LEGISLATIVE HISTORY
OF THE
FEDERAL ELECTION
CAMPAIGN ACT
OF
1971
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The Federal Election Commission;
1325 K Street, Northwest
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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.
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 Representatives of the United States of America in Congress assembled,

2 That this Act may be cited as the "Federal Election Campaign Act of 1971".

4 (Star Print)
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) (c) 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 Gov-
ernor 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 ap-
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 state-
wide office in such State, the amount determined under sub-
paragraph (A)-(i) shall be 7 cents multiplied by such great-
est 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 deter-
mined 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.

"(B) No legally qualified candidate in a primary elec-
tion 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 sta-
tions 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 Presi-
dent 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 author-
ized by such candidate in writing to do so, certifies to such li-
 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 contain-
ing such information as the Commission shall prescribe for
the purpose of this subsection and, in the case of broadcast-
ing 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 ex-
penditures 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.

(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).

d) 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
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 commu-
21. nications 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-
munitions media on behalf of any legally qualified can-
didate for major Federal elective office (or for nomination
to such office) shall, for the purposes of this section, be
demed 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 candi-
date 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 nomi-
nation 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 non-
broadcast 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 non-
broadcast 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 pun-
ishable 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 La-
bor 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 sec-
tion 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 de-
posit 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 politi-

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cal 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 com-
mittee (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 pur-
chases

“(a) It shall be unlawful for any person, directly or
indirectly, to make a contribution or contributions in an ag-
gregate 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 commit-
tees 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 trans-
fer of contributions received by a political committee.

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

"(1) it shall be unlawful for any political commit-
tee 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 serv-
ices 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 $2.50 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 pub-
lie 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
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
d 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 expendi-
ture 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 ex-
penditure 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
28

$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.

(e) 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 follow-
ing 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 com-
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I

mittee supporting a candir}ate or candidates for ._lecfion to the

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office of Representative

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sioner to, the Congress of the United States, ar.d each c_ndi.-

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date for election to'such office, shall file with [he 'Clerk, re-

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ports of receipts and expenditures

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or approved by him. Such reports shall be filed on the tentlt

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day of March, June, and September, in each yes,r, and on the

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fifteenth and fifth days next preceding the date on which alt

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election is held, and also by the thirty-first

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on forms to be prescribed

day of January.

Such reports shall be complete as of such date as the Secre.-

11 tary may prescribe,
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in, or Delegate or Ilesi_tent Commis-

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 hsmd at the beginninG;

of the reporting period;

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(2) the full ha.me and mailing address ot!each per-.

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son who has made one or more c¢,ntribuq_ons q;oor for

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such committee or candidate (including the purchase of

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tickets for events such as dinners, luncheons, rallies, and.

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similar fundraising events) within the calendar year in

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the aggregate mount

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with the amount and date of such contrlbations;

or vMue of $100 or more, together

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(3) the total sum of individual contributions made

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to or for such committee or candida:le during the report-

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ing period and not reported under paragr,_ph (2);

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(4) the name and address of each political commit-
tee 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 ad-
dresses 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 cam-
paign pins, buttons, badges, flags, emblems, hats, ban-
ners, literature, and similar materials;

(7) each contribution, rebate, refund, or other re-
ceipt of $100 or more not otherwise listed under para-
graphs (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 expendi-
tures, 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 can-
didate, 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 regula-
tion 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 can-
didates, 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 purposes 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 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.

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

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

"(e) 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 Repre-
sentatives 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 indi-
vidual 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 E of chapter 1 of the Internal Revenue Code of 1954 (relating to addi-
tional 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 ELEC-
TIVE 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 sub-
section (a) shall be allowed, with respect to any politi-
cal 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 Presi-
dent 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.
A BILL

[Report No. 92-96]

S. 382

92d CONGRESS

1ST SESSION

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

(ii) 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:

(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) 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.

"(8) 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) 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) 44 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) 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 at the payment of such charge will not violate subsection (b) (e) 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 year, of 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. 404. 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, 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 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 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, deliver 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 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.”

(e) 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. 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.

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.

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—an 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 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 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—in 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 limita-
tion 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 limi-
tation 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 op-
ponent 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
envison 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 appli-
cation 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 espe-
cially since campaigns differ according to the personal style of a can-
didate 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 politi-
cal campaigns, and it has been the most significant contributor to the
spiralizing cost of these campaigns. If candidates were given complete
discretion to spend on the use of this media your Committee was fear-
ful that in the closing months of a campaign the airwaves might be-
come inundated with political broadcasts to the exclusion of enter-
tainment and other public interest programs.

Each limitation standing on its own is, in your Committee's judg-
ment, 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. 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

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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 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 parfisan 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 committees of license. The Federal Communications Commission has recognized this obligation in its Report and Statement of Policy Re: Commission En Bane 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:

(7) 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 medium 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 premises, 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 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 in-
debtedness 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 mil-
lion on contributions received or expenditures made by political com-
mittes (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 contract-
ning with the government and to make the period of time during which
such contributions are prohibited run from the commencement of ne-
gotiations 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 ex-
penditures, 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, associa-
tion, or organization which accepts contributions or makes expendi-
tures 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 selec-
tion 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, associa-
tion, 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 of 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 269. 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.

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

(f) 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 3 of Chapter 1 (relating to additional itemized deductions for indi-
(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 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 1804, 1848, or 1464 of Title 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.

(6) 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 can-
cidate” 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 televi-
sion system, and the terms “licensee” and “station licensee”
when used with respect to a community antenna television sys-
tem, mean the operator of such system.
(2) No legally qualified candidate in any primary, general, or spe-
cial 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 elec-
tion 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 limita-
tion 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 quali-
fied 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 Com-
mission 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 dele-
   gates 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 in-
   dividual is elected, and, for purposes of this paragraph, an indi-
   vidual 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 Presi-
   dent 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, as-
   sociation, or organization which accepts contributions or makes
   expenditures during a calendar year in an aggregate amount ex-
   ceeding $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 Fed-
       eral office, or for the purpose of influencing the results of a
       primary held for the selection of delegates to a national nomi-
       nating 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, de-
       posit, or gift of money or any thing of value, made for the
       purpose of influencing the nomination for election, or elec-
       tion, 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;
§ 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...]

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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 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 of 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 Congress, 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 248, 80th 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. 724 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.

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 promise. 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 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.

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 paragraph (5) 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 each 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)—

(I) 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.

(8) Political Contributions.—An estate or trust shall not be
allowed the credit against tax for political contributions to can-
didates 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
Prouty
Pearson

NAYS—7

Magnuson
Pastore
Hart
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
Pastore
Hart
Cannon
Long

NAYS—4

Prouty
Griffin

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
Prouty
Griffin

BYEAUS—9

Magnuson
Pastore
Hart
Cannon
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
Pastore
Hart
Cannon
Long

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 years; 9 nays.

YEAS—7

Long
Cotton
Prouty
Griffin

NAYS—9

Magnuson
Pastore
Hartke
Hart
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. Adopted: 14 yeas; no nays.
age for such office for nonbroadcast expenditures. Rejected: 7 yea; 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 yea; 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 yea; 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
Pastore
Hartke
Cannon
Long

NAY—8
Cotton
Prouty
Pearson
Griffin

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
Pastore
Hartke
Hart
Cannon
Long

NAYS—6
Cotton
Prouty
Griffin

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
Pastore
Hartke
Hart
Cannon

NAYS—7
Cotton
Prouty
Griffin
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


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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 CENSUS (SENATORIAL GENERAL ELECTION—1972)—Continued

<table>
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<th>Nonbroadcast (1¢ cents)</th>
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<td>Wyoming</td>
<td>30,000</td>
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1 Includes persons 18, 19, and 20 years of age.
2 Or $30,000 if larger.


### Presidential general election (1972)—estimates of resident population of voting age, 1972

<table>
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<tr>
<th></th>
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<th>Nonbroadcast (1¢)</th>
<th>Total</th>
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130
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 moneyraisers—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.

(77)
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 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 clean-cut 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

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2 Id. at p. 15.

(79)
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)

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.

*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. 3837 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 office seeker 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.

(SL)
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:

<table>
<thead>
<tr>
<th></th>
<th>Original S. 382</th>
<th>S. 382 as reported</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broadcast</td>
<td>5,111,878</td>
<td>6,978,130</td>
</tr>
<tr>
<td>Nonbroadcast</td>
<td>10,223,750</td>
<td>6,978,130</td>
</tr>
<tr>
<td>Total</td>
<td>15,335,624</td>
<td>13,956,330</td>
</tr>
</tbody>
</table>

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 overstructured 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. Compartamentalized 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:
<table>
<thead>
<tr>
<th></th>
<th>Republicans</th>
<th>Democrats</th>
<th>Other (Wallace)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Television</td>
<td>9.0</td>
<td>4.5</td>
<td>1.1</td>
</tr>
<tr>
<td>Radio</td>
<td>3.6</td>
<td>1.6</td>
<td>0.5</td>
</tr>
<tr>
<td>Total</td>
<td>12.6</td>
<td>6.1</td>
<td>1.6</td>
</tr>
<tr>
<td>Newspaper advertisments</td>
<td>1.2</td>
<td>1.2</td>
<td>0.3</td>
</tr>
</tbody>
</table>

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 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.

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. Klein-dienst 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 straightforward, 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

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>
<thead>
<tr>
<th>State</th>
<th>Highest estimated 1970 expenditures by an individual statewide candidate</th>
<th>Broadcast spending ceiling (S. 382)</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>34,006</td>
<td>35,000</td>
<td>-1,006</td>
</tr>
<tr>
<td>Arizona</td>
<td>85,388</td>
<td>61,350</td>
<td>-24,038</td>
</tr>
<tr>
<td>Arkansas I</td>
<td>302,803</td>
<td>61,300</td>
<td>-236,503</td>
</tr>
<tr>
<td>Hawaii</td>
<td>84,954</td>
<td>31,000</td>
<td>-53,954</td>
</tr>
<tr>
<td>Indiana</td>
<td>363,012</td>
<td>171,350</td>
<td>-191,662</td>
</tr>
<tr>
<td>Kansas</td>
<td>104,995</td>
<td>71,950</td>
<td>-33,045</td>
</tr>
<tr>
<td>Maine I</td>
<td>34,143</td>
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<td>Massachusetts I</td>
<td>291,279</td>
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<td>Minnesota I</td>
<td>172,831</td>
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<tr>
<td>Missouri</td>
<td>231,518</td>
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</tr>
<tr>
<td>Nevada</td>
<td>73,788</td>
<td>30,000</td>
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</tr>
<tr>
<td>New Jersey</td>
<td>391,485</td>
<td>254,800</td>
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</tr>
<tr>
<td>New Mexico</td>
<td>35,451</td>
<td>31,650</td>
<td>-3,800</td>
</tr>
<tr>
<td>New York I</td>
<td>1,211,243</td>
<td>635,700</td>
<td>-575,543</td>
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<tr>
<td>North Dakota</td>
<td>71,461</td>
<td>30,000</td>
<td>-41,461</td>
</tr>
<tr>
<td>Pennsylvania I</td>
<td>485,393</td>
<td>402,800</td>
<td>-82,593</td>
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<tr>
<td>Rhode Island I</td>
<td>131,897</td>
<td>31,550</td>
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</tr>
<tr>
<td>South Carolina I</td>
<td>96,623</td>
<td>80,750</td>
<td>-15,873</td>
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<tr>
<td>South Dakota I</td>
<td>39,055</td>
<td>30,000</td>
<td>-9,055</td>
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<tr>
<td>Tennessee I</td>
<td>208,172</td>
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<tr>
<td>Utah</td>
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<td>Vermont</td>
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<tr>
<td>Wyoming</td>
<td>47,596</td>
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<td>-17,596</td>
</tr>
</tbody>
</table>

1 Indicates Statewide race for Governor. All other figures relate to statewide races for U.S. Senate.
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."

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-

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 in the past I 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 preferred 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 (95)
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 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.
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.
REPORT TO ACCOMPANY S.382

SENATE COMMITTEE ON RULES AND ADMINISTRATION
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
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(III)
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)
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 com-
parable 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, 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 statewide 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 Con-
gress; and

(2) "nonbroadcast communications medium" means
any medium of communication other than broadcast
communications, including without limitation newspa-
pers, magazines and other periodical publications, news-
letters and other publications of any organization, bill-
board space and other outdoor advertising, posters, hand-
bills, 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 ad-
dress 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 appli-
cable 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).

(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)] (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-
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) 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 nomi-
nation 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 non-
broadcast 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 non-
broadcast 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 pun-
ishable 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 sec-
tion 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 1C1 (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, 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, 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; [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
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;

(e) "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 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) "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) "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.] 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 \[the sum of $100 or more\] \textit{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, subpenas 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


(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 FEDERAL 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 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.] 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(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 (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 re-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 broadcast 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 302. Candidates.

Section 302. Sec. 602 of Title 18, U.S.C., retains existing law.

Section 304. Sec. 608 of Title 18, U.S.C., is repealed.

Section 305. 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 306(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 306(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 subpara-
graph (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 report-
ing 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 ex-
penditures 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) repre-
sents a national political party in arranging for a convention to nom-
inate 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; 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 nomi-
nation to such office) unless such candidate, or a person specifically au-
thorized 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 Com-
mission 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 sub-
ject 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 (e) 
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) 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

If 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 pre-
sented 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, associa-
tion, or organization which accepts contributions or makes expendi-
tures 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 or-
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, ad-
advance, or deposit, of money, or anything of value, and includes a con-
tract, 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 26, 1925 (Public Law 84, 68th 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 988, 82d Cong.). Sections 301-313 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. 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.

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[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. 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 indi-
vidual 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 expend-
itures, 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 selec-
tion 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 con-
stitutional convention for proposing amendments to the Consti-
tution 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 serv-
ces 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 con-
vention of a political party or for the expression of a prefer-
ence 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;

(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;

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(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 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.

(6) 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

(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 foreign tax credit), section 37 (relating to foreign tax credit), section 37 (relating to foreign tax credit), section 37 (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 612(a)(3).

SEC. [40.] 41. OVERPAYMENT OF TAX.

For credit against the tax imposed by this subtitle for overpayment of tax, see section 6401.

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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.
[16] 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).

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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. 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 Delega 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.

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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 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  
Mr. Jordan  
Mr. Cannon  
Mr. Byrd (W. Va.)

Nays—6  
Mr. Pell  
Mr. Allen  
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  
Mr. Pell  
Mr. Allen  
Mr. Prouty  
Mr. Scott  
Mr. Griffin

Nays—4  
Mr. Jordan  
Mr. Cannon  
Mr. Byrd (W. Va.)  
Mr. Cooper

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  
Mr. Allen  
Mr. Prouty  
Mr. Cooper  
Mr. Scott  
Mr. Griffin

Nays—4  
Mr. Jordan  
Mr. Cannon  
Mr. Pell  
Mr. Byrd (W. Va.)

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  
Mr. Jordan  
Mr. Allen  
Mr. Prouty  
Mr. Cooper  
Mr. Scott  
Mr. Griffin

Nays—3  
Mr. Cannon  
Mr. Pell  
Mr. Byrd (W. Va.)
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.

(99)
**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.

(103)
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.
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 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.
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 pre-payment 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) HUGO SCOTT,
J.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 amendments. 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. Klieindienst 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. 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.
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.

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 affect 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)


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.
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 thereof the following:

(g) "Commission" means the Federal Elections Commission;

2. On page 30, line 13, strike "Comptroller General" and insert in lieu thereof "Commission".

3. On page 31, line 2, strike "Comptroller General" and insert in lieu thereof "Federal Elections Commission".

4. On page 31, line 13, strike "Comptroller General" and insert in lieu thereof "Commission".

Amdt. No. 238
1. On page 31, lines 20 and 21, strike "Comptroller General" and insert in lieu thereof "Commission".

2. On page 31, line 21, strike "he" and insert in lieu thereof "it".

3. On page 32, line 25, strike "Comptroller General" and insert in lieu thereof "Commission".

4. On page 33, line 3, strike "Comptroller General" and insert in lieu thereof "Commission".

5. On page 33, line 10, strike "Comptroller General" and insert in lieu thereof "Commission".

6. On page 33, lines 21 and 22, strike "Comptroller General" and insert in lieu thereof "Commission".

7. On page 34, line 3, strike "Comptroller General" and insert in lieu thereof "Commission".

8. On page 36, line 7, strike "Comptroller General" and insert in lieu thereof "Commission".

9. On page 36, line 10, strike "Comptroller General" and insert in lieu thereof "Commission".

10. On page 37, line 1, strike "Comptroller General" and insert in lieu thereof "Commission".

11. On page 37, line 12, strike "Comptroller General" and insert in lieu thereof "Commission".

12. On page 38, lines 3 and 4, strike "Comptroller General" and insert in lieu thereof "Commission".
1. On page 38, lines 21 and 22, strike “Comptroller General” and insert in lieu thereof “Commission”.

2. On page 38, line 23, strike “Comptroller General” and insert in lieu thereof “Commission”.

3. On page 39, line 6, strike “Comptroller General” and insert in lieu thereof “Commission”.

4. On page 40, line 6, strike “Comptroller General” and insert in lieu thereof “Commission”.

5. On page 40, lines 10 and 11, strike “COMPTROLLER GENERAL” and insert in lieu thereof “COMMISSION”.

6. On page 40, line 13, strike “Comptroller General” and insert in lieu thereof “Commission”.

7. On page 40, line 15, strike “him” and insert in lieu thereof “it”.

8. On page 40, line 24, strike “him” and insert in lieu thereof “it”.

9. On page 41, line 18, strike “he” and insert in lieu thereof “it”.

10. On page 41, line 24, strike “he” and insert in lieu thereof “it”.

11. On page 42, line 9, strike “he” and insert in lieu thereof “it”.

12. On page 42, line 23, strike “Comptroller” and insert in lieu thereof “Commission”.

13. 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) 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.”

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.”
Ordered to lie on the table and to be printed
July 8, 1971

Hearing also, and for other purposes, conduct of election campaigns for better po-
S. 382, a bill to promote fair practices in the
Intended to be proposed by Mr. Pearson to

AMENDMENTS

S. 382

Calendar No. 223

Amdt. No. 238

92d Congress
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 following: “and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made”.

3. On page 35, line 20, strike “and”.

4. On page 35, line 21, before the semicolon insert “and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made”.

Amdt. No. 263
Passed to the Committee on the Table and to be printed.

April 30 (Legislative Day, April 19, 1971)

A bill (H. R. No. 5) to promote fair procedures in the conduct of elections and for other purposes.

Amendments

S. 382

1st Session

92nd Congress

Calendar No. 223

Amdt. No. 263
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 "Aliy" insert "(1)".

2. 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—

   Amdt. No. 264
(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.
Ordered to lie on the table and to be printed

Politics in office, and for other purposes;
conduct of election campaigns for Federal
S. 382, a bill to promote fair practices in the
intended to be proposed by Mr. Prenty to

AMENDMENTS

S. 382

95th Congress
1st Session

Calendar No. 223
Amtd. No. 264
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 following: “and includes the use of closed circuit television for such purposes”.

Amdt. No. 269
Ordered to be on the table and to be printed

First Session, July 20, 1971

AMENDMENT

S. 382

3rd Session 94th Congress

Amml. No. 269

Calendar No. 223

political offices, and for other purposes,

intended to be proposed by Mr. Martin to

 promote fair practices in the

conduct of election campaigns for Federal

and for other purposes.
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:

"(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."

3. On page 5, line 3, strike "(D)" and insert "(E)".

Amdt. No. 270
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)".
Ordered to lie on the table and to be printed

July 20 (Legislative Day), July 19, 1971

That in any prohibition against raising funds for political purposes, and for other purposes, conduct of election campaign for Federal Senate, a bill to promote the purposes in the language to be proposed by the President to

AMENDMENTS

S. 382

29th Congress
1st Session

Calendar No. 223

Amtd. No. 270
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 election for any office of such State or of a political subdivision thereof is subject to this subsection, and

3  "(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

4  "(3) has provided in any such law an un-
equivocal 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."
Ordered to be en the table and to be printed.
July 30 (Legislative Day) July 30, 1911.

political offices and for other purposes, conduct of election campaigns for Federal
S. 382, a bill to promote fair practices in the
Intended to be proposed by Mr. Matthews to

AMENDMENT

S. 382

1st Session
95th Congress

Calendar No. 223
Amdt. No. 273
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:

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

Amtd. No. 272
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 vot-
ing 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 con-
ducted. 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 limita-
tion for that State.”
Ordered to be on the table and to be printed.

June 20 (Legislative day, June 19), 1971

...political offices, and for other purposes...

...a bill to promote fair practices in the

Intended to be proposed by Mr. Katulis to

AMENDMENTS

S. 382

1ST SESSION 66th CONGRESS
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 “60”.

2 On page 14, line 25, strike “120” and insert in lieu thereof “60”.

Amdt. No. 275
Ordered to lie on the table and to be printed.

June 20, (recessive day, June 19), 1972.

S. 382, a bill to promote fair practices in the political office and for other purposes.

Intended to be proposed by Mr. Martin's to

AMENDMENTS

S. 382

1ST SESSION

69TH CONGRESS

Amdt. No. 275

Calendar No. 223
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 thereof the following:

2 “Sec. 203. Section 608 of title 18, United States Code, is amended to read as follows:

3 “§ 608. Limitations on contributions by candidate

4 “(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

Amdt. No. 277
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.";
Ordered to lie on the table and to be printed July 20 (legislative day July 19), 1971

police, fire, and other public service employees, and for other purposes.

S. 382, a bill to promote fair practices in the

intended to be proposed by Mr. Mansfield to

AMENDMENTS

S. 382

1st Session

69th Congress

Calendar No. 223

Amdt. No. 217
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 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."

Amend. No. 278
Ordered to lie on the table and to be printed

The bill to amend the Political Action Committees Act, 1977,

intended to be proposed by Mr. Martins is

AMENDMENTS

S. 382 1st Session
16th Congress
In order to promote fair practices in the conduct of election campaigns for Federal

Amendment No. 278
Calendar No. 223
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
Ordered to be en the table and to be printed.

July 20 (Legislative Day), July 20, 1871.

Proposed by Mr. Anthony to amend S. 382, a bill to promote fair practices in the political office, and for other purposes.

AMENDMENT

S. 382 1st Session
64th Congress

Calendar No. 223
Amtd. No. 280
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
Ordered to lie on the table and to be printed
July 20 (Legislature Day, June 19), 1971

relating to the conduct of election campaigns for Federal
S. 382, a bill to promote fair practices in the
intended to be proposed by Mr. Allen to

AMENDMENT

S. 382
1st Session
85th Congress

Calendar No. 223
Amdt. No. 281
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 following: “(occupation and the principal place of business, if any)”.

2 On page 29, line 20, after “address” insert the following: “(occupation and the principal place of business, if any)”.

3 On page 30, line 1, after “address” insert the following: “(occupation and the principal place of business, if 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)”. 

AMENDMENTS

S. 382

Intended to be proposed by Mr. Mansfield to amend S. 331, a bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

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

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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 and "and all transfer agents."

2. On page 36, line 8, strike "and".

3. 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"

Amdt. No. 283
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 twenty-four hours after each transfer after the first such transfer occurs”.
Ordered to lie on the table and to be printed
4th of June (Legislature Day, Perth 1917)

Preliminary remarks and other purposes:
H. 882, a bill to promote fair practices in the
Intended to be proposed by Mr. Martin to

AMENDMENTS

H. 882
1st Session
89th Congress

Calendar No. 223
Amtd. No. 283
IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, July 19), 1971
Ordered to lie on the table and to be printed

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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
Ordered to be printed.

However, to the Table and to be printed:

Statute, at the 2d Session, 1st Session of the 34th Congress (1856).

An Amendment to Amend Section 382 of Title 39 of the United States Code, as amended by the Act of April 22, 1866 (23 Stat. 88).

Intended to be proposed by Mr. Matthews to conduct of election campaigns for Federal political offices, and for other purposes.

S. 382, as amended, to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

An Amendment to Amend Section 382 of Title 39 of the United States Code, as amended by the Act of April 22, 1866 (23 Stat. 88).
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 41, line 7, beginning with "receipt", strike through line 10 and insert in lieu thereof "receipt;".

2. On page 45, line 7, beginning with "receipt," strike through line 10, and insert in lieu thereof "receipt;".

3. On page 45, line 3, after "orderly" insert the following:

"and uniform".

Amdt. No. 288
Ordered to be on the table and to be printed.

July 20 (Legislative Day, 1971).

Amendments

S. 382

1st Session

98th Congress

Calendar No. 223

Amld. No. 288
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:

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;

Amdt. No. 291
(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 per centum 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 nonprofit 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 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 
9 (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 per centum of such number; or
10 
11 (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 Mem-
ber of the House of Representatives, if such candidate
secures the signatures of such persons equal to 3 per
centum 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 district 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 per centum 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.
Ordered to lie on the table and to be printed
June 20 (legislative day, June 19), 1971

political offices, and for other purposes.

conducted at election campaigns for Federal
S. 382, a bill to promote fair practices in the
intended to be proposed by Mr. Mathias to

AMENDMENT

S. 382

1st Session
86th Congress

Amdt. No. 291
Calendar No. 223
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. 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 3, line 23, before "reasonable" the first time that it appears in such line insert: "non-discriminatory and".

2. On page 3, line 25, strike "candidacy", and insert: "candidacy; or for willful or repeated failure to charge in a non-discriminatory and reasonable manner for the use of a broadcasting station".

Amendment No. 293
Ordered to lie on the table and to be printed

July 20 (Legislative Day, 75th Year), 1971

for political offices, and for other purposes.

S. 382, a bill to promote fair practices in the

intended to be proposed by the

AMENDMENTS

S. 382

5th Session

119th Congress

Calendar No. 223

Amends No. 293
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;

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

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.

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.

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


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.

Record Votes: Four record votes were taken today.

Adjournment: Senate met at 10 a.m. and adjourned at 4:48 p.m.

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 134 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
CONGRESSIONAL RECORD — SENATE

26105

July 20, 1971

Mr. President, I ask unanimous consent that the joint resolution may be printed in the Record, as follows:

S. J. Res. 134

Joint resolution to authorize and direct the President to proclaim September 12, 1971, to be “American Field Service Appreciation Day.”

Mr. TOWER. Mr. President, I introduce 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 the public, and the violence and the administration, as well as the organization and the unorganized, that is all too prevalent today in our Nation.

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 of recent origin, with 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 upholding the real need to take care 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 directed to proclaim the day designated in the preceding resolution as “National Law Officers Appreciation Day.”

By Mr. TOWER: At the request of Mr. McGOVERN, the Senator from South Dakota (Mr. McGovern) was added as a co-sponsor of S. 1889, a 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 co-sponsors 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. William) was added as a co-sponsor of Senate Joint Resolution 126, the National Volunteer Blood Donor Month resolution.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

S. CON. Res. 21

At the request of Mr. MONDALE, the Senator from Minnesota (Mr. B пенс) was added as a co-sponsor of S. 1064, a bill to establish a committee for the District of Columbia, and for other purposes.

S. 1063

At the request of Mr. EAGLETON, the Senator from New Jersey (Mr. Hart) was added as a co-sponsor of Senate Concurrent Resolution 21, to suspend military aid to Pakistan.

FEDERAL ELECTION CAMPAIGN ACT OF 1971—AMENDMENTS

AMENDMENT NO. 203

(Ordered to be printed and to lie on the table.)

Mr. SPOON. 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 names of the candidates 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 for each candidate, it could evade the purpose of the act by simply channelling a large share of their campaign spending through party committees. This has been done in the past. Under this bill, the provision 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. They are responsible only for what they personally spent, 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 if 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, would 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 separate 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 who will give careful consideration to all the provisions of this bill, as it will be made.

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 Administration I had an amendment adopted by a vote of 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 reporter has been appointed by the Comptroller General of the United States showing a detailed account of our receipts and expenditures, and charged with the duty of making an annual report to the Secretary of the Senate, with a copy to the Government Printing Office. Washington, D.C.

Subsequent to the adoption of my amendment the bill was informed by legislative counsel 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 50, line 23, before "Any" Insert "(1)."

On page 51, between lines 7 and 8, insert the following:

"(2) A. The Comptroller General shall compel and furnish to the Public Printer not later than the March 10 of each year, an annual report for each political committee which has filed a report with them under this title during the period from March 10 of the preceding calendar year through January 30 of the year in which the annual report is made available to the Public Printer. Each such annual report shall contain—

(a) A copy of the statement of organization of the political committee required under section 303, together with any amendments thereto; and

(b) A copy of each report filed by such committee under section 304 from March 10 of the preceding year through January 30 of the year in which the annual report is 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. 264

(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 times, I will call up the Federal voter registration amendment to S. 382 which will enable all citizens who are registered under Federal elections at the time they would be held and considered to be effectively registered to vote in Federal elections held and considered to be effectively registered to vote in Federal elections.

In the election of 1968, 40 percent of the American electorate did not vote. I believe that 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 ELECTORS

REGISTRATION FORMS

Sec. 531. (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 to vote in Federal elections under this section a standard form which may be used to register to vote in Federal elections 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. 562. (a) Under such regulations as the Secretary may prescribe there shall be furnished and provided to the appropriate official in the State of any State all necessary and appropriate information regarding persons registered under section 563 to vote in Federal elections held in such State. On and after the time such information has been 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 return on 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 officials by using the forms provided 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.

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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 who is voting in Federal elections held
in any State shall constitute valid registra-
tion for voting in elections held in such State
other than in the Federal elections whenever
the laws of such State so provide.

PROHIBITION OF NATIONAL REGISTRY
Sec. 503. No national registry of persons
shall be created or maintained from informa-
tion derived under this title.

REPORT BY THE 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.

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 frauds and conspiracies in con-
nection with this title.

(b) Whenever the Attorney General has rea-
sured, any person is entitled to any relief
by a licensee under this title.

(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 a candidate for Fed-
eral office, or for the purpose of selecting,
or electing any candidate, as President,
Vice President, presidential elector, Senator,
Representative in Congress, Delegate or Res-
ident Commissioner to the Congress; and

(3) “Secretary” means the Secretary of
the Treasury or his delegate.

AMENDMENT NO. 257 THROUGH 293
(Ordered to be printed and to lie on
the table.)

COMMENTS ON S. 382—CAMPAIGN REFORM

Mr. MATTHIAS. Mr. President, the mat-
ter of campaign reform will soon con-
front us all. S. 382 has been reported out
of the Rules Committee and awaits con-
sideration by the Senate, I have thor-
oughly reviewed and studied the bill; I
think the bill has the laudable objective
of restoring to the American people con-
fidence and credibility in the electoral
process. The committees dealing with the
legislation have done a commendable job
in viewing 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 introdue-
tory remarks to S. 956, the Scott-Mathis
bill. However, to demonstrate now my
sincere desire to have tough and com-
prehensive reform legislation, I have
gone over S. 382 with a more careful eye
I would like to tell the Members of the Senate of the difficulties which I encon-
ered in S. 382; and, I plan to introduce amendments where I feel it is appro-
riate 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
mandments and the regulations covering
and the Internal Revenue Code of 1954. I
will proceed to talk about each title sepa-
ately, excluding any comments on title IV.

TITLE I. MEDIA
CONCEPT OF FAIRNESS
Section 315(a), the section in the Com-
 munications Act which puts a legislative
mandate on licensees to treat all can-
didates equally, has been threatened by the
allocation of free time has become burden-
some to both the broadcast station and the
candidate. The major candidates cannot
afford to air their views unless the broad-
cast station decides to treat equally all
other candidates—minor, fringe, and even
casual candidates would then become the
new lowest unit cost. This spirit of fairness
and equality is in keeping with the legis-
lative intentions of 315(a) as well as with
judicial decisions interpreting this section.

This legislative objection of nondis-
crimination, among candidates who now
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 afford-
ing “equal opportunities” to all candi-
dates.

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
interest of the electorate nor was it ful-
filling the obligation imposed within the
political process. Everyone—including
the broadcast industry—has recognized
the need for change. The industry and the
Congress have both agreed in legis-
lation which would give the broadcast
industry the opportunity—and the dis-
cretion—to give only “major” candidates
free access.

S. 382 attempts to solve the dilemma by
taking Federal elections out of the pur-
view of 315(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 still would apply to those
now exempt Federal elections in order to
guarantee the concept of equal-
ity and fairness among the “major” can-
didates. The FCC was unwilling to con-
jecture 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 oppor-
tunity 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. 382 con-
tained such a definition in the franking
provisions section of this 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 pres-
ently drafted bill as to the extent of permit-
able exclusions.

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 163-day period
prior to election. The station can give the
candidate free time, charge lower than
the 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
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 if charged higher than this rate
would get a pro-
rated refund in the excess amount.
This interpretation cannot be derived by read-
ing the bill or the appropriate hearings.
Such an interpretation is quite unrea-
soneable and indeed stretched. The matter
of the refund is not mentioned at all in the
bill and on the merits, it could cause
invaluable problems for a candidate
in his spending plans within the bill’s
ceiling.

There would be, it seems, only two
prohibitions or guidelines for sta-
tions 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
28—of the follow drafted bill—
from “willful or repeated failures to
allow reasonable access or to permit rea-
sable amounts of time.” Note that this
section mentions any access; thus, if a
candidate is released from giving any
airing 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. Sec-
ond, the fairness doctrine—section 315
(a) would still apply, guaranteeing that
the station would treat all issues equally
and fairly. None of these two
recognized prohibitions, unless this later
date is stretched to apply to
changes 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 partly cure the present situation of
discrimination as to charges lower than
the lowest unit cost and not cover discrimi-
nation in the area of free time.

At this time, I am planning to offer
amendments which would prohibit under
the threat of revocation of license the
discrimination as to free time by a licensee
by amending subsection (c) on page 3 of

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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 aimed at the previous subsection, hoping to accomplish the same objective.

Section 102, in its title III, attempts to codify the fairness doctrine in order to assure candidates' application to campaign reform legislation. Perhaps a similar move might be considered by the committee.

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, unless we forsee a problem that we should make it clear—a caveat should be made—that Congress will fill the void if the omission is abused.

Section 102, 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 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 election laws, thus, it would be wise to close this omission.

The FCC has in its regulations a definition of "qualified candidate" which is broader than the one contained in §8. 382, and one which might cover the above example. However, it could be argued quite persuasively, I think, that this congres- sionally defined definition supersedes 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 those candidates who spend or accept contributions, or acquiesce 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 non-candidacy as distinguished from the reporting and disclosure section which precedes this last 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 §8. 386, as before the Commerce Committee hearings on §8. 386, that spending ceilings are basically unenforceable, arbitrary, and unconstitutional. §8. 382 confirms that view. As drafted, I feel strongly that §8. 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, §8. 382 sets forth spending ceilings for all candidates to Federal office. As drafted those ceilings are 0.5 cent times the number of resident population in that political subdivision for the nonbroadcast media, and similarly 0.5 cent spending limitation for the broadcast media. The Rules Committee added an amendment which would make these figures interchangeable; this amendment would set 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 subject of 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 "total amount" and "representations 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 provide meanings other 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 appears 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 station facilities or on behalf of any candidate," the definition states, includes—giving the FCC discretion to add criteria—First, amounts spent advertising a candidate; 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 advertising by both candidate and on behalf of the candidate.

The latter requirement dealing with campaign issue is 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 thing is, according to the licensee, makes no mention of any candidate's name in an effort to elect or defeat a particular candidate. The question then becomes: Is 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 expediency as pronounced by the Commerce Committee hearings—as to whether the ad is in derogation of some candidate. If so, the licensee 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 the 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 and 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 unimpeded participation in the political process. It strips groups of any independence. It encourages—or directs—groups to be dependent upon a candidate. Independence of groups is discouraged in this legislation. 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 encourages fireside Wall Street ads to influence one's candidacy. Noninvolvement and ignorance can easily be its byproduct.

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 nonbroadcast media, enormous and dangerous power 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 to one person or do we 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 the prospective candidates, for the candidates would in essence control—in the strictest sense of that word—the political and quasi-political climate during 105 days preceding 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 tells or does not 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 political and quasi-political climate during 105 days preceding 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 tells or does not tell.

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In other words if it does not appear that the purchaser is controlled by the candidate or is influencing 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 legislation.

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:

1. The definition of "use of broadcast time" should be changed to the definition of "influence one's candidacy." Noninvolvement make it limited to the criteria that encourages fireside Wall Street ads to influence one's candidacy. This, I believe, is a possible loophole. We have no way of forecasting the use of such a medium.

2. The purpose of spending limitations for presidential primaries is to reduce the dependency of candidates, which is often controlled by outside groups in the end will result in a more responsive system of nominating a candidate who desires to enter. He may spend it all in one State's primary or enter three, ten, or sixty.

3. The language in general is fairly vague and should be tightened up. For instance, when it refers to the "resident population of the entire State" or the "population base for the President," 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.

4. 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 by which a person 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 limit a candidate's choice but rather use that State's population base for the purpose of spending ceilings in the primary of his choice.
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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 grant the application of ceilings by receiving large donations of stamps. As mentioned, a limit on direct mailings would really aggravate the constitutional question of free expression.

I plan to propose a franking amendment to the bill in Section 566. If a candidate is offered a franking privilege, amendments are 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.

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 came to mind which failed this requirement. First, as we know there is nothing in the nonbroadcast media which is equivalent to the fairness doctrine and related nondiscrimination 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, a licensee charges lower than lowest unit cost, according to the intent of the committee that new rate then becomes the 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 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 which will attempt to solve this particular disparity without getting into any constitutional problems of jurisdiction over the nonbroadcast media. If the nonbroadcast media charged the price of less than the other—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 attributed toward his ceiling limitation. Thus, if candidates are treated differently by a nonbroadcast media seller, then the favored candidate should rightfully be considered a contribution and an expenditure and attributed toward the spending limitation .

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 regulate 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.

**TITLE II: CRIMINAL CODE AMENDMENTS**

**BANK LOANS**

Section 201—page 16, line 15 and the following—defines "contributions" for 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 attestations.

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 terms and conditions 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 every effort to assure this object of equality throughout the entire legislation. This is another amendment offered to achieve this objective.
CONGRESSIONAL RECORD — SENATE

July 20, 1971

S. 956 contained what I believe to be a section necessary in any campaign reform legislation. It reenacted section 808 of title 18 of the United States Code in the area of contribution limitations to limit the amount of money a candidate can raise by himself or through his family, can give to 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.

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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 certifying that any person who along with the candidate, is permitted to certify to costs attributed to the candidate's ceiling.

In title II 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 the 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 the costs for purposes of spending ceilings and would be reporting all contributions and expenditures for a particular candidate to be submitted to the Commission through the central campaign committee. 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 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 under title I of this bill. I am proposing an amendment which will allow all records to be preserved for 10 years. Quite frankly, if we are going to have public access to the records, the candidate's financial activities should be easily viewable. I feel this time limit is unnecessary and unreasonable in light of the equitable form, there is nothing to prevent 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 other elections.

I will offer an amendment to enable all records in all Federal elections to be preserved for 10 years. Quite frankly, I will prefer such reports to be preserved perpetually. 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 could be uniform in content, it may not be practical to do so.

On page 10, strike out lines 2 through 8 and insert in lieu thereof the following:

"(B) 'use of any nonbroadcast communication medium by or on behalf of any candidate' means any use of a nonbroadcast communication medium 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 4, strike out lines 17 through 21 and insert in lieu thereof 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, 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:

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 301 through 303 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."
“the treasurer of his central campaign committee.”

On page 13, lines 3 and 4, strike out “an individual specifically authorized by such person in writing to do so,” and insert in lieu thereof the following:

“the treasurer of his central campaign committee (as defined by section 315(e)(1) (C) of the Communications Act of 1994).”

—AMENDMENT No. 272—

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 to such office, or has not notified that person or political committee in writing to cease receiving such contributions or making such expenditures”.

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 to 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 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 13, 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, strike “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: S. 303, 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 to federal, state, or local office may make contributions of 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) $25,000 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, 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.”

AMENDMENT No. 278—

On page 24, line 9, strike the closing quotation marks.

On page 24, immediately before line 14, insert the following:

“(3) of the campaign of such candidate which constitutes the transferred amount shall be considered as being spent in connection with the campaign of such 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.”

—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 10, 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: “or his or her central campaign committee.”

—AMENDMENT No. 280—

On page 29, strike lines 9 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 305.”

—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 30, line 14, after “address” insert the following: “(occupation and the principal place of business, if any)”.

On page 33, line 16, after “address” insert the following: “(occupation and the principal place of business, if any)”.

On page 33, line 29, after “address” insert the following: “(occupation and the principal place of business, if any)”.

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 16 percent of the amount reported under paragraph (1) of this subsection to any person, including the bank or other depository, the name and address of the bank or other depository from which it was transferred and the person to whom it was transferred, and the amount transferred.”

On page 36, line 9, strike “(13)” and insert in lieu thereof “(14)”.

CXVII—1643—Part 20
Page 34, 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 multiple transfers on each report 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 10, after "committee" insert: "or on behalf of such committee."

AMENDMENT NO. 286

On page 35, 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, strike through line 10 and insert in lieu thereof: "receipt, strike through line 10 and insert in lieu thereof: "receipt, strike through line 10 and insert in lieu thereof: "receipt, strike through line 10 and insert in lieu thereof: "receipt, strike through line 10 and insert in lieu thereof: "receipt, strike through line 10 and insert in lieu thereof: "receipt."

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, which shall reduce as much as possible the volume of reported materials, but retain such information as may accurately reflect the true levels of contributions to and expenditures by candidates and political committees, in the Congressional Record next published after such reports are for public inspection and copying under section 308(a)(4). However, if there is no Congressional Record published within four days following the date on which such reports are made available for public inspection and copying, then the Congressional Record containing such reports shall be published on the fifth day following such date."
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;

(5) "campaign mail" means campaign literature mailed by a candidate for nomination for 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 4454(a) 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 3026 of such title, as enacted by section 2 of the Postal Reorganization Act.

ELIGIBILITY

Sec. 604. (a) A major party candidate in a general or special election shall be entitled to mail a number of pieces of campaign mail equal to two times the number of registered voters in the State in which he seeks election, in the case of a candidate for election to a Federal office, or 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 entitled 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 entitled to mail a number of pieces of campaign mail 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 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 as Senator, as Delegate or as Resident Commissioner to the Congress, 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 district 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 registered voters in the State or district for 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:

(g) "Commission" means the Federal Elections Commission.

On page 33, line 13, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 36, line 2, strike "Comptroller General" and insert in lieu thereof "Federal Elections Commission".

On page 31, line 15, "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 35, lines 21 and 22, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 33, line 29, 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, line 7, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 39, line 10, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 39, line 11, 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, line 11 and 12, strike "COMP-TROLL" and insert in lieu thereof "COMMISSION".

On page 40, line 13, strike "Comptroller General" and insert in lieu thereof "Commission".

On page 40, line 18, 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 23, strike "Comptroller" and insert in lieu thereof "Commission".

On page 42, line 24, strike "General."
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 be moved to and used 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 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 at all times;

(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 each month, a table of March, June, and September of each year, and within five calendar days after the due dates of the reports required to be filed on the fifteenth and thirty-first 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 for all candidates, political committees, and other persons during the year; (B) total amounts expended and sources of funds and 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 containing the total 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 prescribe wide dissemination of summaries and reports;

(11) to make from time to time audits and field investigations with respect to reports and statements required 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. 41 et seq.) are hereby made applicable to the jurisdiction, powers, and duties of the Commission, or any officer designated by it, in relation to an inquiry that 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.

Amendment No. 298

On page 3, line 23, before "reasonable" the first time that it appears in such line insert: "non-discriminatory and".

On page 4, line 3, strike "comply" and insert: "compliance"; or where applicable, "compliances".

Amendment No. 299

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, we can almost attain the public understanding of mental illness and its needs. We are nearly to the point where an individual can seek psychiatric help without being stigmatized. The time is based on technical or economic reasons.

Amendment No. 295

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 understanding it deserves and needs. We are nearly to the point where an individual can seek psychiatric help without being stigmatized. We believe the time is based on technical or economic reasons.

In his message to Congress on health care last February, President Nixon stated in detail the personal delivery system. He stated we were facing a "massive crisis of mental illness," and that good care had become too expensive for many; nonexistent for some. He cited the need for greater understanding in that system to assure decent care for all. But the President failed to mention the whole problem of health care, 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 Comprehensive Health Policy for the 1970's." The Department chose to describe the health policy as comprehensive, yet nothing was said of 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 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 is in need of reform, mental health is that area.

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 mental help and 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 the problem.

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 work force is seriously handicapped by emotional problems.

One-fourth of employee absenteeism is based on emotional factors.

Sixty 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 all industrial absenteeism.

