as subsection (g) and by inserting after subsection (b) the following new subsections:

“(c) No station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate any limitation specified in paragraph (1), (2), or (3) of section 104(a) of the Campaign Communications Reform Act, whichever paragraph is applicable.

Ante, p. 5.

“(d) If a State by law and expressly—

“(1) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection,

“(2) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election,

“(3) has provided in any such law an unequivocal expression of intent to be bound by the provisions of this subsection, and

“(4) has stipulated that the amount of such limitation shall not exceed the amount which would be determined for such election under section 104(a)(1)(B) or 104(a)(2)(B) (whichever is applicable) of the Campaign Communications Reform Act had such election been an election for a Federal elective office or nomination thereto;

then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate such State limitation.

Penalty.

“(e) Whoever willfully and knowingly violates the provisions of subsection (c) or (d) of this section shall be punished by a fine not to exceed \$5,000 or imprisonment for a period not to exceed five years, or both. The provisions of sections 501 through 503 of this Act shall not apply to violations of either such subsection.

47 USC 501-  
503.

Definitions.

“(f) (1) For the purposes of this section:

“(A) The term ‘broadcasting station’ includes a community antenna television system.

“(B) The terms ‘licensee’ and ‘station licensee’ when used with respect to a community antenna television system, means the operator of such system.

“(C) The term ‘Federal elective office’ means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States.

“(2) For purposes of subsections (c) and (d), the term ‘legally qualified candidate’ means any person who (A) meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors.”

#### REGULATIONS

SEC. 105. The Comptroller General shall prescribe such regulations as may be necessary or appropriate to carry out sections 102, 103(b), 104(a), and 104(b) of this Act.

## PENALTIES

SEC. 106. Whoever willfully and knowingly violates any provision of section 103(b), 104(a), or 104(b) or any regulation under section 105 shall be punished by a fine of not more than \$5,000 or by imprisonment of not more than five years, or both.

## TITLE II—CRIMINAL CODE AMENDMENTS

SEC. 201. Section 591 of title 18, United States Code, is amended to read as follows: 62 Stat. 719.

## § 591. Definitions

“When used in sections 597, 599, 600, 602, 608, 610, and 611 of this title—

“(a) ‘election’ means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States; Post, pp. 9, 10.

“(b) ‘candidate’ means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

“(c) ‘Federal office’ means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

“(d) ‘political committee’ means any individual, committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

“(e) ‘contribution’ means—

“(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

“(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

“(3) a transfer of funds between political committees;

"(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or political committee without charge for any such purpose; and

Exception.

"(5) notwithstanding the foregoing meanings of 'contribution', the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and

"(3) a transfer of funds between political committees;

"(g) 'person' and 'whoever' mean an individual, partnership, committee, association, corporation, or any other organization or group of persons; and

"(h) 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States."

62 Stat. 721.

SEC. 202. Section 600 of title 18, United States Code, is amended to read as follows:

**"§ 600. Promise of employment or other benefit for political activity**

"Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

62 Stat. 723.

SEC. 203. Section 608 of title 18, United States Code, is amended to read as follows:

**"§ 608. Limitations on contributions and expenditures**

"(a) (1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

"(A) \$50,000, in the case of a candidate for the office of President or Vice President;

"(B) \$35,000, in the case of a candidate for the office of Senator; or

“(C) \$25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

“(2) For purposes of this subsection, ‘immediate family’ means a candidate’s spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

“Immediate family.”

“(b) No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of the provisions of this section.

“(c) Violation of the provisions of this section is punishable by a fine not to exceed \$1,000, imprisonment for not to exceed one year, or both.”

Penalty.

SEC. 204. Section 609 of title 18, United States Code, is repealed.

Repeal.

SEC. 205. Section 610 of title 18, United States Code, relating to contributions or expenditures by national banks, corporations, or labor organizations, is amended by adding at the end thereof the following paragraph:

62 Stat. 723.

“As used in this section, the phrase ‘contribution or expenditure’ shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business) to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section; but shall not include communications by a corporation to its stockholders and their families or by a labor organization to its members and their families on any subject; nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families; the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization: *Provided*, That it shall be unlawful for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues, fees, or other monies required as a condition of membership in a labor organization or as a condition of employment, or by monies obtained in any commercial transaction.”