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 in list, 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, disruption of family relations, excessive consumption, suicide, 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 the different kinds of knowledge from common medical problems and often the result of mental disorders, and the millions of times such 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 is working. 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
EXTENSIONS OF REMARKS

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 area in the next decade. Without radical changes in the U.S. fuel and natural gas priorities and many new discoveries of energy sources by the United States will in the late 1970’s and early 1980’s, we have to import more than a third of our oil from the Persian Gulf according to a State Department estimate. These estimates, however, bury 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 had 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 are permanently 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 Iraqis are mostly on the north side and the Arabs on the south side of the Gulf; and the inhabitants of the areas are both Sunni and Muslim, the two largest sects in Islam. The Arab side of the Gulf is predominantly Sunni, except for parts of the lower Gulf, and Iran is predominantly Shih. Oman has Sunni, which produces oil, and is expected to be one of the leading states.

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 have traditionally had in the region. The three small islands near the mouth of the Gulf—Abu Dhabi, Bahrain, and Qatar, a smaller producer of oil, is expected to follow the lead of the U.S. in the next decade, so-called because of the treaty and the region with England since the 1930’s, is with growing degrees of enthusiasm, considering the possibility of joining together in a federation which the British seek to establish before they leave by the end of 1971.

Whether all these states will be able to divide their oil revenues is a question. The revolutionary forces in the Arab world are becoming increasingly vocal and, if change and massive education are not given to the entire region, the problems of the region. In this respect 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 of the Commons in March that all permanent British forces in the Persian Gulf would be withdrawn by the beginning of 1973 he signaled the end of the land of the Federation of the nineteenth century. 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 Sheik in 1796, in a successful attempt to close the Gulf to French naval forces during the Napoleonic era, the traditional British relationship has existed between Britain and the territories around the Persian Gulf. In Persia as in Iran was generally known until after the Second World War, the British established a sphere of interest so important to them that is an answer to Russia’s imperial designs upon India that for a time were separate British diplomatic missions in Tehran—one appointed by the British Government to the Indian Foreign Office. On the Arab shore of the Gulf the relationship was for many decades more arbitrary and 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 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:

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<td>1957</td>
<td>H.R. 5793</td>
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RUSSIA DENIES JEWISH EXODUS

Mr. Proxmire. 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 30 a day to an average of five a day.

The Soviets are setting freedom. In order to leave the Jews must pay $4,400—3 years wage 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 Jews, the facts prove to anyone who sits back and idly watches the Russian Government will continue its "anti-Semitic" 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 TO ISRAEL

Moscow—The Soviet government has drastically reduced Jewish emigration to Israel, cutting the number of daily departures from an average of 30 a day to 5. Unofficial Soviet sources informed the new restrictions on Arab emigration and on a bureaucratic snarl that the situation was greatly increased in March.

The Soviet Union's Arab allies were upset over the increased flow of Jewish refugees, fearing they were swelling the ranks of Jewish allies, but insist that the new procedures are required for the security of the Soviet Union. The informants said the low level of emigration is likely to continue in the department that handles Jewish emigration.

Meanwhile, Jewish leaders of the Jewish community, in the State Department, suggested that the order not be rescinded. The table has been printed.

FEDERAL ELECTIONS CAMPAIGN ACT OF 1971

Mr. Mansfield. Mr. President, I move that the Senate turn to the consideration of Calendar Nos. 3, 21, 22, and 23, S. 382, so that it may become the pending business.

The PRESIDING OFFICER. The PRESIDING OFFICER. The question is on agreeing to the motion of the Senate from Montana.

The motion was agreed to, and the Senate proceeded to consider the bill which has been read a second time, and amended, and sent back to the Senate for further consideration.

Mr. Pastore. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The question is on further consideration of the bill to which the Senate has just agreed.

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. Bryd of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The absence of a quorum is so ordered.

ORDER FOR ADJOURNMENT UNTIL 9:45 A.M.

Mr. Bryd 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 thereon to 3 minutes, for not to exceed 30 minutes.

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

ORDER FOR 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
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. 123; 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

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. Page 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.

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.

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
Hon. William P. Rogers,  
The Secretary of State,  
Washington, D.C.

DEAR MR. BELL: On June 7 a State Department spokesman told the press that the United States support for Thai troops in Laos began after an authorization 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 “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 the United States Department of State and the United States Department of Defense to implement such decisions.

(2) An explanation of the funding procedure used to provide financial support for Thai troops, including answers to the following specific questions:
   a. When was the request made? (Or was a request ever made)?
   b. In what form was the request made?
   c. To whom and what government or governments was it addressed?
   d. What specifically did the Prime Minister request?
   e. What did the Prime Minister say with regard to 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?

(3) An explanation of how Souvanna Phouma’s request relates to the various undertakings of the United States Government in the Geneva Agreements of 1962.

(4) A detailed explanation of any discussions, arrangements and agreements, formal or informal, between the United States Government and the Royal Lao Government or the Government of Thailand relative to past or present financing and support for Thai troops in Laos.

(5) An identification of the departments or agencies which have provided funds for or support of each of the various programs involving Thai troops in Laos.

Because the above considerations of pending legislation having to do with United States expenditures in Laos are relevant to the Senate’s consideration of pending legislation involving United States expenditures in Laos, we respectfully request that the information be provided at earliest opportunity.

Sincerely,

Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad

Mr. SYMINGTON. Mr. President, this is getting to be quite an interesting development.

Some time ago there was a crisis in the British Government in 1958, a story was around that Sir Winston Churchill suggested the King use the King’s men. In, according to press reports, the CIO is a crisis in 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.

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I believe that the considerations which I have referred to today are compelling reasons for the passage of this amendment. This amendment is an important step forward in Federal campaign reform. I am strongly opposed to the concept of competitive broadcast advertising, and I do not believe that the media advertising now gives. The trend toward the consolidation of the media within a few individuals and a few cities of this 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 interfere with the operations of the commercial media as described by the chairman.

There being no objection, the amendment and material were ordered to be printed in the Record, as follows:

Amendment No. 307

Mr. STEVENS. Mr. President, I believe that the considerations which I have referred to today are compelling reasons for the passage of this amendment. This amendment is an important step forward in Federal campaign reform. I am strongly opposed to the concept of competitive broadcast advertising, and I do not believe that the media advertising now gives. The trend toward the consolidation of the media within a few individuals and a few cities of this 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 interfere with the operations of the commercial media as described by the chairman.

There being no objection, the amendment and material were ordered to be printed in the Record, as follows:

Amendment No. 307

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 advertising, by eliminating the requirement that such media charge a single rate during the 120-day period preceding a primary election and the 90-day period preceding a 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 advertising, by eliminating the lowest unit pricing requirement and substituting a requirement that candidates be assessed the rates charged for the "same class and amount of time and same frequency of use" during the specified periods. This amendment is an important step forward in Federal campaign reform.

On a nationwide basis, the failure of some media elements would result in the increased cost of political advertising 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 varying 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 threat of a healthy competition between different sources, but the basic premises of our democracy would be violated. I do not believe that the type of informed decisions upon which the political health of our Nation is so heavily dependent. 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 interfere with the operations of the commercial media as described by the chairman.

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CONGRESSIONAL RECORD — SENATE

July 21, 1971

KWIN—FM ANCHORAGE—SINGLE RATE CARD NO. 2, JUNE 1, 1971

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Notes:
- Class AAA time: Monday to Friday, 6 to 9 a.m. and 3 to 7 p.m.
- Class AA time: Monday to Friday, 9 a.m. to 3 p.m.
- Class A time: Monday to Friday, 9 a.m. to 12 noon

ALL ANNOUNCEMENTS COMBINE FOR FREQUENCY DISCOUNTS

(2nd audience plan, 1/2 AAA, 1/4 AA)

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NOTE: Annual discount: 208 times, use 6 plan weekly rates; 46 times, use 12 plan weekly rates; 760 times, use 18 plan weekly rates; 1,040 times, use 24 plan weekly rates.

ALASKA BROADCASTING SYSTEM, GENERAL RATE CARD, KTVA-TV, CHAN-11

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<tr>
<td>10 times</td>
</tr>
<tr>
<td>5 times or less</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Weekly Y rates:</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 times</td>
</tr>
<tr>
<td>20 times</td>
</tr>
<tr>
<td>15 times</td>
</tr>
<tr>
<td>10 times</td>
</tr>
<tr>
<td>5 times or less</td>
</tr>
</tbody>
</table>

| Notes: Total audience plan (various times) 4 times a day, A-A rate: 60 seconds (120 m/s) $0.60; 30 seconds (130 m/s) $1.60. |
### Spot Package Rates—Run of Schedule

<table>
<thead>
<tr>
<th>Times</th>
<th>1</th>
<th>26</th>
<th>52</th>
<th>104</th>
<th>156</th>
<th>260</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class A: 7:00-10:00 p.m. daily:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 hour</td>
<td>$84.00</td>
<td>$77.00</td>
<td>$60.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-hour</td>
<td>$11.00</td>
<td>$10.00</td>
<td>$9.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class B: 6:00-7:00 p.m. daily 10:00-10:30 p.m. daily:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 hour</td>
<td>$56.00</td>
<td>$50.00</td>
<td>$45.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-hour</td>
<td>$8.00</td>
<td>$7.00</td>
<td>$6.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class C: All others:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 hour</td>
<td>$38.00</td>
<td>$34.00</td>
<td>$30.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-hour</td>
<td>$5.00</td>
<td>$4.00</td>
<td>$3.50</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Retailer's Packages

Note: Local retailers only—Spots ROS—No discounts.

### CONGRESSIONAL RECORD — SENATE

**“B”** time (6 p.m. to 6 a.m.)

<table>
<thead>
<tr>
<th>Specified</th>
<th>ROS</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 seconds</td>
<td>$4.50</td>
</tr>
<tr>
<td>30 seconds</td>
<td>$2.75</td>
</tr>
</tbody>
</table>

Programs: 60 minute, $15; 30 minute, $10; 15 minute, $7.50; 10 minute, $5; 5 minute, $2.50.

Schedules: 60-minute segments (call-in 2 days), $75; 4-hour remote from business, $275; daily 2-minute feature (4 times); $20 per week, daily 5-minute feature (4 times), $50 per week; CBS News, half sponsorship, $350 per month; ABC News, full sponsorship, $400 per month. Discounts: 3 month contract, 5 percent; 6 month contract, 10 percent.

### MIDNIGHT SUN BROADCASTERS, INC., KFAR, FAIRBANKS, ALASKA

**Number of times**

<table>
<thead>
<tr>
<th>1</th>
<th>13</th>
<th>26</th>
<th>52</th>
<th>104</th>
<th>156</th>
<th>260</th>
<th>312</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 minute</td>
<td>$25.00</td>
<td>$23.00</td>
<td>$21.00</td>
<td>$19.00</td>
<td>$18.00</td>
<td>$17.00</td>
<td>$16.00</td>
</tr>
<tr>
<td>2 minutes</td>
<td>$46.00</td>
<td>$40.00</td>
<td>$36.00</td>
<td>$32.00</td>
<td>$29.00</td>
<td>$27.00</td>
<td>$25.00</td>
</tr>
<tr>
<td>3 minutes</td>
<td>$58.00</td>
<td>$52.00</td>
<td>$48.00</td>
<td>$44.00</td>
<td>$41.00</td>
<td>$39.00</td>
<td>$37.00</td>
</tr>
<tr>
<td>4 minutes</td>
<td>$62.00</td>
<td>$56.00</td>
<td>$52.00</td>
<td>$48.00</td>
<td>$45.00</td>
<td>$43.00</td>
<td>$41.00</td>
</tr>
</tbody>
</table>

### KINY-TV CHANNEL 8, JUNEAU, WBC, ABC, EFFECTIVE: APRIL 1, 1976

**Number of times**

<table>
<thead>
<tr>
<th>1</th>
<th>13</th>
<th>26</th>
<th>52</th>
<th>104</th>
<th>156</th>
<th>260</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 minute</td>
<td>$2.00</td>
<td>$1.75</td>
<td>$1.50</td>
<td>$1.25</td>
<td>$1.00</td>
<td>$0.75</td>
</tr>
<tr>
<td>2 seconds</td>
<td>$0.10</td>
<td>$0.09</td>
<td>$0.08</td>
<td>$0.07</td>
<td>$0.06</td>
<td>$0.05</td>
</tr>
</tbody>
</table>

### KINY-RADIO, 800 KHZ: JUNEAU, ALASKA; NBC, ABC, EFFECTIVE: APRIL 1, 1970

**Number of times**

<table>
<thead>
<tr>
<th>1</th>
<th>13</th>
<th>26</th>
<th>52</th>
<th>104</th>
<th>156</th>
<th>260</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 minute</td>
<td>$50.00</td>
<td>$48.00</td>
<td>$46.00</td>
<td>$45.00</td>
<td>$42.00</td>
<td>$40.00</td>
</tr>
<tr>
<td>2 seconds</td>
<td>$2.15</td>
<td>$2.10</td>
<td>$2.05</td>
<td>$2.00</td>
<td>$1.95</td>
<td>$1.90</td>
</tr>
</tbody>
</table>

### KINO-RADIO, JUNEAU—Retail rate card effective Jan. 1, 1970, rates net to station

**Number of minutes**

<table>
<thead>
<tr>
<th>30</th>
<th>15</th>
<th>10</th>
<th>5</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>3,000</td>
<td>$2.20</td>
<td>$1.70</td>
<td>$1.50</td>
<td>$1.30</td>
</tr>
<tr>
<td>2,500</td>
<td>$2.00</td>
<td>$1.50</td>
<td>$1.30</td>
<td>$1.10</td>
</tr>
<tr>
<td>2,000</td>
<td>$1.80</td>
<td>$1.40</td>
<td>$1.20</td>
<td>$1.00</td>
</tr>
<tr>
<td>1,500</td>
<td>$1.60</td>
<td>$1.20</td>
<td>$1.00</td>
<td>$0.80</td>
</tr>
<tr>
<td>1,000</td>
<td>$1.40</td>
<td>$1.00</td>
<td>$0.80</td>
<td>$0.60</td>
</tr>
<tr>
<td>500</td>
<td>$1.20</td>
<td>$0.80</td>
<td>$0.60</td>
<td>$0.40</td>
</tr>
<tr>
<td>312</td>
<td>$1.00</td>
<td>$0.60</td>
<td>$0.40</td>
<td>$0.20</td>
</tr>
<tr>
<td>260</td>
<td>$0.80</td>
<td>$0.40</td>
<td>$0.20</td>
<td>$0.10</td>
</tr>
</tbody>
</table>

**Special times**

- Short term packages: Radio (must run in 3 day period) run of station.
- Short term packages: Television (must run in 3 day period) Class AA time.
- Note: 3 day plan, earns 104 times rate; 5 plan, earns 156 times rate; 10 plan, earns 260 times rate.

**Note:** Local retailers only—Spots ROS—No discounts.
### Spot Packages

<table>
<thead>
<tr>
<th>Seconds</th>
<th>60</th>
<th>30</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 ads within 1-month period</td>
<td>810.00</td>
<td>516.00</td>
<td>76.00</td>
</tr>
<tr>
<td>15 ads within 1-month period</td>
<td>429.00</td>
<td>314.00</td>
<td>43.00</td>
</tr>
<tr>
<td>10 ads within 1-month period</td>
<td>314.00</td>
<td>220.00</td>
<td>29.00</td>
</tr>
<tr>
<td>5 ads within 1-month period</td>
<td>170.50</td>
<td>121.00</td>
<td>14.30</td>
</tr>
<tr>
<td>5 ads within 2-week period</td>
<td>90.75</td>
<td>63.25</td>
<td>7.35</td>
</tr>
<tr>
<td>2 ads within 2-week period</td>
<td>59.50</td>
<td>43.00</td>
<td>5.30</td>
</tr>
</tbody>
</table>

### Yearly (weekly) duration

- Drive time: 6-10 a.m., 10-2 p.m., 7-9 a.m.
- Other time: 10:30-12 Midnight

<table>
<thead>
<tr>
<th>Combination Packages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekly and duration</td>
</tr>
<tr>
<td>Cost</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Daily</th>
<th>Class A: 6-7 P.M. Daily and 10-10:30 P.M. Daily</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 hour</td>
<td>$176</td>
</tr>
<tr>
<td>1 hour</td>
<td>77</td>
</tr>
<tr>
<td>1/2 hour</td>
<td>63</td>
</tr>
<tr>
<td>1 minute</td>
<td>41</td>
</tr>
<tr>
<td>30 seconds</td>
<td>28</td>
</tr>
<tr>
<td>15 seconds</td>
<td>17</td>
</tr>
<tr>
<td>10 seconds</td>
<td>16</td>
</tr>
<tr>
<td>60 seconds</td>
<td>40</td>
</tr>
<tr>
<td>30 seconds</td>
<td>16</td>
</tr>
<tr>
<td>10 seconds</td>
<td>12</td>
</tr>
<tr>
<td>60 seconds</td>
<td>16</td>
</tr>
<tr>
<td>30 seconds</td>
<td>10</td>
</tr>
<tr>
<td>10 seconds</td>
<td>8</td>
</tr>
</tbody>
</table>

### Midnight Sun Broadcasters, Inc., KFAR TV (Channel 2), Fairbanks (ABC-18) Effective Nov. 1, 1969

<table>
<thead>
<tr>
<th>Class B: 5-6 P.M. Daily and 10:30-12 Midnight Daily</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 hour</td>
</tr>
<tr>
<td>1 hour</td>
</tr>
<tr>
<td>1/2 hour</td>
</tr>
<tr>
<td>1 minute</td>
</tr>
<tr>
<td>30 seconds</td>
</tr>
<tr>
<td>15 seconds</td>
</tr>
</tbody>
</table>

### Class A: 6-7 P.M. Daily and 10-10:30 P.M. Daily

<table>
<thead>
<tr>
<th>Class C: All Other Times</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 hour</td>
</tr>
<tr>
<td>1/2 hour</td>
</tr>
<tr>
<td>1 minute</td>
</tr>
<tr>
<td>30 seconds</td>
</tr>
<tr>
<td>15 seconds</td>
</tr>
<tr>
<td>10 seconds</td>
</tr>
</tbody>
</table>

### KTVF, Fairbanks, Alaska—Effective Sept. 1, 1970

<table>
<thead>
<tr>
<th>Class &quot;A&quot; (7 to 10:30 P.M. Daily)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of times</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

### Spot Announcements

<table>
<thead>
<tr>
<th>Seconds</th>
<th>60</th>
<th>30</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 seconds</td>
<td>40</td>
<td>35</td>
<td>32</td>
</tr>
<tr>
<td>30 seconds</td>
<td>16</td>
<td>14</td>
<td>12</td>
</tr>
<tr>
<td>10 seconds</td>
<td>18</td>
<td>16</td>
<td>14</td>
</tr>
<tr>
<td>60 seconds</td>
<td>18</td>
<td>16</td>
<td>14</td>
</tr>
<tr>
<td>30 seconds</td>
<td>12</td>
<td>11</td>
<td>10</td>
</tr>
<tr>
<td>10 seconds</td>
<td>12</td>
<td>11</td>
<td>10</td>
</tr>
</tbody>
</table>

### Class "C" (All Other Times)

<table>
<thead>
<tr>
<th>Seconds</th>
<th>60</th>
<th>30</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 seconds</td>
<td>16</td>
<td>14</td>
<td>12</td>
</tr>
<tr>
<td>30 seconds</td>
<td>8</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>10 seconds</td>
<td>8</td>
<td>7</td>
<td>6</td>
</tr>
</tbody>
</table>

### Note:

There is a $10 charge for 60-second announcements done live or on video tape in studio.

### Programs

<table>
<thead>
<tr>
<th>Class &quot;A&quot; (Number of Times)</th>
<th>Class &quot;B&quot; and &quot;C&quot; (Number of Times)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Std. Charge</td>
<td></td>
</tr>
<tr>
<td>5 minutes</td>
<td>50</td>
</tr>
<tr>
<td>15 minutes</td>
<td>75</td>
</tr>
<tr>
<td>30 minutes</td>
<td>125</td>
</tr>
<tr>
<td>60 minutes</td>
<td>180</td>
</tr>
<tr>
<td>5 minutes</td>
<td>40</td>
</tr>
<tr>
<td>15 minutes</td>
<td>100</td>
</tr>
<tr>
<td>30 minutes</td>
<td>175</td>
</tr>
<tr>
<td>60 minutes</td>
<td>240</td>
</tr>
<tr>
<td>Time</td>
<td>Class A</td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
</tr>
<tr>
<td>1 hour</td>
<td>$200</td>
</tr>
<tr>
<td>1/2 hour</td>
<td>$170</td>
</tr>
<tr>
<td>1 minute</td>
<td>$140</td>
</tr>
<tr>
<td>2 minutes</td>
<td>$110</td>
</tr>
<tr>
<td>Note: 3 plans—Earns 154-time rate; 5 plans—Earns 156-time rate; 10 plans—Earns 260-time rate.</td>
<td>Note: 3 plans—Earns 154-time rate; 5 plans—Earns 156-time rate; 10 plans—Earns 260-time rate.</td>
</tr>
</tbody>
</table>
### Congressional Record—Senate

#### July 21, 1971

**Midnight Sun Broadcasters, Inc.—2 Station Combination Weekly Spot Package: KEN-TV (Channel 2) Anchorage (NBC-ABC) and KFAQ-TV (Channel 2) Fairbanks (NBC-ABC)**

#### Class A: 7-10 P.M. Daily

<table>
<thead>
<tr>
<th>Time</th>
<th>1 Time</th>
<th>3 Times</th>
<th>5 Times</th>
<th>10 Times</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 seconds</td>
<td>$13.50</td>
<td>$13.50</td>
<td>$13.50</td>
<td>$13.50</td>
</tr>
<tr>
<td>30 seconds</td>
<td>$6.75</td>
<td>$6.75</td>
<td>$6.75</td>
<td>$6.75</td>
</tr>
<tr>
<td>20 seconds</td>
<td>$4.50</td>
<td>$4.50</td>
<td>$4.50</td>
<td>$4.50</td>
</tr>
<tr>
<td>10 seconds</td>
<td>$2.25</td>
<td>$2.25</td>
<td>$2.25</td>
<td>$2.25</td>
</tr>
</tbody>
</table>

#### Class B: 5-6 P.M. and 10:30-12 Midnight Daily

<table>
<thead>
<tr>
<th>Time</th>
<th>1 Time</th>
<th>3 Times</th>
<th>5 Times</th>
<th>10 Times</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 seconds</td>
<td>$72.00</td>
<td>$72.00</td>
<td>$72.00</td>
<td>$72.00</td>
</tr>
<tr>
<td>30 seconds</td>
<td>$36.00</td>
<td>$36.00</td>
<td>$36.00</td>
<td>$36.00</td>
</tr>
<tr>
<td>20 seconds</td>
<td>$24.00</td>
<td>$24.00</td>
<td>$24.00</td>
<td>$24.00</td>
</tr>
<tr>
<td>10 seconds</td>
<td>$12.00</td>
<td>$12.00</td>
<td>$12.00</td>
<td>$12.00</td>
</tr>
</tbody>
</table>

#### Class C: All Other Times

<table>
<thead>
<tr>
<th>Time</th>
<th>1 Time</th>
<th>3 Times</th>
<th>5 Times</th>
<th>10 Times</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 seconds</td>
<td>$127.00</td>
<td>$127.00</td>
<td>$127.00</td>
<td>$127.00</td>
</tr>
<tr>
<td>30 seconds</td>
<td>$63.50</td>
<td>$63.50</td>
<td>$63.50</td>
<td>$63.50</td>
</tr>
<tr>
<td>20 seconds</td>
<td>$42.00</td>
<td>$42.00</td>
<td>$42.00</td>
<td>$42.00</td>
</tr>
<tr>
<td>10 seconds</td>
<td>$21.00</td>
<td>$21.00</td>
<td>$21.00</td>
<td>$21.00</td>
</tr>
</tbody>
</table>

**Midnight Sun Broadcasters, Inc.—3 Station Combination Weekly Spot Package: KEN-TV (Channel 2) Anchorage (NBC-ABC); KFAQ-TV (Channel 2) Fairbanks (NBC-ABC); KHNT-TV (Channel 8) Juneau (NBC-ABC)**

#### Class A: 7 To 10 P.M. Daily

<table>
<thead>
<tr>
<th>Time</th>
<th>1 Time</th>
<th>3 Times</th>
<th>5 Times</th>
<th>10 Times</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 seconds</td>
<td>$147.00</td>
<td>$147.00</td>
<td>$147.00</td>
<td>$147.00</td>
</tr>
<tr>
<td>30 seconds</td>
<td>$73.50</td>
<td>$73.50</td>
<td>$73.50</td>
<td>$73.50</td>
</tr>
<tr>
<td>20 seconds</td>
<td>$48.00</td>
<td>$48.00</td>
<td>$48.00</td>
<td>$48.00</td>
</tr>
<tr>
<td>10 seconds</td>
<td>$24.00</td>
<td>$24.00</td>
<td>$24.00</td>
<td>$24.00</td>
</tr>
</tbody>
</table>

#### Class B: 5 To 6 P.M. and 10:30 To 12 Midnight Daily

<table>
<thead>
<tr>
<th>Time</th>
<th>1 Time</th>
<th>3 Times</th>
<th>5 Times</th>
<th>10 Times</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 seconds</td>
<td>$80.00</td>
<td>$80.00</td>
<td>$80.00</td>
<td>$80.00</td>
</tr>
<tr>
<td>30 seconds</td>
<td>$41.00</td>
<td>$41.00</td>
<td>$41.00</td>
<td>$41.00</td>
</tr>
<tr>
<td>20 seconds</td>
<td>$26.00</td>
<td>$26.00</td>
<td>$26.00</td>
<td>$26.00</td>
</tr>
<tr>
<td>10 seconds</td>
<td>$13.00</td>
<td>$13.00</td>
<td>$13.00</td>
<td>$13.00</td>
</tr>
</tbody>
</table>

#### Class C: All Other Times

<table>
<thead>
<tr>
<th>Time</th>
<th>1 Time</th>
<th>3 Times</th>
<th>5 Times</th>
<th>10 Times</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 seconds</td>
<td>$110.00</td>
<td>$110.00</td>
<td>$110.00</td>
<td>$110.00</td>
</tr>
<tr>
<td>30 seconds</td>
<td>$55.00</td>
<td>$55.00</td>
<td>$55.00</td>
<td>$55.00</td>
</tr>
<tr>
<td>20 seconds</td>
<td>$33.00</td>
<td>$33.00</td>
<td>$33.00</td>
<td>$33.00</td>
</tr>
<tr>
<td>10 seconds</td>
<td>$16.50</td>
<td>$16.50</td>
<td>$16.50</td>
<td>$16.50</td>
</tr>
</tbody>
</table>

**Fairbanks Daily News-Miner Display Advertising Rates, Revised Nov. 1, 1970**

<table>
<thead>
<tr>
<th>Net</th>
<th>Gross</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2.70</td>
<td>$3.00</td>
</tr>
</tbody>
</table>

**Noncontract Display Rates**

- Church services, benefits, rummage sales, charitable entertainments, community celebrations: $2.25
- Cash advertising: Professional sports events, transient amusements and the like: $2.70
- Political advertising: $2.70

**Tourist Guide**

<table>
<thead>
<tr>
<th>Net</th>
<th>Gross</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2.70</td>
<td>$3.00</td>
</tr>
</tbody>
</table>

**Color Rates**

<table>
<thead>
<tr>
<th>Extra Charges</th>
<th>Net</th>
<th>Gross</th>
</tr>
</thead>
<tbody>
<tr>
<td>$54.00</td>
<td>$60.00</td>
<td></td>
</tr>
</tbody>
</table>

**Progress Edition**

- Tabloid: $530
- Full page: $224
- 1/4 page: $20
- 1/8 page: $10

**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 in this column, plus $2.10 per inch for each color. This color charge applies alike to contract and noncontract advertisers.
- Preprints (Inserts)

Preprints are charged at $1.40 per gross rate or $50, whichever is greater. Number of column inches is computed measuring to the nearest column width by inches deep times number of pages.
<table>
<thead>
<tr>
<th>Form of contract</th>
<th>Average or minimum weekly net cost</th>
<th>Average or minimum monthly net cost</th>
<th>Total annual net cost</th>
<th>Total annual space (inches)</th>
<th>Net rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 inches weekly</td>
<td>$4.68</td>
<td>$18.72</td>
<td>$234.00</td>
<td>100</td>
<td>2.34</td>
</tr>
<tr>
<td>6 inches weekly</td>
<td>11.50</td>
<td>$44.00</td>
<td>675.00</td>
<td>300</td>
<td>2.25</td>
</tr>
<tr>
<td>36 inches monthly</td>
<td>19.70</td>
<td>$75.80</td>
<td>1386.15</td>
<td>500</td>
<td>2.25</td>
</tr>
<tr>
<td>35 inches annually</td>
<td>18.45</td>
<td>76.91</td>
<td>927.96</td>
<td>250</td>
<td>2.63</td>
</tr>
<tr>
<td>12 inches weekly</td>
<td>23.46</td>
<td>91.58</td>
<td>1294.15</td>
<td>500</td>
<td>2.49</td>
</tr>
<tr>
<td>750 inches with 45 inches monthly</td>
<td>36.59</td>
<td>159.75</td>
<td>879.25</td>
<td>750</td>
<td>2.49</td>
</tr>
<tr>
<td>700 inches annually</td>
<td>38.67</td>
<td>168.93</td>
<td>932.54</td>
<td>875</td>
<td>2.58</td>
</tr>
<tr>
<td>1,250 inches with 75 inches monthly</td>
<td>56.00</td>
<td>175.50</td>
<td>925.00</td>
<td>2,500</td>
<td>2.34</td>
</tr>
<tr>
<td>135 inches weekly</td>
<td>64.34</td>
<td>236.12</td>
<td>1,237.90</td>
<td>1,250</td>
<td>2.43</td>
</tr>
<tr>
<td>30 inches during the month</td>
<td>144.53</td>
<td>506.12</td>
<td>3,236.50</td>
<td>1,500</td>
<td>2.51</td>
</tr>
<tr>
<td>2,500 inches with 150 inches monthly</td>
<td>112.50</td>
<td>391.50</td>
<td>5,625.00</td>
<td>2,500</td>
<td>2.25</td>
</tr>
</tbody>
</table>

* 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 display: $1.50 per column inch.

Half page: $67.60.

Full page: $230.00.

Classified: 35 cents per line; 25 cents thereafter.

Legal advertising: 25 cents per line; 20 cents thereafter.

**Display Advertising Rates—Effective Nov. 1, 1969**

<table>
<thead>
<tr>
<th>Monthly rates</th>
<th>Per inch</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 inches</td>
<td>$2.70</td>
</tr>
<tr>
<td>20 inches</td>
<td>2.60</td>
</tr>
<tr>
<td>30 inches</td>
<td>2.50</td>
</tr>
<tr>
<td>40 inches</td>
<td>2.60</td>
</tr>
<tr>
<td>50 inches</td>
<td>2.70</td>
</tr>
<tr>
<td>60 inches</td>
<td>2.70</td>
</tr>
<tr>
<td>70 inches</td>
<td>2.70</td>
</tr>
<tr>
<td>80 inches</td>
<td>2.00</td>
</tr>
</tbody>
</table>

**Annual Contracts for Weekly Space**

| At least 4 inches each of 50 weeks at $1.55 per inch | $77.50 |
| At least 8 inches each of 50 weeks at $1.22 per inch | 61.60 |
| At least 16 inches each of 50 weeks at $0.98 per inch | 43.84 |
| At least 32 inches each of 50 weeks at $0.88 per inch | 27.76 |
| At least 64 inches each of 50 weeks at $0.76 per inch | 13.58 |
| At least 125 inches each of 50 weeks at $0.68 per inch | 6.74 |

**Annual Contracts for Bulk Space, With and Without Minimum Monthly Space**

| With at least 15 inches every month | $2.55  |
| With at least 30 inches every month | 1.86  |
| With at least 50 inches every month | 1.34  |
| With at least 75 inches every month | 0.95  |
| With at least 100 inches every month | 0.76  |
| With at least 125 inches every month | 0.65  |

**Monthly Earned Rates Without Contract—For Total Space Used in 1 Calendar Year**

| Up to 30 inches—Open rate | $2.00  |
| 30 to 299 inches | 2.65  |
| 300 to 499 inches | 3.20  |
| 500 to 999 inches per year | 3.65  |
| 1,000 to 1,999 inches per year | 4.85  |
| 2,000 to 2,999 inches per year | 7.55  |
| 3,000 to 4,999 inches per year | 9.25  |
| 5,000 or more inches per year | 11.50  |

**Yearly Contract Rates on Monthly Basis—For Consistent Advertisers**

<table>
<thead>
<tr>
<th>Column inches</th>
<th>Billed rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,200 to 2,999 inches per year</td>
<td>$1.85</td>
</tr>
<tr>
<td>3,000 to 5,999 inches per year</td>
<td>1.75</td>
</tr>
<tr>
<td>6,000 to 8,999 inches per year</td>
<td>1.65</td>
</tr>
<tr>
<td>9,000 to 10,000 inches per year</td>
<td>1.58</td>
</tr>
<tr>
<td>Full page or more weeks</td>
<td>1.35</td>
</tr>
</tbody>
</table>

**Extra Charges for Color**

<table>
<thead>
<tr>
<th>Color combination</th>
<th>Charge per line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black and 1 color</td>
<td>$65.00</td>
</tr>
<tr>
<td>Black and 2 colors</td>
<td>$110.00</td>
</tr>
<tr>
<td>Black and 3 colors</td>
<td>$165.00</td>
</tr>
<tr>
<td>Black and 4 colors</td>
<td>$220.00</td>
</tr>
<tr>
<td>Black and 5 colors</td>
<td>$275.00</td>
</tr>
</tbody>
</table>

**Combinations Page Rates**

<table>
<thead>
<tr>
<th>Column inches</th>
<th>Billed rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 to 99</td>
<td>$1.95</td>
</tr>
<tr>
<td>100 to 199</td>
<td>1.85</td>
</tr>
<tr>
<td>200 to 249</td>
<td>1.85</td>
</tr>
<tr>
<td>250 to 299</td>
<td>1.85</td>
</tr>
<tr>
<td>300 to 349</td>
<td>1.85</td>
</tr>
<tr>
<td>Full page or more weeks</td>
<td>1.95</td>
</tr>
</tbody>
</table>

20 percent discount granted to charitable and nonprofit organizations.
CONGRESSIONAL RECORD--SENATE

July 21, 1971

EXTRA CHARGES FOR COLOR ADVERTISEMENT

1 color and black ........................................ $25.00
2 colors and black ........................................ $40.00
3 colors and black ........................................ $55.00

Note: These rates apply to standard colors only. Special inks may be ordered at additional cost, except in case of 100 or more consecutive insertions. Color advertising copy must be submitted in publishable form 24 hours in advance of deadline.

SOLID ADVERTISING SECTIONS

The following discounts from contract rates will be allowed when the contract is for an aggregate office space of 10 pages or more per week. A 7-day full page rate will be granted when the contract is for 5 full pages before publication, and a 10-day contract is for 5 full pages before publication.

<table>
<thead>
<tr>
<th>Pages billed</th>
<th>Number of tab pages</th>
<th>Discounts applicable (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>672</td>
<td>$400</td>
</tr>
<tr>
<td>5</td>
<td>1,440</td>
<td>$600</td>
</tr>
<tr>
<td>6</td>
<td>2,316</td>
<td>$800</td>
</tr>
<tr>
<td>7</td>
<td>3,192</td>
<td>$1,000</td>
</tr>
<tr>
<td>8</td>
<td>4,068</td>
<td>$1,200</td>
</tr>
<tr>
<td>9</td>
<td>4,944</td>
<td>$1,400</td>
</tr>
</tbody>
</table>

RETAIL HI-FI (ROLL-FED PREPRINTS)

Billing at regular black and white rates.

PREPRINT INSERTS

<table>
<thead>
<tr>
<th>Pages billed</th>
<th>Number of tab pages</th>
<th>Discount applicable (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 page tabloid (4 full size pages)</td>
<td>$400</td>
<td>20%</td>
</tr>
<tr>
<td>10 page tabloid (6 full size pages)</td>
<td>$600</td>
<td>20%</td>
</tr>
<tr>
<td>16 page tabloid (8 full size pages)</td>
<td>$800</td>
<td>20%</td>
</tr>
</tbody>
</table>

POLITICAL ADVERTISING

Regular commercial rates apply. Set as display advertising only. Must state political purpose. In case of all political advertising, payment must be made in full in advance.

AMENDMENT NO. 319
(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 unfairness created by 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 money is 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, and, in reality, is 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 nonexistent.

Mr. President, my amendment is of particular importance in today's society where the political funds controlled by a union are unregulated by the Federal Election Campaign Act. 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. It would simply prevent them from financing 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 membership. 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 collected in the event of a strike for 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 a money 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 with an honest campaign of political money to the individual union member. In the United States—the use of union dues funds by labor organizations for political purposes—is not the will insured in the Constitution, unlike the ballot, which is a part of the electorate.

Mr. President, I ask that the amendment be printed and to lie on the table.

EMERGENCY LOAN GUARANTEE ACT OF 1971

AMENDMENT NO. 209
(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's dollars. This is because for the benefit of the off-decked but still flourishing military-industrial complex, in the words of John Kenneth Galbraith, the loan guarantees 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 from which have been accrued from bungled Government contracts. It will insure the profits of the 24 major banks which have pooled so touchingly for the 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. The present management 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 which are clearly in 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 corporate flounder.

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 contract was awarded to Lockheed because the company deliberately underbid by 10 percent the cost of the contract. Leading 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. The General Accounting Office recently reported that the giant cargo plane was unable to perform up to requirements.

Lockheed has also recorded smaller woes under 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 understatement 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 waste within the company. For this is not but a partial presentation of the mass of evidence that does not merely cloud Lockheed's reputation, but which indicates 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 plane. Lockheed has had $400 million in loans until now on the project. The banks have refused further loans without Federal guarantees. They appeared to 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 115 communities to commercial sale, well under the 300-plus which must be reached by 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, if it can 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 is unlikely to be dismissed with this company—it is highly unlikely that the Government will be able to recover its funds.

And Lockheed does not even need these $250 million in Government loans. It has already made the down payment, 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 guarantees on 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 catastrophe management. One advantage of such a move would be an inefficient company that cannot operate profitably must change or go under. But Congress is now asked to prevent this alternative.

Thus, I oppose this measure. 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 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. 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, should the Administration then guarantee loans for the other two companies to protect their jobs? Or shall we restrict ourselves to insuring the profits of no 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 nature of the legislation by asking for $2 billion in loan guarantees, ostensibly for any large business which is in similar trouble. But one does not change the fact that this legislation is designed to save Lockheed, and will harm that will be done by this measure, however, by opening the door for other guaranteed loans to future Lockheeders. Earlier we were presented with the possibility of saving a company; now we see that the Federal Government is to become the best guarantor for all companies.

Thus, I oppose this measure because it is in the business of helping giant corporations to continue their incompetence. The Government should not be in the business of helping giant corporations to continue their incompetence. The measure has been raised concerns here, but it 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 well as our traditional, 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 the narrowest of economic justice by introducing an amendment to establish an equal $2 billion loan guarantee 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 businessmen across the nation, which are in danger of collapsing in this time of inflation-recession. And without the encouragement of these banks, for banks will again be encouraged to concentrate on major corporations, which are protected by the Government, rather than to small businesses, which are the mercy of an unfriendly marketplace.

This Nation must begin to address itself to the question of the quality of the life we all share. We can no longer allow the bloated Government to protect the giant and enable the small man into the breach ever further to protect the giant corporation. For banks again be encouraged to lend money to the big business with little or no strings attached.

Surely, our values and our sense of justice have not being so perverted that we has to prop up the business of many failures and demonstrable irresponsible and irresponsible in our national policy. Two billion dollars of loan guarantees would go a long way toward helping the little man in economy.

And to continue to spend the little man in economy. 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 deemmed "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 same way, are at the major underpinning of our economy.

Thus, in the name of economic justice, any Senator who supports the bill before us has no difficulty in supporting this amendment.

Mr. President, I ask unanimous consent that the text of the amendment I am introducing be printed in the Record at this point.

Being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 309

Page 2, line 14, insert the following:

"(3) The requirements of clause (1)(A) of this section shall not apply in the case of a loan guarantor or proprietor of a small business within the definition of section 3, United States Code 632."
NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON 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.

Breton Sturtevant, of Delaware, to be an examiner in chief, U.S. Patent Office, vice George E. Hubbard, 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 Cham, of North Dakota, to be U.S. district judge for the district of North Dakota, vice Ronald N. Davis, retiring.

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. Bresant, Jr., of New York, to be U.S. district judge, southern district of New York, vice John F. McGobey, 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 L. 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 Rosza 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.


At the indicated time and place persons interested in these nominations may make such representations as they may deem proper.

The subcommittee consists of the Senator from Arkansas (Mr. McClellan), the Senator from Nebraska (Mr. Hruska), and myself as chairman.

NOTICE OF HEARINGS BY SUB-COMMITTEE 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 have reason to believe that pension beneficiaries 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, 1322, and 3-308 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. Attr) has agreed to cosponsor the Senate 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 uncertain or incompetent regarding the desperate business of alleviating the suffering of East Pakistan.

We cannot control the policies 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 Kissingier 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 Mahabubur Rahman does not sleep at home any more. It is unsafe.

He awakens warily during the day-time. 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 Jharkagacha, a small town near the Indian border on the road to Calcutta. Peace committees have been established all over East Pakistan since the army crackdown to collaborate with martial law authorities.

Rahman said he had received a threatening letter signed by the East Pakistan Navjatiya party warning against collaboration.

Two peace committee chairmen in nearby villages have been killed, he said. He is worried.

LETTER OF WARNING

To the south, at Khulna, the top civil official for the southern part of East Pakistan, Commissioner Fazlur Rahman, 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 was also threatened. Both live behind armed guards.

The clandestine radio of the "Bangla Desh government," now called "enemies of the people," frequently reports "executions" of peace committee members and alleged enemies of the East Pakistani people.

While peace committee members are afraid of assassination, residents of East Pakistan say they are afraid of peace committee members as well.

ACCUSATION MADE

The peace committee members are accused of using their positions for even smaller political and personal purposes.

According to some prominent Bengali leaders, the most diverse group of people 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 a plane ticket to Geneva," one leader said.

Many members are politicians who were
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wiped out when Mujibur Rahman’s Awami League got 72 percent of the vote in last December’s elections in East Pakistan. The government is now preparing for a second election to confirm the government’s seating.

President A. M. Yahya Khan has issued a decree that members of the National Assembly who were elected to the government’s seats are to be removed from the House. After that, the leader of the opposition, Mr. Shah, was arrested.

The government told the members of the opposition that they were not to be present in the House, and the government is awaiting trial for treason.

The government thinks guilty of them is to bring on the people, it was after that fight that he retreated.

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until today when the Washington Post in its lead editorial recognized the import and potential impact of this measure.

The Portland editor is encouraging to me and I commend it to Senators who will soon be considering this historic measure.

Mr. President, I am 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 was a well-studied grant program which would appreciably lower the barriers to higher education facing young people from low-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 payment "aid" to student aid: i.e., any student receiving under the bill's definition of "need" and "student" would be entitled to such a 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 other aid forgiven to him (or her) depending on family income, assets, number of children and so forth. A student whose family's requirements were not met by 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 educational aid is, as we know, a novel one, and just, although it will be expensive.

Post-secondary education has become, increasingly, a virtual necessity for a dignified, well-adjusted, life— a passport into the mainstream of American life. But the passports are issued unequally among the rich and the poor, and not all groups of high school graduates are roughly equal "ability" (as measured by high school grades or test scores) one finds a much higher proportion receiving higher education than those who would not have made it without the government money. But current programs are far from adequate. The Education Opportunity Grant program has been a mere patch-up job, meagery funded by the Congress—approved requests far exceeded by need. Moreover, the program seems virtually designed to maximize the uncertainty facing the student. Funds are dispersed to states in accordance with a formula that bears little relation to the needs and some states are able to fill a far higher proportion of requests than others, within state limits, and the student aid officers with different views of "need" (recent attempts by the Office of Education to target funds to the lowest income students have had mixed success 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 be able to give him money—if he had as well as students are unhappy with the uncertainty. Some 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 will 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 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 great provisions of the Pell Bill are superior, partly because they are easier to comprehend and seen 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" grant equal to the federally aided student it enrolled. A very small college would receive $500 for each federally aided student, while larger ones would receive lower amounts down to $100 per federally aided student.

The "cost of instruction" provision recognizes that no student pays his or her way and that the federal government has an obligation, if it is to aid enrollment by passing on this aid to cover the costs imposed by the extra students. The program would constitute a major form of federal aid to higher education, not unlike the Green Bill nor under consideration in the House. But unlike the Green Bill, which gives in tuition 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 formula would produce a reasonable level for small colleges. Unfortunately, the average small college, like the family farm, is probably only an economic and worthy of fond nostalgia in a rescue with federal funds. Moreover, the Pell formula, which grants college aid equal to aid equal to the aid (other than aid granted) to 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 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 S. 4785, a bill to extend the authority of the Administrator 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, which was referred to the Committee on Banking, Housing, and Urban Affairs, S. 2308, a bill to authorize emergency loan guarantees to major business enterprises, be taken up 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:

Mr. MANSFIELD. Mr. President, I suggest that the bill be read the second time.

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 sine qua non— the passage of the pending business on Banking, Housing, and Urban Affairs, S. 2308, a bill to authorize emergency loan guarantees to major business enterprises, could be arrived at in a manner that would be acceptable to the majority leader, the distinguished leader on the Senate floor.

On the basis of the negotiations carried on only that time—in which it is obvious that no one part—participated except indirectly, but the distinguished 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 expedient way, with the rights of all Senators being protected fully.

I should like at this time to ask the distinguished majority leader to present to the Senate the unanimous agreement 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,
Mr. SPONG. The distinguished Senator from New Jersey (Mr. Case) and I have considered the introduction of an amendment in this bill. 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 these evenings; and I 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 will schedule hearings on his proposal.

The President pro tempore of the Senate, the distinguished Senator from Arizona (Mr. Farken), 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. Farken), on which there would be 2 hours, equally divided.

One amendment by the distinguished Senator from Florida (Mr. Lens) to the bill, to the effect that 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 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 distinguished Senator from New Hampshire (Mr. Corrison).

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. I am referring to a question which the President also raised by the amendment as contained in the unanimous consent request apply only to S. 382.

Mr. BYRD of West Virginia. The Senator from Virginia asked me to table the bill. In 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. President pro tempore of the Senate, 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 Act.

Mr. WEICKER. I thank the Senator from West Virginia.

The PRESIDENT pro tempore of the Senate. 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: 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 the unanimous consent request of the following bills: (1) S. 2308 Cal. 264; (2) the Appalachian Regional Development Bill; (3) the President pro tempore of the Senate and Related Agencies Appropriation Bill; (4) Labor HEW Appropriations, and (5) the Public Works Appropriation Bill.

Mr. Prouty. Mr. President, will it be agreed to limit the debate on S. 382 to 16 hours to be equally divided by the Majority Leaders or their designees, and debate on any amendments 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 of time for debate on the following amendment: three hours on an amendment to be offered by the Senator from Colorado (Mr. Prosty) 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 Massachusetts (Mr. Wicks). Provided further, That no amendment not germane shall be received, and that no motion to take up any amendment to be offered by the Senator from Pennsylvania (Mr. Pastore) shall be in order. Provided further, That this 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 PRESIDENT PRO Tempore. 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 amended the bill will be treated as original text for the purpose of further amendment.

The text of the bill as amended and being read as original text for purposes 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—DEVELOPMENT TO COMMUNICATIONS ACT OF 1974; LIMITATIONS ON CAMPAIGN EXPENDITURES FOR NONBROADCAST COMMUNICATIONS MEDIA

SECTION 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: "or 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 the election, the amount of $3,000, and during the sixty days preceding the date of the general or special election in which such person is a candidate, the amount of $3,000, for each 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 (b) and striking the period at the end of clause (b) and inserting in lieu thereof a semicolon and "or", and inserting in lieu of paragraph (1) of section 312(a) the following new clause:

"(1) 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 the election, the amount of $3,000, and during the sixty days preceding the date of the general or special election in which such person is a candidate, the amount of $3,000, for each 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."
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 Vice 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) or for any individual specifically authorized by such candidate in writing to do so, to any such person that the payment for use of such medium will be made.

(f) Any person who furnishes the use of any nonbroadcast communications medium to or for the benefit of any such candidate without charge theretofore 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 $50,000 or 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 for 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 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) (4) (1) of the Communications Act of 1934 (as added by section 315(c)(2) (4) (1) of the Communications Act of 1934 (as added by section 105(c)(1) (A) of this Act) shall be increased by such centum difference (excluding any fraction of a centum) and rounded to the next highest centum. Such 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 180 days after the date of enactment of this Act.

TITLE II—CRIMINAL CODE AMENDMENTS

Sec. 201. Section 981 of title 18, United States Code, is amended to read as follows:

"$981. Violation of provisions of this section shall be punishable by a fine not to exceed $50,000 and imprisonment for not to exceed five years, or both."

"(b) 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory of the United States."
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, or

(2) a convention or caucus of a political party held to nominate a candidate, or

(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 selection of persons for election to the office of President, and

(5) the collective 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 all the necessary steps under the law of a State to qualify himself for nomination for election, or election, to Federal office, (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 committees" means any committee, association, 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 a presidential or vice-presidential elector, for the purpose of influencing the result of a primary held for the purpose of selecting delegates to a national nominating convention of a political party 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; and

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, for the purpose of influencing the nomination for, or election, of any person to Federal office, or as a Federal or 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 purpose of influencing the result of a primary held for the selection 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 treasurer, who shall receive and hold contributions and no expenditure shall be accepted or made by or on behalf of a political committee unless 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 contributions, 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; and

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

(d) every political committee shall, on demand, render to the treasurer a full and complete report of all contributions received by such committee for any period of time ending at any time during a calendar year.

(e) Every political committee shall keep a record of its receipts and expenditures which shall include a detailed account of its receipts and expenditures. A copy of that report is available at a reasonable charge from the Comptroller General.

(f) The treasurer shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"In compliance with Federal law this campaign contribution 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 reasonable 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. Every 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 positions 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 members of the finance committee, if any;

(6) the name, address, and position of party affiliation of (A) each candidate 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 disposal of residual funds which will be made in the next election;

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

(10) a statement of the organization of the committee 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. A political committee shall, 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 office or a political committee for election to such office, shall file with the Comptroller General reports of receipts and expenditures in 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 fiftieth and fiftieth days next preceding...
the three on which an election is held, and also by the thirty-first day of January. Such reports shall be made complete as of that date as the Comptroller General may prescribe, which shall not be less than five days before the day of election.

(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 a contribution to or on behalf of such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, sales or expenditures for 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 whom the report committee or the candidate received, or to which such committee or candidate made, any transfer of funds, together with the amounts and dates of all such transfers;

(5) any loan or 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 address of the lender and endorsers, if any, and the date and amount of such loan;

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

(7) each contribution, rebate, refund, or other receipt in excess of $100 not otherwise listed in paragraph (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 expenses, salaries, and 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;

(13) such other information as shall be required by the Comptroller General.

c) Reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been made an item report in a previous report during such year, only the amount need be carried forward. If no contributions or expenses have been reported by the treasurer of the 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, containing the information required by section 304. Such reports shall be filed on the last day of the month in which such contributions or expenses are made, but need not be cumulative.

(b) (1) Any business, the rates and charges of which are regulated by the Federal Communications Commission, the Federal Communications Commission, or the Interstate Commerce Commission, and which is engaged in the sale of goods or services to or for the use of a candidate in connection with his campaign for nomination for or election to any 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 endorsements of such security securing such unpaid balance; and

(F) such other information as the Comptroller General shall require by published regulations.

(2) Reports required under paragraph (1) shall be filed with the Department of Commerce, but in the case of reports by political committees, shall be filed with the Federal Communications Commission, or the Interstate Commerce Commission, or the Federal Communications Commission, as appropriate, and forthwith forward copies of such reports to the Comptroller General.

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.

(c) The Comptroller General may require, by published regulations of general applicability, relieving any category of political committees of the obligation to comply with section 304 if such committee primarily supports persons seeking State or local office, and does not substantially support candidates, and (d) such reports shall be made of such political committees, and (e) shall be made of such political committees of such other political committees as the Comptroller General may prescribe.

Sec. 307. Each committee or other organization which—

(1) reports a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party, shall file a report of contributions or expenditures made in connection with such 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 a convention of such party held to nominate a candidate for the office of President or Vice President, shall file a report not later than twenty days prior to the date on which such convention shall be held or complete the financial statement, in such form and detail as he may prescribe, of the sources from which such contributions were received, and for what purposes such contributions were received.

DUTIES OF THE COMPTROLLER GENERAL

Sec. 308. (a) It shall be the duty of the Comptroller General 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 committees required to make such reports and statements; 3 to develop a filing, coding, and cross-indexing system consonant with the purpose of this title; (4) to make the reports and statements filed with him available for public inspection and copying during office hours, commencing as soon as practicable but not later than the end of the second day following the date on which such reports and statements are received, and to permit copying of any such report or statement by hand or by duplicating machines to be made 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 five years from the date of receipt; (6) to compile and maintain a current list of all statements or parts of statements previously made to each committee; (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 committees as he shall determine and broken down into candidate, party, and nonparty expenditures on the National, State, and local levels; (C) total amounts contributed by such candidates, political committees, and other persons during the year; (D) total amounts contributed according to such committees as he shall determine and broken down into contributions on the National, State, and local levels for candidates and political committees; (E) aggregate amounts contributed by any contributor shown to have contributed in excess of $100; (F) 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 prepare a summary of the statistics summaries, and reports prepared under this title; (11) to prepare: from time to time studies and other investigations with respect to reports and statements filed under the provisions of this title, and with respect to such studies and investigations, the Comptroller General shall require 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.

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

PROHIBITED 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 section 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 reports to satisfy the State requirements.

PARTIAL INVALIDITY

Sec. 313. If any provision of this title, or the application of such provision in any circumstance is held invalid, the validity of the remainder of the title and the application of such provision to other persons and circumstances as not so held thereby.

REPEALING CLAUSE


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

TITLE IV—TAX INCENTIVES FOR CONTRIBUTIONS TO FEDERAL OFFICE

INCOME TAX CREDITS

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 Federal income, and self-employment, taxes) is amended by inserting after section 40 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 taxes imposed by this chapter for the taxable year, an amount equal to one-half of the political contributions (as defined in section 1502) 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 $200 for any taxable year.

"(2) Documentation.—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 products of the rates of tax imposed by section 1513 (relating to foreign tax credit, section 37 (relating to retirement income), and section 33 (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.

"(4) 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 prescribed for election as President of the United States, Vice President of the United States, or any Presidential candidate, or a Member of the House of Representatives in a general or special election, in any primary election 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 to the case of any taxpayer who, for the taxable year, elects to take the deduction provided by section 218 (relating to deduction for political 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 644(a)(3).

"(f) The table of sections for such subpart is amended by striking section 40.

DEDUCTION IN LIEU OF CREDIT

Sec. 402. (a) Part VII of subchapter H 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 prescribed for election as President of the United States, Vice President of the United States, or any Presidential candidate, or a Member of the House of Representatives in a general or special election, in any primary election 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-
ther the candidacy of such individual or
individuals.

(d) Election To Take Credit in Law of
Districts. A section shall not apply in the case of any taxpayer who, for the taxable
year, elects to take the credit against tax
provided by subsection (c) (relating to tax
against tax for contributions to candidates for
elective Federal office). Such election shall be made in such manner and at such
time as the Commissioner 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
active 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 sub-
section (j) 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 sec-
tions 401 and 402 shall apply to taxable years
ending after December 31, 1975, but only
with respect to contributions or gifts paid
of which is made after such date.

Mr. MANFIELD. 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. 208
Mr. PASTORE. Mr. President, in fur-
therance of the unanimous-consent agree-
ment, 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 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 II. NONCOMMUNICA-
TIONS ACT OF 1974. LIMITATIONS
ON CAMPAIGN EXPENDITURES FOR
NONBROADCAST COMMUNICATIONS MEDIA

EXCEPTION TO EQUAL TIME REQUIREMENTS AND
CHARGE LIMITATIONS
Sec. 101. (a) Section 315 (a) of the Com-
munications 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 Presi-
dent 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 not in connection with his campaign
for nomination for election, or election, to such
office shall not exceed-"
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 spent by such candidate. 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 actually 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.

(c) 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.

Section 108. 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 for 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 as computed under section 315(c)(2)(A) of the Communications Act of 1934 (as added by section 102 of the Amendment Act of 1962), and add such difference to the price Index for the base period as computed under section 315(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. 109. This title shall take effect on the date of enactment of this Act, except that—
(a) the amendment made by section 107 shall take effect 30 days after such date; and
(b) 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:

"(g) ‘election’ means (1) a general, special, or primary election held by a political party for the purpose of selecting candidates for public office, (2) a national nominating convention of a political party, (3) a primary election held for the purpose of selecting candidates for a political party, (4) a primary election held for the purpose of selecting candidates for the nomination of a political party by the office of candidate for 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;

(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 election, or election, to Federal office, or for the purpose of influencing the election of a candidate for Federal office, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(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, organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000; and

(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 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, to make any contribution or expenditure, to make contributions or expenditures during a calendar year in an aggregate amount exceeding $1,000; and

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

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

(5) ‘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 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 any contribution or expenditure, and

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

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

(5) 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 organization, 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."
primary, or runoff election, (2) a convention or caucusc of a political party held to nominate a candidate, (3) a primary election held for the election of candidates to a national nominating convention of a political party, (4) a primary election held for 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, any individual shall be presumed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of State in which he resides for himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or (3) purchased real property; (c) "Federal office" means the office of President or Vice President of the United States, or of any member thereof; (d) "political committees" means any committee, association, corporation, labor organization, and any other organization or group of persons; and (e) "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) Each 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 during its vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of such 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, deliver 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 such contribution was 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 contributions 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 an aggregate amount exceeding $1,000 shall notify the Comptroller General. (e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized 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 or his campaign, that such committee is not authorized by such candidate to make contributions or expenditures for his benefit, and that such committee 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 statement shall include a description of the date each committee of the 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 names and positions of other principal officers, including officers and members of the finance committee, if any; (6) the name, address, and party affiliation of (A) each individual who is a principal officer of a political committee who is a principal officer of a political party or is a member of the executive committee of a political party; (B) any principal officer of a political committee who is a candidate for election to a Federal office; (C) any principal officer of a political committee who, in the opinion of the election officer to whom the committee is registered, is a candidate for elected to public office; (D) any principal officer of a political committee who is the candidate for election to public office; and (E) any principal officer of a political committee who is the candidate for a Federal office; (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 with the Comptroller General shall be filed within a ten-day period following the change. 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 notify the Comptroller General.

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(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other event; and (B) any collections made at such events; and (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 candidate or other candidate during the reporting period; (9) the full name and mailing address of each person to whom an expenditure or expenditure 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 such expenditure; (10) the full name and mailing address of each person to whom an expenditure was made 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 of the committee or candidate, 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, as set forth in the record by which there has been no change in an item reported in a previous report during such year, unless matters involved are changed. If no contributions or expenditures have been accepted or expendured 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 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 personally filed by the person required to file it for a period of time to be designated by the Comptroller General in a published regulation.

(c) The Comptroller General may publish a regulation of general applicability, relative to any category of political committees of the obligate by this title, requiring each such committee (1) primarily 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 form in which contributions and expenditures in the nature of donations and other contracts, agreements, and prom-

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

(11) to provide 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 such reports and statements as may be required by the Comptroller General in a publication of such reports and statements under the provisions of this title;

(12) to report against 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 the provisions of this title has occurred shall 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 following due notice and an opportunity for hearing, any person has engaged or is about to engage in any acts or practices which constitute or are in violation of the provisions of this title or any regulation or order issued thereunder, the Attorney General may 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 appropriate order, shall be granted, without bond by such court.

(2) In any action brought under paragraphs (1) of this subsection, subpoenas for witnesses who are required to report under the title of the 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 anytime 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, modifying, selecting, or reversing, 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 1294 of title 28 of the United States Code.

(b) (1) 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 under 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 candidate's or other person's residence. The Comptroller General may require the filing of such 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 file all reports and statements required by this title.
The PRESIDING OFFICER. The clerk will 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.

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. 2839?

Mr. SPARKMAN. 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 have two staff members on the floor during the debate on this measure, provided they will not be 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. SPARKMAN. 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. 2087.

The PRESIDING OFFICER. The bill will be laid aside.

The legislative clerk read as follows: A bill (S. 2087) to provide for emergency loans for 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.

Mr. SPARKMAN. Mr. President, I am grateful to the deputy leader for that clarification.

Mr. CRANSTON. Mr. President, I ask unanimous consent 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 I may 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 in question and who are not included in that resolution 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 the measure, 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:

EMERGENCY LOAN GUARANTEE ACT

Mr. MANFIELD. 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. 2087.

The PRESIDING OFFICER. The bill will be laid aside.

The legislative clerk read as follows: A bill (S. 2087) to provide for emergency loans for 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.
constantly seeking suggestions for better ways to achieve energy security with all possible fairness to all. In my mind, an overriding consideration for those like myself, who have the formal responsibility that you not be cold and dark and powerless shortages.

In his recent energy message the President announced that the Department of the Interior would re-examine its five-year schedule of offshore drilling and leasing. The Department of the Interior has advised that there are several prospects for natural gas and oil off the East Coast, including one offshore New England. If suitable environmental safeguards could be met, the President 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 526,000 tanker and barge imports into New England, 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 one large tanker may cause an oil spill much greater than the entire amount of the oil transported to the Santa Barbara. As a specific case in point, just two months before the damaging Santa Barbara occurred near Martha's Vineyard and spilled 210,000 barrels of 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 available and not of excessive and unreasonable cost and without pollution of the environment.

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. We have only to look back to the kerosene lamp, the woodburning stove, and the coal-fired reinsurance. Today's energy problems are a great challenge. But we of our country have met and solved every problem in the establishment of a sturdy society in New England. You have a great tradition. The first steps in surrounding a great democracy, the establishment of a sturdy society in New England. You have a great tradition. The first steps in surrounding a great democracy, the Supreme Court, were taken in the Massachusetts jailed by the court.

Mr. KENNEDY. Mr. President, next week, during the debate on S. 394, 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 of 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 participate. The polls at sea, tens of millions of citizens are disfran-

universal voter registration 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 away; half, it is true, the winer—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.

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 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, 84 percent in Norway, 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, the 18-year-old voter who was registered actually went to the polls and cast their ballots. The heart of the problem, therefore, is inadequate system of voter registration that now bars many 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 voting law 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 procedure.

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 bureau 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 and mailing it in.

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 way 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 Bureau 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 voluntary 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

universal voter registration system for all elections. Our system of democracy deserves no less.

A detailed description of the plan follows:

SUMMARY OF UNIVERSE VOTER REGISTRATION

AMENDMENT

1. A new agency—the Universal Voter Registration Administration (UVRA)—will be established to register all eligible voters in all Federal elections. The Administration will be authorized to organize and administer a program of universal voter registration for all Federal elections. It will establish procedures for assisting states in their registration for state and local elections.

2. A computer center at UVRA will be established to compile voter rolls on computer tape. 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 and computer methods mailed to UVRA. Where appropriate, bilingual forms will be available. The cards will be postage free and the tape information and 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 tape information 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 for Federal purposes. 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 UVRA lists in advance of elections.

5. UVRA will be authorized to publicize its lists at appropriate intervals, so that individuals may make changes in their registration prior to elections.

6. UVRA will be authorized to inform individuals of the location of their local polling place.

7. UVRA will be authorized to conduct a media campaign to inform voters of the new registration program, and to encourage voter to register early and spread the computer load evenly throughout the year.

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.

8. 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.

9. 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.

10. 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 ROD 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, President of the United States announced that an invitation had been extended to the Nation to visit China sometime before May 1971.

The invitation followed sending his personal adviser in national security matters, Mr. Henry Kissinger, quietly to Peking to discuss questions of substance with the Chinese leaders.

I must say, Mr. President, that the particular announcement did many others, by complete surprise. In retrospect, however, it is clear that the President was seeking and seeking, as he has been pursuing, since February 1969. It is not unrelated to the progressive drawdown of U.S. forces from Vietnam. Now it is another indicator of a lowered military profile in the Western Pacific. It is, moreover, in a direct line of policy descent with the easing of travel restrictions and the recognition of the Chinese People's Republic which has taken place under the present administration.

This unprecedented diplomatic initiative, however, has been of little, if any, advantage 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 could 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 Senate half 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 assistant legislative clerk reads 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, being hereby convened for his outstanding initiative in the 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 do 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. MILER 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, in addition to 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 compliance. 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 provision 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 businesses can maintain 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 the additional views through 115 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 administrative 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 also fair to say that both political candidates and political parties have adhered to the standards of accountability and accountability standards which we set for ourselves, 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 94 States. In his July 2, 1971, letter, the acting executive vice president for telephone operations, James J. Clinkin, Jr. said:

"The GTE operating companies support provisions in the reenactment of Section 2306 that the charges for telephone service rendered candidates be fully secured. As you are aware from statistics recently furnished by the Federal Communications Commission, the telephone carriers have suffered financial losses in recent years on account of uncol-
nectible debts due the carriers from political committees. We agree that regulated car-
riers should be protected against involuntary financial campaigns.

The basic problem here arises from the in-
ability of the carriers to obtain sufficiently large advance deposits from political cus-
omers. In the past, advances by commit-
tees have been seriously handicapped by the difficulties in justifying transportation charges to be incurred in the future by such political customers, while remaining with-
in the limits of Section 202 (a) of the Communi-
tications Act of 1934, 47 U.S.C. Section 202 (a), which in general prohibits unjust or unreasonnable discrimination among cus-
tomers.

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 addi-
tional emphasis, that certain 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 At-
torney General Wallace H. Johnson, in a letter to me on July 2, 1971, said:

Existing law prohibits corporations from making, and candidates or others from-
other contributions in connection with campaigns for nomination or election to Federal office (18 U.S.C. 610). This provision has never been constructed, 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 connec-
tion 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 In-
terstate 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 per-
son to obtain transportation subject to the Act for less than the applicable rate. If a carrier fails to evade the requirements of this section, it can be fined up to $5000 for an initial offense and up to $3,000 for subsequent offenses. The Code of Federal Regulations prescribes the maxi-
mum number of days that a carrier may extend credit (see 49 CFR 1320-1324). This Commission has held that the extension of credit to shippers is the exception and not the rule, and carriers must not extend cred-
it as a matter of course, but only after as-
sured 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 con-
sent to have printed in the Record several

documents relating to the indebted-
ness 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. GRUFTTH, Chief, Domestic Rates Division for Chief, Kansas City, Federal Com-

munications Commission, Washington, D.C.

**DEAR MR. GRUFTTH:** Enclosed is the in-

formation 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 debt" (telephone service). We assume that this term (campaign debt) is intended to cover bills for telephone service to candidates during the campaign period which were not paid in full.

We have obtained 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 ac-
count. There are undoubtedly accounts that the very name alone suggests 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 remove such accounts to determine if they supported local, state, or federal candidates and who candidates if they happened 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 Sys-
tem 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 discon-
tinued.

This information is submitted in accord-
cence with your telephone agreement of June 23 to extend the due date to July 1, 1971.

**Sincerely,**

**FRANK E. VENTURA.**

**POLITICAL CAMPAIGN DEBTS**

<table>
<thead>
<tr>
<th>Carriers</th>
<th>Amount</th>
<th>Photo number</th>
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</thead>
<tbody>
<tr>
<td>United Telephone Co. of Florida:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wallace Campaign Headquarters—</td>
<td></td>
<td></td>
</tr>
<tr>
<td>final bill, Dec. 19, 1969—</td>
<td>40.22</td>
<td>833-734-4177</td>
</tr>
</tbody>
</table>

**GTE SERVICE CORP.**


Mr. BEN WAFL, Senior Vice President of Communications Commis-

sion, Washington, D.C.

**DEAR MR. SECRETARY:** This letter is being written in response to the letters from the Chief, Domestic Rates Division of the Com-

munications Commission's Carrier Bureau, dated May 24 and July 7, 1971, to the Executive Secretary of GTE Service Corporation, Mr. Theodore F. Brophy, Mr. Brophy is presently out of the country, and I am writing in accordance with Mr. Brophy's letter to the Committee of July 9, 1171.

We are requested by the Commission to furnish on behalf of the GTE telephone operating companies certain information concerning uncollectible accounts. Attachment No. 1 to Mr. Brophy's letter of June 25, 1171, indicated that the companies' books re-

flected no current outstanding telephone service incurred by Federal candidates in the 1968 and 1970 campaigns and further indicated that election uncollectibles for years 1968 and 1970 are aggregated. With reference to these uncollectibles, Mr. Brophy's letter of July 9 stated that, "although many 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 "in-

formation by billing party and by candidate for all campaign debts for telephone service written off as uncollectible in the years 1963, 1969 and 1970", as requested in the July 7 letter. Information has been made by the Service Corporation to confirm from company rec-

ords the accuracy of the data submitted here. Although an effort is informed that certain contemporary records regarding these accounts are not longer available. Certain discrepancies between the aggregate figures submitted on June 25 and the itemized figures submitted herefrom result from deletion of: (i) several accounts re-

lating to candidates who were included in the original compilation; (ii) one account with a balance of less than one dollar, as to which no confirmation was
July 23, 1971

CONGRESSIONAL RECORD—SENATE

POLITICAL CAMPAIGN DEBTS OF GENERAL TELEPHONE COMPANIES

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<thead>
<tr>
<th>Incur by</th>
<th>Number of accounts</th>
<th>Amount owed</th>
<th>General Telephone Co. of—</th>
</tr>
</thead>
<tbody>
<tr>
<td>McCarthy for President Headquarters</td>
<td>9</td>
<td>$229.59 Midwest</td>
<td></td>
</tr>
<tr>
<td>Do.</td>
<td>25</td>
<td>1,168.49 Northwest.</td>
<td></td>
</tr>
<tr>
<td>Do.</td>
<td>27</td>
<td>6,380.06 Indiana.</td>
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<tr>
<td>Do.</td>
<td>12</td>
<td>42,185.34 California</td>
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</tr>
<tr>
<td>Humphrey for President</td>
<td>1</td>
<td>8.58 Do.</td>
<td></td>
</tr>
<tr>
<td>Humphry Campaign for President</td>
<td>47</td>
<td>1,211.42 Pennsylvania</td>
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<tr>
<td>Humphry-Muskie</td>
<td>5</td>
<td>177.22 Do.</td>
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<tr>
<td>Humphry-Muskie—Democratic National Committees</td>
<td>2</td>
<td>41.24 Upstate, New York</td>
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<td>316.00 Ohio</td>
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<td>Humphry-Muskie—Democratic National Committee</td>
<td>3</td>
<td>263.87 Do.</td>
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<tr>
<td>Kennedy for President</td>
<td>35</td>
<td>1,931.41 Northwest</td>
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<td>Do.</td>
<td>2</td>
<td>335.99 California</td>
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<td>Do.</td>
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<td>3,229.44 Do.</td>
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<tr>
<td>Do.</td>
<td>15</td>
<td>570.43 Midwest</td>
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<th>Amount owed</th>
<th>General Telephone Co. of—</th>
</tr>
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<tr>
<td>Citizens for Kennedy</td>
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<td>19.68 Update New York</td>
<td></td>
</tr>
<tr>
<td>Republic headquarters</td>
<td>4</td>
<td>529.15 California</td>
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<td>VIVA Kennedy</td>
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<td>241.15 Do.</td>
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<td>Democratic Campaign for Kennedy</td>
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<td>65.97 Northwest.</td>
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<tr>
<td>War for Nixon</td>
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<td>72.65 California</td>
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<td>Ohio Citizens for Nixon</td>
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<td>Myrtle Beach, S.C. Republicans Party</td>
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<td>32.53 Do.</td>
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</tr>
<tr>
<td>Wallack Campaign Headquarters</td>
<td>1</td>
<td>9.41 Illinois</td>
<td></td>
</tr>
<tr>
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Total indebtedness to general systems | 66,386.14

NEW YORK, N.Y.,
June 22, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C.

Attention: Mr. Kelley E. Griffith, Chief, Domestic States Division.

GENTLEMEN: Information on political campaign obligations is attached for your transmittal to Senator Scott as requested in your letter dated May 24.

Because the strike of Western Union employees called for 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. There may also 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 total 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 who is qualified to execute policies of the Congress. 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 made only with the permission of the candidate. 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. J. CULLEN,
Vice President and Comptroller.
June 17, 1971, we are enclosing data for the years 1969, 1968, 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-

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*As of July 7, 1971.*

1 Balances of less than $1 are written-off automatically 30 days following bill without collection effort.

2 Balances of less than $10 are written-off automatically following second routine letter requesting payment.
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 1963, as of April 30, 1971, are:
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 ATC account or the endorsing to that account. When the campaign organization went out of business, they offered to pay $60 on the dollar for this account. Since United had no endorser and no other hope of recovery, the account was settled for $600.83 and an equal amount, $600.83, was written off. This write-off occurred during early 1969.
3. From May through September, 1968, the Eugene McCarthy, President, National Headquarters incurred indebtedness of $34,386.03. Payment of $5,000 was made by the National Headquarters. An additional $29,386.03 representing the ATC deposit was also applied to the account. Litigation for the balance of $28,067.03 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 1/4 or approximately $9,000.00, leaving a net to United of approximately $18,500.00. Since the present settlement netted United $20,000.00 ($2,500.00 in fees to counsel), United's counsel recommended settlement at this figure.
4. There is no different policy and procedure with respect to billing and collection of debts incurred by candidates for Federal office from 1963 to the present during political campaigns. The policy and procedure supplied is in accord with United's policy, which is to seek recovery 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.

---

| Name of candidate or political organization | Balance April 30, 1971 | 1970 | 1969 | 1968 | Prior Year | Total
|--------------------------------------------|-----------------------|-----|-----|-----|-----------|------
| Republican National Finance Committee       | $151,871              |     |     |     | $15,887   | $168,758
| Richard M. Nixon                            | 68,086                | 68,710 | 2,669 |
| National Democratic Committee               | 151,235               | 85,031 | 21,754 |
| Robert F. Kennedy                           | 136,762               | 116,113 | 3,649 |
| Hubert H. Humphrey                          | 135,082               | 115,672 | 3,409 |
| McCarthy for President                      |                       |       |      |      |           |
| **Total**                                   | **1,137,834**         | 20,548 | 296,769 | 1,016,571 |

(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) We have 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 no other cases do we bill monthly. Follow-up of delinquent accounts is done intermittently by phone and by letter supplemented with periodic personal visits. Because of the sub-standard credit relations American Airlines has experienced with the above, we have taken a firm position regarding the assumption of responsibility of these accounts. We have sought for personal guarantees in all cases involving individual candidates and can report that we have declined the application of at least two well-known candidates in the last 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. BRENNER
Vice President and Treasurer.

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<th>1969</th>
<th>1968</th>
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**JOHNSON FLYING SERVICE, INC.**

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 as above the mentioned subject, we respectfully submit the following:
   (1) All outstanding campaign debts incurred by candidates for Federal office from 1962 to the present consist of a charge of $2,910.38 for travel reimbursement for the campaign of (3) No campaign debts have been written off from 1962 to the present.
   (2) No campaign debts have been settled for less than the full amount due from 1962 to the present.
   (3) 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 kit served by the Company.

Very truly yours,

T. W. MORTON
Vice President-Finance.

---

**TRANS WORLD AIRLINES, INC.**

Mr. ALLAN CRAIG,
Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C.


DEAR CRAIG: The following information is submitted concerning political campaign debts owed to Trans World Airlines:
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.

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**June 22, 1971.**

For 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.** Write-offs of campaign debts from 1962 to the present as follows:

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<th>Date incurred</th>
<th>Total amount</th>
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Tony J. SCHUMACHER
Accountant for Johnson Flying Service, Inc., Box 1366, Missoula, Mont.

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**PENDLETON AVIATION, INC.**

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.

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**Item 3.** Settlement by carrier for less than the full amount due as shown.
McCrawy settlement in May 1968 in the amount of $1,000.00.

**Item 4.** Apens 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,  


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 involves the special review of the current accounts of candidates who were 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 Federal office incurred in July 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 Mr. Burke.  

It is not our practice to settle any debt for transportation, including any such debt incurred by candidates for federal office for less than the amount due. The perusal of our debt write-off referred to above did not disclose any such settlement.  

Rodrick G. Leith,  
Assistant Treasurer and Controller.  

Continental Airlines,  

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 statements:  

1. There are no outstanding campaign debts on our books incurred by candidates for federal office since 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 for the McCarthy for President campaign. This bill was submitted for the amount of $8,497.96. This amount was written off in the amount of $4,500.00 on November 7, 1968, from the “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, we do not provide a service for an individual who is running for a “federal” office and 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. Davet.  

Eastern Air Lines Incorporated,  

Mr. Allan Craig,  
Director, Bureau of Accounts and Statistics,  
Civil Aeronautics Board, Washington, D.C.  

Subject: Information on Political Campaign Debts.  


Dear Mr. Craig: In compliance with the above, the following information is submitted:  


As a practical matter, however, the amendment applied only 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 1 1/2 cents of it on longer ads which offer an opportunity for the treatment of issues.  

This subclause applies to candidates for Federal office and for Governor and Lieutenant Governor.  

I am aware 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 candidate or person, or any primary, runoff, general, or special election for Governor, Lieutenant Governor, or Federal or State office shall purchase television time in segments of less than five minutes duration an amount greater than one-tenth percent of the estimate of resident population of voting age as determined in subparagraph (1) of this paragraph, or $20,000, whichever is greater."  

Amendment No. 325  

Mr. FANNIN, for himself, Mr. TOWER, Mr. BROCK, Mr. GURNEY, Mr. CURTIS, Mr. HANSEN, and Mr. GOLDBERGER, submitted an amendment intended to be proposed by them jointly, to the bill (S. 382, supra).  

Amendment No. 327  

Mr. GRAVEN 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 Tuesday, July 23, 1971, he presented to the President of the United States the enrolled bill (S. 699) to require a radio-television license 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, published by the Bureau of Labor Statistics today, reaffirms that the administration’s doctine of inflation is wrong. The Consumer Price Index rose 0.5 percent in June on a seasonally adjusted basis, an increase of 8 percent at an annual rate. This rise 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 the Senate has just passed, 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 has treaty-making powers was not conceived 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 announcing 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 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 warming power, which power has now taken 50,000 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 Senate. 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. FULLBRIGHT. The Senator is right. Our experience proves the soundness of the constitutional system. There are other instances of intervention without consent of Congress, but 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 those cases, where there should have been a great deal more representation in the Congress on the part of the Executive, but under the impact of several wars—certainly beginning with World War 1—and the disastrous Wilsonian experience, and subsequently the present discussion as to the 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 a 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. CHILDES submitted the following concurrent resolution:

S. CON. RES. 37

Whereas, the month of July, 1971 marks the 150th anniversary of the transfer of sovereignty of Florida from Spain to the United States, and

Whereas it was on July 17, 1821 the 28 star emblem of Florida was adopted 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, the sincere presentation of many dignitaries including foreign governments, and

Whereas, a resolution was marked with a symbolic changing of the flag of the original state to represent the People of Florida, and

Whereas the people of Pensacola, Florida have always given their放到 tribute to the historic occasion through various committees including the Andrew Jackson Committee chaired by the Honorable Pat Deaton, and

Whereas the Pensacola area, since the original transfer, has become known worldwide for beaches, food, 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

S. CON. RES. 33

At the request of Mr. Brock, the Senator from Colorado (Mr. ALLOT), the Senator from Oklahoma (Mr. BELLMON), the Senator from Indiana (Mr. HARTKE), the Senator from Oregon (Mr. HART), 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 NO. 229 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. 324

(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.

AMENDMENTS NO. 325

(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

AMENDMENTS 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. BONN). 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 that report was the enactment of a tax credit for political contributions. As the report stated:

The recommended credit is intended to encourage the contribution 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 dollars 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 take 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 S 480, paying $2,500 to each state as a tax credit for its enactment of the Federal 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 a margin of 50-55, but the vote was complicated by the fact that the amendment itself had been amended on the Senate floor to add provisions for the reporting and disclosure of campaign contributions, so that the 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 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 campaigns by millions of individuals and corporations, a much larger 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 encourage individual taxpayers 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 have given $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—and 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, who will be 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, when each candidate's success 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. This would be especially important as Senator Robert Kennedy stated in 1967:

Presidential candidates do not spring, like Minerva, from the brow of Jove. Men earn their performance in other public offices—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 entry but can be bridged by self-funding candidates. Thus, fair consideration for the Presidency itself requires public support for campaigns for lesser offices at all levels. The support can come from tax incentives to individual campaigns.

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 same 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 taxpaying individuals 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 to 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. 355
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 B 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 49 the following new section:

"Sec. 40. POLITICAL CONTRIBUTIONS.
"(a) General Rule.—In the case of an individual taxpayer, 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 paid by him during the taxable year, 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 which is received by the taxpayer under section 25F (relating to credits allowable under section 33 (relating to foreign tax credit), section 35 (relating to partial expatriation), section 26 (relating to retirement income), and section 38 (relating to investment in certain depreciable property).

"(3) Definitions.—For purposes of this section,
"(A) Political contribution.—The term 'political contribution' means a contribution or gift of money to—
"(i) 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 an on-going 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 promotion of political candidates, or any committee, organization, or association engaged in the promotion of political candidates, groups, or issues, or any organization engaged in political counseling, 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 office;
NOTICE OF HEARINGS ON NOMINATIONS

Mr. PASTORE. Mr. President, the Senate section of the Joint Committee on Atomic Energy will hold a public hearing in the Senate on August 31, 1971, at 4 p.m., in room 5407, U.S. Capitol on the nominations of James R. Schlesinger and William O. Douh to be members of the Atomic Energy Commission.

Mr. Schlesinger is nominated to fill the remainder of the term of Glenn T. Seaborg which expires on June 30, 1976. Mr. Douh has been nominated to be a member of the Commission for a 5-year term ending June 30, 1976. He is scheduled to fill the vacancy previously held deposed.

I am asking unanimous consent to have the biographies of Mr. Schlesinger and Mr. Douh which were provided to the Joint Committee with the submission of their nominations to the Atomic Energy Commission.

Those no objection, the biographies were printed in the Record, as follows:

James R. Schlesinger

James R. Schlesinger was named an Assistant Director of the Atomic Energy Commission in September 1961 and has been a member of the presidentially appointed Atomic Energy Commission since 1962. He is known for his work in the field of nuclear energy and has been involved in the development of nuclear energy policies and programs. He is also known for his work in the field of environmental policy and has been involved in the development of environmental policies related to nuclear energy.

Douglas O. Doub

Douglas O. Doub was appointed to the Atomic Energy Commission in 1968. He has been involved in the development of nuclear energy policies and programs and has been known for his work in the field of environmental policy. He has been a strong advocate of the development of nuclear energy as a source of energy and has been involved in the development of policies related to the regulation of nuclear energy.

ADDITIONAL COSPONSORS OF AMENDMENTS

Amendment No. 239

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. 239, as amended by the Senate, which was reported to the Senate by the Federal Election Commission.

Amendment No. 242

At the request of Mr. Cranston, the Senator from Pennsylvania (Mr. Scott) was added as a cosponsor of amendment No. 242, intended to be proposed to S. 2108, the Veterans Drug and Alcohol Treatment and Rehabilitation Act of 1971.
Committee on Mental Retardation, Department of Health and Mental Hygiene, State of Maryland; 1966-67.
Citizens Committee on Maryland Government (Wills Commission).
Baltimore Association for Retarded Children, Inc., Director.
National Foundation—March of Dimes, Director.

Maryland State Bar Association: Chairman, Your Honor (approx. 1980); Committee on Legal Biographies (approx. 1959); Committee on Laws (1970-71).
Baltimore Bar Association: Chairman, Law Day Committee, 1956; Unauthorized Practice of Law Committee, 1907.
Amendment of all legislation: Vice Chairman Sub-Committee 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 regionalinism in composing a bill to end the 7 percent excise tax on automobiles. Bu: If this be so, let us have more of it.

On a $3,000 car, this strange tax adds $210 per year—less than $2 a week per person. But if a bill should be enacted in the coming months, it cannot be erased after many months of inflation.

The AFL-CIO calls for reducing as rapidly as possible a national minimum wage of $1.60 a day—a year less than $8,000 a week per person. Yet no one calls for reducing the 7 percent excise tax on automobiles.

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. More and more cars are being made and sold, more steel is being produced and marketed, and more money is being paid by the consumers all over the U.S.

Although the federal budget may suffer temporarily from this loss 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 be holding hearings on H.R. 1, which contains a major revision of this Nation's system for providing relief to the needy citizens. Welfare reform should 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, I will, I am sure, convince all to support, including those who were opposed to this legislation the first 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 recognize 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 to the poverty level, the Federal assumption of the cost of all administration under a uniform system, the provision of public and private sector jobs paying no less than the minimum wage with basic job stability protection, the encouragement of all care services for those in manpower training programs or jobs, the re-organization in such programs for mothers with preschool children, and fiscal relief for States and localities from the costs of public 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 3 years dramatically illustrates that no one claims his own proposals are chiseled in granite and represent the definite answer to the chaos of the present welfare nonsystem. My proposals as well as those of the President, the Ways and Means Committee, and the other major proposals have been modified from time to time—to 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.

The Administration's welfare reform program needs substantial improvement before the AFL-CIO could support its enactment. Inflation, unemployment, inadequate and costly health care, inadequate and costly education, and more people working below the poverty line or at very low wages will be the major causes of poverty in this country. The poverty line will become even 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 programs to provide for their needs and improving the welfare program for those who must rely on it.

Jobs at decent wages and a self-balancing social insurance system. A job is possible for millions to climb out of poverty.

By making unemployment a national policy to fight inflation, the Administration has actually brought the depth of poverty to a halt.

In 1869 the decrease in poverty (defined for the year as $737 for a four-person family) was 15 percent. With working economic conditions and expanding joblessness in 1970, it is probable that the long-term trend away from poverty is even stronger.

Who are the poor?

More than 55 million people, or about one quarter of all the people, are poor although the breadwinner works full-time out of poverty lies in decent jobs covered by a minimum wage rate of at least $2 an hour.

In proportion to their numbers, the elderly are the worst affected. Approximately one-fifth of all people in poverty can live out their years in dignity only if social Security benefits are substantially improved.

But there are other people—especially mothers with children and the aged—whose heads are bowed down on welfare for their daily needs. Seven million of these people, or one in five of the people, are in families. The President's Welfare program must fall 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, a full employment level of $1,600 a year—less than $8,000 a week per person. But if a bill should be enacted in the coming months, it cannot be erased after many months of inflation.

The AFL-CIO strongly opposes the provision in the Welfare Reform bill which would require recipients to take jobs under conditions denying them basic minimum protections. As reported by the Ways and Means Committee in the last Congress, job assignments would have to take account of the needs of the recipients and their families, including basic job qualifications and family needs. 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 would require recipients to take jobs under conditions denying them basic minimum protections. As reported by the Ways and Means Committee in the last Congress, job assignments would have to take account of the needs of the recipients and their families, including basic job qualifications and family needs. Welfare payments should be increased as necessary to keep pace with the cost of living.

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 to accept substandard wages. This is an unacceptable 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 good fellowship among workers." To require large numbers of people to work at sub-minimum wage levels on jobs at which they and their families depend for the bare necessities of life would constitute an outrage against the right of Americans to lead a self-sufficient and successful life and the right of the smaller sector of our population.

The impact of such action would be far broader than the impact on the welfare recipients to substantial jobs. There is not the slightest doubt that requiring welfare recipients to work at minimum wages would be an increase and not a decrease in work. It would increase the demand for labor and the local minimum wage, which is typically

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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 future.

Accordingly, I would urge the Administration to issue a declaration of intent to withdraw from both Taiwan and the Philippines, and to conclude its strategic military relations with the Republic of China. If any more time were needed to do this, it would only be to conclude a new military agreement with the Republic of China. It is, in my judgment, the Chinese are important, and

sometimes complicating factors. This is especially true of the question of Taiwan, an issue of great importance to Japan particularly.

The challenge of finding a way to bring China into the council of nations is one that the parties cannot yet face. That challenge will be even more difficult in the SALT negotiations and ending the nuclear arms race, a problem closely related to our nuclear guarantee of Taiwan. 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 Moscow, Peking too stands to gain from a SALT agreement restraining the nuclear arms race for superpower, nuclear powers might be an even greater deterrent, for it is both to the U.S. or Russia, and in recent years Peking has been on different occasions in a posture of cooperation with both superpowers on this matter. The termination of Peking and Moscow continue to deteriorate, a SALT agreement could nonetheless benefit all the powers that the U.S.S.R. wishes to gain from it. Peking too has a special incentive in nuclear arms control arrangements because of the term of the nuclear agreement itself. China's ability to protect our American and European allies along China's periphery, and the nuclear doctrine of the constant threat of Chinese and of the SALT negotiations might be greater than conventional embitterment of the Vietnam or Korea varieties. Accordingly, a SALT agreement could be the achievement of control arrangements with China. Peking too has a special incentive to support international nuclear arms control arrangements in the post-Vietnam period. The history of the Nixon Doctrine as respect for the two nations greatest is the most likely to go nuclear powers are India and China's greatest strategy, and potential rival. China would be an incentive in preserving the innovations in India or Japan going nuclear powers of the doctrine of the American and Chinese might be greater than conventional embitterment of the Vietnam or Korea varieties. Accordingly, a SALT agreement could be the achievement of control arrangements with China.