“Contribution or expenditure.”

SEC. 206. Section 611 of title 18, United States Code, is amended to read as follows:

62 Stat. 724.

**“§ 611. Contributions by Government contractors**

“Whoever—

“(a) entering into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (1) the completion of performance under, or (2) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land or buildings, directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

“(b) knowingly solicits any such contribution from any such person for any such purpose during any such period; shall be fined not more than \$5,000 or imprisoned not more than five years, or both.”.

SEC. 207. The table of sections for chapter 29 of title 18, United States Code, is amended by—

(1) striking out the item relating to section 608 and inserting in lieu thereof the following:

“608. Limitations on contributions and expenditures.”;

(2) striking out the item relating to section 609 and inserting in lieu thereof the following:

“609. Repealed.”;

(3) striking out the item relating to section 611 and inserting in lieu thereof the following:

“611. Contributions by Government contractors.”.

### TITLE III—DISCLOSURE OF FEDERAL CAMPAIGN

#### FUNDS

##### DEFINITIONS

SEC. 301. When used in this title—

(a) “election” means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(b) “candidate” means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) “Federal office” means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) “political committee” means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000;

(e) “contribution” means—

(1) a gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expres-

sion of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees;

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose; and

(5) notwithstanding the foregoing meanings of "contribution", the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

Exception.

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure, and

(3) a transfer of funds between political committees;

(g) "supervisory officer" means the Secretary of the Senate with respect to candidates for Senator; the Clerk of the House of Representatives with respect to candidates for Representative in, or Delegate or Resident Commissioner to, the Congress of the United States; and the Comptroller General of the United States in any other case;

(h) "person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons; and

(i) "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

#### ORGANIZATION OF POLITICAL COMMITTEES

Sec. 302. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution in excess of \$10 for a political committee shall, on demand of the treasurer, and in any event within five days after receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and

address (occupation and the principal place of business, if any) of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

## Recordkeeping.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

- (1) all contributions made to or for such committee;
- (2) the full name and mailing address (occupation and the principal place of business, if any) of every person making a contribution in excess of \$10, and the date and amount thereof;
- (3) all expenditures made by or on behalf of such committee; and
- (4) the full name and mailing address (occupation and the principal place of business, if any) of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

Receipts,  
preservation.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of \$100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds \$100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the supervisory officer.

Unauthorized  
activities,  
notice.

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

Funds solic-  
itation, notice.

(f) (1) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the appropriate supervisory officer is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402."

## Annual report.

(2)(A) The supervisory officer shall compile and furnish to the Public Printer, not later than the last day of March of each year, an annual report for each political committee which has filed a report with him under this title during the period from March 10 of the preceding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain—

(i) a copy of the statement of organization of the political committee required under section 303, together with any amendments thereto; and

(ii) a copy of each report filed by such committee under section 304 from March 10 of the preceding year through January 31 of the year in which the annual report is so furnished to the Public Printer.

(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the supervisory officer.

## REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 303. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall file with the supervisory officer a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of \$1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the supervisory officer at such time as he prescribes.

(b) The statement of organization shall include—

- (1) the name and address of the committee;
- (2) the names, addresses, and relationships of affiliated or connected organizations;
- (3) the area, scope, or jurisdiction of the committee;
- (4) the name, address, and position of the custodian of books and accounts;
- (5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;
- (6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;
- (7) a statement whether the committee is a continuing one;
- (8) the disposition of residual funds which will be made in the event of dissolution;
- (9) a listing of all banks, safety deposit boxes, or other repositories used;
- (10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and
- (11) such other information as shall be required by the supervisory officer.

(c) Any change in information previously submitted in a statement of organization shall be reported to the supervisory officer within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall so notify the supervisory officer.

## REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

SEC. 304. (a) Each treasurer of a political committee supporting a candidate or candidates for election to Federal office, and each candidate for election to such office, shall file with the appropriate supervisory officer reports of receipts and expenditures on forms to be prescribed or approved by him. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the supervisory officer may prescribe, which shall not be less than five days before the date of filing, except that any contribution of \$5,000 or more received after the last report is filed prior to the election shall be reported within forty-eight hours after its receipt.

Receipts and expenditures.

Completion date, exception.

(b) Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address (occupation and the principal place of business, if any) of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events) within the calendar year in an aggregate amount or value in excess of \$100, together with the amount and date of such contributions;

(3) the total sum of individual contributions made to or for such committee or candidate during the reporting period and not reported under paragraph (2);

(4) the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers;

(5) each loan to or from any person within the calendar year in an aggregate amount or value in excess of \$100, together with the full names and mailing addresses (occupations and the principal places of business, if any) of the lender and endorsers, if any, and the date and amount of such loans;

(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(7) each contribution, rebate, refund, or other receipt in excess of \$100 not otherwise listed under paragraphs (2) through (6);

(8) the total sum of all receipts by or for such committee or candidate during the reporting period;

(9) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom expenditures have been made by such committee or on behalf of such committee or candidate within the calendar year in an aggregate amount or value in excess of \$100, the amount, date, and purpose of each such expenditure and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made;

(10) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of \$100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(11) the total sum of expenditures made by such committee or candidate during the calendar year;

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the supervisory officer may prescribe and a continuous reporting of their debts and obligations after the election at such periods as the supervisory officer may require until such debts and obligations are extinguished; and

(13) such other information as shall be required by the supervisory officer.

(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.

## REPORTS BY OTHERS THAN POLITICAL COMMITTEES

SEC. 305. Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of \$100 within a calendar year shall file with the supervisory officer a statement containing the information required by section 304. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

## FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

SEC. 306. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the supervisory officer in a published regulation.

(c) The supervisory officer may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 304 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

Noncompliance  
relief.

(d) The supervisory officer shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

Debts, pledges,  
etc., separate  
schedules.

## REPORTS ON CONVENTION FINANCING

SEC. 307. Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President,

shall, within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the Comptroller General of the United States a full and complete financial statement, in such form and detail as he may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

## DUTIES OF THE SUPERVISORY OFFICER

SEC. 308. (a) It shall be the duty of the supervisory officer—

(1) to develop and furnish to the person required by the provisions of this Act prescribed forms for the making of the reports and statements required to be filed with him under this title;

(2) to prepare, publish, and furnish to the person required to

file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

Public  
inspection.

(4) to make the reports and statements filed with him available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person: *Provided*, That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

Preservation.

(5) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

Annual report.

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as he shall determine and broken down into candidate, party, and nonparty expenditures on the National, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as he shall determine and broken down into contributions on the national, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of \$100;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as he may deem appropriate;

Information  
dissemination.

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provisions of this title;

(12) to report apparent violations of law to the appropriate law enforcement authorities; and

Rules and  
regulations.

(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

(b) The supervisory officer shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

Comptroller  
General,  
information  
and studies.

(c) It shall be the duty of the Comptroller General to serve as a national clearinghouse for information in respect to the administration of elections. In carrying out his duties under this subsection, the Comptroller General shall enter into contracts for the purpose of conducting independent studies of the administration of elections. Such studies shall include, but shall not be limited to, studies of—

(1) the method of selection of, and the type of duties assigned to, officials and personnel working on boards of elections;

- (2) practices relating to the registration of voters; and  
 (3) voting and counting methods.

Studies made under this subsection shall be published by the Comptroller General and copies thereof shall be made available to the general public upon the payment of the cost thereof. Nothing in this subsection shall be construed to authorize the Comptroller General to require the inclusion of any comment or recommendation of the Comptroller General in any such study.

Publication.

(d)(1) Any person who believes a violation of this title has occurred may file a complaint with the supervisory officer. If the supervisory officer determines there is substantial reason to believe such a violation has occurred, he shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the supervisory officer, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

Violation.

Hearing  
opportunity;  
injunction.