Second, a policy of total abandonment is a wrongfull and impossible course for the U.S. Leaving aside moral considerations, abandoning the sense of the U.S. pursued a policy of a radical détente with China, aimed at establishing a close Washington-Peking axis, as the foundation of our Asian strategy. Such a policy is not desirable or possible, in my judgment. Our relations with mainland China is a key element in the overall U.S. policy—but must 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 concert with our relations with Japan and our other Asian friends and allies. Their interests and their attitudes are important, and

members of the United States Congress to be considered for membership for the People's Republic of China. There are strong reasons for this, and I plan to introduce a bill to this effect. One such reason 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. Simplicity 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 elections, the current 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 arrived 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 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 criterion for voting. We have outlawed poll taxes. We have granted the franchise to millions of Americans who had been forced to leave school before any age. We have expanded the vote 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 that is living 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 excused on the grounds that they are—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 voter 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 72 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. Indeed, 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, 80 percent in France, 87 percent in West Germany, 89 percent in Sweden and Denmark.

The low turnout of American voters has been a major cause of 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 in the residence, 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 shows, 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 69 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 disinterest in 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 Minnesota, which has six different registration systems for cities, depending on their size, and a seventh system applicable 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. In addition, registration roles 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 address, and so forth. 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 handicap 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 work 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 that, whether he registers to total participation he 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 neighbors to register in the same place. 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—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 voter is required to register at least 60 days or even 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 books close 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 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 a 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 unskilled, and the manual 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 without a 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 laws and other laws 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 country. Typically, unless 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 4 or 5 years; he must have resided in his county for periods ranging 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 about 15 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 an 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-
erring 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 Street 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 turnout in former 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 Committee 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 Committee'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 citizens from voting. 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 1968 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 charging both parties 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.

Registration efforts must not be concerned with how people vote. The important consideration is that they vote. We can live with decisions made by those who do not participate; 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 initiative 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 97 to 0 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.

In general, 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 voter 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.

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 checked for any inconsistencies or discrepancies.

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 records names of 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.

As a result of the vastly increased efficiency of the new system, the county registration boards in South Carolina that were open one day 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 rate 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 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 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 that the administrability, 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.

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 one of the major problems that has arisen in the past has been the lack of an agency that 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 that 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 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 information will not be disclosed 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 the State will establish a 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 therefore be eligible to vote in all 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, or corrects an error, it will notify UVRA 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 a State or local official wishes to use the UVRA list 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 an election day every citizen will know where his polling place will be.

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 destroy a collection of 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 an independent registration system and no other purpose. However, to the extent that State or local law requires voting lists to be published, UVRA information may become public at that level. Indeed, the information still may not be used by any Federal agency.

**Constitutional Jurisdiction**

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 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 the Federal courts to make changes 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 its House of Representatives shall be the same for members of the House of Representatives. The Congress 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 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, confer 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, or on the ground, 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 *Katzinbach 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 against Mitchell*. In that important decision the court not only sustained the constitutionality of a Federal statute lowering the voting age, 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 90 days, and requiring the States to make available to voters 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 supported 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. 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 rendered unconstitutional. The residence provisions of Mitchell are the narrow and residence provisions of Oregon against Mitchell, since it would be action by Congress to promote the right to travel and to end racial discrimination in voting.

The proposed universal registration system, if not based on the narrow and 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 and who wish to maintain in any Federal election, whether congressional or presidential, 400 U.S. 122, 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 to State and local elections as well. A fortiori, however, the proposal is clearly valid for Federal elections 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 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 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 editorialist states clearly what is at deep into our defense posture. I ask unanimous consent that the editorial be printed in the Record, as follows:

[From the Greenville News (S.C.) News, July 9, 1971]

The Crime of Unpreparedness

One of former President Eisenhower's most frequently mentioned lines was the "military-industrial complex" in America. It is a special favorite of the left-wing element. Less well known, but most major influence, Eisenhower quote about the military establishment was included in a message warning against the "pernicious influence of the military-industrial complex."

Until war is eliminated, the first prerequisite for the elimination of the "war economy" is the military-industrial complex. If war is not ended, the military-industrial complex is imperiled, as the political structure of the country is threatened with collapse.

Given the current increased emphasis on reducing military appropriations in favor of domestic items and putting the money away at the military, the country needs to get at the heart of the problem. A majority of the American people believe that the military establishment is out of control of any realistic planning for a war that is going to be fought on this earth is only a matter of time. What is the idea of war?

Anybody who thinks that war has been eliminated from our environment is deluding himself. He should look to the fact that the American military industrial complex has been the control of an entire world, including the United States itself.

Only the most naive could ignore the fact that this nation's potential and constantly improving military-industrial complex is the rapidly expanding power of the Soviet Union's expansion, now as American as ever and in fact the Soviet Union's military-industrial system is being used in the field of the world's conflict with the non-Communist nations.

That, of course, would happen just as the defense budget was increased to the point that the United States had to weaken itself to allow the Soviet Union's military-industrial system to increase to the point that is gobbled up the Soviet leaders never even make the effort to use their ultimate power to influence--or to influence the entire world. That fact is ignored, even though the Soviet Union's military-industrial system is the greatest horror on the earth.

The surest way to influence the entire world. Another way to influence the world, which is so necessary for the security of the world, is the threat of the country's economic power. The threat of the country's military power, in which the United States is a part. Part of it, the threat of the country's economic power of the United States is in the 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.

This nation is not 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 reflect upon our meeting concerning certain basic Marxist-Leninist tenets which have not changed.

Mr. President, in this connection, the July 11, 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 enacted by the Communist jurists who describe coexistence as--

a specific form of socialism and capitalism in the international arena. Peaceful coexistence between the two systems does not exclude revolutions in the form of armed uprising and national liberation wars, which occur within the capitalist system.

Mr. Baroch is eminently qualified to write on these subjects. He is a scholar of standing in the American Bar Association's 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 8 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 are:

1. World engulfed in an irreconcilable confrontation between the two antagonistic socioeconomic systems—capitalism and socialism—which is bound to end with a reversal of the military-industrial complex. This society according to Marxist-Leninist tenets.

To this supra-national revolutionary end every nation is subject, including interest of whole nations (their sovereignty, equality, independence, etc.), as well as the interests of individuals irrespective of the laws of the capital or social system.
Mr. President. I commend Mr. Baruch'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 BREZHEROE DOCTRINE
(By Charles T. Baruch)

More than two years ago the non-Communist world was shocked by the invasion of Czechoslovakia, as a deliberate, premeditated, and preplanned act to defend the socialist character and integrity 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 prominent totalitarian in The New York Times of September 28, 1956, in which the name "Brezhnev doctrine" may have been coined:
The West Kremelin attempt to justify the invasion of Czechoslovakia is further indication of Stalin's death's grip.
The second attempt to claim a status of semi-legality on the basis of a supposed invitation to the leaders of the high Czechoslovak Government and Communist party leaders has apparently been discarded. Instead, Pravda now enunciates what must be called the Brezhev 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-rulled states enjoy neither genuine sovereignty nor genuine rights of territorial integrity, that the Soviet Union may at any time and in any manner intervene in any such states in order to preserve Communist rule.

What permits the Soviet Union to issue such doctrine is, of course, Soviet military force and the concept of law must be based on force and is the reason why the doctrine, especially with the advent of the Monroe Doctrine, is very tempting. But, as I hope to demonstrate, despite superficial similarity, the so-called Brezhev Doctrine is precisely its opposite in every way.

There are three fundamental problems regarding the Brezhev Doctrine: (1) Can it be attributed to Brezhnev? (2) What is its relation to International Law? (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 Brezhev Doctrine. It is assumed that the Secretary General of the Communist Party of the Soviet Union (C.P.S.U.), with all the authority and power that such ranking positions bestow, created a new doctrine of the limited sovereignty of a member of the socialist system of states. Yet, there is no evidence that Brezhnev personally made the decision, nor did he create a doctrine. The position of Brezhnev as an individual, as in the characteristics of the working class, as the ideologist of the Party, and as its leader, is of essential importance to the proper understanding of the present situation.

The Brezhev Doctrine is not a new conscious social creation of the leadership of the C.P.S.U., but it is the result of a power struggle between Stalinists and Brezhnevites. It has been the result of a conscious effort on the part of the Brezhnevites to change the Party's position from one of non-interference, which is inherent in the position of the C.P.S.U. as a member state of the Warsaw Pact, to one of intervention, which is necessary to maintain the power of the leadership of the C.P.S.U., and the leadership of the world socialist system.

The Brezhev Doctrine has been applied in a number of cases, each of which has been the result of a personal decision by Brezhnev, and represents the personal views of Brezhnev. The Doctrine has been applied to the following cases:

1. Leadership changes in the working class, whose status is determined by international law, and which is determined by the power of the international community.

2. Abolition of capitalist ownership and establishment of collective ownership of the basic means of production.


4. Development of the economy with the aim of building socialism and communism.

5. Completion of a socialist revolution in the sphere of ideology and culture and formation of numerous intelligentsia devoted to the working class, the intelligentsia, and the cause of socialism.

6. Elimination of national oppression and the establishment of equality and fraternal friendship among people.

7. Implementation of the fundamental principles of socialism, including the emphasis on the role of external and internal enemies; solidarity of the working class of a given country with the working class of other countries.

8. The Brezhev Doctrine has been applied in a number of cases, each of which has been the result of a personal decision by Brezhnev, and represents the personal views of Brezhnev. The Doctrine has been applied to the following cases:

Footnotes at end of article.
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 an important step in 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 "productive" visit to Paris, the Nixon administration is in the midst of yet another reappraisal of American Vietnam policy. The Eisenhower administration's speculations are episodic. As in the past, the public can only be dimly aware of what options are being seriously debated. The President's confidence that he has indeed made it possible to tell the American people what he has decided to do.

We believe that only an unambiguous public gesture can end the divisions in our country. The Senate for the first time has gone on record in favor of a complete withdrawal of U.S. forces. 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 the 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 will make withdrawal a "reasonable" act. They present a familiar list of moral imperatives that the United States "must" do (Vietnamese peace, and defending itself, and the other in Thai- land and offshore carriers conducting bombing raids throughout Indochina. Surely it will mean continuing large-scale military and economic assistance to the South Vietnamese government.

While these actions can be interpreted in various ways, my point is consistent with the notion that the President is doing everything that our domestic political 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," and yet we have fought 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 civilian population. These facts do not mean that the Saigon government would survive a complete withdrawal. I believe that is not the real issue. The real issue is whether 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 now seeking for continued American support for the war—for example, by putting forward the "reasonable chance" as a basis for unifying the American people.

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 forces diminishes. When 50,000 or fewer American troops are left in South Vietnam, Hanoi might demand in return for the release of prisoners, the President announces in the Record.

A second risk is that if Hanoi does step up military pressure against this Shrunken U.S. force, one might feel that the President has no alternative than to "respond to what he has called "decisive escalation" against North Vietnam. Most observers would wonder what the President would do under the domestic political repercussions of escalation now. But most of them are saying that the Hanoi position, and most U.S. escalations of the war were preceded by predications that they would not occur.

Beyond these two risks lies a third: namely, the risk of losing the link of trust between the President and the people. President always want to keep open their option of continuing the war. 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 to be prepared to run these risks for two reasons. He still believes that most Southeast Asian specialists, including those within the government, have ceased to see, and thus 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 as a "scutcheon" and an "act of treachery". This "escaping scapismism" 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 NLP 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. FROSTY. Mr. President, several days ago, the distinguished Republican leader, Mr. Scozz, 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 every candidate 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 Bother to Pay Later

WASHINGTON—Candidates with over $2.1 million in unpaid debts run up by political candidates and their campaign organizations, telephone companies have nearly $400,000 in unpaid bills, and political candidates are working on over $3.87 million in unpaid debts, according to a report compiled by the Accounting Office.

In addition to the Democratic and Republican National Committees, debtors listed include President Nixon, the late Robert F. Kennedy, Senator Hubert Humphrey (D., Minn.) and former Senator Eugene J. McCarthy (D., Minn.).

Mr. Scott, a member of the Senate Finance Committee, said in a statement that he was concerned about the situation. He said that the Senate should take action to ensure that candidates are not allowed to run for federal office until they have settled their debts.

Mr. Scott said the report is nearly complete and reveals accepted campaign practices by both political parties not to mention the federal common carriers relationships.

Corporations contributing to political campaigns are forbidden by law, but Mr. Scott said that if a campaign fails to pay his bills, he has in fact received an involuntary contribution.

Senator R. McCaskill, Missouri, said in a statement that he was concerned about the situation. He said that the Senate should take action to ensure that candidates are not allowed to run for federal office until they have settled their debts.

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The McCarthy campaign had another $5,600 debt written off by Northwestern Bell.

The General Telephone Companies submitted a coalition plan which it was believed would be supported by political campaigns of $63,664.14.

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. Howard Wills has been in the forefront of those who have awakened the American business community to the serious economic ramifications of the war in Vietnam and our swollen military budget. Mr. Wills has emphasized the widespread belief of American business 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. Wills' efforts. I ask unanimous consent that the letter and an Associated Press article about Mr. Wills be printed in the Record.

While I am being no objection, the items were ordered to be printed in the Record, as follows:


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. In the story of an American soldier gave me a copy of The Service Men's Daily Prayer, a leaflet which he said was widely distributed to our military personnel in Vietnam. The leaflet, bearing the address: Service Men's Daily Prayer, 236 Bremen Street, Columbus, Ohio 43224, contains these words:

"Bless our blessing on my country and on all who fight against the evils of Communism."

Yesterday Secretary of State Rogers, in speaking about Chinese-stressed political diversity as a fact of life we cannot change and should accept, Secretary Rogers said, in real life, the thaw in Chinese-American relations you were right and realistic, Mr. President. But your action and your Secretary of State's words are undermined by the exposure of young American soldiers to the inflammatory words of the similarly irrational military propaganda revealed by the recent OBS 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. It has undoubtedly done damage to ourselves as a foreign policy which has not kept abreast of changing realities.

If the United States is to continue as a world power, we can do it in a way which has the respect of the rest of the world. And that will require a world which has the respect of the rest of the world. And that will require a world which has the respect of the rest of the world. And that will require a world which has the respect of the rest of the world.

**BUSINESSMEN'S PEACE ACTIONS GOT HATE MAIL**

(John Conniff)


"At that time, said Wills, "anybody who spoke out against the war was considered the enemy or a nut." The hate mail flooded in faster than the membership applications. Wills and Nile, who felt the responsibility of political scandal, took the business executive citizen-speak out on the issue. But its founders soon realized few envelopes, either caustic or perhaps desired, liked tangling with stockholders; they didn't want to rock the boat. BEM drew membership steadily, however, and then, since BEM was a one-issue organization, Wills in 1969, then a special counsel for the Businessmen's Educational & Legal Fund, to fight on a broader scale what he felt was the militarization of America.

Wills, the contributor, who is to his newspaper work, and most recently, to a Vietnam trip. Results? Wills thinks he has exceeded some extent.

In recent months the attitudes of some businessmen 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 inflation.

Wills, a 57-year-old Marine veteran father and former Marine, was asked if he felt a major change really occurred in the businessmen's attitude. "I think the line of the pragmatist and the idealist are meeting," he replied. "Damn few businessmen are as naive now. All of them relate inflations 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 we turned to importing the 'war 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 goal. Either man or war is obsolete. We have to decide.

But why should businessmen try to take a leadership role?"

"A businessmen's role is critical because he thinks pragmatically. He knows how to build. Peace must be constructed. It is an incremental task, like constructing a building by putting in the foundation, then the first story and so on. It is a step-by-step operation."

"We depopularize, we depopularize, we depopularize, we depopularize the nation's security."

"The present direction is counterproductive to the best interests of the country. Enterprise has brought warnings and produced 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 failure. The armament race is an example. But de-escalation can proceed in the same way."

It was suggested to Wills that many people feel business executives can only hurt their own particular cause by speaking out on this subject. This little self-interest tells the businessman must redefine the corporate executive's role and social responsibility. He must redefine because his company is dependent upon the nation's policies.

"In order to be responsible to the stockholders, the executive must act in accordance with the new healing life must require that in fact he is doing a deep disservice to stockholders, because business can only thrive in a healthy economy.

"He cannot hide behind the corporate curtain and protect the interests of his country and himself.

"I don't think the businessman's alibi is any better than other—than the clergyman who fears what his parishioners will say or the physician who fears his patients."

**PAKISTAN: THE THING SPEAKS FOR ITSELF**

**Mr. SABBEKE.** Mr. President, in law there is a doctrine entitled Res Ipsa Loquitur, meaning "the thing speaks for itself." The New York Times and The Washington Post have printed in recent days stories which 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 of 1972 which would suspend America's aid 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 Hulaghat 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
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 816, Ninety-first Congress, agreed to February 16, 1951. The Chairman of the Commission shall designate one member to serve as Chairman of the Commission and one member to serve as Vice Chairman of the Commission. The Chairman shall be 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 they may appear desirable.

(e) Members of the Commission shall, while serving on the business of the Commission, be exempt from the provisions of section 9 of the Act of February 3, 1924, (the Hatch Act), notwithstanding any exemption contained in that section.

(f) 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 direction and conduct of the Commission and shall perform such other duties as may be delegated or assigned to him from time to time by regulations of the Commission. However, the Commission shall not delegate the making of regulations concerning elections to the Executive Director.

(g) The Commission shall have the power to make appointments by and with the advice and consent of the Senate, for a term of not more than four years, and a term of not more than two years, for the purpose of carrying out the provisions of this Act. Such appointments shall be made by the President with the advice and consent of the Senate.

(h) The Commission shall have the power to make appointments by and with the advice and consent of the Senate, for a term of not more than four years, and a term of not more than two years, for the purpose of carrying out the provisions of this Act. Such appointments shall be made by the President with the advice and consent of the Senate.

(i) The Commission shall have the power to make appointments by and with the advice and consent of the Senate, for a term of not more than four years, and a term of not more than two years, for the purpose of carrying out the provisions of this Act. Such appointments shall be made by the President with the advice and consent of the Senate.

(j) The Commission shall have the power to make appointments by and with the advice and consent of the Senate, for a term of not more than four years, and a term of not more than two years, for the purpose of carrying out the provisions of this Act. Such appointments shall be made by the President with the advice and consent of the Senate.
SENATE
FLOOR DEBATE
ON
S.382
JULY 29, 1971
At the request of Mr. CASE, the Senator from New Hampshire (Mr. MCLYNTE) was added as a co-sponsor of S. 1872, a bill for the relief of Soviet Jews.

At the request of Mr. MAGNUSON, the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. PANCY), Senator from Kansas (Mr. DOLE), the Senator from Nebraska (Mr. CURTIS), the Senator from North Dakota (Mr. MONTGOMERY), the Senator from Utah (Mr. BENNETT and Mr. URIUS), the Senator from Washington (Mr. JACKSON), and the Senator from Wyoming (Mr. Mc CLELLAND) were added as co-sponsors of S. 1883, the Interstate Taxation Act.

At the request of Mr. MUSKIE, the Senator from Idaho (Mr. JORDAN) was added as a co-sponsor of S. 1947, a bill to prohibit trading in Irish potato futures on commodity exchanges.

At the request of Mr. HARTKE, the Senator from Texas (Mr. TOWER) was added as a co-sponsor 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.

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 co-sponsors of S. 2217, a bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence.

At the request of Mr. GRAVETT, the Senator from Washington (Mr. HARRIS) was added as co-sponsor of S. 2258, the Motor Vehicle Air Pollution Control Act.

At the request of Mr. GRIFFIN, the Senator from Hawaii (Mr. INOUYE) was added as a co-sponsor of S. 2217, a bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence.

At the request of Mr. BROOKE, the Senator from Georgia (Mr. MILLER) was added as a co-sponsor of S. 2263, the Inter-State Air Pollution Control Act.

2. The provisions of the detailed amendment are described in my remarks on Monday, July 25, 1971, which appear beginning at page 527111 of the Congressional Record for that day.

3. Mr. President, I ask unanimous consent that the text of the amendment may be printed in the Record at this point.

5. The being no objection, the amendment was ordered to be printed in the Record, as follows:

AMENDMENT NO. 144

At the end of the bill add the following new title:

TITLES FOR VOTER REGISTRATION AND RELATED USES

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 State lines;

(3) denies or abridges the privileges and 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, eighteenth, nineteenth, and twenty-sixth amendments here-to, and enact this title.

E. BRISTOW RESOLUTION 62

At the request of Mr. GRIFFIN, the Senator from North Dakota (Mr. INOUYE) was added as a co-sponsor of S. 2217, a bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence.

ADDITIONAL COSPONSOR OF A RESOLUTION

S. Res. 188

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 co-sponsor of the resolution which I submitted Tuesday regarding the Hopwood case.

Senator HUMPHREY. It has been a valuable and respected effort in the effort to reach an agreement in 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 HUMPHREYS be added as co-sponsor of S. Res. 158.

The Acting President pro tem.

Mr. GRIFFIN. 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 amendment No. 368, 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 BOLAND, Senator HARITE, Senator MONDALE, Senator PELL, Senator PROCTOR, Senator WILLIAMS, and myself, I submit an amendment S. 362, the "Federal Election Campaign Act of 1971," to ask that it be printed on the table and be printed.

The details of the proposed amendment are described in my remarks on Monday, July 25, 1971, which appear beginning at page 527111 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. 145

At the end of the bill add the following new title:

TITLES V—VOTER REGISTRATION AND RELATED USES

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 State lines;

(3) denies or abridges the privileges and 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, eighteenth, ninety-first, and twenty-sixth amendments here-to, 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 as the "Administrator"). The Administration shall be composed of an Administrator and two Associate Administrators, to be appointed by the President, by and with the advice and consent of the Senate. No more than two members of the Registration 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 under State and local elections. See Section 5316 of Title 5, United States Code, as 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 duties. Voter lists shall be compiled and maintained through the use of electronic data processing equipment. Such centers shall be such that a list of persons registered in this State or the names of the units in which persons are registered to vote under State and local laws shall be readily available. The list 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.

VOTER 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 qualified to vote 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 include 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 not be attributed to the source 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 proper to accomplish 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 all such costs.

(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

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 registr

ted 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 on the registration 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 Administra
tion 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 registration thereof on the right of such individual to vote in such election, and 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 re

moves 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 Administra
tion 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 au

thorized and directed to Institute in the name of the United States such actions against States or political subdivisions, in
cluding actions for injunctive relief, as he may in his discretion deem 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 therefore 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 before the date of such election, or at such later date before such election as the Administration may deter

mine.

NOTICE TO ELECTION OFFICIALS

Sec. 507. (a) Not later than 30 days prior to the date of any Federal election, the Administra
tion shall furnish to the appropriate election officials of the State or local jurisdic

tion 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 con

gressional 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 Administra
tion 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 individu

als 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 predict or other voting unit in which they are registered to vote.

STATE REGISTRATION

Sec. 508. In interpreting this title it shall interfere with any voter registration proce

dure conducted by any State with respect to voting in State or local elections.

(d) Any person who wishes 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 con

gressional district or State in which he registers), and who is registered under this title shall be eligible to vote in any Federal election 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 on the registration thereof on the right of such individual to vote.

DEFINITIONS

Sec. 512. 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 na
tional nominating convention or to a caucus for such selection, and a primary election held for the expression of a preference for the nomination of candidates for election to the office of President;

(b) "Federal officer" means President, Vice President, Senator, Delegate or Resident Commissioner of the District of Columbia, or 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 neces

sary 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 XI 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 amend
ments, namely:

On page 12, line 2, after the semicolon: $3,700,000 for the Office of Economic Opportunity to finance Emergency
SENATE
FLOOR DEBATE
ON
S.382
JULY 30, 1971
Mr. PROUTY. Mr. President, on behalf of myself and Senator Baker I send three amendments to amendment 308 to S. 382 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 Election 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 improvements and drafts 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 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 apparatus for drafting an effective and meaningful bill that will restore the faith of the American public in the election 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.

Now an amendment 308 attempts to give us a further advantage by placing separate but identical limitations on broadcast and nonbroadcast communications media. It in effect is implying that a candidate 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 information as to 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 Election 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. 343

On page 2, line 7, insert "(1)" before "Section 316(a)."

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 (e) of this section).’

On page 2, between lines 11 and 12, insert the following: "(2) Section 316(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 an election or special election 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 6, striking line 16, strike down through line 23 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 broadcast communications media in connection with his campaign, a candidate for Federal office or special election for Federal office may spend for the use of such broadcast communications media on behalf of his candidacy in such election a total amount in excess of—

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

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

(3) $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

(4) $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, the candidate for Federal office or special election for Federal office may spend for the use of broadcast 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 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) In addition to the amount which he may spend under this subsection for the use of broadcast communications media in connection with his campaign, a candidate for Federal office may spend for the use of such broadcast 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 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.

AMENDMENT No. 350
On page 8, after line 23, add the following new section:

"(1) Any political committee shall include on the report required by this section a detailed account of the receipts and expenditures of the committee for the election of any Federal candidate and shall file the report with the Federal Election Commission on a form prescribed by it.

"(2) The Comptroller General shall compile and furnish to the Public Printer, not later than the last day of March of each year, a report for each political committee which spends, in connection 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. Such each annual report shall contain—

(1) a copy of the statement of organization of the political committee required under section 305, together with any amendments thereto;

(2) a copy of each report filed by such committee under section 313 from March 10 of the preceding calendar year through January 31 of the year in which the annual report is so furnished to the Public Printer.

(3) 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. 351
Ordered to be printed and to lie on the table.

Mr. TAPTY 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. 352
Ordered to be printed and to lie on the table.

Mr. INOUYE. 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 by the end of the year. I am offering this amendment to fund Cannikin and to postdate 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 assurance 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 the data on the possibility of triggering earthquakes as a result of the megaton explosion and the possible resulting destructive tsunami, 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 multiple 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 detonation. I believe that certain portions of a 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 one or more earthquakes might initiate one or more earthquakes has been appreciated in the past, new and significant evidence is accumulating that such underground explosions do actually trigger both immediate and delayed test explosions. The largest of the observed associated aftershocks have magnitudes less than about 6 on the Richter scale, 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 calculation." In addition the AEC environmental impact statement also notes 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, 58 alone have registered on the Richter scale and on Sunday, July 25, a quake registering 6 on the Richter scale took place in the Aleutians. I emphasize that 58 earthquakes recorded in Alaska last year were only those earthquakes recorded on instruments. In addition, many earthquakes of lesser magnitude occur in populated areas and are never recorded.

Let me emphasize that the Cannikin test is expected to be a megaton blast, equivalent to the force of nearly 5 million tons of TNT—that is approximately 5 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 AEC'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 explosion could trigger earthquakes. As we are probably aware, tidal waves or tsunamis are principally caused by underground earthquakes with vertical ground movement. The AEC's Environmental Impact Statement characterizes the AEC's concern regarding the risk of tsunamis as "negligible" and "highly unlikely." Frankly, this admission does little to allay the fears of the people living in the Pacific rim. Haiti has experienced destructive tsunamis 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 or five years rather than 10 years. There was no definitive answer. But whether Jang Bahadur's Dhandhu passes or not, the current crisis is likely to have long—and not very fond—memories of America's role in its revolutionary war.

UNIVERSAL VOTER REGISTRATION FOR FEDERAL ELECTIONS—THE CONSTITUTIONAL BASIS

Mr. KENNEDY. Mr. President, last Monday in 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 1965.

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. 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 I asked. A copy of 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; with the assistance of Professor Paul M. Berman, 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 necessary 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 Congress has the power to enact such measures as are necessary, before Civil War Amendments, the States have the authority to establish the qualifications for voters, to regulate the registration of voters, and to hold the election. Congress passed the Smith Act (29 Stat. 550 (1910)).

Furthermore, Congress provided for the number and manner of apportionment of the House of Representatives, and required that they be determined by the last Federal census. By 1970, the States had been apportioned according to federal population figures in about 350 elections since 1790. Moreover, Congress provided that the number of representatives to be elected by each State shall be fixed by law, and the States are therefore constitutionally bound to provide for the election of representatives by the method provided by Congress. The United States Constitution itself does not authorize federal interference with the right to vote by the States, and the Congress has always, in all legislation on the subject—whether by act or resolution of Congress—acted by Congress in exercise of its power to enact legislation on the subject—by enacting a statute, supplementing the Constitution, as in the Act of June 25, 1850, 21 Stat. 160, which (1962) extended Federal authority to the District of Columbia. The Seventeenth Amendment electrolyzed the qualifications of Presidential and Senatorial officers to register and vote, and the incorporation of the right to vote into the Constitution in 1870.

The history of the Fifteenth Amendment...

As this summary points out, Congressional regulation of 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 which protected the integrity of federal elections under Art. I § 4 and under Article I, § 8, "to make all laws which shall be necessary and proper for carrying into execution the powers vested by this Constitution in the Government of the United States." Ex parte Yarbrough, 110 U.S. 651 (1884); Ex parte Brann, 110 U.S. 661 (1884); McPherson v. Blacker, 146 U.S. 1 (1892); and in the context of the 1924 election, it was held that the right of use of the mails to be secured by the Constitution and the mails and post-office acts of Congress vested in the states, and that the right to make such use was a right of property, in violation of the due process clause of the 5th amendment. Ex parte Young, 209 U.S. 123 (1908), and United States v. United Mine Workers, 300 U.S. 297 (1937). Congress also prohibited the expenditure of federal funds for the purpose of influencing the election of federal judges. CCA N.Y. 522 U.S. 449 (1932); and (9) the prohibition of political contributions by certain corporations and work in which an election at which federal officers were elected, United States v. Brearly. 293 F. 105 (D.C. Pa. 1913); United States v. CIO, 77 F. Supp. 385 (D.C. 1948); United States v. Hagan, 223 U.S. 567 (1917), rehearing denied 223 U.S. 933 (1917).

Finally, proscription of the distribution of statements which might be erroneously attributed to a representative during an election by the electorate (18 U.S.C. 612) without disclosing the name of the person responsible for its distribution have been upheld on the ground that Congress has the power of Congress to preserve the integrity of federal elections. U.S. v. Scott, 195 F. Supp. 440 (D.D.N.J. 1961). The right of all people to choose their federal officials, whatever may the constitutional allocation of authority of the states and the federal government, the election of state officials as a "right established and guaranteed by the constitution and hence is one secured by the protection of the federal courts and must be preserved to the States, and immunity from interference with the right," U.S v. Classic, 313 U.S. 299 (1941); See also, Ex parte Yarbrough, 110 U.S. 651 (1884), McPherson v. Blacker, 146 U.S. 1 (1892). Also, it has been held that public officials may not be permitted to engage in partisan political conduct. (U.S. v. Burroughs, 255 U.S. 50 (1921); United States v. Los Angeles Telephone & Telegraph Co., 283 U.S. 113 (1931).)

The extent of Congressional authority has stretched beyond fraud to encompass a number of other fraudulent devices which Congress believed had the propensity to undermine the legitimacy of the federal electoral process. Legislation setting the date for holding of Presidential elections (3 U.S.C. § 5) has been held to preempt state law setting a conflicting date. McDonald v. Blacker, 146 U.S. 29 (1893). Legislation defining the basis of apportionment of Congress (2 U.S.C. § 2a) has been upheld as a constitutional check on the states to regulate federal elections, with a federal circuit court stating that "whenever a member of Congress is to be elected, Congress sets by statute, either directly or through its members against any possible unfairness by compelling every one concerned in holding the election to observe these, and some members regard of every duty connected therewith, under the powers and penalties pronounced by that statute" (emphasis added). U.S. v. D'Amico, 348 U.S. 548 (1955). Legislation regulating the time and manner of conducting election contests has been upheld as necessary to the proper use and enjoyment of the power of the House of Representatives to decide election contests conferred by section 5 of Article I, (2 U.S.C. 201 et seq.) In re Vocisbo, 201 F. 673 (D.C. N.Y. 1913); In re Loney, 124 U.S. 372 (1888). And legislation requiring ballots to be preserved and produced upon request (2 U.S.C. 219; 28 U.S.C. 174) has been upheld on a number of occasions. In re Howell, 119 F. 465, 467 (D.C. Pa. 1902); Kennedy v. Lewis, 522 F. 2d 210 (C.A. Miss. 1975); In re Belknap, 267 F. Supp. 39 (D.C. N.J. 1967) reh. denied 387 U.S. 935; Sailion v. Rogers, 187 F. Supp. 848 (D.C. Ala. 1960), aff'd 285 F. 2d 430, cert. denied, 366 U.S. 518; U.S. v. McCulloch, 517 F. 2d 159 (C.A. 4th Cir. 1975); United States v. 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, 230 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, 656–67 (1884) quoted with approval by Mr. Justice Harlan in United States v. 546–47 (1934). Consequently, it is not surprising to find federal courts upholding legislation which provided for expenditure 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. Md. 1941); United States v. 2d 34 (1937); C.C.A. N.Y. 1932); (2) the solicitation of political contributions by certain corporations and labor unions in an election at which federal officers were elected, United States v. Brearly, supra, 293 F. 105 (D.C. Pa. 1913); United States v. CIO, 77 F. Supp. 355 (D.C. 1948); United States v. United Mine Workers, 300 U.S. 297 (1937).}

Moreover, it is not surprising to find federal courts upholding legislation which provided for expenditure 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. Md. 1941); United States v. 2d 34 (1937); C.C.A. N.Y. 1932); (2) the solicitation of political contributions by certain corporations and labor unions in an election at which federal officers were elected, United States v. Brearly, supra, 293 F. 105 (D.C. Pa. 1913); United States v. CIO, 77 F. Supp. 355 (D.C. 1948); United States v. United Mine Workers, 300 U.S. 297 (1937).
Mr. Fulbright. Mr. President, I should like to record my support for the Farm Credit Act of 1971, S. 1483.

Over 1,600 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 loans have enabled the farmers of Arkansas as well as in so many other rural areas a time when change is necessary.

In Arkansas, as in many other rural areas, we are very much concerned about the Farm Credit Act of 1971. I see in it some things that would aid our communities. The Farm Credit System need make no apology for its present role in building our rural areas. The more 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 many States unanimously supporting this legislation, and I would like to comment on the provisions in it which I believe are particularly 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 is not just a problem of the extension in rural America. The availability of credit to nonfarm rural homes will do more than provide people to live. It will provide for jobs, stimulate and broaden the tax base in these communities. The provisions in the Farm Credit Act of 1971 to allow the Federal land banks to make the kinds of loans to solve all the 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 jobs for people to live. It will provide for jobs, stimulate and broaden the tax base in these communities. The provisions in the Farm Credit Act of 1971 to allow the Federal land banks to make the kinds of loans to solve all the problems in rural America, but it is certainly a step in the right direction.

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SENATE
FLOOR DEBATE
ON
S.382
JULY 31, 1971
INTRODUCTION OF BILLS AND RESOLUTIONS
The following bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second when referred, as indicated:

By Mr. INOUE

By Mr. BELLMON:
S. 2366. A bill to amend the National Wild and Scenic Rivers Act of 1968 (Public Law 90-942) to include as potential components of the national wild and scenic rivers system the State of Oklahoma, and to eliminate the Delta District.

Referred to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSORS OF BILLS
S. 1734
At the request of Mr. MITCHELL, 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. STROM) 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. 323 THROUGH 325
(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. 322) to promote sound practices in the conduct of election campaigns for Federal political offices, and for other purposes.

AMENDMENT NO. 325
(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 COSPONSORS 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 July 30 along with Senators VASTERLING, 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. 2079, the administration's drug-abuse proposal, and Senator MUSKIE'S S. 1845. Although these last two measures have not yet been referred, we intend to discuss them 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 National Institute of Mental Health, the Mayor of San Francisco, and the California State Senator Mocone. On Wednesday, the President's special consultant on drug abuse, Dr. Jaffe, will be our lead witness. Following him will be the Governor of my own State of Iowa, Governor Ray; Mr. Graham Pinney, New York City's narcotics commissioner; Dr. Chas. E. Russell, chief of 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 Hubert H. 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 the drug problem. These are the elements which have been long 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 official, that is dependent on talented, dedicated public servants, is fortunate in having people of the calibre of David K. E. Bruce serving as ambassador. Ambassador Bruce retires this week from his post in Paris, where he has been 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 unselfish devotion to the service of his 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 editorial appearing in the Baltimore Sun on July 30, 1971, be printed in the Record.

The being so objected, the articles were ordered to be printed in the Record, as follows:

DAVID BRUCE: A TOP DIPLOMAT, GOURMET
(Edward Brody)
PARIS.—When David K. E. Bruce arrived in Paris on his first official mission for the United States in August, 1944, he had the unenviable appointment of being the proprietor of a famous three-star Paris restaurant who had shown excessive zeal in Angling Times and in at least one way than one during the Nazi occupation.

At that time he was the head of the French section of the wartime Office of Strategic Services in Europe and was in charge of the OSS Intelligence cell in Paris. Operation 'Marseilles' was most of the Liberating Allied armies.

For a man who has always managed to combine serving his country with a gourmet's appreciation of food, it was painful to have to lock up one of France's leading restaurateurs.

FAITH RESTORED
But Bruce's faith in French cuisine as well as French resistance more than restored by the fact that the proprietor of a superb two-star restaurant in the heart of Paris had shown an Allied radio in his wine-cellar, contentment, while Nazi officers were eating upstart.

Bruce has never been back to the three-star restaurant, but the two-star place remains one of his favorites and the vigorous owner is a friend.

Ambassador Bruce is now living in his own apartment in Paris, his countryman and former OSS chief in France, he came back to Paris plan to serve as Marshall Plan Administrator. He was 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.

While Bruce estimates 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 for his accounting himself ambassador returned to the States because of his health, but the negotiators of peace talks have seldom been able to rise much above the level of boredom. Bruce's love of life in Paris have been restricted for Bruce to a long year for the simple reason that he has to be accompanied round-the-clock by French security officers who follow wherever he goes, wait outside restaurants while he dines, walk him across the streets. Bruce, who has spent some years back 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 jobs. In such circumstances, the tedium of weekly meetings in the non-negotiation at the Hotel Majestic has 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 Fridays since he retired as ambassador in 1969.

Now a full and active private life is finally open for this country, soft-spoken, witty, gay, wise and prudent, Maryland gentleman who can write a wonderful book but he won't for the simple reason that he enjoys talking and hearing 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 Europe to a personality of Harold Wilson and why Mrs. Nyuhi Thi Binh of
SENATE FLOOR DEBATE ON S.382 AUGUST 2, 1971
rion 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.

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.

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.

Nomination: Senate received the nomination of James F. Campbell, of Maryland, to be Assistant Administrator of the Agency for International Development.

Record Vote: One record vote was taken today.

Adjournment: Senate met at 11 a.m. and adjourned at 5:54 p.m.

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. 991, 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 Dunells, 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 and present franchise and a fair analysis of their performance, including records of failures, and the franchise agreement, if any, may be required as part of the statement as to the facilities to be used by the franchisee.

Twenty-fourth. A statement as to whether franchises and subfranchises are to be offered for a specific area or territory;

Twenty-fifth. A statement as to the methods and responsibilities of the franchisee 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, in whole or in part, from the use of the symbol or franchise;

Twenty-ninth. When the person filing the disclosure statement is a franchisor, the statement shall include the same information concerning the subfranchisor as is required from the franchisor pursuant to this subsecition;

The disclosures which under my proposal are required 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 actions 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 expedient 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

At the request of Mr. R. EAGLETON, the Senator from Texas (Mr. Tower), was added as a cosponsor of S. 674, a bill to control amphetamines and other stimulant substances.

At the request of Mr. KENNEDY, the Senator from New Hampshire (Mr. McGee) was added as a cosponsor of S. 2135, to amend title II of the Social Security Act.

At the request of Mr. GRIFFIN, the Senator from Maryland (Mr. Mathias) was added as a cosponsor of S. 2268, the Motor Vehicle Air Pollution Control Act of 1971.

At the request of Mr. M. 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. CHILDS 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 public offices, and for other purposes.

AMENDMENT NO. 358

(Ordered to be printed and lie on the table.)

Mr. CHILDS submitted an amendment intended to be proposed by him to amendment No. 340 to the bill (S. 382), supra.

AMENDMENTS NO. 360 AND 361

(Ordered to be printed and 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. 363

At the request of Mr. HUMPHREY, the Senator from Minnesota (Mr. Swenson) 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 House Resources of the Labor and Public Welfare Committee has scheduled an open hearing on Thursday, August 5, 1971, in room 422 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 Conte 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.

EXECUTIVE SESSION OF CONSTITUTIONAL AMENDMENTS COMMITTEE 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 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 least 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 live in 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
Mr. FULBRIGHT. Mr. President, I have received today a telegram from the chairman of the Board of Foreign Scholarships, James H. Roach, conveying congratulations on the 25th anniversary of the signing of the Public Law Act on August 1, 1946. I ask unanimous consent that the telegram be printed in the Record. Without 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.

Member 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 to the author 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 railroad industry.

I wish to compliment both the steel and railroad management for exercising restraint and flexibility in these negotiations. I compliment them for placing 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 railroad 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 traditional unionism, but above all, he is the greatest 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 railroad 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 new contracts prove that there is no substitute for free, open, collective bargaining in a democracy.

The settlements at which these negotiations 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.

These 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 81st Congress but was vetoed by the President because, among other things, he felt it discriminated against broadcasting by limiting campaigning 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 that 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 media in making 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 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 witnesses had had an opportunity to testify, the committee was in open session from March 2 until March 5.

Mr. President, I received a letter signed by five minority members of the committee requesting that the hearings be reopened to hear additional witnesses. Shortly after I received the letter on March 22, the chairman of the full committee received a letter from the Deputy Attorney General of the United States, Richard G. Kleinodnest, requesting an opportunity to present his views 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 session on April 22 and 23, and unanimously reported it on that latter day.

Since the Commerce Committee's primary jurisdiction related 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 ceaseless 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 election, or in the case of nonbroadcast media, the nonbroadcast communications media do so at the lowest unit rate charged for the same amount of space.

Fifth. Require the States to by law to accept 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 any 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, or 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 many 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 its 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 these 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 the equal time experiences in this regard that I urged the repeal to 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 burdened with provisions which have proven so controversial in the past.

I want to say parenthetically here, let no one misunderstand what the intention is 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 time provisions of the law, 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 the 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 licensees, it is futile to ask the networks to respond to the offices of President and Vice President, and is not restricted to a single broadcasting station, but must be made as a network program, the purpose of the provision is to allow the networks to respond to the time free, so that the costs of the candidates campaigning for the offices of President 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 the 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 and 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.
Arthur J. Goldberg, the Democratic governorship candidate, spent $584,000 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 P.C.C. report shows Richard L. Nelson, a Democrat, spending $86,000; Charles E. Goodell, a Republican, spending $570,000; and James L. Buckley, a Conservative, who won, $525,000.

Another Rockefeller

Next to Governor Rockefeller of New York, in 1970 candidate spending was second highest. The revised ceiling now proposed for his state most decisively was former Gov. Winthrop Rockefeller of Arkansas. His radio-television cost figure was $302,000; the federal limit under the bill would be $66,000.

The Democrat who defeated Winthrop Rockefeller, Dale Bumpers, an Arkansas Democrat, spent 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 broken. Where Nelson O. Brooks, the Republican Senate candidate, spent $391,000. Senator Harrison A. Williams Jr., a Democrat, who won re-election, spent well under the ceiling.

Summing up the figures, the Republican Senators declared: "The ceilings 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 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. 392 becomes law. Winners are marked by an asterisk.

STATE, CEILING; DEMOCRAT, SPENT; REPUBLICAN, SPENT

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</tbody>
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| California | $711,000; Tunney, $466,700; Murphy, $135,700; Connolly, $215,000; Duffey, $67,000; Welch, $21,400; Dodd, $12,000; Roth, $31,000; Moore, $375,000; Chiles, $35,000; Cranner, $14,500; Hawaii, $30,000; Heifet, $64,000; Fong, $7,100; Illinois, $373,500; Stevenson, $154,900; Smith, $335,500; Indiana, $174,000; Hartke, * $32,700; Roudebush, $335,000; Maine, $33,100; Muskie, * $30,800; Bishop, $8,500; Maryland, $155,700; Tydings, $92,600; Beall, $115,900; Massachusetts, $197,400; Kennedy, * $151,500; Specht, $14,600; Michigan, $293,800; Hart, * $140,500; Romney, $45,000; Minnesota, $126,300; Humphrey, * $158,000; McGovern, $166,800; Missouri, $151,100; Symington, * $192,200; Danforth, $231,500; Montana, $30,000; Mansfield, * $10,000; Wise, $10,500; Nebraska, $50,100; Morrison, $21,600; Fruska, * $25,600; Nevada, $30,000; Cannon, * $68,100; Baggio, $78,800; New Jersey, $250,900; Williams, * $179,900; Cross, $351,500; New Mexico, $31,700; Montoya, * $35,400; Carte, * $27,900; New York, $265,700; Ottenger, $646,000; Goodell, $570,000; Buckley, $525,000; North Dakota, * $30,000; Burdick, * $44,800; Kleppe, $71,500; Ohio, $388,300; Metzenbaum, $238,500; Tisdale, * $225,500; Pennsylvania, $406,800; Seizer, $25,000; Scott, * $261,600; Rhode Island, $33,500; Pastore, * $16,600; McLaughlin, $3,300; Tennessee, $135,500; Gore, $164,600; Brock, * $137,400; Texas, $379,500; Benten, * $174,700; Bush, $292,700; Utah, $33,700; Moss, * $115,300; Burton, $91,400; Vermont, $30,000; Hof, $97,700; Frouty, * $38,600; Virginia, $161,600; Raveling, $28,200; Garland, $31,400; Byrd, * $7,900; West Virginia, $88,800; Byrd, * $8,100; Doding, $1,900; Wisconsin, * $147,400; Proxmire, * $11,100; Erickson, $14,900; Wyoming, $30,000; McGee, * $47,900; Wold, $833,700.