(2) In any action brought under paragraph (1) of this subsection, subpoenas for witnesses who are required to attend a United States district court may run into any other district.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States court of appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

Judicial  
review.

(4) The judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

62 Stat. 928.

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

## STATEMENTS FILED WITH STATE OFFICERS

SEC. 309. (a) A copy of each statement required to be filed with a supervisory officer by this title shall be filed with the Secretary of State (or, if there is no office of Secretary of State, the equivalent State officer) of the appropriate State. For purposes of this subsection, the term "appropriate State" means—

(1) for reports relating to expenditures and contributions in connection with the campaign for nomination for election, or election, of a candidate to the office of President or Vice President of the United States, each State in which an expenditure is made by him or on his behalf, and

"Appropriate  
State."

(2) for reports relating to expenditures and contributions in connection with the campaign for nomination for election, or election, of a candidate to the office of Senator or Representative in,

State officer,  
duties.

or Delegate or Resident Commissioner to, the Congress of the United States, the State in which he seeks election.

(b) It shall be the duty of the Secretary of State, or the equivalent State officer, under subsection (a)—

(1) to receive and maintain in an orderly manner all reports and statements required by this title to be filed with him;

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(3) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

#### PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

SEC. 310. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

#### PENALTY FOR VIOLATIONS

SEC. 311. (a) Any person who violates any of the provisions of this title shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) In case of any conviction under this title, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

### TITLE IV—GENERAL PROVISIONS

#### EXTENSION OF CREDIT BY REGULATED INDUSTRIES

SEC. 401. The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 301(c) of the Federal Election Campaign Act of 1971), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.

Ante, p. 11.

#### PROHIBITION AGAINST USE OF CERTAIN FEDERAL FUNDS FOR ELECTION ACTIVITIES

SEC. 402. No part of any funds appropriated to carry out the Economic Opportunity Act of 1964 shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Office of Economic Opportunity who, in his official capacity as such an officer or employee, engages in any such activity. As used in this section, the term "election" has the same meaning given such term by section 301(a) of the Fed-

78 Stat. 508.  
42 USC 2701  
note.

"Election."

eral Election Campaign Act of 1971, and the term "Federal office" has the same meaning given such term by section 301(c) of such Act.

"Federal office."  
Ante, p. 11.

#### EFFECT ON STATE LAW

SEC. 403. (a) Nothing in this Act shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this Act.

(b) Notwithstanding subsection (a), no provision of State law shall be construed to prohibit any person from taking any action authorized by this Act or from making any expenditure (as such term is defined in section 301(f) of this Act) which he could lawfully make under this Act.

#### PARTIAL INVALIDITY

SEC. 404. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

#### REPEALING CLAUSE

SEC. 405. The Federal Corrupt Practices Act, 1925 (2 U.S.C. 241-256), is repealed.

43 Stat. 1070.

#### EFFECTIVE DATE

SEC. 406. Except as provided for in section 401 of this Act, the provisions of this Act shall become effective on December 31, 1971, or sixty days after the date of enactment of this Act, whichever is later.

Approved February 7, 1972.

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#### LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 92-564 accompanying H.R. 11060 (Comm. on House Administration) and No. 92-752 (Comm. of Conference).

SENATE REPORTS: No. 92-96 (Comm. on Commerce), No. 92-229 (Comm. on Rules and Administration) and No. 92-580 (Comm. of Conference).

#### CONGRESSIONAL RECORD:

Vol. 117 (1971): July 21, 23, Aug. 2-5, considered and passed Senate.  
Nov. 18, 29, 30, considered and passed House,  
amended, in lieu of H.R. 11060.

Dec. 14, Senate agreed to conference report.

Vol. 118 (1972): Jan. 19, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 8, No. 7:  
Feb. 7, Presidential statement.





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# CHRONOLOGICAL LIST OF LEGISLATIVE HISTORY PRECEEDING S.382

- 1867 Legislation enacted into law forbidding assessments for political purposes to be levied against Navy yard employees; expanded in Civil Service Reform Act (Pendleton Act) of 1883 to include any officer or employee of the United States.
- 1907 President Theodore Roosevelt proposed a system of public subsidies for Federal elections (which was not adopted into law); signed into law the Tillman Act which prohibited national banks and corporations chartered by Congress from making political contributions in any election and which prohibited corporations from making political contributions in connection with elections for Federal offices.
- 1910 Legislation enacted requiring the disclosure of campaign contributions in Federal elections.
- 1911 Amendments added to 1910 act requiring disclosure of contributions during primary, convention, and preelection periods; also set spending limitations in congressional elections.
- 1912 Truman Newberry convicted for excessive campaign expenditures in 1918 Michigan Senate primary under provisions of 1910-11 acts; conviction overturned by U.S. Supreme Court which held Congress could not limit expenses or activities in primary and nomination periods [*Newberry v. United States*, 256 U.S. 232 (1921)].
- 1925 Enactment of Federal Corrupt Practices Act, requiring disclosure of contributions and expenditures by congressional candidates by political committees active in two or more States, and limiting expenditures by congressional candidates.
- 1939/40 Enactment of Hatch Act and amendments restricting political activity by all Federal employees except those appointed by the President; limited political gifts to candidates or political committees to \$5,000 in any one year and limited total expenditures of a political committee.

- 1941 Supreme Court, in *United States v. Classic*, 313 U.S. 299 (1941), reversed 1921 Newberry decision and held that Congress' powers did extend to preelection period (case aroused from State-Federal powers dispute and not directly from question of campaign reform).
- 1943 Smith-Connally Act enacted prohibiting labor unions from making contributions in connection with elections for Federal office.
- 1947 Taft-Hartley Act made permanent law the ban on labor union contributions in elections for Federal office and also extended the ban on corporations and labor unions to expenditures (as well as contributions) and to primary elections (as well as general elections).
- 1948/51 House Committee on Campaign Expenditures reported that substantial changes were needed in Corrupt Practices and Hatch Acts, but no action taken by either House.
- 1952 First Presidential election year in which television was used as an advertisement medium; total expenditures in all races, local, State, and Federal, estimated to be \$140 million.
- 1953 Elections Subcommittee of Senate Rules and Administration Committee proposed increasing spending limitations; no action by full committee or either House.
- 1955/57 Elections Subcommittee and the full Senate Rules and Administration Committee reported legislation expanding disclosure requirements and raising the expenditure limits for congressional candidates; no action by either House.
- 1960 Senate passed measure strengthening reporting requirements by candidates and political committees, limiting an individual's contributions, raising spending ceilings in congressional races to realistic heights, and limiting expenditures in Presidential races; no action by House.
- 1961 President Kennedy appointed a Commission on Campaign Costs chaired by Alexander Heard; Commission report emphasized need for encouraging bipartisan contributions to pay for apolitical activities, such as voter registration drives, a program of tax incentives and credits for political contributions, a more realistic set of spending limits, and a suspension of section 315 (the "equal time provision") of the Communications Act.
- 1964 Both Houses approved legislation suspending section 315 of the Communications Act prior to Presidential elections; however, without administration support, bill dies in conference.
- 1966 A plan for public subsidies for Presidential candidates financed by \$1 tax "check-offs" on personal income tax forms is included as a last minute rider to the Foreign Investors Tax-Credit Act; proposed by Senator Russell Long (D-La.) and promptly dubbed the "Long Plan"; becomes public law amidst much opposition from press and public.

- 1967 "Long Plan" is repealed before becoming operative; Senate Finance Committee reports Honest Elections Act including tax credits, public subsidies, and other reform provisions; no action by Senate.
- 1968 Hard-fought contests in Presidential election year raises total expenditures in all races to an estimated \$300 million.
- 1971 Common Cause, a nonpartisan citizens' lobby, files class action suit enjoining major parties from violating or conspiring to violate Corrupt Practices Act.
- 1971 Public subsidies for Presidential candidates, financed, once again, by a \$1 tax "check-off" were included in the Revenue Act (these provisions were changed slightly in 1973, placing the monies accumulated through the check-off in a non-partisan fund, and placing the check-off on the first page of the income tax form in order to promote its use).