Mr. PASTORE. As this table shows, the limitations for the broadcasting media are realistic. If this is so, I fail to see how one 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 television 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 areas 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 broadcasting.

A candidate who is 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 in 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 candidates through the respective media.

The table I have just placed in the Record shows that the candidates who ran in 1970 and 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, however, in Chronicle & Gazette Publishing Co. v. Attorney General, 94 N.H. 148, 48 A. 2d 478—New Hampshire Supreme Court, and 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 by 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 pay candidates for public office the same rates as 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 view of the case at bar.

Essentially, the objection 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 in the first amendment generally and in a similar context—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 and in the public right protected by the first amendment, Schenck v. State, 308 U.S. 58 (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 is essential to the preparation of 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 Thurgood v. Alabama, 310 U.S. 58, 101-102 (1940):

The Freedom of speech and of the press guaranteed by the Constitution embraces at least the liberty to discuss public and, truthfully all matters of public concern without previous restraint or fear of subsequent punishment. The exigencies of the colonial period and the experience 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 time.

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, or partial abridgment of speech, the duty of the courts is to determine whether these conflicting interests demands the greater protection under the particular circumstances presented. Communications Ass'n v. Doubs, 339 U.S. 382, 399 (1953).

For that reason, the use of sound trucks may be prohibited in public places under proper standards. See Thugs v. United States, 336 U.S. 77 (1949); Sala v. New York, 334 U.S. 558 (1948); a municipality may limit commercial door-to-door canvassing, even of solicitors for periodicals, Beard v. Abraham, 363 U.S. 550 (1960), 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 substantial threat to 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 substantial 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 the elections for the office of Senator or Representative, Chief Justice Hughes, speaking for a unanimous court said it provided:

Authority to provide a complete code for controlling all election machinery, in every place and time, and 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 safeguard 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 legislate appropriately to prevent corruption in 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:

1 Subsequently the Supreme Court held that Congress has the power to act to preserve the purity of presidential elections. Burroughs and Cannon v. U.S. 552 (1954).
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 that end, the closeness of the relationship between the means adopted and the end to be attained, are matters for congressional determination alone. Stevenson v. Regord, 287 U.S. 100, 272. Congress reached the conclusion that public disclosure of political contributions, together with the names of the donors, and the pertinent 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 an estimate by Mr. President, 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 of running 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 period, a state-by-state analysis showed that the cost per registered voter to run a Presidential-level party and campaign committees rose progressively from $11.6 million in 1952 to $12.9 million in 1958; 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 and direct-mail advertising by political campaigns amounted to 84.3 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 47 per cent of 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.

As 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 Fote, Cone, and Belding, released in January 1971, indicated that 85 percent of the adult American public wants restrictions on political television advertising, and an additional 8 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 1 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 candidate or his limitations would be constitutionally sound with respect to candidates, but to maintain otherwise where their supporters are concerned, would conduce the power of Congress to redact the election result 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. 199, at p. 226—

Freedom of utterance is abridged to many who wish to use the limited facilities of radio. Unlike other modern modes of communication, radio inherently is a two-way instrument.

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. 357 (1969); 41 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 fair and equitable. 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.

President Nixon’s media spending is aimed at a specific evil which Congress has a constitutional right to remedy; and the remedy it has chosen is necessary and reasonably required to prevent it.

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 all expenditures 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 Colorado, 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-
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.

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 to be present for a few moments.

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

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 suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MATHIAS. Mr. President, I suggest the absence of a quorum.

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.

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 co-sponsor 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 Senate 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 the opinion, I believe that any substitute amendment to S. 382, Amendment No. 308, is a solid, meaningful bill, setting limits upon broadcast and non-broadcast 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 non-broadcast media expenditures; second, criminal code amendments; and third, disclosure of Federal campaign funds. Senator Pastore has himself been 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.

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 excepted 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 an understanding 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 adopted the provisions of title I 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 on 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, but may give it 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 area. That amendment has no real congressional support, 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, 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 which resulted in 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 such funds to secure public 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, nor may it 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 in the form of 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.

The vote was presented 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 contribution for 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 of title 18 of the United States Code.

Also, there was unanimous agreement to recommend repeal of section 609 of title 18 because the three 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 and restrictions upon political contributions or 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 or obligation was paid 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 not the same thing as a business which 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 quota could very aptly be applied to the amendment which would prohibit the use of credit, or to the case of 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 to the gross or overall expenditures.

This amendment has been called the "Pat Cat" or "Rich Man's amendment for obvious reasons. Even a credit card would be of no use to a candidate if he needed the full post 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 again.

Title III of S. 382, covering disclosure
of Federal campaign funds, has evolved from a history of committee and Senate activity over 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 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, and in 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 what, the amounts received or spent, for each step in the nominating process, as well as the contributions, and disbursements, and identities of individuals, candidates, and committees that are involved in all of the election processes.

All political committees which anticipate receipts 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 arraging 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 before 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 in which the candidate or committee resides in case of failure to file with the Comptroller General. 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 approved the provisions as 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 Secretory 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 over its Members.

The Constitution says in article I, section 4, 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 right to determine the qualifications and membership of its Members. However, in recognition of throughout the debate on the campaign finance provisions of title IV of the proposed law, 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 for the Federal government was established by the Comptroller General Act of 1911. This office was established to oversee the expenditure of Federal funds and has a large staff of competent and experienced accountants. 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 bill. Title IV offered a modest tax credit in the form of a percentage of the amount of a political contribution, but not to exceed a total credit of $23 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 a greater number 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 Pastoral 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 Pastoral 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.

Mr. JAVITIS. 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 finance bill.

The PRESIDENT OFFICER. Without objection it is so ordered.

Mr. BAKER. Mr. President, today we resume consideration of the bill, S. 382—Federal Election Commission Act of 1971. More specifically, we undertake consideration of the pending amendment No. 308—Star Print—submitted 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 is, therefore, in the determination of its own the purpose of its author, that 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. 392, as reported by our Committee on Rules and Administration. I do so based upon the following principles and outcomes which I perceive in the pending amendment No. 308—Star Print:

First, inadequacy of amendment No. 330—Star Print—partial exaction 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.

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Mr. President, the above enumerated five points are my areas of principal concern. For the moment I would like to elaborate upon my concern over 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—partial exception to the “equal time requirements” of section 315 of the Federal Communications Act. Amendment No. 308—Star Print—institutes the proviso 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 requirement 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 the 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 it would fit 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 394.)

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 the 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 386.)

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 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 these 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 should be given serious consideration. 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. I agree that section 315 has its inhibiting effect is not limited 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 I can offer a new amendment 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 the exception with respect to the office of President and Vice President. During those hearings the Deputy Attorney General, the Honorable Richard G. Kleindienst, stated, in part:

“We recommend total repeal, which would benefit candidates for other Federal offices as well as those for the 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 step in this direction, since it would provide opportunities for greater contribution of free time by broadcasters to the more detailed treatment of the issues.” (Commerce Committee Hearings, Serial No. 92-6, at 580.)

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 those hearings 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 the Senator, 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. I agree that section 315 has its inhibiting effect is not limited at all, it is very much in line with what we have been thinking.” (Commerce Committee Hearings, Serial No. 92-6, at 520.)

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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. 306—Star Print—simply constitutes one closing his eyes to the fact, what I think is the case, 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 medium or the other, the availability of information to the electorate varies widely from one sector to the other depending upon the individual seems necessary for interchangeability. Why not permit that amendment lack interchangeability between the two media limita- tions 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. 306—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. Phillip Siehn when testifying before the Committee on Commerce:

"While TV and radio are the most effective means of reaching the voters, the conditions vary widely from one area to another, and they can also be the most inefficient and costly way of reaching the voters."

"What's more, even when TV is suitable and available, not all candidates choose to place the same reliance on it." (Commerce Committee Hearings, Serial No. 92-6-6, 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 set a limitation whereby any given candidate re- tain enough flexibility to best reach the eligible voters of his State or his district. We should not and we must not over- structure the political process by artificial, arbitrary, or categorical limitations. I would only conclude by pointing out, Mr. President, that even the distin- guished chairman of our Committee (Mr. Pa- rson) seems to recognize the necessity for at least some degree of interchangeability. During the course of hear ing before our Committee, in a colloquy with Mr. Wasilewski, president of the National Association of Broadcasters, the following exchange occurred:

"Senator Pascoe. We thought of that. What you would do in that particular case, you would transfer the balance of your funds to one category or another, depending upon individual judg- ments 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 challenge to an incumbent may justly and validly need to expend more of his campaign funds on one medium than another. I am certain that this provision will probably more validly be achieved through the electronic media. I would not want any bill so written that it could be considered a bill for the protection of incum- bent." (Emphasis supplied.) (Commerce Committee Hearings, Serial No. 92-6-6, at 670.)

Mr. President, in view of the above noted stated position of our distinguished majority leader 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 flexibil- ity to a candidate with respect to interchangeability of spending on the broadcast and nonbroadcast media.

Mr. President, what the proponents of amendment No. 306—Star Print—fail to recognize is that their amendment lack interchangeability between the two media 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.

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"Senator Pascoe. We thought of that. What you would do in that particular case, you would transfer the balance of your funds to one category or another, depending upon individual judg- ments and needs of that candidate. I do be-
the distinguished minority leader (Mr. Scott):

"This problem of payment for campaign-related transportation services is a matter of concern to many. Consequently, the industry would welcome and support an amendment which would require political parties or candidates to provide security for payment for transportation of air transportation."

(See Rules Committee Hearings on S. 382, at 128)

Mr. President, if we fail to correct this blatant abuse of extending unsecured credit, we will 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 "as a whole" 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. One or two whose 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 amendments (Nos. 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, as reported by our Committee on Commerce. It was offered by the distinguished senior Republican of that committee (Mr. Corton) on behalf of the distinguished senior Senator from Kansas (Mr.Pattern) 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 major omission proposed.

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-
Fourth. 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. Proctor) 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 92-329, 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—Star Print (partial exemption to the “equal time requirements” of sections 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 propose for an Independent Federal Elections Commission.

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 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.
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 campaigns 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 relative to Federal campaign elections. 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 changes in our 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 the necessary reform legislation. That is why this bill has been so long in coming.

Mr. President, before I go into the details of the bill, let me at this point express the hope that the consideration of this bill 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 a sham 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 or fails 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 political process. From its inception, S. 382 as amended can be the most effective mechanism for restoring to the public the confidence necessary for democracy to work.

Now Mr. President, two Senate committees have devoted many hours to the task of drafting an effective and meaningful regulation of political campaigns in the United States. The Senate in 1958 to encourage mean-...
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 reformulated a situation 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 party in 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 incumbents.

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. 3632 was considered in part by the Senate Commerce Committee and in its entirety by the Committee on Rules and Administration. Both committees are convinced that history will judge the enactment of S. 3632 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 Pastoral.

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. 362 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 objective which can be accomplished. We have agencies. 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 than 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 65 days preceding a primary election and 90 days preceding a general election, thereby encouraging shorter campaigns.

Fourth, Limiting candidates' expenditures on the broadcast media while preserving campaign flexibility.

Title II—Limitations on Federal Campaign Expenditures

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 grant one candidate free time 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 shows 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 is as 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. Ever since the enactment of 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 their opponents.

Therefore, the Rules Committee removed the equal-time requirement for all Federal candidates.

Mr. President, this brings me to the next feature of the bill which is 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
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 nonbroadcast 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 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 in which he is competing.

On the balance, however, your committee opted against such an approach. Television is unquestionably the most used media in political campaigns and has been the most significant contributor to the spiraling cost of these campaigns. If candidates were given complete freedom 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 broadcasters and other public interest programs. (S. Report 92-96, p. 90).

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 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, it is convinced that some limitation is necessary in order to curb campaign costs.

In its deliberations the Commerce Committee did have before it some pre-eliminary expenditure figures for radio and television during the 1970 campaign. Those figures indicated that 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 that it is impossible to ascertain that sometimes we erroneously assume that radio and television are the most important items in every single campaign. That assumption 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 and New York. 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 added the provisions 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 overstructuring of political campaigns is very undesirable due to the great variety of campaign situations which exist. 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 and not merely to suit the specific needs of incumbents in perpetuity and not merely to suit the specific needs of the voters and the candidates. In all candor, Mr. President, it is erroneous to assume that radio and television are the same.

Second, Mr. President, the Rules Committee retained the provision added by the Senate Commerce Committee limiting the "least 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.

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 put on 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 did not limit expenditures without depriving the American public of the chance to hear all sides of a question in a political campaign.
I believe that the Rules Committee amendment which, in effect, placed an overall spending limitation on communications would increase rather than strengthen our non-broadcast communications.

How much spending is enough to ensure truly democratic elections and how much is too much are at this point in history impossible to determine. An even greater risk exists 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 1968. Despite the increase in the number of political broadcasting hours declined sharply to 7,535 from the 1968 total of 11,499 hours.

Mr. President, I can only conclude from that statistic that television time was more expensive in 1970 than 1968. 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 1968 than he could in 1970. Certainly this tends to put to rest 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 media and 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 8.2 percent increase 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 20.2 percent.

This outstrips any future advancements which may be made in the formula as a result of the cost-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.

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 extent it inures that this limitation will not become obsolete in the years to come, although that inclusion is imposed upon the assumption that media rates will increase faster than does the general cost of living. Such provision was made by 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. 3537 in the last Congress and S. 382 as originally introduced in this Congress tied the limitation formula to the historical rates in fiscal years in which a number of people had voted in the previous election. There was no logic in this and the amendment by the junior Senator from Kentucky did represent a significant improvement in the bill.

Mr. President, I am somewhat amazed 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 S. 3537 is 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 to 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 $5.00 maximum limit on the amount of money any one political committee can handle; and

Sixth. Prohibited unsecured debts by political candidates for certain regulated industries.

First, Mr. President, 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 be permitted to contribute or expend funds to a Federal election law which, in effect, says that only the 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 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 and the political committee must 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 services are not only subject to contribution limits 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:

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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 the maximum is imposed in the name of equalizing opportunity or whether an actual discriminatory effect can be shown.

Even a 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 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, also controlled by that candidate, as a contribution to the same candidate. Deputy Attorney General Rudhard G. Kleindienst, in testifying before the Rules Committee, succinctly summed up the problem:

"Political campaign committees 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 prescription would be virtually impossible for the Department to enforce and the public would be defrauded of the truth otherwise.

Moreover, it was recognized that full and complete disclosure really solve 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 candidate and the 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 1935 requirement was also subject to turn. National and Interstate political committees simply created other committees, none of which received the limitation. As a practical matter, 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 under pressure 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. 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.

STILL REQUIRING 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 "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 cloud of corruption and a moral price for each renewed 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 Commission for an Effective Congress, summated 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 Fundraisers, Financing Lobbyists," "False Front Campaign Rides: But They Work," "Campaign Spending Violations Found."

"It makes little difference that not all those stories contained 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, of widespread wrongdoing. As a result, the reputation of politicians and political committees suffers."

"The lack of accurate information concerning campaign financing generates this type of publicity. Everyone witness before the committee urged a change in the present law, which actually discourages disclosures. A respected Twentieth Century Fund consultant, in his 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, many of the charges against a candidate, that voters themselves could better judge whether a candidate has spent too much. This policy would do much 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 system is unwarranted secrecy. The lack of complete and full disclosure erodes competence in the entire political 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 contributing to a political committee or candidate must file a report if the contribution or expenditure exceeds $100—section 305. A specific provision is also included to require any business regulated by the Interstate Commerce Commission, the Federal Communications Commission, 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 the 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.
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 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 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 with its own special 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 the 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. In addition, the Comptroller General is given the responsibility to prepare and publish annual reports and compilations. These 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 notice in every communication:

"The activities of political committees operating largely in the district of the individual" and 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 the district of the individual and 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 the district of the individual." And 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 the district of the individual.

In compliance with Federal law a report has been (or will be) filed with the Comptroller General showing a detailed account of our receipts and expenditures. A copy of that report is available at charge of 10 cents per copy of the Federal Register and is also available at the General Accounting Office.

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 this process and their contributors as possible in the decision-making process.

In conclusion, Mr. President, S. 323 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 Byrnes and those 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. Secondly, we believe that the equal-time requirements of section 315(a) of the Federal Communications Act were met. Thirdly, we believe that the equal-time requirements of section 315(a) are in effect "no time offered requirements," because broadeners are inhibited from giving free time to any candidate.

The President's Office. 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 candidates 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 reduce the percentage of incumbents reelected to office. Is it not enough that since 1940, 53 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. If the effect is to imply 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 the 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 full truth about political campaigns. Amendment 308 is an overwhelming adoption by the Rules Committee simply required political committees to place a notice on the material they used for soliciting contributions.

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 forbear 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 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 express several very grave reservations about many of its provisions. I shall 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 report—see Senate Report No. 92-96 at 76.

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 of 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. The first place I will go to is the distinguished Chairman of our Communications Subcommittee (Mr. PASTORE) indicated in his opening statement commenting 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 this country too high? 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 a 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" published 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 entail. 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, etc. etc. Rarely are these proposals opposed on the general grounds that campaigns should be free of regulation as a matter of democratic principle, even if arguments are worthy of attention by those who wish to maintain the open political process contemplated by the First Amendment. This chapter are opposed as unworkable, or insufficiently comprehensive, or the like, and are met with counter-proposals involving yet other forms of regulation. 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 place in the proper perspective. The cost of television time, for example, is the target of scathing fingers in discussions of campaign costs 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, expenditures across national party organization.

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 ($28.6 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. Millions is hardly more than the amount spent in 1960 by the largest commercial advertiser in the United States, which corporation, according to Advertising Age and Commerce Committee hearings Serial No. 92-6 at 637.

Recently Dr. Alexander had published a book entitled "Financing the 1968 Election." In both 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 substantial increase in campaign costs. However, I take the time to have those figures translated into dollars, and the results viewed in this common denominator support the skepticism of Professor Winter and others concerning excessive campaign costs. For example, between 1952 and 1968, the table indicates a cost of $44.2 million, the 1928 figure of $11.6 million is equivalent to $33.5 million in 1968, and the 1936 expenditure of $4.1 million is $35.4 million in 1968 dollars. Thus, in 30 years, from 1936 to 1968, based upon constant 1968 dollars, the cost increase has been slightly less than $10 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 any political purposes in any campaign for public office. All I am saying is that let us not set up any "straw man" such as excessive campaign costs in our consideration of the pending measure.

To further place this 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 a technique that will equalize the influence of special 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 or political campaign is a limit on the amount of political activity in which he may engage. A limit on a candidate's ability to use 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 this, the one point is again 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 express a maximum on the political activity in which persons may engage.

Mr. President, having at least tried to place the issue in some 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 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 each 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 the media or the manner in which he spends it. 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 disregards 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 assure 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 Kansas (Mr. COCHRAN) 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 nonbroadcast and broadcast media, totally disregards this very basic problem. I personally feel that the Committee on Rules and Administration later in its report recognized this and amended the bill to 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 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 and Intergovernmental Relations Committee has 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 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 campaigns of every political office is not the same. Therefore, urge all of my colleagues in the Senate to give this matter most serious consideration and at the appropriate time when that bill is offered to 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 order to do so, I will cede the Chair to 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 judge individuals who, in effect, are their employers.

The Committee on Rules and Administration recognized this and amended S. 362 to place this responsibility in the hands of the Federal Election Commission. Yet, this is a recognized, to the most certain to reflect some unfair discrimination. Costs--

Mr. President, I offer an amendment in 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 less onerous mechanism 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 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 Election Commission. Nothing to my mind would do more to establish credibility in the eyes of the public than to establish such a commission.

CAMPAIGN BUCKS

Thirdly, Mr. President, Amendment No. 308 deletes that amendment made by the Committee on Rules and Administration to protect candidates by prohibiting political candidates with respect to certain regulated industries. This amendment prompted by an investigation initiated by the distinguished minority leader (Mr. SCOTT) under 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 the position of having, 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 covering the anomalous situation of having to consider other provisions of the bill, I am not 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 tell you in no uncertain terms that I will vote 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 unrealistic standard and one which could not be met 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. 362, I have touched upon but three major areas of concern to me. My remarks also provide insight into my feeling concerning many of the other issues which will be raised during the course of our consideration of S. 362. On the other hand, on these particular 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. HARTZELL) 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 6 minutes duration. I am glad to find that the 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 Broadcast Reform. 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.
radio and television to 3 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 such unseemly practices. In Voters’ Time, the report of the Twentieth Century Fund Commission on Campaign Costs in the Age of Electronic Media, which I chaired, we pointed out that:

“...too often, we believe, political broadcast expenditures are being more properly suited to the sale of a commercial product. Such political advertising has been marked by appeals to the emotions of the listeners rather than to their intellect; it succeeds often through the skilful editing of film or tape or through skilful manipulation of language 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,

Hon. Adlai Stevenson, III,
U.S. Senate,
Washington, D.C.

Senator Stevenson: The action you and Senator Hartke are taking which would limit the use of television spot commercials in political campaigns is certainly very much in the consideration of every member of the Senate.

In my testimony before the Senate Subcommittee on Communications, I mentioned those spots in the following way:

“...in the battle of the 30-second and 60-second spots, when image maker fights it out with image getter, glibness can overpower perception.”

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 phoniness of the 30 and 60-second commercial—and of the spurious slogan and the image maker’s gimmick—it is debate.”

The Communications Workers of America have been supporting the effort to obtain legislation permitting debates between the major candidates for President and Vice President. 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,

Senator Adlai Stevenson III, United States Senate, Committee on Labor and Public Welfare, Washington, D.C.

Dear Senator Stevenson: We are writing to you in reference to your and Senator Hartke’s Amendment 324 to S. 382 which would limit the use of political spot advertising by the National Commission for Broadcasting (NCCB) strongly supports the principle embodied in this amendment.

The use 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 30 seconds duration) tend themselves to slick marketing techniques and are singularly inappropriate for serious and informative discussion of political issues. Thus it has been the practice in expenditures on such spots to be limited or disallowed altogether. While we support a limitation of 3 cents out of a total of 5 cents per registered voter, we would like to see expenditures on these spots limited even further, say, to 20% of a candidate’s total television expenditure.

In the production of these political spots, the so-called "USP selling technique is often employed. This is where a Dingbat Selling Point is selected and dinnered into the viewer so that hopefully he responds almost subconsciously when it comes time to vote. Of course, this can only be done in an appropriate manner in which to present candidates and issues in an election campaign.

In addition, it has been noted that the political announcements are not hedged 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 insensitive 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 advertising 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 announcements has been graspable when it is noted that according to a Federal Communications Commission study of political broadcasting expenditures released January 2, 1968, 18 major parties spent $3,000,000 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. Pasken), I would like to bring to the Senate’s attention the 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 Senate, the amendment to 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 which Mr. Pasken, Mr. Packwood, Mr. Dominick, Mr. Prohity, Mr. Baker, Mr. Moss, Mr. Stevens, Mr. Gravel, Mr. Scott, Mr. Cotton, and Mr. Hatfield.

Mr. BYRD of West Virginia, Mr. President. I am actuated by unanimous consent that further reading of the amendment be dispensed with.

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

Amendment has 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, it appears strike "Comptroller General" and insert in lieu thereof the Commission.

Wherever in such title the word "he" or "him" appears in reference to the Comptroller General, strike such word and insert in lieu thereof the title.

On page 35, between lines 10 and 11, insert the following:

"FEDERAL ELECTIONS COMMISSION"

SEC. 510. (a) There is hereby created a Commission to be known as the Federal Elections Commission and shall be composed of five members, not more than three of whom shall be members of the same political party, and the President shall appoint the same to serve at the pleasure of 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 five 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 of the members of the Commission and one member to serve as Vice Chairman. The Vice Chairman shall act as Chairman in the absence of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not be filled during the last two years of the term for which such vacancy occurred.

(c) Members of the Commission shall, while serving on the business of the Commission, be entitled to receive compensation at a rate of $2,000 per annum by the Office of Management and Budget, but not in excess of $100 per day, including travel time; and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 22 of Act May 22, 1940, 54 Stat. 634.

(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.

"(c) 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 serve at 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 be entitled to make regulations regarding elections to the Executive Director.

(1) The Chairman of the Commission shall at all times ensure that the rate of pay of such personnel as is deemed necessary to fulfill the duties of the Commission in ac-
cordance with the provisions of title 5, United States Code.

"(1) The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

"(k) Section 8316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(101) Executive Director, Federal Elec-

"(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 of the United States is authorized to make available to the Commission such personnel, facilities, and other assistance, without reimbursement, as the Commission may request."

Renumber 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 be not begun to run until tomorrow. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. 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 unfini-

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. 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 Administration has asked us here as an observer at their last meeting, in May, and I came to the conclusion that it would be wise 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 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 cut off of dues and so voted, nonetheless it may have had a good effect in bringing the organization around to a better understanding of cooperation, but at least 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 cut off of dues and so voted, nonetheless it may have had a good effect in bringing the organization around to a better understanding of cooperation, but at least 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 cut off of dues and so voted, nonetheless it may have had a good effect in bringing the organization around to a better understanding of cooperation, but at least 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.
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.

Bills Reported: Reports were made as follows:

- S. 297, 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. 995, 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).

Bills Referred: Sundry House-passed bills were referred to appropriate committees.

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.

Lincoln Home: Senate took from the desk, passed without amendment, and cleared for the President H.R. 9748, to establish the Lincoln Home National Historic Site in Illinois.

Appropriations—State, Justice, Commerce: By 46 yeas to 44 nays, Senate agreed to the conference report or 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.

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. 328, 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
TAX EXEMPTION AN and David Klein, professor of chemistry, Hope College, county exect, tive, New Castle County, Del.; and George hazardous products, receiving testimony from Russell National Associatio_a 0f Counties: Ralph Casa, county

Subcommittee on Housing and Urban Affairs con- ed hearings on predator control program, after hearing, receiving further testimony from James Vogan, of the role of organized crime in the thcfft of negotiable securities, receiving testimony from _Lepresentatives

Record Votes: Five record votes were taken today.

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;
S. 2365, a bill to provide for the uniform closing time for all polls, and to prohibit the flow of information after that time; and 5 p.m. eastern time; and 5 p.m. Pacific standard time, and 6 p.m. Alaska-Hawaii standard time.

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 after that time; 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 at which 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. 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.

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. HART), the Senator from Oregon (Mr. HAFTE), 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. 265
(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. 266
(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 after that time; 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 at which 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. 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 printed in the Record at this time.

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 to be ineffective in the effective day. I am presenting 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, NATIONAL 24-HOUR VOTING DAY IN YEARS OF FEDERAL ELECTIONS

This 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 days to get to a polling booth. By a combination of improved 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 1945, 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 is the electoral process—i.e., 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—resulting in closed and closed hours, 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 the four time zones. In our own time we have seen the boundaries of electoral participation extended even further, with citizens 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 are closed early to allow time for counting the votes, but today ballots can be tabulated in minutes using modern computer systems. And modern communications permit speedy transmission of returns to collection centers.

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 presenting the following proposals: A common, simultaneous, nationwide, voting day of 24 hours length for federal elections. One manner 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 polls would open at different times in different time zones, the voters of every community would be able to vote at whatever local time of day or night that was most convenient for them.

It would relieve the pressure in urban and suburban areas where long, slow-moving waiting lines have discouraged many voters from casting ballots.

It would put an end to unsupported speculations that voters 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 24-hour voting period. Indeed, Article I of the Constitution specifically gives the Congress the authority to make regulations concerning the time, place and manner of elections. Nor has anyone suggested that such a period would not be in the best interests of the voter himself. The 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 years of age on the continent of Europe, on the other hand, where uniform, one-day voting hours are common practice, the percentages range from 87 in Denmark to 72 in France. It is difficult to implement that the most affluent democracy must have the shortest voting record cannot afford to keep the polls open for a few more hours every two years.

It would make every voting day an election day, giving the entire population a chance to vote. The difficulty is made, however, by the fact that it would take a few additional hours to count the votes. The solution would be to hold elections in odd-numbered years, as was done in 1964, on Labor Day, and to indicate that the period for voting is extended to the Labor Day holiday.

By determining that the period for voting is extended to the Labor Day holiday, it would not be necessary to provide for the holding of an election in odd-numbered years, as was done in 1964, on Labor Day, and to indicate that the period for voting is extended to the Labor Day holiday.

A RESOLUTION

Whereas it is the sense of the National Governors Conference that the most serious consideration is given to the proposition that in federal elections the electorate would be better served if the period for voting was extended to the Labor Day holiday during which time 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 designate Labor Day as an official holiday in order to give the American people a full day to vote. It is only fair that the United States, the two-party republic, extend to all citizens the opportunity to vote.

There being no objection, the resolution was agreed to.
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 where he later served as chairman of the department of chemistry and chemical engineering at the University from 1928-1954. In 1957 he became a research professor and then professor emeritus.

Born in Boston, a member of the distinguished Adams family of Massachusetts, Dr. Adams received his 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 students had important industrial 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 in 1957 as a member of the National Science Board, the governing body of the National Science Foundation, Dr. Adams broadened the University and government scientific circles in sizable shaping the Foundation in its early years. (The Foundation was formed in 1950 to continue on a permanent, peace-time 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 Chemical Society (1946), the Davy Medal of the Royal Society (1946), the Perkin Medal of the Chemical Industry (1946). In 1965 he was presented the National Medal of Science by President Johnson as “the recognized leader” in organic chemistry for many years.

Dr. Adams died of a heart attack on December 28, 1964. He is survived by his daughter, Mrs. William E. Rantz of Greensboro, Vermont, and four grandchildren.

U.S. COMMITMENT TO PAY DUES OWED TO ILO

Mr. CRANSTON. Mr. President, the American assessment of dues to the International Labor Organization is now in arrears. The dues are not paid, the ILO will lose its voting rights, and its major component of its voice in that forum will be lost.

As Samuel de Palma, Assistant Secretary of State, recently testified before the Senate Appropriations Committee: The Departments of State and Labor are of the view, it would be to our United States interests to maintain our membership, and that our effect on other ILO matters 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 the Senate to do likewise until the bill has been revised to include this important appropriation.

PROSPECT ON POLITICAL ADVERTISMENTS 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 23, 1971, Mr. Quaal intends to bring the issue before the National Association of Broadcasters.

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 political campaign.

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 cream, dentifrice, gasoline, detergents, pharmaceutical products and 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 1962 at what is now Arco Broadcasting Corp. and in 1966 at the WGN Continental stations (WGN-AM-TV Chicago, KRAL-TV Dallas, Minn., and WENR-TV Denver).

Mr. Quaal’s policy has not been 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 before the 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? 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. 2927, the State, Justice Departments appropriation bill.

I ask unanimous consent that that time be changed, to 4 p.m. today.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Further ask unanimous consent that when the conference report is laid before the Senate, the Senator from North Carolina (Mr. Eninger) 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 Senator from Rhode Island, 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 amendment.

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 Senate Finance Committee, or Rules and Administration, can be good legislation, addressing itself to spending limitations, repeal of section 315, disclosure, and tax incentives for political contributions, seeking to broaden the base of participation in our 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 procedure to make an agency 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 the bill higher 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 2473, where was inserted a letter from the Director of the General Accounting Office to Senator Magnuson, chairman of the Senate Commerce Committee, setting forth 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 GAO were given this responsibility that not only would it be effective in 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 a 13-year term, 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 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 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 considered campaign reform, and based on my own experience and service in the Commerce Committee 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 we are really 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 establishment established by rules and administration and require 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 knecjerk columnists of the far left had the colossal gall, in his own particular imbecile way, to imply that I did not vote for the 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.

Heaven, 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 end their indebtedness and has indicated that we will cooperate with the federally regulated agencies. I have listed how much my party owes and how much I owe myself. I work to pay off my own deficit. I do not, one now, I am glad to say, any money to federally regulated industries, 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 an 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 3, at lines 12 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, character, and public service have attained a nationwide reputation for integrity, impartiality, and good judgment, are qualified to serve on 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 allay 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 can do more with 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 to adopt 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 have a great majority of the Caliber, not just the Senator from Pennsylvania talks about, any abuses will be reported, and it removes the 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 the President should follow in making appointments, and what is the essential role of the Senate in advice and consent.

May I say to the Senator from Rhode Island that I gave some thought to his
suggestion last night, reached independent- 
ently of his suggestion. The setting up of a commission in most instances re- 
quires an odd number for decision-mak- 
ing, but here, to accentuate the bipart- 
isan nature or nonpartisan nature, if 
you will, there is 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 independ- 
ence 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 consider- 
sable 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 elec- 
tions 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 
as about as independent an agency as can 
possibly be found in Government. It was 
originally created in 1921 by the General 
Accounting Act. It has been vested with 
all the powers and duties of six auditors 
and the Comptroller of the Treasury. 
We, of course, have used it very exten- 
sively since that time.

The agency has been 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 oth- 
ers 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 independ- 
ent commission is that to establish such 
a commission, that has a job only every 2 
years, is really to set up another bu- 
reaucracy, 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. It is a mixed nature.

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 de- 
veloped by the General Accounting Office. 
I certainly hate to see us—

The PRESIDING OFFICER (Mr. 
GAMMEL). The time for 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 3 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 Sena- 
or 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 indepen- 
dent agencies are removed from polit- 
ics. 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 one of those 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 Demo- 
cratic National. 

So to say that are completely 
removed from politics, in these appointive 
jobs, is not quite correct, and I do not 
know how we could ever get them com- 
pletely 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 com- 
mittee. 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 year 
and nays ordered.

The PRESIDING OFFICER. The Sena- 	or may modify his amendment as a 
matter of right. There have been two 
modifications suggested; does the Sena- 	or propose both modifications?

Mr. PEARSON. Yes.

The PRESIDING OFFICER. Will the 
President send those modifications to 
the desk?

Mr. PASTORE. They are being pre- 
pared now.

Mr. CANNON. I wonder if the Senator 
will 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 the committee said they 
favored the separate commission, but 
that they felt a good compromise would 
be to compromise on the General Ac- 
counting Office. One of those was Dep- 
yuty Attorney General Kleindienst, who 
said that while he favored the independ-
Mr. PEARSON. Mr. President, I think I should respond to the Senator from Nevada, who made some very valid points in his remarks 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—

The new organization and additional functions 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, unfriendly 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 have no question 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 activity. That is why I thin of 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.

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 28, 1971, and an editorial which has been carried 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:

WASHINGTON, D.C., July 26, 1971.

Mr. JOHN W. GARDNER, Chairman.

A WTOP EDITORIAL

As Congress moves toward final bills on campaign finance, there is still a strong impulsion—especially in the House—to hide as much as possible about the sources of money in political campaigns. Congress must be pressured to write a law that will reveal as much as possible.

The bill which the House elections subcommittee has marked out contains an outrageous provision which would require only one public disclosure of contributions and expenditures, and that would come 45 days after an election. A fact ood 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 fundraising 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 watchmen and police. That is, 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 appointments.

And par and away the best solution would be a new, independent, bipartisan Elections Commission, which also has the support of the President, 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 this is one of the 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... Normal service will be resumed.

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 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. I think it would be better 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 88-to-0 and still not being able to bring it to a vote.

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. It would be the 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 thought we should. I 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 these 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. PFOUYT. 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 to 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 assuage the general public that we are bringing in a truly nonpartisan manner, and I hope we will 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:

"(2) In carrying out its responsibilities under this title, the Commission shall take the fullest extent practicable, at its own expense, 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:


Hon. Allen J. Ellender, Chairman, Committee on Appropriations, U.S. Senate.

Dear Chairman: This reply to your request for our views on the question of involving the Comptroller General in the reporting, enforcement, and investigative functions concerning federal campaign contributions and expenditures, as is proposed by S. 382, as amended, before 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 similar 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 integrity, and by virtue of the independence of the Comptroller General, in connection with the Senate, the Comptroller General is now playing a significant role in very important matters. We must remain free from political influences and 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, strongly opposed to placing the Comptroller General in any position that might subject us to such criticism, the foreseeable 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 have any provisions relating to the disclosure and accounting of personal and political campaign committee expenditures for an independent Federal Election Commission, or for an independent Federal Federal Election Commission, and we are especially concerned that it not change the system of political campaign financing that we now have. Specifically, we believe that any provisions relating to the disclosure and accounting of personal and political campaign committee expenditures for an independent Federal Election Commission should be created, in lieu of the majority recommendation that the secretary of the Senate and the Clerk of the House, to supervise the enforcement of this legislation. The commission 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 in an independent Federal Election Commission, and in testimony before the Senate Rules Committee, the distinguished Senator from Virginia (Mr. Spooner) testified as follows:

"Because our relationship to the Congress generally is a very close one, and because the establishment of an independent Federal

A number of other witnesses appearing both before the Commerce Committee and the Rules Committee endorsed the concept of an independent Federal Election Commission. In our deliberations on the rules of the Senate, there has been 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 Committee Enrolled Bill dated April 5, 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 Election Act (2 U.S.C. 244-246) and under the Federal Regulation and Lending Act (2 U.S.C. 382) are filed with the Clerk of the House and the Secretary of the Senate. The creation of an independent commission would not deprive either House of executive authority under Article I, Section 5, nor would it involve a delegation of such authority. Rather, it would merely permit each House to exercise its authority by action 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 and 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 program to reduce 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 supplement to the Federal Election Commission bill 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 and unethical duty of overseeing the campaign activities of the Members of Congress, of the Appropriations Committees of the House of Representatives to act as Brandeis notes, and of the Senate. The division of the House of Representatives to act as Brandeis noted that opinion was an

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 conclusion of 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 this 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 these 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 non-election years, among other reasons, the Committee agreed that the office of the Comptroller General which already is charged with oversight authority over the Senate and House, and which employs many experienced accountants and investigators, would be preferable to the offices of the Secretary and Clerk.

Accordingly, the Committee approved an amendment which, in every pertinent title, section, or other provision of S. 983, 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 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 trust of the American people in our political system.

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 Ellezey, 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. GAMBREL). 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. 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 that may 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 the best of all bulwarks against corruption. Its presence or absence seems to be the action or inaction of the whole body politic." 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 authority 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. 983 would continue to provide that reports and statements be filed with the Secretary of the Senate or the Clerk of the House.

As the 20th Century Fund put 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 not in a position to investigate charges of campaign abuse—particularly in the ease of charges lodged against incumbent Congressmen.

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 Congress, then I submit that in-house regulations do 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 "The Politics of Exploitation" by Dr. Herbert E. Alexander. In the report it was suggested that:

There is much to comment, the establishment of the Civil Rights Commission, particularly 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 Finance called for creation of an independent Registry of Election Finance.

More recent proposals have also called for such a commission with investigation and as well as publicity functions. Two of the bills that were before the Committee—S. 1, cosponsored by Senators Gruel, Brooks, Javits, Mansfield, Moss, Muskie, Packard, Pearson, Randolph, Spong and Symington, and S 386, cosponsored by Senators Scott, Mansfield, and Humphrey for establishment of a Federal Elections Commission. In addition, other organizations, such as the National Committee to Inaugurate an Executive Commission, have spoken explicitly in support of the commission approach. In a statement submitted to the House Committee on Standards of Official Conduct last year, C four emphasized that "[e]ffective reform requires, at a minimum, the creation of an independent, nonpartisan Federal Elections Commission insulated from and protected against the political pressures of the day."

Similarly, the position of the Justice Department, and the reason that is that a commission would be insulated from outside pressures and would increase the likelihood that vigorous enforcement will be applied.

Those who oppose establishment of such an Elections Commission say, in effect, that spending limitations, full disclosure and greater penalties as provided in the bill will be enough to meet the mounting criticism against campaign spending abuses. But such arguments are unreal. 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 bipartisan agency to monitor such activities.

Accordingly, while I recognize other desirable changes, I am unable to support this 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. GRAFII.

Mr. PASTORE. Mr. President, I yield my remaining 2 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 2 minutes.

Mr. GRAFILL. Mr. President, I endorse the pending amendment and would 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 cornerstone of our democracy. There is probably nothing that would be more important than the operation of a system
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 this 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 campaign financing 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 pending amendments which I believe should be adopted.

One of the most important of these is the amendment by the senior Senator from Kansas (Mr. Passenger) to replace the General Accounting Office as repository of election returns with a non-partisan Federal Election Commission. This idea was contained in my own election 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 be far better if the Secretary of the Senate and the Clerk of the House were 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.

The General Accounting Office is strongly opposed to placing the responsibility for the administration of Federal election campaign financing requirements in the Comptroller General.

Mr. Steator said:

Mr. President, the General Accounting Office is strongly opposed to placing the responsibility for the administration of Federal election campaign financing requirements in the Comptroller General. 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 investigations and decisions are induced or influenced by political considerations. Because our relationship to the Congress closely resembles that of principal and agent, we especially guard against 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. And as the Supreme Court has repeatedly said, General Accounting Office'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 decision-making 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 Mr. Passenger.

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 judgment.

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 campaign 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 Federal 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. We have 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 significant 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 differences between most of its principal provisions—the Senate 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 list 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 guarantors that debts will be paid when owed to businesses regulated by the Federal Government, such as telephone and airline companies. In the 1968 elections it was scandalous that several candidates in the 1968 elections owe hundreds of thousands of dollars to these corporations and we 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, 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 chilly contest in the same State. I for one have greater confidence in the logic and wisdom of an informed American electorate than I do in current 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 Election 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 the 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 the present law, the proposal that the General Accounting Office be assigned the responsibility would endanger that important body's non-partisan 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 assured 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 the 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 defy 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 superfluous 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 Sen- ator Bentsen which would limit expenditures 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. They, 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. The first of which is the requirement that each candidate provide airing for broadcast media by the beginning of the primary and 60 days prior to a general election. The last of which is the translation of 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 has debated 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 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. The time of the Senator from Kansas (Mr. PEARSON) 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 ayes 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. MAGNUSSON), and the Senator from Mississippi (Mr. SIMEON) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSSON) 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  
Byrd, Jr.  
Bell  
Bellmont  
Bennett  
Bing  
Boggs  
Brooke  
Burdick  
Burk, W. Va.  
Cannon  
Carlson  
Chambliss  
Chiles  
Church  
Cook  
Cooper  
Coxen  
Muskie  
Nelson  
Norton  
Paul  
Percy  
Pilcher  
Proxmire  
Randolph  
Bilbo  
Barkley  
Backwood  
Pastore  
Scowen 
Peyton  
Price  
Proctor  
Rousseau  
Thurmond  
Talmadge  
Tate  
Tenn  
Thurmond  
Tunney  
Tweed  
Walls  
Young

Hollings  
Browne  
Humphrey  
Inouye  
Jackson  
Javits  
Jordan, N.C.  
Jordan, Idaho  
Kennedy  
Kennedy  
Mathias  
Byrd, W. Va.  
Gravel  
Graham  
Gambrell  
McClellan  
McClellan  
Mcclellan  
McGovern  
McGovern  
McCoy  
McCoy  
McFadden  
Miles  
Montoya  
Montoya  
Moss

Buckley  
Leach  
Lott  
August 3, 1971

[CONGRESSIONAL RECORD—SENATE 29005

Baker  
Banc  
Bentsen  
Brock  
Brock  
Mansfield  
Brock, Eastland  
Mundt  
Brock, Hab  
Hughes  
So Mr. PEARSON's amendment, as modi- 

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, as follows:

On page 17, between lines 2 and 3, insert the following:

"Sec. 301. Chapter 29 of title 18, United States Code, is amended by striking out the last sentence of subsection (a) of section 315 (as so amended) of such chapter and inserting in lieu thereof the following new section:

"(a) Excess of credit to candidates for Federal office by certain industries and businesses.-(1) Subject to the provisions of 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 an agent or other person 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 or any other person acting on behalf of such candidate in connection with his campaign, so long as any debt with respect to such goods or services rendered in connection with the campaign of such candidate exists, shall furnish goods or services in advance of their being furnished or rendered, or (2) secures the debt so created in full by proper bond, or other security.

"(b) In the case of any such business whose customary practice is to submit statements to its customers for 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 with respect to such goods furnished or services rendered in connection with the campaign of such candidate exists, shall furnish goods or services in advance of their being furnished or rendered, or (2) secures the debt so created in full by proper bond, or other security.

"(c) Any candidate who purchases goods or services from any such business in connection with his campaign for Federal office, or 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; or

(B) 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, pays the expenses directly, for goods and services purchased by such person while so acting;

(C) such person is acting under an agreement with, or with a political committee which makes expenditures to influence the nomination or election of such candidate, pays the expenses indirectly, for goods and services purchased by such person while so acting;

(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 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.

(g) On page 27, line 3, strike “Sec. 206” and insert in lieu thereof “Sec. 207.”

(h) 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 credits to candidates for Federal office by certain industries.”

On page 27, line 21, strike out “Sec. 306,” and insert in lieu thereof “Sec. 305. (a).”

On page 28, between lines 4 and 8, 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, may buy business 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 unpaid balance of the price of such goods or services as of the reporting date;

(D) 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 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. PASTORE. Mr. President, I wish to point out to Senators—

Mr. BYRD. Mr. President, I request the Senator from 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, that it attach retire to the rear of the Chair, and that order have order.

The Senator from Rhode Island may proceed.

Mr. PASTORE. Mr. President, as I was saying, we have a one-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 unreasonable siting rates, charges, and deposits. Because of this inflexibility, these federally regulated industries have great difficulty in obtaining the necessary 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 contributions to political campaigns. Existing law already prohibits corporate contributions. In addition to “free” services.

Mr. BYRD of West Virginia. Mr. President, may I 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 and because they are being subsidized by these federally regulated industries, become easy prey for political candidates. The airlines, telephone, and telegraph companies have been placed in a position of unlawfully, unreasonably, and unintentionally—and I might even say 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 Member of Congress, whose jurisdiction in committee may include airlines and who is also 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 unsophisticated airline would be at least in a state of possible future recognition. 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 26933, 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 do not 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 astros, at least, of the United Air Lines. In the process of traveling back and forth to my State, I use United Airlines 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 this person is acting as an agent of a political campaign. Existing law already prohibits corporate contributions. In addition to “free” services.

Mr. BYRD of West Virginia. Mr. President, may I 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, I explained 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 card is on file and 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 the state so decides.

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 airline credit card which is available, and I would think it would be extremely complicated
A can be cleared up by full payment of bills or through a security arrangement. Monthly statements, however, are required. But there cannot be an attempt to put 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, 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 affects 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 a 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 previous 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 $4,000. Obviously, it is 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 on 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 personal 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 measure of precaution and 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 this in order to save the cost of collecting the bill. 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 19, the problem that I have brought up would be solved, and that person, in other words, would be still considered to have paid his 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. STEVENS. The 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, said in his day, 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 take that pun at 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 take American Express or are 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 to be in 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 showed that 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 cards that issue cards to carry a charge or percentage to the agency that is using 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 nonpartisan 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 these bills are people who are not paying their bills. I do not 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 others who are in the position in order to help a candidate run for election.

Mr. PASTORE. Mr. President, will the Senator yield on that point?

Mr. CANNON. Mr. President.

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. CANNON. We are talking about campaign committees running up charges and now being served by corporations, contrary to the Corrupt Practices 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 Alabama, 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 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 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 security, from extending credit, and so on.
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 reads as follows:

On page 30, 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 predominance 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 Mr. 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 Bell (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 compensatory 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, in view of the opinions expressed today, the amendment will be submitted to 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 amounts 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 undertaken 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 for use in furnishing the data would probably not be furnished to the Comptrollers Department, which would institute a search of the records to determine the amounts that 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 prepare the records at an estimated cost of $900,000.

In response to Item 2, above, we have no basis for estimating the political account amounts written off of any year prior to 1968, other than by extrapolation of our experience starting with 1968. In our opinion, such a benchmark would be unrealistic. The comparisons commencing in 1966 differed from previous campaigns inasmuch as the amount of telephone communications used from 1930 onward greatly exceeded the volume of calling in comparable campaigns. Therefore, we do not believe we possess sufficient data to perform 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.
**August 3, 1971**

CONGRESSIONAL RECORD — SENATE

OUTSTANDING DEBTS DUE 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)

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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 now means pleading, 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: "(a) other than Federal election office (as defined in subsection (c) of this section), "...

On page 2, between lines 11 and 13, 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 election office to use his broadcasting station in connection with such candidate's campaign for nomination for election, or election to such office, the license shall afford such candidate maximum flexibility in choosing his program formula.""

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. They are 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-
 candidi was given free time on radio or television. As the 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 as 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, in my mind, is only a basic 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. Wasilewski. Since we were determined not to let him consider this important legislation in its entirety other broadcasters testified before us. Victor Diehm, president of the Mutual Broadcasting System succinctly reemphasized 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.282, as amended, recognizes that this is really an inhibiting and would not permit coverage on a broadcaster rather than a guarantee of equal treatment. By its present language, section 315 would repeal the equal opportunity provision of section 315 of the Communications Act for Presidential and Vice-Presidential candidates. Extension of this policy would permit all other applicable considerations bearing on a broadcast license's stewardship of the airwaves remain in full force. Above, if it should occur, could be readily redissed.

Stations, freed from the threat of great sums of money in its present form discourages affording such free time because it would 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) for those 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 to the candidates.

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 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 our 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 did 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. It is as though this is a monopoly you would leave too much power in the hands of the broadcasters. Quite the contrary, I always felt there was sufficient maturity and integrity in the industry that you could and should make this happen.

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
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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 points 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 and 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 Paskoe to the Deputy Attorney General, suggesting 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 network, 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 any 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 the effort none of the incumbents 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 candidates in the Senate. 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 Mass Media Act and provide that the lowest unit charge shall apply to all legally qualified candidates for public office. Rejected: 61 ayes, 38 nays.

Cotton, Prouty, Pearson, Griffin, Baker, Cook.

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 is legally qualified candidate for Federal elective office to use his broadcasting station in connection with such candidate's campaign for nomination for election to Federal office, license applicant 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 repealing 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 a station at a station bell 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 here, 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 particular State; but so the fears as follows:

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The Senator has a right to modify his amendment and, at the request of the Senator, his amendment is modified accordingly.

Mr. PASTORE. I certainly appreciate the amendments 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-
M. BAKER. I thank the Senator from Vermont for yielding, so that I may add my entire and enthusiastic agreement to the accord 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 Mr. BYRD of Virginia. Mr. President, I do not know how much time I will require.

Mr. PASTORE. No; the Senator may keep speaking, and then will yield him time if necessary on the bill.

Mr. BYRD of Virginia. Mr. President, I could continue speaking and offer and amendment if the Senator prefers and take the time from that amendment.

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 broadcast 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, can he do what he likes? That argument can be made. However, we have the fairness doctrine and the responsibility of the licensee, whose license comes up for renewal every 3 years.

That is about the only local 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. PASTORE. Mr. President, I do 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 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 committees, 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 is not happen. I do not know. However, on balance I believe I would 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 have 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 in 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 in the broadcast industry and the discretion is that of the licensee.

Mr. PROUTY. Mr. President, I yield myself 2 minutes on the bill.
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 are two effects 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 this bill as to whether the situation which took place last year and which again is taking place this year could be duplicated with the reasons that the incumbent has to come if this legislation is enacted.

Mr. President, 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 whatever 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 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 speaking in violation of any law if I told you what I 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 accurately.

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 put the whole force of the Governor even to the extent of writing letters on official stationery of the Governor asking for campaign contributions to my opponent.

I was in a very difficult position. I do not want to offend 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. I know that Virginians 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. 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.

I have another concern. 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 in Virginia will have the same opportunity as anyone who desires to run for the office of Lieutenant Governor in Virginia to run for Governor. He may 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 that 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 managers 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 go out 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 prepared 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 he 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 candidate; 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. BYRD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENBERGER), the Senator from Iowa (Mr. HUGHES), the Senator from West Virginia (Mr. RANSOM), and the Senator from Mississippi (Mr. STENNIS) are not present absent.

I further announce that, if present and voting; the Senator from Louisiana (Mr. ELLENBERGER) would vote “nay.”

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDY) is absent because of illness.

The result was announced—yeas 71, nays 21, as follows:

[Table of votes]

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Is anything pending at the moment?

The PRESIDING OFFICER. The Pastoral 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 amendment No. 372.

The PRESIDING OFFICER. Would the majority leader yield back his time on the Pastoral 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 19 through 23 and insert in lieu thereof the following: "For the purposes of computing the limitation provided for in the first sentence of this paragraph in connection with a Presidential primary election, the resident population of 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 for in the first sentence of this paragraph in connection with a Presidential primary election, the resident population of 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—this is 5 cents multiplied by the resident population. Taking this figure, he can then divide that amount by as many primarizes 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 primaries. 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 amendment which brings that very much to mind. It permits a candidate to 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," to talk 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?

Mr. MATHIAS (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 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 political committees in every State 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 his political primary, be it in New Hampshire or Florida wherever, and to spend extravagant amounts of money in that single primary to the exclusion of other and perhaps equally important primaries, or committeemen, 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 in a particular State to be proportional to 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 the candidates and their respective political committees, or financial contributions or made expenditures for the purpose of bringing about his nomination for election, or election, to such an office and has not notified the 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 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 (C) 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."
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 are 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 bill and I am 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 people 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 recognize. 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 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 that reason, Mr. President, 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 (spending, etc.), 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, I am 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. Or else, I would be moved 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. 339 defines 'legally qualified candidate' so as to cover situations where the limitation on a candidate's expenditures becomes applicable. It is a paraphrase of the regulations and rules 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 may 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 candidate identification.

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 would 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 create greater than problems than the one it is designed to cure.

Mr. President, 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 or opposing election, or re-election, and has notified that person or political committee in writing that 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 among the media suppliers, the candidates, and those who must enforce the legislation.

How, for example, can an individual be charged with supplying 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 would easily evaded if someone were disposed to do so.

Moreover, it would bring within the purview of the legislation those persons who cannot be legally candidates in the first place, people to whom we are referring 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 means that it ought not to be done. I think we should live by the language I propose which deals with the facts 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, is 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 bickering 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 one 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 from 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 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 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 top 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 defined what a qualified candidate is according to 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 should be enlarged so that 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 it, allows 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 to table the House had decided, 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:

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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 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 and Conservation Stamp Act to authorize the Secretary of the Interior to establish the fee for stamps issued thereunder, and for other purposes.

H.R. 700. An act to revise and improve the laws relating to the documentation of vessels.

H.R. 1074. An act to amend section 200(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. 9268. An act to amend title 5, United States Code, to provide quality 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. 7043. 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 traffic, 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. 7098. An act to direct the establishment of health standards for employees of food service establishments in the District of Columbia.

H.R. 6869. 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 for other purposes.

H.R. 9442. An act to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for executive schedule III-

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.R. Res. 1. Joint resolution concerning the war powers of the Congress and the President.

L.R. Res. 289. 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. 9697. 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 and Conservation Stamp Act to authorize the Secretary of the Interior to establish the fee for stamps issued thereunder, and for other purposes.

H.R. 700. An act to revise and improve the laws relating to the documentation of vessels.

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H.R. 7098. An act to direct the establishment of health standards for employees of food service establishments in the District of Columbia.

H.R. 3628. An act to amend title 5, United States Code, to provide quality 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. 7043. 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 traffic, and what part of such property and expenses shall be considered as used in intrastate and exchange service; and for other purposes.

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H.R. 5655. An act to amend title 5, United States Code, to provide quality 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. 9442. An act to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for executive schedule III-

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.R. Res. 1. Joint resolution concerning the war powers of the Congress and the President.

L.R. Res. 289. Joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes.

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 fair contribution to the electoral process.

It is equally important, however, that the Congress and now the Senate, pass meaningful reform legislation. I believe that this amendment 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 last night amended 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 for holding 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, a follows:

The Honorable CHARLES McCYMATIUS, Jr., United States Senate, Washington, D.C.

DEAR SENATOR: Thank you for your note concerning your interest in removing your amendment 2291 to S. 382, the Federal Election Campaign Act of 1971.

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 McCole,
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 considered.

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 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, the candidate of the legally qualified candidate in such election, and

"(3) has provided in 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 expenditure 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 Senator from Maryland may proceed.

Mr. MATHIAS. I offer the amendment to the substitute. For the purpose of conforming the Pastore bill, the opposite lines are on page 6, 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 campaign election in the election 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 laws 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 been licensed, as we are 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 left to the States, and if the States have a 10-day license 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 94, line 5, before the period insert the following: "exception that any contribution in excess of $5,000—except that any contribution in excess of $5,000, that no one can contribute to any campaign or Federal candidate in excess of $10,000, or more, which words 'or more' do 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 always be a 10-day period 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 Pasteur substitute.

The PRESIDING OFFICER. The clerk will state the modified amendment.

The legislative clerk reads 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 candidate and/or
more political committees supporting such candidate, shall report such loan to the Commission 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. 305.

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 lends $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

Mr. CANNON. Mr. President, will the
Senate yield?

Mr. PACKWOOD. I yield.

Mr. CANNON. Mr. President, I think this provision is unduly restrictive. Section 302 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 business impossible.

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 Ameri-
can 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 of 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 post haste 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 lender.

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. Coors.) 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. 305).

Mr. PASTORE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CANNON. Mr. President, I ask
for the yeas and nays on my amendment.

The amendment was laid on the table.

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 more than $50,000 in excess of the estimate of resident population of voting age for such election, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held.

"(B) In addition to the amount which he may spend under paragraph (2) (A) of this subsection for the use of nonbroadcast communications media in connection with his campaign, a candidate for Federal elective office may spend such use any unspent portion of the amount authorized to spend for the use of nonbroadcast communications media under section 108 of the Federal Election Campaign Act of 1971."

On page 8, strike lines 6 through 31, 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 more than $50,000 in excess of the estimate of resident population of voting age for such election, as determined by the Bureau of Census in June of the year preceding the year in which the election is to be held; or

"(D) $50,000, if greater than the amount determined under paragraph (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 paragraph (2) (A) of this subsection for the use of nonbroadcast communications media in connection with his campaign, a candidate for Federal elective office may spend such use any unspent portion of the amount the candidate is authorized to spend for the use of nonbroadcast 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.
August 3, 1971

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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. 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 and also to a campaign to be run by a candidate.

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 the 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, if any. It was convinced that such a limitation would 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, it prevents a candidate from spending more of his campaign fund than is necessary to get elected to office. It creates a case where 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 aspects 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 outlined will be kept in mind. Amendment No. 30B 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. 30B ignores all of the testimony presented before both committees.

Our distinguished majority leader (Mr. MANSFIELD) submitted testimony and a number 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 not have the ability or the funds to spend more of his campaign funds on name identification which can probably more validly be spent through the electronic media. I would not want an amendment 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 California 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 City may not even be able to afford television at all, while a congressional candidate in Wyoming may find that television is the only way to reach all of the voters.

What rational basis is there for setting separate limitations? I would invite you to the reasons contained on page 30 of the Commerce Committee report.

Some of the witnesses who testified before your Committee argued that there be one total limitation, even though with the candidate to determine what amounts to spend on broadcast and nonbroadcast communications media. Perhaps the 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 the medium that is 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 medium your Committee was fearful that in the closing months of a campaign the airwaves might become inundated with political advertisements. In its letter to Joseph Sample, Senator MANSFIELD probably best summed up the problem when he stated:

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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 broadcast advertising on our political life, at least at the Presidential level, is probably less than some have warned.

If one is 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 carry out 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 burst of television advertising spent on 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 wavering may have been largely unaffected by his campaign, and that any media campaign devoted primarily to reinforce the favorable tendencies of his existing constituency.

It is important to observe 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 voter 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 of the current state of advertising costs. In the Washington, D.C., area alone, media advertising costs rose 88 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 outweighs 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 make no conclusion 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 an adjustment of the formula at some future date. During the course of hearings before our Commerce Committee, in a colloquy with Mr. Wasielewski, president of the National Association of Broadcasters, the few following exchanges occurred:

Senator Pastore: We thought of that. What you would do in that case, you would transfer to the other area.

Mr. WASHLEWSKI: I think this ought to be a matter that is of 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 an acceptable factor, 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 is the rule, and any candidate who does not use up to 7 cents can take the slack and transfers to the other area. (Commerce Committee Hearings, Serial No. 62—4 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: Thank the Senator from Vermont for yielding.

Mr. President, this is an amendment which I offered in the Commerce Committee, and which I am afraid to say at great length that 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 this 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 of 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 was written into amendments Nos. 308 to 388 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, so often with the vigor of which I am reasonably capable any effort, for instance, to require that expenditures be made through a Federal agent. This is not seriously suggested or 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 of a State or nation, there is then 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 the more visible 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 the candidates in all of the several States of the Union can be presented. As the Senator from New Hampshire (Mr. Cotton), the distinguished ranking minority member of the Senate 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 Committee, he wished that New Hampshire 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. Hence, for instance, to reach the New Jersey electorate, this candidate would have to spend a great deal of money on newspapers and radio. This candidate would have to devote a great deal of time to campaign offices 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 statute 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 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 only on the elections, 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 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 non-broadcast media, or billboards or badges or whatever. Before 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 percentage of your allowance for non-electronic media 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 has done 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 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 broadcasters. 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 case 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 40 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 going 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 allocation, and finding 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 diversified. 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 limitation.

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 think 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 money 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 no 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 Maine. He wrote to Mr. William A. Merrick, who is president and general manager of KBZN. The distinguished majority leader wrote:

I believe that there should as well be some discrimination 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. Prouty 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 funds 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 such that a candidate to 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 prosecution of incompetence.
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 transferability, I will go along with it, because I think that will allow the less fortunate candidate to compete.

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. PROUTY. I yield.

Mr. PASTORE. This bill, then, is not a campaign spending limit bill, is it?

Mr. PASTORE. Of course it is. How are we limiting the spending of the money? The point is, we have been generous in allocating the formula and the amount. The reason why we were so generous in adopting 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. 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. PASTORE. The Senator knows what happens. The candidate is riding along in his automobile and he sees this bumper sticker, pamphlets, or utilizing people going door to door.

Mr. PASTORE. And the Senator from Oregon, Mr. Packwood, who wishes to ask me one or two questions.

Mr. PASTORE. Certainly.

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 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 already heard.

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 has been discussed is not the most difficult part 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 reject 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 this to think that we had for 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. 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 running for office did not spend all his money on radio and television. I did not spend all my money on radio and television. These 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 yet.

With interchangeability, we can still get out the pamphlets, use the billboards, or buy balloons, as the case may be. The only thing we are discussing now is that if we have this and we cannot 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.

Mr. PROUTY. Mr. President, I yield to the Senator from Oregon (Mr. Packwood), who wishes to ask one or two questions.
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 anything. 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 bringing spending into its proper context. If we have interchangeability, then we have 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 is 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, the campaign costs on the average will exceed what was spent in 1970 to do 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 Senator 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:

"LIMITATION ON 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 up to 20 per cent of the expenditure limitation under section 316(c) of the Communications Act of 1934, as amended by section 103(a) of this Act between one or the other to be spent on either the broadcast or nonbroadcast media on behalf of the candidate 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 Election 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 Election Commission is authorized to promulgate appropriate rules and regulations to carry out the purposes of this section.

(d) The definitions contained in section 316(c) of the Communications Act of 1934 and in section 103(a) of this Act are applicable to this section.

On page 10, line 12, 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 FROM EXECUTIVE I, 92D CONGRESS

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent to remove from the Locarno Agreement International Classification, Executive I, 92d Congress, transmitted by the President to the Senate, and to ordain 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. RORN). 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 the Locarno Agreement International Classification, signed October 8, 1968, and I transmitt 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 is 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, 1968.

I recommend that the Senate give early and favorable consideration to this Agreement.

RICHARD NIXON.

THE WHITE HOUSE, August 3, 1871.

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 a joint resolution (H.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 to the Senate 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. 362) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask that it be printed.

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—en bloc.

Mr. STEVENS. Mr. President, the prov-

ition I am most disturbed with in this bill is one that apparently attracts little at-
tention. If it were said that a type-
setter would have to work without pa-
cent while he read a political ad on a radio station, or that a television announcer would get 50 percent rate and $12.50. That would be the
time he was reading a political ad for a candidate, I assume that would be a cause a little more attention to be at-
ttracted 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. To carry it effective.

It is simply unreasonable to require a political candidate to pay higher rates than those charged to advertisers at the lowest unit rate at which it sells advertising in the grocery store on an average of 6 days a week, 52 weeks a year, and get an earned rate discount.

If 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 the same class of time, the same amount of time, 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. Wasielewski, from the National Association of Broadcasters, testified before the committee. He was very plain, quoting from page 483 of the hearings before the Commerce Commit-
tee, when he said:

Some of the bills introduced would require that broadcasters sell political 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 pol-
itical candidates no more than it would an advertiser for the comparable time. This in-
sures that the candidate gets fair treatment [paraphrased].

Mr. President, I underline that. It is certainly 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 puts up billboards, sells billboard space, prints placards, bumper stickers, sells political buttons, whether he is, that he has to give a politician a favored rate.

But the pending bill cuts right into the small, individually owned radio and tele-
vision 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 through-
out the country. I have not been able to do so, because I guess they do not pro-
vide these. They are printed in the FCC records. However, I have not been able to get the individual rates.

Just to show what will be required of the radio, television stations, or news-
papers in Alaska—according to informa-
tion which I have readily available—the Alaska newspaper rate for 1 inch on a display rate is 25.00. 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 the Senator from Rhode Island, in this case, has fallen out of line with his own standards, as far as the standards of the country, 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 candi-
dates but also the various issues that affect the community, State, or the Na-
ton.

We are saying that a political candidate is not that kind of customer either for the newspapers or the news media. We can actually undertake a con-
tract 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.

I am 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 preced-
ing the date of a general or special elec-
tion.” That is all we are doing and we
Mr. PASTORE. 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 here. 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 Senator made 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 price paid to a station or to a 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, time, and rest of the station time. It is in the FCC journals.

How about newspapers? Can we go into the Senator from Rhode Island because I am sure the committee went into this subject 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 charge 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 Alaska 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 an 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 are 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. Of course, the broadcasting industry would like to have it. 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 45 days.
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. 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 is.

Mr. STEVENS. But because 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 for a large amount of money by the class 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 committing 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 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 stations 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 are to be showing national broadcasting programs.

I will tell the Senator very frankly what I think is a remarkable thing. Metromedia, WTTG, NBC, Dr. Goldenson; 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 pay you a reasonable amount of time for what stations, as in the case of Kethikan, 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 my time going to the networks because of 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 any time or money 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 television 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 are 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 not some difficulty. That goes to one-third of the time.

Senator from Alaska yield further? I realize there may be difficulties in the committee.

Mr. PASTORE. All right. We are still talking about the class.

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, suggest the change of a quorum so we can take a look at it.

The PRESIDING OFFICER. Out of whose time does the time for the quorum 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.

Mrs. 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 Paskore strike. "out 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 "class and amount of time during the same period."

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 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 "class and space of."

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. 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 not 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 Senator from New York (Mr. Javits).

Ordered further, that the time on any amendment be limited to one hour, the time being divided equally between and controlled by the mover of each amendment and the distinguished manager of the bill (Mr. Pell), with exceptions as to the time on the amendments.

An amendment by the Senator from Colorado (Mr. Dominick), on which there will be 3 hours.

Two amendments by the Senator from Montana (Mr. Mercutio), on each of which there will 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 their time 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 be made an amendment.

Mr. BYRD of West Virginia. Mr. President, in response to the request, 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. JAVITS. And it is in the interest 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 object of the request, 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 is fine with me? I say in advance, but I do want to make clear whether it will carry the bill.

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.

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 thereon.

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.", and insert "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 these 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. It is accessible 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.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

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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 more, all these words 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 the wishes are, which wish to precede 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, the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes, which was unanimously consented 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 John Hay amendment, 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. PERRY. 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 surrounding the Lincoln home and restoration of the site as it appeared there before Lincoln became 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 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 House. 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, and in the city which he called home.

A little over a century ago the country faced the first national existence. It was saved by a unique American who came from the prairie of Illinois—Abraham Lincoln, who had faith in the good sense and decency of the possibilities for the future.

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 in that man in that hour. We do know that a homespun, self-taught man, unequipped by convenient standards to assume the Presidency, emerged from Springfield in 1861 to reunite a country almost destroyed by rebellion.

It is only appropriate that the place where Lincoln unhesitatingly prepared himself to meet the challenges of his fateful Presidency be preserved and designated the national historic landmark that it is.

The Lincoln home, located on the corner of Jackson and Eighth Streets, was the place Lincoln called home for the 37 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.

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 President's Office (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 9 p.m. having ar-
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 the 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 38, line 3, after "addresses" insert the following: "(occupations and the principal places of business, if any)."

On page 38, line 16, 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. votes 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 finally emerged from the isolation of its “cultural revolution,” redispaching 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 voted 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 the important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-important all-importan...
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 McKevitt.

**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.

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**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. 10661, 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. 28a);

2. Modified Mathias amendments en bloc which would (a) require reporting of contributions in the amount of $100 or more (No. 28a), (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. 288), (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. 288); 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 29326, 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.

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.

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.

Pages 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, 29339, 29361

Committee Meetings

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 legisla-
tive bodies work together. We should do as much as we can this year, because next year will be, to a degree, blinded by the pollution of politics, and the smog of ambition will descend upon our legisla-
tive 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 periodic-
ally 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 re-
mainder 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 cam-
paigns for Federal political offices, and for other purposes.
The ACTING PRESIDENT pro tempore.
The pending question is amendment No. 282 of the Senator from Mary-
land (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
meeting No. 282 of the Senator from Mary-
land (Mr. Mathias). Who yields time?
Mr. Pastore. The second assistant legislative clerk proceed 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 transac-
tions 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 Representa-
tives, 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 6(a) of the Natural Gas Pipeline Safety Act of 1969, and to authorize co-
operative action with State and Federal regularly bodies or 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. 5638. An act to amend the act of August 9, 1955, relating to school fire safety for elementary and secondary school children 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 1946, 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 John Dickson Baldeschiwerter, of California, to be Deputy Director of the Office of Science and Technology.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

OFFICE OF SCIENCE AND TECHNOLOGY

The legislative clerk read the nomination of John Dickson Baldeschiwerter, 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.

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. GAMSWILL) 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 accompanying reports); 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 Bar, 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. 92-248);

H.R. 2950. An act to equalize the retirement benefits for 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 amendments:

H.R. 2592. An act to amend the act entitled "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. 92-352).

By Mr. TUNNEY, from the Committee on the District of Columbia, with amendments:

H.R. 8899. An act to amend the Healing Arts Practice Act, District of Columbia 1928, to revise 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 PRESIDENT PRO Tempore (Mr. BENNETT). 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 of colonel, indicated, under the provisions of sections 2198, 3851, 3853, and 3892, Title 10, of the United States Code:

BE BRIGADIER GENERAL

Col. William A. Browne, 426-18-1614PG, Mississippi Air National Guard.


Col. Wendell G. Garrett, 312-12-7999PG, Indiana Air National Guard.

Mr. STENNIS. Mr. President, in addition, I report favorably 1,425 appointments in the Air Force in the grade of lieutenant colonel, and because the names have already appeared in the Congressional Record in order to save the expense of printing on the Executive Cal-
of up to 90 days without obtaining a visitor’s visa.

S. 1265

At the request of Mr. Brock, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 386, 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 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 Alabama (Mr. Stennis) and the Senator from Georgia (Mr. Talmage), the Senator from South Carolina (Mr. Thurmond), the Senator from North Dakota (Mr. Young), the Senator from South Dakota (Mr. McGovern), the Senators from Tennessee (Mr. Baker), the Senator from Wyoming (Mr. Hensle), and the Senator from Maryland (Mr. Mathias) were added as cosponsors of S. 2304, the veterans’ allied health professions training assistance program.

S. 2332

At the request of Mr. Magnuson, the Senator from New Jersey (Mr. Williams) was added as a cosponsor to S. 2331, the Emergency Unemployment Compensation Act.

S. 2276

At the request of Mr. Baker, the Senator from Tennessee (Mr. Brock) was added as a cosponsor of S. 2276, a bill to provide accelerated assistance for economic emergency areas.

S. 2332

At the request of Mr. Tower, the Senator from Nebraska (Mr. Baker), the Senator from Alabama (Mr. Curitis), 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 stationed in designated hardship or isolated duty stations.

S. 2330

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 establishment 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. Glenn), 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. McIntyre), 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. Schiwecker) were added as cosponsors of Senate Concurrent Resolution 33 regarding the prosecution of Jews and other minorities in Russia.

MILITARY CONSTRUCTION AUTHORIZATIONS, 1972—AMENDMENT

AMENDMENT NO. 376

(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. 9041) to authorize certain construction at military installations, and for other purposes.

ECONOMIC DISASTER AREA RELIEF ACT OF 1971—AMENDMENTS

AMENDMENTS NO. 310 AND 316

(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 NO. 361 AND 366

(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.

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 10320 of the Federal Building located at 11000 Wilshire Boulevard, Los Angeles, Calif.
CONGRESSIONAL RECORD — SENATE

August 4, 1971

Mr. TAFT. Mr. President, consumer credit continues to be an area of deep concern for all Americans viewing economic records 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 concern for 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 spend the taxpayers' dollars— as defined by the act—are to study and appraise the functioning and the structure of the consumer finance industry, as well as consumer credit transactions generally.

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 mechanisms.

I remind the Senate of these facts only because bills have already been introduced 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 provide credit rate structure— the Congress to embark upon a course of action that we specifically and quite recently, rejected.

I am reliably informed that the Commission has completed its study of consumer credit and that it will meet its 1972 deadline. I am also informed that the research by the Commission up to now reinforces the need for added study. What has been less agreed to date is just how much we do not know about credit.

For example, we do not 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 constituencies or whether that consumer would wind up paying less 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, 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 do not know what to do that we do not even know if a law of price credit would be a spur to our competitive system or whether such a law would make credit and viable competition among retailers, banks, and other credit grantors.

My purpose in making this statement is not to suggest that the Congress close the book of 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 other choice but to restructure— 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.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Perry, one of its reading clerks, announced that the Speaker had signed the following enrolled bills:

H. R. 2954. 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. 2954. An act to incorporate the Paralyzed Veterans of America.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. GAMBREL).

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 campaign activities for political offices, and for other purposes.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senate 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 NO. 267 AND 280

Mr. MATHIAS. Mr. President, I call my amendments No. 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:

On page 3, line 18, strike "(e)" and insert: "(c)".

On page 6, line 25, strike the closing quotation marks.

On page 6, after line 25, insert the following:

"(c) 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 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:

"(d) 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:

"(i) "State" means each State of the United States, the District of 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 the details 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 violations, and the penalties are different for the broadcast and nonbroadcast media.

The purpose of amendment No. 287 is to equalize the penalties as applied to the broadcast media and the nonbroadcast media. The amendment makes no other changes 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. 26' and No. 289) 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: "(occurrence 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: "(occurrence and the principal place of business, if any)."

Mr. PASTORE. Mr. President, 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—$99.99 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 dinner.

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 on campaign debts remain on the books until they are extinguished. That may 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 nominal debt, it means the committee would have to be in existence for infinite time. It 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 "Commission."

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:

"(a) (1) No person (other than a candidate or political committee) may make contributions directly or indirectly during any calendar year in excess of the 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 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—" (A) $50,000, in the case of a candidate for the office of President; or (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, Delegate or Resident Commissioner to the Congress."

"(2) For purposes of this subsection, "im-
PASTORE. Mr. President, the amendment that was just read is the amendment that was offered by 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 allow an individual to receive.

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 really 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 $250,000 from an 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 screw up your campaign. 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 "This 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 who have contributed 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 set 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 make, say, $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 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 limit on the amount one individual 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 individual 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 individually, 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, that gives you a limitation of $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.

Mr. PASTORE. I'm saying that 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 was 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, that amount 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 $6,000 to each of those committees 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 or the 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 I do not think, the testimony before the committees by both 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 proposal.

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 contributions. They like to take contributions this way. They are easily person run for public office. If he is literally incapable of driving, a law which he takes 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 does 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 hold 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, 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 right. It has tough reporting provisions, and the instructions to the regulative 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 independent 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 andines pay for it if we do not do something about it. Their 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 be limited—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 the 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 to the 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 Senator from Rhode Island would 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. An individual may contribute to his own campaign, but 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.

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. 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 here 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. Mr. President, if the Senator from Rhode Island yield me some time?

Mr. PASTORE. Mr. President, how much time do we have on this?

Mr. BAKER. 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, I yield 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, on the amendment.

Mr. BAKER. 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. But having said that, 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, I found, I must say, that 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, it is 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 think 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 or 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 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-A—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.

Mr. BAKER. Is there a distinction between the candidate himself and 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 Democratic and Republican senatorial campaign committees?

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; 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 ceiling 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 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. 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.

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 committees 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 giving money. 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, the effect of this that could be brought to my attention that I was aware of, I finally concluded, and reluctantly, that it was physically impossible to have a workable limitation on these 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 to kill the bill.

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.

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. CANNON. Mr. President, I yield myself to the majority leader.

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. CANNON. Mr. President, it was disclosed that an individual was putting up $1 million toward the election of the President, I would 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 arises, if the Senator visualizes were to occur with a Republican candidate, the Senator from Rhode Island would make exactly the same point that 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 plagiarizing, that in discussing the bill, the Senator came up with what 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 Committee on Rules and Administration, the point that I made was that any individual could contribute $25,000.
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. Kleindeist, which appears on page 122 of the Committee on Rules and Administration.

In view of the perplexing array of political committees which solicit campaign contributions, inadvertent violations are likely and cannot be easily made to appear inadvertent. Such a proscription would be virtually impossible for the Department to enforce and the public would be defuded if it is believed or 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 particular 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, would be 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 proposed the amendment.

I would suggest that 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 $3,000, or $5,000, or $10,000? 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. Nesson). 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 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. 263. Section 608 of title 18, United States Code, is amended to read as follows:

"(a) 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.

"(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 $10,000, 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:

"(b) 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 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's the case of the O'Connor 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 lack of 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 of a payola and so on. 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 the office of two senators, the widow 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 the conversation of 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 eionians 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 wished.

Mr. President, let us not have any Galbas in America. Let us not give anybody the expectation that the gold is available for that purpose.

I think this is a very important amendment. I am very appreciative of the support of the Senator from Florida (Mr. CHILES), who is co-sponsor.

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 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 Constitution, a candidate to deny one of the holders 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 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 recognize the propriety and the sincerity of the distinguished Senator from Maryland (Mr. MATHIAS) and the distinguished Senator from Florida (Mr. CHILES). But, as a practical matter, the 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-
Mr. COTTON. I yield myself 3 additional minutes, and yield 2 minutes of it to the Senator from Maryland (Mr. Mathias).

Mr. COTTON. All right. But, I say that if John Doe who is a member of a State legislature comes along, for example, and runs 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 getting a seat.

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 cause of $500 to the entire United States, but the entire people of the United States, some enormously wealthy individual rides in, invests a million dollars of his own money, and puts on the kind of publicity and 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 him 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. COTTON. I yield myself 5 minutes on the bill.

This provision says that no candidate may make expenditures from his personal funds in any 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. COTTON. 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, 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) $100,000, 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 shall not try to do all 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. 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 out and spend $50,000, or $100,000, or $25,000, with the banker as his surety, then the public would be in a like position where 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. COTTON. 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 a piece? 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 God, all 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 economic order. If we are going to give men equal access, to the greatest extent possible, to the priv-
Mr. CANNON. Does the Senator feel that the public is going to have confidence instilled in it by the legislation that is obviously unworkable and obviously is unreasonable and probably infringes on a constitutional right?

Mr. DOMINICK. I pointed out one practical problem already, that of extension of credit. It amounts to more than the $35,000. Under this proposal, he would be in violation of the law.

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 and the Senator from Nebraska have introduced a constitutional amendment which is to be considered by the Senate. I believe many things about it being wrong, about it being unconstitutional, and that it will create all kinds of problems. I hear sounds to me like a lot of nit-picking.

Mr. CHILES. 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 and the Senator from Nebraska have introduced a constitutional amendment which is to be considered by the Senate. I believe many things about it being wrong, about it being unconstitutional, and that it will create all kinds of problems. I hear sounds to me like a lot of nit-picking.
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 tax money 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 to be able to run for an office, spend $35,000 is the limit for a senator, $50,000 is the limit for a senator from Illinois (Mr. Pease) is necessarily absent.
Mr. LONG. Mr. President, will the Senator from Florida yield?
Mr. BROCK. Mr. President, 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 limit on the presidential campaign and that is probably less than two-tenths of 1 percent of what the total campaign cost of the race will be. As to the congressional race, allowing the $35,000, that will be maybe 50 percent, on the average cost of a House campaign, 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.
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 $25,000 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 Senator from Florida from whom I heard earlier said, "What is wrong with our election laws? We have disclosure in the bill." I am sure anyone 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 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 enforeceable 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 trying to buy the job. It is unrealistic to think 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 inferences.
Mr. LONG. Mr. President, will the Senator from Nevada yield?
Mr. CANNON. I yield.
Mr. LONG. Mr. President, in my experience of serving on committees, I was 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 should we be obligated to someone else 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. Bent). The motion to lay the table is not in order.
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"

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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 on it is now proposed to the Senate?
The PRESIDING OFFICER (Mr. Bent). 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).
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, the Chair will state the form of the question on it is now proposed to the Senate?
The PRESIDING OFFICER. 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. Mr. President, the Chair will call the roll.
The PRESIDING OFFICER. The clerk will resume the call of the roll.
The Senator from South Carolina (Mr. Thurmond) is necessarily absent.
The Senator from South Dakota (Mr. Murtaugh) 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
Aiken  Dooley  Jordan, Utah
Anderson  Dole  Kentucky
Beall  Dozier  Louisiana
Bell  Donnelly  Minnesota
Bellamy  Donnell  Montana
Bellis  Donnelly  North Dakota
Benton  Donnelly  Utah
Bibb  Donnelly  Virginia
Bingsey  Dockery  Wisconsin
Bingham  Dockery  Wisconsin
Bilott  Donnelly  Vermont
Breslin  Dockery  Vermont
Brock  Dole  Maine
Brock  Dooley  Maine
Brown  Dole  Maine
Burke  Dooley  Maine
Byrd, Va.  Dooley  Maine
Byrd, W. Va.  Dooley  Maine
Case  Dooley  Maine
Church  Dooley  Maine
Cooper  Dooley  Maine
Cranston  Dooley  Maine
Curtis  Dooley  Maine

NAYS—58

Aiken  Hartke  Nebraska
Anderson  Hartke  Nebraska
Beall  Hartke  Nebraska
Bellamy  Hartke  Nebraska
Bentz  Hartke  Nebraska
Bibb  Hartke  Nebraska
Bingsey  Hartke  Nebraska
Bilott  Hartke  Nebraska
Breslin  Hartke  Nebraska
Byrd, Va.  Hartke  Nebraska
Byrd, W. Va.  Hartke  Nebraska
Case  Hartke  Nebraska
Church  Hartke  Nebraska
Cooper  Hartke  Nebraska
Cranston  Hartke  Nebraska
Curtis  Hartke  Nebraska

NOT VOTING—9

Bayh  Eastland  Mississippi
Hansen  Eastland  Mississippi
Humphrey  Eastland  Mississippi

So Mr. Corr's motion to lay Mr. Mathias's amendment on the table was rejected.
The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota (Mr. PASTORE). (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 by the clerk.

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. PANNAN), 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. RYAN. Mr. President, I 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. PANNAN), to be followed, when disposed of, by the distinguished Senator from Indiana 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. HARRIS) be inserted here as a co-sponsor of amendment No. 386.

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 co-sponsor 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.
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. FASTORE. But the Senator should receive an amount 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. FASTORE. So, there, 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 committee, he can make as much as $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. FASTORE. 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. FASTORE. I wish to say to my friend, Mr. McClellan, upon which a veto might hinge, Mr. CHILES. 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?
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. 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. The time for 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 each, 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 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 he would be able to make disclosures where he got his money; would he not?

Mr. CHILES. That is correct.

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 as 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 committees.

Mr. CHILES. No; it certainly is not going to prohibit the raising of money, but it is going to put a stand a' and to the people by which the people will see that a candidate is not to take more than $5,000...
Mr. CHILES. That is correct.

Mr. PROUTY. Suppose someone is solicited for $5,000 for a certain candidate and 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 this person at the time to the state $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 what other person 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 pool. 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 any 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 ridiculous proportions, if 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, or 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 can do what it wants. If 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 Senator Mathias tried to do this under the old amendment, 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, the philosophy is going to add to the structure of committees, be 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 solicited. It is going to be denominated 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 think we should not be beholden to anyone for that. That is the standard one is trying to set, and by way of a committee, we can do that now. The committees are there.

What the bill does is to set up disclosure for the committees. When we go around by these 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 and buying the offices of the 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. 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 should 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 Select Senators' 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 know as the Democratic National Committee and the Republican National Committee. In deference to my friend from Kansas, I shall say highly respected, since he and I held that same job.

I now yield to the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, in effect, the amendment is that the Senator said so. Mr. PASTORE. That is correct. Mr. DOLE. Mr. President, I share that. 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 understood in 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, insomuch 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 out that about all we do, as I understand it, is limit the amount that John Doe, whoever he may be, can contribute if he is a candidate for President or 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 are not set up individually for him, he could contribute to committees. But there would be no 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 chairman of the national committees.

Mr. CHILES. I think he could contribute to the party now. Much of the money would be coming through the committees now. I do not know how that would change the statute.

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—in raising money. It is particularly true in a presidential year. There is a lot of competition for the collar. 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's vote wouldn't have it? 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 go on next year.

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 say to 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, the Citizens 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 candidates.

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 sometimes 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 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 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 Alabama and 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 million to $1 million, could they spend that as they chose?

Mr. PASTORE. Not if they are campaigning for the one candidate. All they can do is to pay 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 cast the amendment. I just put it 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 if he were 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 Doak, 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 to 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 raise a lot of money to back 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. Rorick). The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, I answer that there were no ceiling as to the amount of money that could be spent in the Senator's behalf. 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 this 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 this amendment, as in any statute passed 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 the 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 so strong, it should be weakened, but we have made this a strong bill.

If anyone who conducts a campaign in the Senator's behalf 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 running 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 evasion?

The Deputy Attorney General said that if that is done, there could be prosecution for a violation of the law.

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 full 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, 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 problem 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 shaping 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 another $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.

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 can.
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 in which the collywally has demonstrated, strengthened 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 cause he cannot use it without disclosure.

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 can contribute inadvertently 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 with me, because the name of the game is one committee or 50 committees, because we are trying to correct.

Mr. SCOTT. Yes, but that is not so large a number of candidates.

Mr. PASTORE. That is right. In other words, one could come out against the Vietnam war and say I am going 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 advertisement in the paper, "Ban the Bomb." We cannot stop that. Perhaps many of us would not want that done but 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 is simply to prohibit expending 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 in any way this amendment. The Senator from Rhode Island says he thought we had 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. It is sought here 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.
August 4, 1971

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. PASTORE. The Senator from Virginia has the floor.

Mr. BYRD of Virginia. I yield to the Senator from Nevada.

Mr. CANE of Nevada. I don't 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 inadvertent 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 viola-
tions. So, if 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 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. PASTORE. 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. PASTORE. Mr. President, 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.

Mr. PASTORE. The time of the Senator has expired.

Mr. BYRD of Virginia. I give the Senator 5 minutes more.

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 their 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 what 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. MATTHIAS. 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 the 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 not he 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. MATTHIAS. 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 19, 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 would 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 PRESIDENT pro tempore. The Senator's 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 may 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 read 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 political committee, 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 the section, if the Senator would yield, I am not arguing against 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, Republican candidate in the State of Maryland.

Mr. MATHIAS. I do not recall any such contribution.

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. BYRD of Virginia. Mr. X, then, 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 early in the floor a few months 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. It is on page 14 of the Pastore version of the bill. It includes all in the definition of “person” a committee or an organization. Under those circumstances, if “person” is to be taken to include a committee and 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. 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, nor $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 $5,000 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 Virginia, if we had 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 by Yes, 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 that. How would 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 overall 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 finds himself in that position who runs an unlimited 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. 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 make 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, 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 amendment 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, 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 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 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, I wish 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 to 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 it is possible for an individual to make a $5,000 contribution to State committees, county committees, city 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 so desired, could make a $5,000 contribution to each of the committees? Am I correct on that?

Mr. PASTORE. Provided that com-
Mr. BYRD of Virginia. It is a recognized fact that a committee, except a committee of the whole or a political committee, may make contributions. That excludes the political committee.

The PRESIDING OFFICER (Mr. HARRISON). 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 show how. 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. PROUTY). 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 individual 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 Congress. That amendment supported his proposal in this session of Congress. But this particular amendment—which is not the Senator from Rhode Island's amendment—means to me the difference between, first, whether we have a system that the people of the country will believe in, and, second, whether we have a system that will have solved the situation. As I see it, the amendment passed by this Committee is insufficient and 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 pending amendment on its merits. If that should be successful, I think we will have solved the situation. As I un-
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?

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 the two nearest things to it: 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 pass, we shall be 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 nature of the game here is a limitation on contributions to 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 and perhaps also to make public what we can publish, without the time being taken from the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call that 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 it is 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. Post, to the Senate, 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. 9910. An act to amend the Foreign Assistance Act of 1961 and for other purposes.
H. J. Res. 88. Joint resolution authorizing the President to proclaim the 28th day of September, 1971, as "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".
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 on September 26, 1971, of the 225th anniversary of the establishment of the Smithsonian Institution and to designate and 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. J. Res. 88. Joint resolution authorizing the President to proclaim the 28th day of September, 1971, as "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".
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 on the one hundred and twenty-fifth anniversary of the establishment of the Smithsonian Institution and to designate and set aside September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution.

H. R. 9910. An act to amend the Foreign Assistance Act of 1961 and for other purposes.

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 was referred to the Committee on Foreign Relations.
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. Presi-
dent, 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 modifica-
tions in the amendment. On page 1, strike
lines 1 and 2 and insert:

On page 36 insert the following:

Mr. FANNIN. Mr. President, I ask
unanimous consent to insert 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:

TITLE IV—AMENDMENTS TO INTERNAL
REVENUE CODE

PART A—Tax incentives for contribu-
tions to candidates for Federal office

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:

TITLE IV—AMENDMENTS TO INTERNAL
REVENUE CODE

PART A—Tax incentives for contribu-
tions to candidates for Federal office

The amendment is so modified.

Mr. FANNIN. Mr. President, I ask
unanimous consent that the reading of the
amendment be dispensed with, and that the
amendment be printed in the Record.

On page 1, strike line 7. On page 2,
beginning with line 10, strike the words
"to provide checks and balances on
expenses. Regrettably, there is one
unclosed loophole that the bill does not
cover—(i) refer to compulsory collection
dues of union members being used for
political purposes—something the Con-
gress 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 assess-
ments 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 contribu-
tions, to provide facilities for campaigns,
to pay for supplies for campaigning, to
pay the salaries of supposed union offi-
cials who actually were full time political
campaigners for various candidates.

In the 1968 elections union contribu-
tions were estimated at from $60 million
on up.

Mr. President, at this point I ask unan-
imous consent to insert in the Record:

The preamble to the amendments, as
modified, is as follows:

TABLE 6—LlABOR NATIONAL-LEVEL COMMITTEES GROSS

<table>
<thead>
<tr>
<th>Year</th>
<th>1956</th>
<th>1960</th>
<th>1964</th>
<th>1968</th>
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<td>Total</td>
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</tr>
<tr>
<td></td>
<td>17</td>
<td>32.2</td>
<td>41.3</td>
<td>34.8</td>
</tr>
</tbody>
</table>

Mr. President, I believe that a para-
graph from a brief filed in 1962 with the
Presidential Commission on Campaign
Costs pretty well summarized this con-
cept:

No one asked the union rank and file
which candidates should be supported.

The decisions were made by the union
bosses who have the resources at their
disposal to use in grudging their favored
political axes. These union bosses naturally
are going to use these resources to
support election of public officials who
can adopt legislation and policies that
benefit 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 money from gaining
an iron grip on the Government. In
current legislation we are considering
today, the objective is to keep home balance
in our political campaign system and
prevent candidates from "buying" their
way into office and to prevent special
interests from "buying" the candidates.

Mr. President, I believe that a para-
graph from a brief filed in 1962 with the
Presidential Commission on Campaign
Costs pretty well summarized this con-
cept:

No one can adequately document or
even estimate the persuasive effects of Big Money
on our public officials who have
experienced in political campaigns make
the points: candidates must constantly think of
the financial problem; campaign costs
have mounted sky-high, partly for televised
advertising, 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 "sym-
pathetic consideration" of their viewpoint
and at the worst outright compromise of
support of their special interests.

This vulnerability to Big Money is most obvious in
the closing days of every campaign, when can-
didates spend money from almost any source,
in a frantic effort to gain the of, or catch up
with, the opposition in television time. The
necessity of relying on these large contribu-
s of labor committees reporting on the na-
tional level more than doubled. Their re-
ported contributions went from $2.2 mil-
lion 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, Alex-
ander E. Barkan, has provided some im-
pRESSIVE statistics on the role that his
organization and other union bosses
played in the 1968 elections.

Mr. FANNIN. Mr. President, these
tables show that in 12 years the number
of labor committees reporting on the na-
tional level more than doubled. Their re-
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ion to $7.1 million. Again, let me point
out that these represent only a fraction of
the actual union expenditures for
political campaigning.
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 control 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 known to be the friends of labor and 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 and assess the resources that are the basis for the political arm's organizations 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 down the power of the union officials back down to its rightful place. 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 income 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 tax exempt from investment income, such as dividends, interest, annuities, or royalties. 501(c)(5) of the code provides some 17 categories of exemptions for a number of varied organizations.

501(c)(5) lists 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)(5) 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 rewarding 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 spent on expenditures 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.

Somebody 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 it 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 prohibition is so written as to 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 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 of the following, 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 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.


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, resisting 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 the undesirable 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 the money comes from, where it goes, whether it is tax deductible or not. If tax deductions were 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 the 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 hard put 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 which are openly in the business of supporting and electing candidates to Federal office. I believe that the workman’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. It is 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 opponent 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 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 Senate 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 we 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 the exact intent of my amendment, to treat equally everyone involved in the election, and I do not that where we have not done that, we have not done so for the special privileges to one segment of our society.

I do feel that this is an area in which we should have corrective legislation, and that is why I have offered the amendment.

Mr. BROCK. Mr. President, will the Senate 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 bank, and 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 reported as expenditures, 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 exempt 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 challenging them—as to how they have 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 internal operating expenses 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 incentive 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 newsletter I was ever to see. It was the purest slander and fallacious. It was a labor organization, without the consent or permission of the Bill of Rights, as anything possible.

It was that a Better Election System, one of the reasons why I was successful. The question I have is that if the Internal Revenue Service 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 exempt privileges.

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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. Yes, their funds were collected under a mandatory agreement and were spent in opposition to their own wishes, and I think that is just due to 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 very fine record and work that 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; that he is not given 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 legislation before us for some time to correct it.

Mr. President, in its report, “Financing an Better Election System,” the Committee on 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. An amendment to S. 382, the campaign spending bill.

**Corporations and Labor Unions**

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 union 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.

This provision would extend to religious, social, educational, philanthropic, or other organizations, nonprofit in character and concerned with issues of broad public policy.

**Mr. FANNIN.** Mr. President, my amendment would bring an effective new restraint on the undesirable 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 tax exemption continues 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 these 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 it.

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 interest of the laborer, 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 do not get how that can be done, even though the objector retains his rights to campaign, to speak, 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 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. 382, 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 public office or to support or oppose any political party.

It must be said that this amendment is somewhat antithetical to the law. 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 pernicious, 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 members for political purposes are done 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 every State. 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 counts. No piece of legislation can possibly be interpreted 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 the ballot box a candidate who has benefited from their membership dues. This practice of 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 candidates 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 compulsory 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 any activity.

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-
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. MONTOYA) 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. MONTOYA); 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. MONTOYA) provided, that no amendments not germane be received; ordered further, that no Senator in control of the time on the bill may, and 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 Senate 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, the time on any amendment, motion or appeal, except a motion to lay on the table, shall be limited to 20 minutes, to be equally divided and controlled by the mover of such amendment or motion and the manager of the bill (Mr. ELENDER).

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 such amendment or motion and the manager of the bill (Mr. ELENDER).

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 bill, motion or appeal, except a motion to lay on the table, 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. ELENDER).

Provided further, That on the question of final passage of the said bill, debate shall be limited to 2 hours to be equally divided by the mover of any such amendment or motion and the manager of the bill (Mr. ELENDER).

Speaker, That, during the consideration of the resolution (H.J. Res. 833), Labor, Emergency Employment Assistance Appropriations Bill, the time on any amendment, motion or appeal, except a motion to lay on the table, 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. ELENDER).
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. 365 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 stricken.

The PRESIDING OFFICER. The amendment as modified will be stated.

The assistant legislative clerk reads the amendment, as modified, as follows:

On page 6, after line 28, 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 a candidature 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 sound 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 the 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 his 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. On one hands, 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. In part, it is because 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 attack their opponents, to create false and baseless impressions about their opponents.

My own experience is not unlike that of my colleagues. Subjected to a difficult, fact-challenged campaign in which spot advertisements were used by the opposition to cloud the issues and belittle the truth, I learned at firsthand the damage which these ads can do.

At least $30 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 61 to 95 percent in 1970. At the same time, use of programs of 5 minutes duration or longer has decreased 38 percent between 1965 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 foreshadow a lessening of opportunity to air 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 55 percent of their broadcast funds on spot ads. Must the Government structure of this great country be determined by the political cosmology of Madison Avenue? Are we to select our leaders with little more to commend them than a smile, a witticism, and a 30-second TV commercial? Or are we to select on the basis of mass merchandising?

Let us look at what is happening today in the field of television advertising. Product commercials 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 conclusion 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 him, 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 erase in the public mind the image of Richard Nixon stained in the hands of the Vietnam war. No 30-second commercial will ever be able to allow a political candidate to engage in a rational discussion of a single issue.

At the present time, 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 cliches 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 jabberwocky."

In 1956, the Republican National Committee chairman set the tone of the Republican campaign:

"Politics these days is like a bus... tell your candidate 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 bread is one you can neither vote nor buy. You can neither 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 intelligentsia of the voter is insulted. His deencies 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 we supported 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 $250,000 on TV spots in which he never appeared. An animated fish did the talking for him.

More spots were used than ever before in 1966—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 several laughter tracks, and each mention of the name Strom Agnew.

And in 1970 the commercials reached a new low in American politics. We have passed the point of public tolerance. When "the voice" of the executive is shouted out to millions of captive viewers, and the talking head of a TV ad is replaced by the Block. 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 places. I am not reserving my remarks 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, what we will 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 $110,000. 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 places. 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 hints 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 Anawy:

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 until 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 newsw.

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 effort to extend this issue to the American people.

The public wants this mutual antagonism of a kind. 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 purs-
August 4, 1971

CONGRESSIONAL RECORD — SENATE

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controlling the Federal election process, although the extent of its power with regard to State and local elections has not yet been
by Oregon v. Mitchell, 334 U.S. 268 (1948). Thus, Congress has been
upheld in requiring public disclosure of political
activity, and has even prevented it (not for State and
local elections). Thus, Congress has been
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upheld in requiring public disclosure of political
activity, and has even prevented it (not for State and
local elections).

The contrary, it has a major role to play in the
Court itself recognized in § 326, which forbids
speech in time, place, or manner of speech, as has
been the case with "the right of
free speech by means of radio communication."
Because of the scarcity of radio fre-
quency, the Court has held that public
restraints on licensees in favor or others
whose views should be expressed on this
unique medium. But the Court has ruled that
speech concerning public affairs is more impor-
tant than self-expression; it is the essence
of self-government.


See also Mills v. Alabama, 384 U.S. 214 (1966),
where the Court found unconstitutional an Alabama
statute which prohibited election day news-
paper editorials on issues which were on the
ballot. To the same general effect is Farm-
ers Educational and Cooperative Union v. W. T.
Cooper Co., 330 U.S. 395 (1947), where the
Court held that a broadcast licensee could not
be held liable for defamatory matter in piti-
ty with whom he agrees may be curtailed
of the power of a broadcast licensee to
air his views.

A broadcast licensee's right to
air his views.

It is of course true that because "radio is
inherently not available to all," a system of
regulation in the public interest is both nec-
essary and constitutionally valid. National

In this context it has
been held that the power of a broadcast li-
censee to limit use of his facilities to those
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ment has any merit, it has this merit as to the question of regulations, generally. So I am not 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 done in any way, but 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 Democratic 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 the amendment, 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 a distinguished majority leader for 20 minutes, with 10 minutes equally on 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 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 up at a later date. It is included as part of our campaign elections bill.

I have before me an editorial from Broadcasting 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's made against 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 candidates and 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 co-sponsor.

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 these little 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, for 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's 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 make in 1 minute or less.

Mr. HUMPHREY. Mr. President, there is concern about this question. I am not unaware of that. I have just 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 3 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 cannot be said in 10 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 understand—but I suppose my colleague should have heard from 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 going along 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 deprive millions 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 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, that we have to 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 McKean 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 write 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. Perry, 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. SUMWALL, Mr. LEWON, Mr. FELLY, 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 S. 382 (or H.R. 5208) 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 have also grown. 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 public office. This is an outrage to our 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 a distortion of the electoral process 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, nearsighted, 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 bill, the Federal Election Campaign Act 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 response, 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 legislation. The 5-cent-per-voter limitation on the non electronic media. The 5-cent-per-voter limitation on television and radio spending is near the outer limits of effective control; I believe the 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 proposal 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 clean up 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 Federal office. These provisions are an important attempt to encourage widespread support for candidates for Federal office, thus decreasing their dependence upon large contributions and control over them that would be gained by the Senate this year.

A combination of media spending limit-
its and widespread small contributions could alter the entire structure of American campaigning--the primary concern 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 to secure access to resources, to compete fairly for public office.

Much of the credit for the present legislation must go to Senators Pastore and Proxmire 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 axe 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 no longer a race to determine who will represent the people, but a race to see whose constituent's voice will be the loudest and the most influential in the electoral process.

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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 fair 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 surest way for the 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. 391 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 campaña wider berth.

Therefore, I shall not call up amendment No. 391, 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.

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 good deal of research by the proponents of the amendment, and not only as to the first amendment but 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 looking 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.

Sincerely,

Chairman.

Gale McGee
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 because of illness. The Senator from North Carolina (Mr. THURMOND) is necessarily absent. The Senator from South Dakota (Mr. MUNDY) is absent because of illness.

The Senator from Arizona (Mr. GOLDFWATER) is absent on official business.

If present and voting, the Senator from Illinois (Mr. Pacey) would vote "yes."

The result was announced—yeas 74, nays 17, as follows:

[No. 192 Leg.]

**YEAS—74**

Aiken
Allen
Allen
Baker
Brail
Bellmon
Bennett
Benisien
Bible
Boggs
Brooke
Brooke
Brock
Brooke
Brower
Burkard
Burke, Va.
Byrd, W. Va.
Cannon
Car Shows
Chiles
Church
Churchyard
Cotton
Curris
Dole

**McClennen**
McGee
Murphy
Mondale
Montoya
Moss
Pastore
Pearson
Peel
Prouty
Randolph
Saxbe
Schweiker
Book
Spong
Stennis
Smith
Talmadge
Tower
Tunney
Weicker
Young

**NAYS—17**

Cooper
Cranston
Fulbright
Harke
Humphrey
Marantaed

**Proxmire**
Ribicoff
Roth
Stevens
Stevenson
Packwood

**ANSAWRD "PREsENT"—1**

Taft

**NOT VOTING—8**

Bayh
Crambrell
Goldwater

**Thurmond**
**Williams**

Mr. SYMINGTON. Mr. President, 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 Senate is responsive. They need to feel that the amendment be laid on the table, yield to the Senator from Louisiana, the amendment offered by Mr. LONG. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on 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 Senate for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferences on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MADISON, Mr. LONG, Mr. HOLLINGS, Mr. GRIFFIN, and Mr. HAYFIELDE conferences 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 so 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 that they 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 a candidate.

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 to-
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," Danforth said. "I have made no effort to start using loopholes in the law, nor have I ever noticed when, nor how, the time has come for the General Assembly to take some action to have meaningful and enforceable laws.

Danforth told the Post-Dispatch that he was not aware of the existence of the committees involved in the campaign last year against his campaign. 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 is to suggest that if a campaign committee report should be filed in the state of Missouri," Johnson said.

"No, the loophole in the law apparently permits a candidate or a resident of another state to serve as a treasurer of his campaign committee and thus be filing those reports here in Missouri, and the campaign committee report does not cover the campaign committee report."

He added that it appeared to him that when the campaign committee of the chief law enforcement official of Missouri was not aware of the existence of the committees involved.

"I think it is highly probable that members of the news media who are in Missouri are not aware of the existence of the committees involved in the campaign," Johnson said.

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 were no similar reports in Illinois, and that it was hard to determine how much money was collected. He said he did not know how much money was collected.

"I think both campaign committees were 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 money was spent on his entire campaign. He said it was the campaign committee that filed the reports in Illinois. He did not know whether the laws were arbitrary or not, and he did not know how much money was collected.

"I think both campaign committees were overzealous in filing the reports in the counties where they live, complying with the Missouri law."
Holst made affidavits certifying himself as the head of the St. Louis Television Committee with the Greene County Committee for Danforth, the Jackson County Television Committee for Danforth, the St. Louis Television Committee for Danforth, the Jackson County Citizens Committee for Danforth, and the City of St. Louis Citizens Committee for Danforth.

All Missouri committees for the general election campaign. The rest of the 43 committees Holst listed himself as treasurer of 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.

Judging 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 Senator John Johnson, St. Louis County Democrat, revealed that some of John Danforth's 1970 expense accounting has been filed in Oklahoma that we were aware such was possible under what is obviously a loosely-worded state law.

Sen. Johnson offered the evidence, pointing out reports filed last December in Madison County, Ill., for the unsuccessful Danforth campaign for U.S. Senator. Other Danforth campaign reports were filed to Oklahoma.

Danforth told reporters he was not aware of the campaign reports being filed in Illinois until after the 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 the current legal practices should be tightened. There are now too many loopholes in the law, as evidence the failure of some Boothed candidates to file any report at all, or files that 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 audit campaign 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 'greatest product of many experienced Members of the Senate and goes far toward closing these and other loopholes which exist in the present law.

Of course, the confidence of the people in 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 serve.

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 American people. This would seem to have discouraged many able and experienced citizens from involvement in fields of public service.

The report of the Committee on Campaign Practices 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 strong, democratic system's 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 their system, 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 to 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. 209. Chapter 29 of Title 18, United States Code, is hereby added at the end thereof, the following new section:

Sec. 614. Use of labor organization funds for political purposes.

(a) No labor organization, or any part thereof, or other moneys collected by a labor organization from any person covered by an agreement relating to collective bargaining, shall be used to influence any election, in connection with any primary election or political convention for candidates for any office within any labor organization.

(b) Any person who wilfully violates this section shall be fined not more than $5,000 or imprisoned for not more than one year, or both.

On page 17, between lines 10 and 11, insert the following:

"(4) adding at the end of such title the following:

"(4) 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 too much time because I do not think it is needed much this afternoon.

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. Under the present laws, 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 his own local union member.

The single most important factor in the whole 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 unions and unions for 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 Senate and the United States 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, and 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 $20,700,000. In 1968, 48 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 prescribes 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 is 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 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 of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work."

Because of this definition, labor organiza-
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 do along those lines. 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.

Mr. DOMINICK. I deeply appreciate those remarks.

Mr. GRIFFIN. If the Senator will allow me, I wish to point out that under the law as it stands, a labor organization can collect dues from members who are not required to support candidates, 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. 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 office other than Federal office, for example, for governor in most States, or people running for local office, and so forth. The law does not apply.

During the last election in Michigan there was a strike against the General Motors Corporation. 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 this amendment. The Senator's amendment in no way would infringe upon the right of a labor organization to hold political committees and voluntarily to receive contributions to be used for political purposes.

Mr. GRIFFIN. 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.
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 individual 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. DOMINICK. Mr. President, will the Senator from Colorado yield to me?

Mr. DOMINICK. I yield.

Mr. GRAVEL. If the Senator's point is that dues are not being used, he could convince us of that 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. GRAVEL. I thank the Senator very much.

Mr. GRAVEL. If the Senator wants to shake labor unions I think we should do it to corporations because I can give the Senator chapter and verse how corporations put money out 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. GRAVEL. 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 Senator is collecting 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. 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.

Mr. MILLER. 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. MILLER. COPE can go out and collect dues from individual members.

Mr. MILLER. Because it is not a labor organization.

Mr. MILLER. 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.

Mr. MILLER. 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 Theodore Roosevelt-type organizations. 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. MILLER. 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 Senator should 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 that makes that clear, but 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.

Mr. MILLER. 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 regard to this.

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 prevent committees from collecting 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 90 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 551 collective-bargaining agreements which covered 5,000 or more workers. These 551 agreements covered 4,103,075 workers. Two hundred and eighteen of these agreements covering over 3,166,000 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 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 the funds 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 the loss of his job? 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 the loss of his job? Because they are required as a condition of employment.

Mr. CASE. Mr. President, will the Senator yield to the Senator from Colorado, Mr. MILLER.

Mr. MILLER. I yield. Mr. CASE. Mr. President, will the Senator yield?

Mr. MILLER. 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. MILLER. I yield.

Mr. MILLER. I think if 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, 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. MILLER. 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 contribution from you.” The local Committee on political education would do that, and in fact in some cases goes to managing and obtains an agreement from management that management will check off a contribution to the committee from each individual union member’s checkoff.

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 to them, to the union or the organization portion of the labor union to show that it 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, I think the precise 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 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 a union, 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 constructed 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 for any purpose, except 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, that 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 someone that have an award 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 in COPE as such. That is not 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 don't belong to 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. The amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the amendment is so modified, the 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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 side—which they 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 passing fund for funds for the support of individual candidates.

This is not an antitrust 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 or none.

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 views of the 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, has the right to assume 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 antitrust 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 can give; they are a political action group. 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 where a candidate wants to have to, 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 object to that, so long as it is, Mr. President, until they have consumed all their time?

The PRESIDING OFFICER (Mr. BUCKLEY). The Senator is correct, until all the 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.

Mr. DOMINICK. And 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 correct?

The PRESIDING OFFICER. That is correct. The Senator has a right to modify his amendment, or by unanimous consent.

Mr. DOMINICK. The Senator from Colorado, in fact, is it?

Mr. PASTORE. The amendment.

Mr. DOMINICK. The amendment was adopted. I do not merit cannot be amended until the remainder of my time has expired.

The PRESIDING OFFICER. The 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 have, however, modify his own amendment; is that correct?

The PRESIDING OFFICER. That is correct. The Senator has a right to modify his amendment, or by unanimous consent.

Mr. DOMINICK. The Senator from New York (Mr. BUCKLEY) wants to be a cosponsor of it. The Senator from New York (Mr. BUCKLEY) wants to be a cosponsor of it.

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 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 many 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 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 2 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 co-sponsor 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 of that.

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. It 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, though we may. I guess it is difficult, sometimes, to reduce it 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, then 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 committees, as long as such contribution is unrelated to dues, fees, or other monies required as a condition of membership in such organization, or as a condition of employment."  

Mr. President, I do not know how we could make any clearer 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. It does not increase or decrease the money 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 wants to. But, not to me, as I do want to see educated, how to get the ability of organized labor in this country to participate in the democratic process.

If we really want to make a correction, I would amend this legislation to get the ability of corporate enterprises in this country to partake in the democratic 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. President, I, do not see any 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 the union put 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 his 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.

And I would agree that it is an effort to keep the laboring man from participating in the democratic process.

Mr. DOMINICK. Mr. President, I yield myself 5 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 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 contributions.

Mr. President, will the Senator yield for purposes of clarification?

Mr. DOMINICK. I yield to the Senator from Michigan.

Mr. GRAVEL. 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. GRAVEL. 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. GRAVEL. 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. DOMINICK. 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. I do not see why 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 an amendment just as 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 labor unions 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 culprit yet. Here we are. We are tempering justice with legislation designed to gut the ability of organized labor in this country. The amendment is 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 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 who is really some person has produced 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 now.

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.
Second, we are amending titles XVIII and XX of the code, which is what this bill deals with.

Third, to complete the picture, we are saying we have the need for making revenues for the bill. 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 from contractors, but also from other organizations dedicating funds in political campaigns. I submit 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 31. 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 Senator 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 when we have people 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. Mr. 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 Senator from Rhode Island will listen to this carefully, the amendment from Michigan is recognized.

Mr. GRIFFIN. 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 point in the future on some other bill, which might even involve the Ten Commandments, he will not agree to a limitation of 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 so important as this because there is a unanimous-consent agreement is a nullification of the right of the Senate to declare 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.

Mr. GRIFFIN. Mr. President, I ask that the clerk read the Dominick amendment, as modified.

The amendment was modified as read follows:

On page 17, after line 3, insert paragraph 656, Use of Organization Funds for Political Purposes:

(a) No part of the dues, assessments, or other moneys collected by an organization from any person as a condition of membership or for any purpose 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 or to or for the benefit of any candidate or political committee as long as contributions are unrelated to dues, fees, or other moneys required as a condition of membership in such organization or in 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 416.

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, 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, without asking if it 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 in 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, I will 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 as to go 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 I can resolve this—any going to move to lay it on the table and not raise the point of order at this point.

Mr. DOMINICK. Mr. President, I would like to address myself to that point raised by the Senator from Michigan. Is the Presiding Officer, who yields time?

Mr. GRAVEL. It is on germaneness.

Mr. PASTORE. Mr. President, I went to the Senator and 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. KENNEDY. I yield. I went to the Senator, I went to the Senator, and I asked him 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.

There are 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. GRAVEL. Mr. President, I want to strike 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 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):

Anyone 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 labor organizations?

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, ‘You must 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 organization other than a labor organization, and if so, what are the organizations?

Mr. DOMINICK. It will handle anybody who is in this kind of situation, labor or otherwise. 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. PASTORE. 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 point.

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. GRAVEL. The bar association has a 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. I understand that the American Medical Association 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. GRAVEL. 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 lock 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 maintain their position of getting 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 membership of those members. These dues or assessments are not for political purposes—indeed for a candidate or a political committee. Anyone who is able can contribute to anybody he wants to volunteer. More of those unions or organizations can form a political committee and collect voluntarily from the members. The point is that dues which are collected voluntarily should be available 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 see 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 is trying 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 think the Senator for yielding.

Mr. PASTORE. Mr. President, let us face this question. Labor organizations have been charged with certain things, and this 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 summum that 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 in depth.
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. Mr. President, is the Senator considering that the Senator is now tying it in to the right to practice and the right to work and an employment condition. All this subject has been studied. I think it is time that this amendment be considered. The organizations here, it is if it is done, 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 it fully 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 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 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 col leagues 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 any member of any organization 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 to think I know something about the situation, and I can assure the Senator from Alaska that most of theCOPE organizations and DRIVE organizations that I know of would not be embarrassed one bit 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 activities 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 suggest to the Senator from Colorado that that be put into the amendment for that very reason.

Mr. EAGLETON. The time for an over haul of our campaign financing procedures is long overdue. I am pleased that the Senate is now still on its way to pass such a measure.

Before I turn to Senator DOMINICK'S amendment, I want to acknowledge the hard work of many of my colleagues and the Public Welfare 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. 362 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 money, whether they are collected from employees working to support the political activity of 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, Simpson v. Strohman, 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 the union's money in a manner inconsistent with their views. Thus, as to elections, unions are limited to using their dues money in the manner of their members, and for non-partisan 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 constitutional right of association. Indeed the Supreme Court's opinion in U. S. v. CIO, 336 U. S. 106, indicates that a union's right to engage in such educational nonpartisan activities is constitutionally protected:

If § 610 were construed to prohibit publication, by corporations and unions in the regular course of conducting their affairs, of periodicals advising their stockholders or members of the advantages or disadvantages to their interests from the adoption of measures or the election to office of men, exposing such measures, the grievance 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 legislative bill 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. Bacons). 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. Prager) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Illinois (Mr. Prager) is absent because of illness.

If present and voting, the Senator from Illinois (Mr. Prager) would vote "yea."

The result was announced—yeas 56, nays 38, as follows:

[No. 193 Leg.]

YEAS—56

Alben
Allan
Ames
Bentsen
Bible
Boyer
Brooke
Byrd
Cannon
Crandale
Engle
Ellender
Furbush
Garnett
Burch
Jim B. McPake
Koch
Largent
Mansfield
Cook
Curtis
Dunn
Eastland
Ervin
Fahnestock
Byrd
Hefley
Hart
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Lunsford
Magnas
Mansfield
Mathias
McClellan
McClellan
McGovern
Mikulski
Montoya
Moss
Mukase
Mundo
Nelson
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Robacker
Romney
Simon
Spelman
Sparks
Stennis
Smyth
Talmadge
Tunney
Williams

NAYS—38

Allott
Baker
Bean
Bellmon
Bennett
Bickel
Buckley
Byrd, Va.
Cooper
Cotter
Cox
Dole
Dominick

Eastland
Fahnestock
Fong
Goldwater
Gurney
Hefley
Hatfield
Hruska
Johnson, N. C.
Jordan, Idaho

Miller
Mukase
Plymouth
Pryce
Roth
Roby
Smith
Spong
Sprague
Sweat
Tafel
Towers
Wallace
Young

NOT VOTING—6

Bath
Harris

Mundt
Percy

Stevenson
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. HARR, Mr. President, I have one amendment, but I shall be brief.

Mr. HUMPHREY. Mr. President, I have an amendment—

Mr. PASTORE. Is the Senator going to ask for the yeas and nays?

Mr. HUMPHREY. No.

Mr. PASTORE. 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 yeas and nays on them; yes, I thought I had a yeas and nays on Friday, but I do not.

Mr. MANSFIELD. On that basis then, I think we should mark an end to consideration of the pending bill at this time. It has been a long day since 9 o'clock 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 special orders.

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.

VOTE 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 (as shown) is the sole or even necessary 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 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, and it is a necessary requirement to prevent election abuses.
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 1962, 1968, and 1971 years, voter registration 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 52 percent of those with family incomes under $5,000 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 35 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 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—have online 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 will be optional, with no compulsion involved. And the existing State registration procedures also will 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 speed of its mailing, 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 must be available 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 non-taxpayers advising them of their right to register.

I would hope that these provisions for non-taxpayers would begin to bring into the political process those who have been excluded because of the inconvenience of the registration procedures.
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 voting 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 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. Mr. President, the responsibility lies with the Congress to enact legislation which will permit each State to determine who can vote. 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 if the Congress can and should enact legislation which can enlarge the electorate. This is in the interest 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 also 20 years old and who is not employed have ever registered to vote in Minnesota or any other State.

If 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 their names, addresses, 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 application with his tax return to the IRS. Upon receiving the Joneses' applications, the IRS inserts them in a file in order to determine if they indeed qualify for a Federal registration certificate according 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, they would not have received any application for a registration certificate, nor could they obtain a similar form from 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 personally endorse and have fought for, the reason to uncouple the registration mechanism is even more compelling.

The Humphrey amendment would eliminate the necessity for a person to travel to the courthouse 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 be the 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 return was filed.

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 computer, would handle the 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 strengthening for fiscal year 1972; and for other purposes." The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 465. 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 said stations.

S. 751. An act toauthorize 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 national stockpile.

S. 756. An act to authorize the disposal of shellac from the national stockpile.

S. 757. An act to authorize the disposal of quartz crystals from the national stockpile and the supplemental stockpile.

S. 787. An act to authorize the disposal of iridium from the national stockpile.

S. 788. An act to authorize the disposal of molybdenum from the national stockpile and the supplemental stockpile.

S. 759. An act to authorize the disposal of metallicurgical grade magnesium 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 industrial tools from stockpile.

S. 762. An act to authorize the disposal of chromium from the national stockpile and the supplemental stockpile.

S. 756. An act to authorize the disposal of Gosnold 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. 766. 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 rare-earth materials 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.

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. 358, 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 require 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 nonbroadcasting 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.

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. 394, 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 non germane Humphrey amendment providing additional 26 weeks of unemployment compensation to those whose unemployment compensation eligibility have expired.

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. 201, 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. 1039, 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.

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.

Senate Authorizations: All committees were authorized 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.

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.

Education Amendments: Senate continued briefly consideration of S. 465, omnibus education amendments of 1971, and will resume its consideration tomorrow.

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.

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).

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.

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 forced toward the CAP system as it stands.

Unless the CAP system is reformed, the enlargement of the European Community can be explicable only by the fact that the United States attitude toward the new Europe. I urge you to weigh both minds on work for an understanding effect on the United States attitude toward the new Europe. If you assist them toward the CAP system and reduce internal and reduced internal prices, as the Vedel Commission in France has recommended, you will in the end case the cost of the CAP and thus reduce as well cost agricultural suppliers elsewhere in the world.

European and "outside" interests have much in common. I am in full support of the CAP Start again. What I am saying is that you should rearrange the CAP's provisions and practices in order to curb its more costly and more disturbing aspects. There is no conflict with Community's enlargement, for gradual over the new Europe, to the CAP enough attaining to no open world economy If the enlarged Community could be induced to look in on direction, the United States also would be to look to its own support policies, as to other industrialised countries, as in agricultural countries such as Australia and Canada. The task would be challenging. But setting agricultural policies in the right direction would serve all countries.

Look at the benefits! We would be working toward a world of economic peace and minimizing the trade war. We would be working toward a rationalisation of world food production to 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, shall see the need to do that: and observe the dynamics of your fundamental interests and those of others, including the United States, may make such an endeavor possible. The time has both beginning a new multilateral economic system, one based on the old system, but doing well beyond it. Perhaps the high-level OECD study group on world trade can provide such a beginning. I hope so.

I am also hopeful that the enlarged European Community will begin to confront the fundamental problems that beset the world economy. But it will require a Britain in a substantial number of the enlarged Community to alter the policies. Britain, for example, is a key partner for political stability and fragile competitor and once Britain and the other applicant countries. The regional trading blocs of economic spheres of influence do not provide an answer to the problems of the world. They only for political purposes. But countries cannot survive 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, including 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 liberalisation of international trade on a programme based capable of securing benefits while avoiding painful dislocations. The industrialised countries would have become too interdependent economically to turn back without great loss to themselves. Indeed, the communityward recognising that the easy solutions lie behind us and the hardest problems lie ahead. The tough issues, such as agriculture and the others that are the whole heart of benefits if agricultural policies could be set in new trade liberalising directions.

UNSECURED CREDIT TO POLITICAL CANDIDATES

Mr. SCOTT, Mr. President, an editorial 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 necessary to stop political candidates from using credit to political candidates by federally regulated industries. I ask unanimous consent that the editorial be printed in the Record.

"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 candidates but is actually forcing them into making involuntary and illegal use of credit.

U.S. airline, for example, have more than $21 million in unpaid debts run by Democrats and Republicans, and individual candidates. According to Scott's figures, President Nixon owes $25,796 to American Airlines. That airline—with unpaid debts of $3.5 million—also owes $415,120 for the campaign of the late Robert F. Kennedy; $35,702 for Hubert 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's list includes dozens of candidates. He who said apparent is going to run for president again, as one "doesn't run a parachute campaign but one of his debts should be settled out when even the successful Republican presidential candidate still in in the hole."

Scott's disclosures dramatize the need for passage of a strict limitation on campaign expenditures, including a flat prohibition on using unsecured credit to political campaigns.

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's bill makes an amendment to correct that deficiency.

Both a cash spending limitation and a prohibition on campaign credit are essential. Blocking credit without a limitation on over-all spending would work against the interests of the Democratic candidates and the candidates who already suffer in the spending competition with their wealthier opponents. The answer is a total ban of the system as Scott proposes.

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, 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 Sensack is a young man who has learned to cope without arms. He is a high school graduate and is looking forward to 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 needs no 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 Don't Give Up

Ray Sensack 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 Joe's home near Wheaton, Md.

Ed Burris, his foreman, said Ray is doing every job the other groundskeepers and mowers used in special trimming, and operating larger machines needed for carrying tools.
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August 5, 1971

Mr. KENNEDY. Will the Senator yield 7 minutes?

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 § 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 postal 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 Reconn 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 the 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. Montoya) has also been extremely interested in this subject, as has the Senator from Hawaii (Mr. Inouye). The Senator from Missouri (Mr. Eagleton) has been the sponsor of an amendment in this area to the draft bill, which was accepted by the Senate.

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 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. 363.

Mr. PARKER. Mr. President, may I ask the Senator to repeat the number of that amendment?

Mr. GRAVEL. Mr. No. 362.

The PRESIDENT pro tempore. The clerk will 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 ELECTION 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 national, state, or local committee which is authorized by the same political party to incur expenses for the election of candidates for public office.

"(2) The term 'candidate' means, with respect to any election, an individual who has been nominated or elected for public office.


"(4) The term 'eligible candidates' means the candidates of a political party for President and Vice President who have met 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 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 cent 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, fewer than 10 per cent 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 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 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, (1) 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 (2) 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 under subsection (a)."n

"(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 or authorized by the 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 a political party also incurs expenses to further the election of one or more other individuals to Federal elective 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 regulation.

"(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 this section, the candidates of a political party in a presidential election shall, in writing—

"(1) agree to make to the Commission such evidence as it may request of the qualified campaign expenses with respect to which payment is sought.

"(2) agree to submit to the Commission such records, books, and other information as it may require.

"(3) agree to subjects of the Commission statements of qualified campaign expenses and proposed qualified campaign expenses required under section 306.

"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 in the aggregate to 10 cents multiplied by the 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 in the aggregate to 10 cents multiplied by the number of popular votes received by the candidate 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) whose candidate for President in such election receives, as such candidate, 10 per cent or more of the total number of popular votes received by all candidates for President in such election shall be entitled to payments under section 306 in the aggregate to 20 cents multiplied by the number of popular votes received by the candidate of such political party, 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 to an eligible candidate, as such candidate, a sum equal to the amount by which the value of the aggregate of all candidates of a political party (other than a major or minor party) whose candidate in such election received, as such candidate, 10 per cent or more of the total number of popular votes received by all candidates for President in such election exceeds the aggregate of the number of popular votes received by such candidate, as such candidate, in such election.

"(5) No additional payments shall be made under this section unless the aggregate of the number of popular votes received by all candidates for President exceeds the aggregate of the number of popular votes received by the candidates of a major party for President in the preceding election.
"(b) Certifications by the Commission under subsection (a), and all determinations made in connection with such certifications, shall, except as provided in section 307, be final and conclusive, and shall not be subject to review in any court.

"(b) Upon receipt of a certification from the Commission under section 305 for payment of the costs of the primary election in which the candidate participated, the Secretary shall pay to such candidate 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 more than sufficient funds in the fund, the Secretary shall transfer the moneys so remaining to the general fund of the United States.

"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 all such candidates.

"(b) 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, it shall notify such candidate, and such candidate shall pay to the Secretary an amount equal to such portion.

"(c) No notification shall be made by the Commission under subsection (b) with respect to a presidential election more than three years after the election.

"(d) All payments received by the Secretary under subsection (b) shall be deposited 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 their funds, if any, or other funds that may be available, furnish to the Commission a detailed statement, in such form as it may prescribe, of-(1) the proposed 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 proposed 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 during each week during the second, third, and fourth weeks preceding the day of the presidential election, and twice during the week preceding such day.

"(b) The Commission shall, as soon as practicable after each presidential election, submit a report to Congress, containing a statement of the proposed campaign expenses of each such candidate, and such additional information as the Commission deems advisable, in the Federal Register.

"REPORTS TO CONGRESS; REGULATIONS

"Sec. 309. (a) The Commission shall, as soon as practicable after each presidential election, make and publish a report to Congress, and in the first day of December of the year in which such election was held, submit a full report to the Congress under the terms of section 307.

"(1) the amounts certified by it under section 305 for payment to the eligible candidates of each political party;

"(2) the proposed campaign expenses (shown in such detail as the Commission determines necessary) incurred by such candidates and their authorized committees; and

"(3) the reasons for each payment required under this section.

"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 receive such evidence 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) 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 or direct the use of, such payment or such portion for any purpose other than-(1) to defray the qualified campaign expenses with respect to which such payment was made, or

"(2) to repay loans the proceeds of which were used, or to otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended, or otherwise 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 to be repaid by 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 election.

"(d) All payments received by the Secretary under subsection (b) shall be deposited 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 their funds, if any, or other funds that may be available, furnish to the Commission a detailed statement, in such form as it may prescribe, of-(1) the proposed 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 proposed 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 during each week during the second, third, and fourth weeks preceding the day of the presidential election, and twice during the week preceding such day.

"(b) The Commission shall, as soon as practicable after each presidential election, make and publish a report to Congress, and in the first day of December of the year in which such election was held, submit a full report to the Congress under the terms of section 307.

"(1) the amounts certified by it under section 305 for payment to the eligible candidates of each political party;

"(2) the proposed campaign expenses (shown in such detail as the Commission determines necessary) incurred by such candidates and their authorized committees; and

"(3) the reasons for each payment required under this section.

"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 receive such evidence 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) 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 or direct the use of, such payment or such portion for any purpose other than-(1) to defray the qualified campaign expenses with respect to which such payment was made, or

"(2) to repay loans the proceeds of which were used, or to otherwise to restore funds (other than contributions to defray qualified campaign expenses which were received and expended, or otherwise 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 to be repaid by 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 election.

"(d) All payments received by the Secretary under subsection (b) shall be deposited 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 their funds, if any, or other funds that may be available, furnish to the Commission a detailed statement, in such form as it may prescribe, of-(1) the proposed 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 proposed 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 during each week during the second, third, and fourth weeks preceding the day of the presidential election, and twice during the week preceding such day.

"(b) The Commission shall, as soon as practicable after each presidential election, make and publish a report to Congress, and in the first day of December of the year in which such election was held, submit a full report to the Congress under the terms of section 307.

"(1) the amounts certified by it under section 305 for payment to the eligible candidates of each political party;

"(2) the proposed campaign expenses (shown in such detail as the Commission determines necessary) incurred by such candidates and their authorized committees; and

"(3) the reasons for each payment required under this section.

"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 receive such evidence 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.
(2) The term "candidate" means, with respect to any congressional election, an individual who has been nominated for election to an office of Senator or Representative in Congress, 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 such party. For purposes of paragraphs (6) and (7) of this section and purposes of sections 604(a), (1) and (2) of this title, an individual who has been nominated for election to an office of Senator or Representative in Congress, Delegate or Resident Commissioner to the Congress of the United States in such an election, and (3) the term "Commission" means the Federal Election Commission.

(4) The term "eligible candidate" means the candidate of a political party for Senator or Representative in Congress, Delegate or Resident Commissioner to the Congress of the United States who has met all the applicable requirements to qualify for and 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 Congress, Delegate or Resident Commissioner to the Congress of the United States in the preceding congressional election received, as the candidate of such party, 25 percent 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, an individual who has been nominated for election to an office of Senator or Representative in Congress, Delegate or Resident Commissioner to the Congress of the United States in such election, and, for purposes of paragraphs (6) and (7) of this section and purposes of sections 604(a), (1) and (2) of this title, an individual who has been nominated for election to an office of Senator or Representative in Congress, Delegate or Resident Commissioner to the Congress of the United States in such an election.

(8) The term "political committee" means any committee, association, organization, political party, national political committee (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence elections or for the 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 Congress, Delegate or Resident Commissioner to the Congress of the United States.

(10) The term "qualified campaign expense" means an expense described in paragraphs (3) and (4) of subsection (b) of such section.

(a) An eligible candidate of a political party for Senator or Representative in Congress, 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 Congress, Delegate or Resident Commissioner to the Congress of the United States to further the election of such candidate to such office.

(b) The aggregate payments to which the eligible candidates of a political party shall be entitled under subsection (a) (1) of this section shall not exceed the amount equal to the aggregate payments to which the eligible candidates of a major party are entitled under subsection (a) (1).

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;

(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or, otherwise, to defray such campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

(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;

(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or, otherwise, to defray such campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

(d) The aggregate payments to which the eligible candidates of a political party shall be entitled under subsection (a) (1) of this section 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).

(e) 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;

(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or, otherwise, to defray such campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

(f) The aggregate payments to which the eligible candidates of a political party shall be entitled under subsection (a) (1) of this section 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).

(1) to defray qualified campaign expenses incurred by such eligible candidates or their authorized committees;

(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or, otherwise, to defray such campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

(3) The aggregate payments to which the eligible candidates of a political party shall be entitled under subsection (a) only-

(1) to defray qualified campaign expenses incurred by such eligible candidates or their authorized committees;

(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or, otherwise, to defray such campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

(4) The aggregate payments to which the eligible candidates of a political party shall be entitled under subsection (a) only-

(1) to defray qualified campaign expenses incurred by such eligible candidates or their authorized committees;

(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or, otherwise, to defray such campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

(5) The aggregate payments to which the eligible candidates of a political party shall be entitled under subsection (a) only-

(1) to defray qualified campaign expenses incurred by such eligible candidates or their authorized committees;

(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or, otherwise, to defray such campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

(6) The aggregate payments to which the eligible candidates of a political party shall be entitled under subsection (a) only-

(1) to defray qualified campaign expenses incurred by such eligible candidates or their authorized committees;

(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or, otherwise, to defray such campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.

(7) The aggregate payments to which the eligible candidates of a political party shall be entitled under subsection (a) only-

(1) to defray qualified campaign expenses incurred by such eligible candidates or their authorized committees;

(2) to repay loans the proceeds of which were used to defray such qualified campaign expenses, or, otherwise, to defray such campaign expenses received and expended by such candidates or such committees) used to defray such qualified campaign expenses.
so used, and such candidate shall pay to the Secretary an amount equal to such amount. If such qualified campaign expenses, or any qualified campaign expenses which were received and expended) which were used to defray qualified campaign expenses.

(c) Notwithstanding the provisions of section 605, the amount of any campaign expenditure which shall be paid in a private campaign or by a political committee and which was not paid in accordance with the provisions of subsection (d) of section 605 shall be returned to the campaign or political committee which made such expenditure and the amount thereof shall be treated as a campaign contribution to such committee.

(d) Any political committee which has made any payment in excess of the amount permitted by subsection (d) of section 605 shall be required to make good to the Secretary an amount equal to the amount of such excess payment, and shall be subject to the penalties provided in section 607.

SEC. 607. The amount of any campaign expenditure which shall be paid in a private campaign or by a political committee and which was not paid in accordance with the provisions of subsection (d) of section 605 shall be treated as a campaign contribution to such committee.

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SEC. 611. The amount of any campaign expenditure which shall be paid in a private campaign or by a political committee and which was not paid in accordance with the provisions of subsection (d) of section 605 shall be treated as a campaign contribution to such committee.

SEC. 612. This title shall take effect on January 1, 1972, except that section 609(b).
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 1980 would have contributed to the fund approximately $63 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 rely to allow him to go 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—formed 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 decision made by the 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 take every taxing citizen's ability to 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. The 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, let me point out 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 1968. And, of course, Congress in 1965 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 Congressmen, particularly Senators. It is a matter that will be studied as we understand it, in depth; and I hope the Senator will withdraw his amendment, rather than compel me to move on to another subject, 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. If the Senator from Alaska would withdraw his amendment, 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 he would suggest that I get a hearing on this proposal? I have had an introduction, 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 colleagues 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 tell the Senate on notice that I shall be pleased to press my luck at some later time, and even go over the bill 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.

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. Gehag), 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 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...
I commend this report to the thoughtful attention of the Congress.

RICHARD NIXON.


EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. McNamara) laid before the Senate a message from the President of the United States submitting sundry require filing 5 days before 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 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 by printed at the expense of the Senate, are 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 report 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, I must say 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 amendment tries to get as close to the election day as possible. Anyone looking for a postelection or a pre-election report knows that the bulk of the money comes in after. So that I want to get as close as possible to the election but still not gut all the money slipping into the campaign 10 days before election.

Mr. PASTORE. Mr. President, how much time remains on 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 Oklahoma.

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 agreement for voting just on passage, or on tabling?

The PRESIDING OFFICER (Mr. McINTYRE). The Parliamentarian advises the Chairman of Senate. A 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. McNamara). 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. Gann), the Senator from Oklahoma (Mr. Harkey), 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 "yes,

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. Ford), the Senator from Texas (Mr. Tower), and the Senator from Connecticut (Mr. Wickere) 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. Hunsen), 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:

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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 pref-
erably a day's notice. I am not referring to today or tomorrow, but we do today or tomorrow, because things may happen suddenly and unexpectedly.

When we come back, it would be better if we were to come back and go on with the Senate's day's notice if we are going to change the length of time for voting on rollcalls.

Mr. PASTORE. Mr. President, will the Senate 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 to amend.

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 Cham-
ber 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 an amendment and from now on, after that, on the re-
mainder of the Packwood amendments, there will be 10 minutes, so the Sen-
ate 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 the 20-minute time limitation for an amendment and from now on, after that, on the re-
mainder of the Packwood amendments, there will be 10 minutes, so the Sen-
ate will be on notice.

I think the telephone circuits have been busy notifying all Senators to that effect.

Mr. SCOTT. Mr. President, I thank the distinguished majority leader. We have found that we have been most courte-
ously and considerately and fairly treated, and, as far as the lead-
ership 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 West Virginia (Mr. Magnu-
son) 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 3 minutes of a particular vote.

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 on the Senate should be alerted that, because of the presence of the fact that there may again be some unanimous-consent requests, after the majority and minority leadership have been alerted, they are going to ask the Packwood amendments, or whatever we do, 20 minutes after the votes on the Packwood amendments.

Mr. MANSFIELD. That is correct.

Mr. BYRD of West Virginia. Mr. Presi-
dent, may I say to the majority and the minority leaders that I will take the blame, if I may use that word, for this unanim-
ous-consent request having been ob-
tained without its first having been cleared with the majority leader. When I am on the floor representing the ma-
}
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 get 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 23, 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 pre-election report in the 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 pre-election 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, the money is never reported until after the election. That is a different report. There is nothing we can do about it.

My amendment takes care of that situation by providing that any contribution of $5,000 or more received after the last 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 I am going to give the vote the information given an illusionary report as to what the campaign is costing.

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—any committees—to actually accomplish a problem within 24 hours. The administrative process is rather difficult.

I would be willing to accept the amendment, but I do not want to 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 is 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 any body to avoid doing 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 after 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 3 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 he is 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 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 planning 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, 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 nearing enough to a final vote that I do not think the Senator is forced to accept amendments 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. 370.

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 8, 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 Federal 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 see it before the Monday. 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, that is, to see 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 business hours of that office may be, on Friday, rather than running the risk that it may not be available until Monday.

The PRESIDENT-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 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, it is mere negligence, and that is 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 six of one and half a dozen of the other. I do not think 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 PRESIDENT-OFFICER (Mr. McIntyre). All remaining time having been yielded back, the question is on the motion to lay 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 step to take?

The PRESIDENT-OFFICER. No. 374.

AMENDMENT NO. 374

Mr. PACKWOOD. I call up my amendment No. 374.

The PRESIDENT-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.

Mr. PACKWOOD. Mr. President, will the Senator yield?

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 a campaign, you need a line of credit with the local telephone 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 surety or guarantor.

Mr. CANNON. Mr. President, 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.

Mr. CANNON. The Senator from California (Mr. Tunney), the Senator from New Jersey (Mr. William), are necessary absent.

Mr. CANNON. The Senator from Indiana (Mr. Hartley), 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. Mund) is absent because of illness.

The Senator from Tennessee (Mr. Sexton), the Senator from Arizona (Mr. Goldwater), the Senator from New York (Mr. Javits), the Senator from Iowa (Mr. Miller), the Senator from Vermont (Mr. Faou) and the Senator from Connecticut (Mr. Wicker) are detained on official business.

If present and voting, the Senator from Illinois (Mr. Percy) would vote “nay.”

The result was announced—yeas 33, nays 19, as follows:
Mr. PACKWOOD. Mr. President, I call up my amendment No. 373 and ask that amendment be agreed to.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. The amendment will be stricken.

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 "Sec. 306." (a)

On page 28, between lines 4 and 5, insert the following:

(b) Any person who is 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 the 'get-out-the-vote' campaign or a voter registration or a program for the purpose of educating voters.

The allowance is made that this is not a 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.

By me 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 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 held, where one 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.

Mr. PASTORE. Mr. President, I am not going to yield my time back yet. We know what you are talking about. You know what you are talking about.

Mr. PASTORE. You are talking about uncles.

Mr. PACKWOOD. I am talking about voter registration drives and get-out-the-vote campaigns which are predominantly democratic. All voter registration drives, as they 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 they vote for candidates because of party affiliation. We have divergences on this.

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Mr. PASTORE. I am not going to yield my time back yet. We know what you are talking about.

Mr. PASTORE. You are talking about uncles.
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
Montreal

Anderson
Hart
Montoya

Bentsen
Heidt
Molden

Bible
Hollings
Muskogee

Boag
Hornbeck
Muske 

Brooke
Humphrey
Pastore

Burdick
Inouye
Pell

Byrd, Va.
Jordan, N.C.
Ricoob

Byrd, W. Va.
Konneman
Schweiker

Cannon
Longino
Scoot

Case
Magnuson
Sparkman

Cochrane
Manefeller
Spong

Eastland
Mathias
Stennis

Elender
McClellan
Stevens

Ervin
McGee
Smyth

Fong
McGovern
Talmadge

Fulbright
McNairy
Young

NAYS—28

Aiken
Dole
Packwood

Allott
Dominick
Pell

Baker
Pannin
Smith

Bear
Gregg
Stevens

Bell
Bing
Thurmond

Bell
Gurney
Tower

Bচc
Hruska
Tunney

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 carry up my amendment No. 355 and ask unanimous consent to vacate the previous unanimous-consent order with relation to amendment No. 335.

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. 205. Chapter 29 of title 18, United States Code, is amended by adding at the end thereof the following new section:

164. 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 shall to such political committees, 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:

164. Contributions by Government contributors.

(4) adding at the end of such table the following new items:

164. 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 in the RECORD a memorandum from the Library of Congress Congress Research Service detailing the deficit 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:


TO: The Honorable Robert W. Packwood.

ATTN: Mr. President.

From: Congressional Research Division, Frederick L. Scott, Acting Division Chief.


In response to your inquiry for figures detailing outstanding 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 unpaids: amounting to $129,068. However, these same committees reported a cash balance of $745,903, indicating that the Republican Party was in the black following the election. The Democrats, on the other hand, showed unpaid bills amounting to $606,881 with a cash balance of $136,365 and wound up in the red.

Alexander Heard in his book "The Liberal Tradition" (Chapel Hill, The University of Carolina Press, 1960, pp. 19-20, footnote) notes: "In 1956, for example, a debt of $800,000 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 $3,800,000 in unpaid campaign expenses at the end of 1960, and such a deficit was reported by the Republican National Committee of $750,000."

Herbert Alexander in "Financing the 1960 Election", a booklet issued by the Citizens' Research Foundation of San Francisco, a history of the unprecedented 1960 Democratic debt of $3,800,000 started in 1956, and reveals much about Democratic financial problems. The unaccountable unreported debt of E. Stevenson in 1956 left a deficit of over $750,000. 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 in the congressional elections of 1958-59, the rate of about $1,000,000.

Further, "In losing the 1960 election, the Republicans amassed a debt set at $993,000 at the national level. At the local levels, monies not needed for continuing expenses were applied, and payments due from the press for transportation costs in accomplishing 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 exists late in 1968 as to be actual deficit of $129,068. The Democratic National Committee at the end of the 1964 election campaign released its informal reports from sources close to the Democratic National Committee variously placed the figure at $506,534. Also, a deficit is placed substantially by all congressional members of both parties. The December Democratic National Treasurer, Richard Maguire, refused to discuss committee spending figures 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, in exceptional success of 1960, find making activities nonexistent in 1964. The 1960 election was the year that the Senate and House of Representatives were returned to the Republicans, and the National-level Republican committees to emerge from the elections with a substantial surplus. At the end of the 1960 campaign, with all but a few campaign debts paid, the Republican National Committee had a surplus of $1,000,000. Citizens for Goldwater-Miller $300,000; and the National TV Committee for Goldwater-Miller $500,534."

Alexander in his "Financing the 1964 Election," another CQ publication, notes the various published stories indicated the Republican surplus ranged anywhere from $100,000 to $2,000,000.

The Democratic National Committee on January 1, 1965, was $1,000,000. The Official reports filed in January indicated about $1,400,000 more than the official.

Of the Democrats he wrote: "A treasurer's report to the National Committee was promised by Chairman Bailey but never submitted. According to this campaign and its aftermath cannot be told in precise financial terms, as it was the Republican campaign. For example, a deficit of about $1,000,000 was rumored by mid-1965 on to have increased to about $2,000,000, and later a $1,7 million figure was widely quoted. There were contrary evidences of high level of post-election spending and of continuing debts and bickering about bills; even $1,000,000 paid in September was not included in the final report, including $100,000 to the Democrat's advertising agency.

1968 ELECTION

Alexander in his book, "Financing the 1968 Election," writes: "Whereas early in 1968, the Republicans claimed a cash surplus, by early 1970, the 1968 campaign deficit was said to have been $1,3 million. Of this, $600,000 was paid from proceeds of the January ball, and $700,000 remained."

Of the Democrats he writes: "The Demo-
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 QUETIONS OF LEGALITY

(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 $400,000 available to pay it off.

About $800,000 was owed to airlines, which had transportation contractors, the candidate, and his staff, and to telephone companies which had handled credit-card calls. The rest was due hotels, airlines, chartered planes, printers and other assorted creditors.

Having only about one-third of the cash needed to cover the debts, the McCarthy managers began to work on 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 expenses were added in. Telephione systems around the country, for example, were owed about $300,000 but collected only $90,000.
- Smaller company debts, principally hotels and car rentals, were paid at the rate of 50 cents on the dollar.
- Outstanding 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 its debts for less than the full amount, it is in violation of the corrupt practices act banning firms to use corporate funds to assist political campaigns. If the regulated industry with legally fixed rates, like the telephone company and airlines, is settling at less than full cost counter to its official tariff for other customers?

Some Democratic debts were massive. The Democratic National Committee still owes more than $8 million to airlines and telephone companies. From Robert Humphrey's presidential campaign (plus about $6 million in assorted other bills), part of the latter's debt is Robert F. Kennedy's primary campaign debts were negotiated downward, with $1 million incurred, but still owed by the party. President Nixon's debts, primarily in airline bills, probing the old adage, "Winners pay their debts and losers negotiate theirs."

An authority on campaign spending, Herbart 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 party, or to the re-election of some companies may do for goodwill purposes. But when regulated industries, such as telephone and airlines, are being squeezed themselves to federal tightening of the laws, or to litigation brought by stockholders or even customers who will pay for the parties' bills. Sometimes the problem is irrelevant. You can't get blood out of a turnip, they say, so the company is just stuck with an uncollectible debt. The man who settled McCarthy's debts, Thomas McCoy, takes that view:

"Well, we must get paid one way or another. 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 drew a few hundred on a 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," recalled McCoy.

Others knowledgeable about political financing take a view less casual than McCoy's on the question of legalities. At a New York State officials' committee's hearing in early February, the ledger of an airline official read: "We trust this information will be of as much use to the airline officials as to the candidates and political committees that had to be settled for less than the amount due.

According to several lawyers, the government probably could not prosecute a company for violation of the law. The question of legality cannot be settled.

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 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 its 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 the creation agency for a company which extends credit unwise.

Mr. President, I am ready to yield back my time. 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 of Republican Senators from Oklahoma (Mr. HARRIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that: the Senator from Indiana (Mr. MILLER) 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. PERCY) would vote "nay." The result was announced—yeas 46, nays 42, as follows:

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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. If 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.

Mr. MILLER. For the 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 the 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

Finally, it would require that the Federal Election Commission make sure that the financial reports are filed in a timely manner and that the information is made available to the public.
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 5 to 0. The chairman of the Senate (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. POUITY is quite willing to change the wording to make it briefer.

If Senator Cannon would agree, Mr. POUITY would be willing to change the notification to read as follows:

A copy of our report filed with the Federal Election 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 Election 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. The 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 amenable to the modification as suggested by the Senator from Vermont (Mr. POUITY).

Mr. CANNON, Mr. President, this is simply a statement of facts as they exist in 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 too burdensome for the committees. 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.

Mr. POUITY. Without objection, the amendment is so modified.

Mr. SCOTT. Mr. President, I support Senator POUITY's amendment requiring a political committee, which solicits contributions, to state that it has filed the necessary disclosure of fact. 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 POUITY amendment was not retained in the Pasteur substitute.

Senator POUITY 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 POUITY is also the ranking Republican on the Senate Committee. Coincidentally, the purpose of the POUITY amendment is directly related to the purpose of these two committees.

It is well known that the solicitation of contributions 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. Therefore, 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 report disbursements, 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 committee, from merely soliciting contributions that are not to be spent?

The POUITY 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 POUITY 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 POUITY championed the Federal Privacy 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.

Mr. BAKER. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

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 confusion 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. TARR. All remaining time having been used, the question is agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

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 publicspirited 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 mailing lists 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. BELLMON. 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 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.

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The PRESIDING OFFICER. Do Senators yield back their time?

Mr. CANNON. I yield back the remainder of my time.

The PRESIDING OFFICER. The amendment was agreed to.

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 line thereof insert the following:

"(2) to prepare, publish, and furnish to the person required to file such reports and statements a setting forth recommended uniform methods of keeping and reporting:"

Mr. BELLMON. Mr. President, the purpose of this amendment is the same as that of amendment No. 291. You will note that I am willing to accept the amendment, and I yield back 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. 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 the 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.
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 Treasury 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 or vote 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 ensure that the Internal Revenue Service and the Secretary of State and the election officials under which additional copies of such form shall be available in each post office of the United States 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 printed in such a way that such persons may be effective. Where appropriate, such notification and such forms shall be in English or 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 prescribed in subsection (a) shall sign such form and submit 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 who votes 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

Section 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 as would have been in effect had such person registered under the applicable State law.

(1) 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 otherwise than for 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.

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.

PENALTIES

SEC. 505. (a) The provisions of section (11)(C) of the Voting Rights Act of 1965 shall apply to Federal election 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 or abridge the right of any person to vote in an election held under this title, he may institute an action for the Federal enforcement of such right in the appropriate United States District Court for the District of Columbia, a court in the State in which the violation occurs, or in any appropriate United States District Court for the District of Columbia, a court in the State in which the violation occurs, or in any other court of competent jurisdiction.

(c) The Secretary shall issue to any person who votes in Federal elections under this section a certificate of registration which shall be held and considered to be prima facie evidence of such registration.

(a) The Attorney General shall undertake to enforce the provisions of this Act in the same manner as provided for the enforcement of the provisions of the Voting Rights Act of 1965.
We all know the importance of volunteering is punishable by a fine.

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. 308

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 "610", before "610".

On page 32, strike lines 8 and 10, and in- insert in lieu thereof the following:

Sec. 303. 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 influence the outcome of an 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 for which he is a candidate, as determined by the Bureau of the Census in June of the year preceding the year in which the election is to be held; and

(2) $500,000, if greater than the amount determined under clause (1).

(b) No person may make any charge for goods or services or pay, or agree to pay, a fee that is required by this section.

(c) The limitation set forth in subsection (b) shall be applied to each candidate, or political committee, goods or services, as a single limitation on expenditures for the benefit 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 we should be looking for. I think 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.
August 5, 1971

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. Even 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.

I submit that there is even greater need to limit expenditures for nonmedia advertising than for media advertising. Media advertising is open 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.

I say to my friend that overuse of media advertising might even be counterproductive, if the electorate mail. I am one of those that might have overused advertising might even be counterproductive, if the electorate mail. I am one of those that might have overused advertising might even be counterproductive, if the electorate mail. I am one of those that might have overused advertising might even be counterproductive, if the electorate.

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 part-time 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 to 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 at all.

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 the amendment that 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 it 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 and indicated my general support for it.

Mr. ALLEN. That is correct.

Mr. PELL. And I hoped that the Senator would carry 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, of course, that were not included in the 10-cent limitation, but all the elements we have included are identifiable. Some 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 is it we are raising it to 20 cents 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 broached these questions 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 that are, indeed, the most expensive ones.

The argument has been made why not put the direct mail in. I would like to draw his amendment. I think it would be in the field of nonmedia advertising that irregularities or corruption or abuses, if any, might be most likely to occur.

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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 dollar. 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 amount 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 disagreement with both of my colleagues. 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 stringent that 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 say it before 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 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. It would be the kind of a law for 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 cherish this body or any legislative body in the world and desire this 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 statute 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 unfounded. It is, why we have to have an all-inclusive bill. 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 this House through 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 about 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 unreasonable 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 disclosed the most.

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. PASTORE. 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 toward freedom and justice, I think 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 one point. I am not going to vote for 20 cents. I think we have been very generous with the 10 cents. I would rather see 10 cents for everything the 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 that 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 asking that if I am for 20 cents, 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 no only a favor for the man in the street, 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 radio and television 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 constriction 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 amendment would now go, so 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 campaigns?

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 for direct mailing and postage in the operation of a campaign?

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 Rhode Island. The amendment that is proposed 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 on all other expenditures as well. The problem 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 that 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 incubus 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. A Member 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 and 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 that ceiling should be? I am not opposed to the amendment. 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 the total figure. The 2 cents 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 now 1 cents more, that would be amenable to me. 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. Yes. If I have time. 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 the 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 how to figure it? Do we know how to figure it? I hope Senators who were in the committee on the mark-up, and who went over page after page after figure after figure on matters that were 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 do. 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.
Mr. ALLEN. Mr. President, I ask for the yeas and nays.

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. HARKER), the Senator from South Dakota (Mr. MUNROE), and the Senator from Kansas (Mr. PEARSON) are absent on official business.

I 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 New Jersey (Mr. WILLIAMS) are necessarily absent.

Mr. MACNALLY. I am happy to yield to people back home, including the taxpayers who publish newspapers, including the Senator from North Dakota (Mr. TAFT), who today is absent on official business.

The right of an amendment has expired. Vermont (Mr. PROUTY) put in a motion that it be laid on the table.

Mr. CURTIS. I thank the distinguished Senator from Rhode Island for his correction.

Mr. CURTIS. Mr. President, I call up my amendment and ask that it be brought up.

Mr. PROUTY. Mr. President, may I express my deep appreciation.

Mr. COTTON. Mr. President, may I, from the other side of this chamber, join the Senator from Vermont (Mr. PROUTY) 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 floor.

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 because I want to 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 Oklahoma say how much he is going to raise it?

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 remarks.

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 the lowest unit 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.

When we do 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 utility 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 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 many people back home, including the taxpayers who own broadcasting stations and the taxpayers who publish newspapers, will think of it that way.
Mr. President, I ask for the yeas and nays on the amendment. 

The ayes 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, I do not 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 credibility 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 or not to comply with the simple reason that he only run within a certain number of days before election, 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 the position of the public interest. They have a news section which complies with their obligation and responsibility to render public service. That is all we are doing here.

Well, let us talk to the broadcasters: "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 position of senator, whether he is running in your city, you cannot charge him more than the lowest rate."

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.

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. PASTORE. 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 processes 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 limiting 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 out of ill will to the President, as the Senator, as a broadcaster, or 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? Not voting—12

Mr. PASTORE. I yield back the remainder of their time.

Mr. CURTIS. I yield.

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 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 long.

Mr. PASTORE. Is there any other amendments?

Mr. HART. I have an amendment.

Mr. PASTORE. I would say to my colleagues, for their convenience, that if they would 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 this time. 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 aspects 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 Pasteur 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, lines 14-15, it is expected 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 3 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 Pasteur 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 upsurge, 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. Tarr. 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 1976, and 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 central time zone; 10 postmeridian standard time in the Pacific time zone; 9 postmeridian standard time in the mountain time zone; 8 postmeridian standard time in the eastern time zone; and 7 postmeridian standard time in the eastern standard time zone for Preso

Mr. DOMINICK. Mr. President, in connection with the amendment, the word “Monday” on line 1, page 1, should be changed to “Sunday” and the word “Sanders” on line 2, page 1, should be changed to “Sunday.”

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 thought it was germane. I think he is probably correct in his view, and if he should make such a motion, I would have to withdraw it.

I would, 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. 1585, 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 be 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 computer 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 we have had 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 polls shall close, and I think this is a reasonable thing to do.

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 everywhere. But for 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 say that, Karl, you have 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 at least 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. This is the only way to maintain uniformity. 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 1962. The proposal 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 vote period which starts at 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 also that, I am going to stick to 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. Mr. President, has he pointed the case against himself?

Mr. DOMINICK. No, that is the case against the Senator from Rhode Island. 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 8:15 in Hawaii, but that would be going 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 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 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 in his 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 a similar sort or another for a number of years before the committee. The distinguished Senator from Nebraska (Mr. Cranze) 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 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, and that 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—from 10 a.m. until 11 p.m.; mountain time—from 9 a.m. until 9 p.m.; Pacific time—from 8 a.m. until 8 p.m.; Yukon time—from 7 a.m. until 7 p.m.; Alaska-Hawaii time—from 6 o’clock in the morning until 6 o’clock at night; and Hawaii time—from 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 had 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; it is just that 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 that he bring this amendment to conference and see what the House thinks about. Failing that, at least we might have the 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 says 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 also say to the Senator from Nevada (Mr. Cannon) that he needs to hold 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 way of dealing with the problem 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 during 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 ALBOTT, BENNETT, SCOTT, and WILLIAMS. On the bill, there are more sponsors than that, from both sides of the aisle. The Senator from Ohio (Mr. Pastore) 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 not at this time in the Senate, within the 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 call some hearings, hopefully next year.

Mr. DOMINICK. Fine.

Mr. PASTORE. I do not see how the Senator can expect the Senator from Nevada to do 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. Swope. 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 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 the 1971 fiscal year, 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 effect, what 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 did is to base it on 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 will be given by the escalator, the latter 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 morning, 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 what we discussed with Mr. Pastore on Thursday. 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 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 amendments for 1970 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. Mr. President, the Senator is correct. I agree with that.

Mr. KENNEDY. I thank the Senator.

Mr. MANFIELD. I suggest the absence of a quorum.

Mr. PASTORE. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. 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 Senate a recommendation to amend Section 308 of the bill. In the judgment of the station management, the material might cause real trouble in the community. It was 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 and circumstances of such 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 Schacht 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 from1041 an injunction against utterance that will have no effect on him. 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 narrow limits to the right of free speech and of the press. There is a particular evil which Congress has a right to prevent. It is a question of proximity and degree.

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 President in exercising the powers of the first and 14th Amendments. Essentially, my amendment does provide that material broadcast 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, and that the material must meet the public interest concept. I simply wish to insure that broadcasters will be able to do 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 a man's 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 public interest.

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. 356 (1969), Although broadcasting is clearly a medium affected by a First Amendment interest, United States v. Paramount Pictures, Inc., 334 U.S. 131 (1948), the same characteristic of new media justifies different standards in the First Amendment than those applied to them.

Mr. President, this is simply dicta but it is at least recognition that a difference exists between public and broadcast 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, 48 F. 2d 543, 546 (1969), which was discussed by Mr. 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 Mr. Chief Justice Burger noted in part the following: The infinite potential of broadcasting to influence American life remains somewhat irrelevant, since much of the material relating to race; second, which 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 ends of justice, the right of a man to 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 public interest.

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 clearest and where 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.

Mr. President, I am getting weary of many programs that are not only distasteful but are sometimes even rather risque.

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 point we ought to reach the point where we cannot permit anyone to the broadcast of 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 Senate 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, which was ordered to be engrossed for a third reading and was read the third time.
Mr. MANISFIELD. 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 tremendous 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. We believe it is necessary to politically control the distribution of this money to ensure that over 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 constituents.

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 situation in which politically controlling individuals or organizations that largely determine the course of an election. What we need today in the 1970's, is a mechanism by which anyone 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 reality. They have made significant amendments in the floor discussion 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 and 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 that are confronted with today can only be improved if we have selfless men, foresighted men, intelligent men who have full freedom to exercise their independent judgment representing the people of this country in the Halls of Congress.

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 bicameral Congress 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 colleagues this last week have truly shown how the issue of election reform transcends party. I hope that potential critics of this bill would carefully read the Rozcom 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.

N.B.C. EDITORIAL ON UNIVERSAL VOTER REGISTRATION

Mr. KENNEDY. Mr. President, in an N.B.C. radio editorial last Friday Mr. Sander Vanocur emphasized the burden of raising money as a crucial if not the primary reason for reform is building, and it is timely to consider and to ask some questions about simplifying our complicated voter registration laws.

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 63%. In the three national elections of 1920 and 1924, it fell below 60%. But through-out the greater part of the 19th century, voter turnout was even lower than it is today. In the 1970's, 80% as compared to 40% in the 1940's; 55% as compared to 20% in the 1920's. These facts have been cited by Senator Edward M. Kennedy this week, as he prepares to introduce an amendment to the Election Reform Act, an amendment that would establish a system of universal voter registration.

For the nation of 1968 shows how badly such a measure is needed—for in that election, with the potential of 120 million voters, or 68%, were registered to vote and therefore eligible to go to the polls on election day. But of that number, 69% went to the polls, proving the campaign charges 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 in a new commonwealth agency. The Census Bureau would process the cards, compile voting lists by precincts throughout the country, and transmit the list weekly to state and local election officials at appropriate times before any election.

The system would be mandatory for national elections and optional for state and local elections. Kennedy hopes to get action by the Congress when it returns from the August recess. Whether his amendment, or similar reform, is enacted this year, is problematical. But there is a rising demand, the for the lawmakers 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 elections are run. Campaigns are financed, but I believe the bill is an important step toward eliminating money as a crucial if not the primary requirement for election. That we have established a new federal system is a contribution 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 campaigns 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 how much money it takes to run for office and the patience and skill of Senator Pastore and Senator Cannon.

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There is no need at this point to repeat the figures which show the soaring costs of campaigns 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.
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 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 necessary 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 doubt 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 "evasive" or "baffling" answers to their questions. 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's contributors on administration policy on no-fault automobile insurance. I ask unanimous consent that the articles be printed with the inclusion 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 money have been around for a long time. A number of bills were introduced in the 89th Congress. The most notable of these was the Johnson proposal for public financing. It provided that a contribution of $1 would be made to each candidate for Congress representing the state in which the contributor lives. The amount was to be raised by a 1.5-cent tax on personal income and corporate profits. The funds were to be deposited in a political trust fund, which would make grants to candidates.

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.

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. Only 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 March 26, 1971

NO-FAULT CAR INSURANCE HITS HURRICANE "BARRACUDA" - (By Charles Bartlett)

WASHINGTON, - Proving once more that the public will gain when the Treasury replaces the private insurance industry's contribuions to 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 fewer irritate the consumer more than auto insurance. But Nixon foregoes 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 keen example because Secretary John Volpe and his aides sided with the transportation council at 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; in 1972 the president is 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 increased competition if auto insurance is simplified.

These groups were well represented in the White House hearings in which Flanagan invited top insurance executives. Virtually the same arguments were directed 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 appears acceptable.

Only 45 percent of those 500,000 a year who are killed or seriously injured in accidents receive any auto insurance. 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 interfered with 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 those not interested in the public interest as 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 courageously 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 strived this 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 effort with which they have handled 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 been shown to 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 of 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 largest campaign contributors 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, a candidate must face the Hobson's choice of a shoestring 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.

The law, 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 institutional questions, the problem of campaign spending has given political expression to the role of dirty business. It has bred cynicism in our citizens and dropout from our democracy.

In an era where calls for reform are heard on every front, the call for reform of our election laws has gone strangely unheard. To me, however, it is where reform ought to begin, because if we cannot keep our democracy running and responsive, no amount of reform in other areas 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, 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 other similar grave defects in virtually every other area of our election laws. We have ignored the need to
develop tax incentives to broaden the policy incentives for 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 on 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 worthy of its name can fail to come to grips with these problems—problems that lie close to the core of theills that plague our political system.

Other important provisions in the bill establish an additional fundamental principle of election reform—a requirement of full non-partisan disclosure of campaign contributions and expenditures. Its rational is the rationale of complete public disclosure.

As in so many other areas of political life, we 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 decide, 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.

As a final way I am glad 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 be the sponsor of the equal-time bill as well as the final version as reported from the Committee on Labor and Public Welfare, believe the Congress, and the millions of Americans this bill will serve if passed, are very much in debt to the distinguished Senator from Rhode Island (Mr. Pell). He has approached extraordinarily complex problems with great dedication and insight. He has also shown tremendous cooperation in dealing with the many additions and modifications to the equal-time bill proposed by myself and others. May I also have 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 the establishment of a 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 the public's understanding of the regulatory agencies 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 advantages that are derived from good information 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 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 recent decision of the 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 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 institutions, such as the airlines and telephone companies, will provide protection to these companies and the people, with the inclusion 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 limit campaigning on the high plane on which we operate 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 this statement be printed in the Record at this time.

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 campaign worker, to those who serve in government, and to those who support and work for a system of government.

**GOOD CAMPAIGNS AND BETTER GOVERNMENT—THE REPUBLICAN CAUSE**

Let me say at the outset that better, more responsible, and more positively oriented 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 exercised firm leadership for better government in the executive branch of the Federal government. He has brought together and involved 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 the executive branch. We hope that which will be substantially better equipped to deal with the economic, social and natural environment of the late twentieth century and which will result in more effective government.

Richard Nixon has provided a great example and great inspiration for achieving good government. Everywhere he has always sought to place men with vision into elective offices. They have been vigorous and effective. They have found 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. Today, in the White House, in 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 underlines is the rational and responsible campaigning for public offices. Clean campaigns, free from mudslinging and character assassination, are the rule throughout the country 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 personal attacks.

**MAJOR FACTORS—FINANCE LOOPOLES AND RISING COSTS**

Unfortunately, however, in the volatile climate 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: (1) 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 over-sight over campaign conduct. No coherent, tightly-drawn, enforceable body of laws governs or guides the contribution and expenditure of campaign funds. In the past, in the case of public interest, there is, as we all know, a scattering of piecemeal, individual and poorly understood statutes. But they are so subject to abuse and avoidance that the
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.

By holding a great belief in the reality of the individual, my belief in the situation leads me to the view that the foundation of any reform, any improvement and any progress in the 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 exercises of that right is, the better our Government will be. In our deliberations in the Congress, we must realize that the ultimate goal is not more laws or tighter laws, not stricter regulation and more existing controls. Laws, controls, regulations—these can only be means, not ends in themselves. No, the goal we must seek is better government.

The best type of campaign reform will improve the integrity of the political process by increasing public interest in and participation in the political system.

THREE PRIMARY REFORMS

In pursuit of this overriding goal, I believe any meaningful campaign reform must develop along three major lines:

First, I feel that all efforts to provide better procedures for disclosure of campaign financing. Second, real progress must be made toward reducing the cycle of over-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 unlimited potential for improving our political system. At the same time, it reveals and eliminates substantial difficulties and questions raised by the alternatives.

Two options of political philosophy come into play in this area. The first is a belief that American voters are entitled to know where their money is going and the organizations supporting them get their money and what they spend it on for public good. Second, is the belief that campaign funds 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 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 are many other advantages which could 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; whatever effect such laws would have in protecting the public interest. But let me emphasize again that disclosure seems by far the most practical means to achieving reform in this area.

INCENTIVES FOR LOWER-COST AND MORE MEANINGFUL CAMPAIGNS

In the second area of direction for reform, provisions should be made to attract more low-cost and lower-cost campaign practices, there is great need for substantial efforts and at the same time the prospect of great rewards for these efforts.

As long as no attempt is made to break the basic cycle of spiraling costs and sinking standards in campaigning, all 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 contacts—is uppermost in the candidates’ minds, candidates will be forced to resort to

an attempt to “buy” the election through huge expenditures to promote an empty or false image. With the administered disclosures of receipts and expenditures, voters could make informed and intelligent judgments on candidates’ spending practices. And they could take these judgments into the voting booth and include them in their evaluations of the coming election.

Disclosures of campaign financing have substantial advantages over any imposed limitations on campaign contributions or expenditures. Disclosure is much more practical than restriction. It focuses enforcement on the individual, thus protecting the individual contributor. Disclosure raises no doubts of infringement on fundamental first amendment freedoms, whereas attempts to describe 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 incentives for contributors' campaigns. Limitations would only intensify present deficiencies. And in this day of widespread appeal for disclosure, when the public refuses to tolerate the evils of 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 media is sorely needed at this point quite convincingly. It said:

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to those techniques and tactics which have the effect of alienating the voter. The long- 
increasingly nerve-grating campaign, the spot 
advertising, the appeal to emotions and prejudices, the absence of in-depth dis- 
cussion of the candidates or the implications which make campaigning unenlightening, uninspiring and insipid will continue to in- 
fluence campaigns.

The present counterproductive pressures must be replaced or displaced. They cannot be left where they are to continue their destructive role in our political system. New approaches and new forces for every- 
thing that is needed to make campaigns respectable and a reasonable and acceptable re- 
sourse of communication for every voter, and in their place must be inserted incent- 
ives and influences in the opposite direction.

Serious consideration should be given to making advertising time available to the public in a manner acceptable to the going rate, and in a manner which will make campaigns noninsulting, nonoffensive and in no way long enough to be tedious.

Another influence of long campaigns is the excessive costs that arise with the length of campaigns. In today's world of high living, a prolonged audio-visual assault on the voting public is unnecessary and increasingly an- 
nealed with the passing of time. But the voter begins to feel it is being bom- 
barred by an endless round of political public- 
ity and propaganda. And to a large extend, the voter says that they are too long. Their length exceeds the necessities of commu- 
nications and debate and should be limited.

Many steps could be taken to introduce shorter campaigns. National convendents could be held later in the year. Presidential primaries might be held back a few weeks. Legislation might be enacted to set an official "campaign season." But I be- 
came that if the candidates and organizations of political parties could be financed properly and limited, the period offers real promise for reducing costs and improving the quality of campaigns. And I would hope this committee will explore this at greater length.

INCREASED CITIZEN PARTICIPATION

Now we come to the third point of the directions for campaign reform, and this is the involvement of individuals in the political process.

It is not sufficient that people go to the polls. It is of course vital, but here is more— 
the involvement of individuals in the political process.

As I said at the beginning of my remarks, I believe that the American people have the right to support the candidates and organizations of their choice to the fullest extent of their means, but I believe also that each citizen should support candidates and parties in proportion to his means.

There are many individuals throughout this great nation who feel a genuine and sincere desire for what America has meant to their lives and who choose to express their feelings by contributing to political organiza- 
tions. Their contributions are a measure of their loyalty and dedication to their political beliefs have found selfless and generous expression in political parties and can- 
didates who embody their hopes and expecta- 
tions for America. I believe these are admir- 
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couraged and fostered by national policy.
ance of the effective power and authority of the people over public affairs.

New steps 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 explore new avenues for the purpose of stimulation of this reform. Numerous suggestions have been made, such as establishing tax deductions for political contributions, or providing a substantial contribution by check-off type arrangement of the Federal income tax rebate. These and other suggestions have very limited support and considered study. 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 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. F秀urray) 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. Metcomb) is also 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 counsellor, Mr. Zapples and Mr. Hardy, and on the minority staff, Mr. Pankoff and Mr. Molloy. Similar commendation and thanks also is due the staff 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, Cerrie 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 Members 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 the 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 the Members themselves—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 must confess that from my principal areas of concern 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; and

Second, the unduly restrictive separate spending limitations lacking interchangeability;

Third, the failure to prohibit unsecured debts by political candidates in service industries;

Fourth, the failure to go the full measure and provide for an independent Federal Election 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 requirements 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. Cоock) so as to provide for interchangeability of not to exceed 20 percent of the respective ceiling 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 that direction.

We did not adopt the meritorious amendment offered by our distinguished minority leader (Mr. Scott) to prohibit by law extension of unscored credit for services rendered by certain regulated tax deduction industry. We also adopted 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 legislation becomes law, will act in an expedient 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 junior 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 "fall labeling" disclosure amendment proposed by the distinguished junior Senator from Vermont (Mr. P秀urray). As such I must say 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 concluded 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 amendments when and if necessary.

Mr. FOSTER. Mr. President, first I wish to commend the distinguished Senator from New Hampshire (Mr. Corru) 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 partisan-ship 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 Zapples 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 an unanimous-consent request at this time, with the approval of the acting minority leader and the Speaker.

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. 585, the pending amendments of 1971 which the Senate set aside last night; and immediately following the disposition of S. 585, I 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-
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 the Senate's permission to ask a question. The yeas and nays were ordered.

Mr. PRESIDENT. The yeas and nays are ordered. The PRESIDING OFFICER is recognized.

Mr. MANSFIELD. Mr. President, I ask the Senate's permission to ask a question.
the purpose of this subsection and, in the case of broadcasting stations, subsection (d).

"(d) If it shall have been determined that the amount of such limitation shall not exceed the amount which would be determined for such election under subsection (c) it shall have 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) Any person who knowingly and willfully violates the provisions of subsection (d) of this section shall be punished by a fine not exceeding $10,000 or imprisonment for a period not to exceed one year, 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

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

"nonbroadcast communications medium" means newspapers, magazines, and other periodical publications, and billboard facilities;

"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 laws to hold by direct or primary elections or by delegate or popular election; and

"use of any nonbroadcast communications media by or on behalf of any candidate" includes not only amounts spent for advancing a candidate's election but also amounts spent for 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 media by any individual who is a legally qualified candidate for Federal elective office or for the use of any nonbroadcast communications media on behalf of his candidacy in such election shall not exceed the lower rate charged others by the person furnishing such medium for the same amount and class of notice.

(c) Except as provided in section 104 of this Act, no legally qualified candidate in any primary, runoff, general, or special election for Federal 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 to the costs of nonbroadcast communications media in the last election in which he was a candidate for Federal office, unless that candidate is a member of the political party which in the last election received a majority of the votes cast for candidates of that political party.

(d) The definitions contained in sections 315(c) of the Communications Act of 1934 and in section 103(a) of this Act are applicable to this section.
of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention, or 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 to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates, to a national 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;

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"(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 to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates, to a national 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 to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates, to a national 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 to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates, to a national 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 to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates, to a national 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 to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates, to a national 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 to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates, to a national 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 to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates, to a national 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 to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates, to a national 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 to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates, to a national 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;
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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 or 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 onehalf of a political committee without the authorization of its chairman or treasurer, or their designated agents, receiv-

ing such contribution, and the principal place of business, if any, of a person making such contribution, and the date on which it was received. All funds of a political committee shall be kept by this secretary, 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 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 amounts, and for all 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 keep 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 a candidate that is not authorized in writing by the candidate, shall 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 committees 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 in each page or front page of literature and advertisements soliciting funds the following notice:

"A copy of the 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 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 shall be 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 Commission.

(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents.

registration of political committees

Sec. 303. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $100, shall file with the Commission a statement of organization, within ten days after its formation 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 time 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, and jurisdiction of the committee;

(4) the name, address, and position of the custodian of books and accounts;

(5) the name, address, and position of the principal officers, and the mailing addresses and principal places of business, if any, of the committee and each candidate on whose behalf the committee received contributions or expenditures have been made; and also by the committee or candidate, or to which that committee or candidate made, any transfers of funds, together with the amounts and dates of all transfers;

(6) the annual amount or value in an aggregate amount or value in excess of $100, together with the names and mailing addresses (occupation and the principal place of business, if any) of the lender and endorsers, if any, and the date and amount of such loans;

(7) the total amount of (A) the sale of tickets to dinner, luncheon, rally, and other fundraising event; (B) mason and other receipts made at such an event; and (C) sales of items such as political buttons, pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(8) the total amount, rebate, refund, or other receipt in excess of $100 not otherwise listed under paragraph (3) through (6);

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

(10) the full name and mailing address of each candidate on whose behalf the committee or candidate received contributions or expenditures have been made, and which is not otherwise reported as to which candidate is received, date, and purpose of such expenditures;

(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 of such candidate as the Commission may require until such debts and obligations are extinguished; and

(13) such other information as shall be required by the Commission.

reports by political committees and candidates
Sec. 304. (a) Each member 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 each year, and on the fifteenth and the last day of the month next following 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 and shall be filed within forty-eight hours after the filing thereof.
year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer or political committee or candidate shall file a statement to that effect.

REPORTS BY OTHER THAN POLITICAL COMMITTEES

Scc. 306. 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, or aggregate amount of in excess of $100 within a calendar year shall file with the Commission a statement containing the information required by section 305. 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

Scc. 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 official duly authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of at least five years following the date of its filing.

(e) The Commission may, by published regulation of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and obligations, 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 converted to a single actual payment is made.

REPORTS ON CONVENTION FINANCING

Scc. 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 commitment by such State, political subdivision, or group to spend money for the election of a candidate for the office of President or Vice President, or

(2) represents a national political party in meeting to select a candidate for the nomination 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 term, or sixty 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.

Scc. 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, premises, and the United States, the forms 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 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

(5) to prescribe 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 reports and statements for all candidates, political committees, and other persons during the year; (B) total amounts contributed to such committees as it shall determine and broken down into candidate, party, and nonparty expenditures on the National, State, and local levels; (C) total amounts expended on influencing nominations and elections stated separately; (D) total amounts contributed to such committees as 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 make and publish timely summaries 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 allegations by any report or statement filed 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) Any person who believes a violation of this title has occurred may file a complaint with the Commission which 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. In the judgment of the Commissioner, after affording due notice and an opportunity for a hearing, any person having knowledge 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 Commission 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 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, subpæse for witnesses who are required to attend a United States district court may run into any other court.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after entry of such order, file a petition with the United States Court of Appeals for the circuit in which such person is found, transacting 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 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 of appeals in preference to all other actions (other than actions brought under this subsection).

STATEMENTS FILED WITH CLERK OF UNITED STATES DISTRICT COURT

Scc. 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 the person is located or in which such person resides. The Commission may require the filing of reports and statements required by this Act with the clerk of the United States district court 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—

(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 five 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; and

(3) to forward to the Commission a copy of each report or statement filed with the United States district court, and a copy of each report or statement filed under this Act with the clerk of the United States district court where it is determined by the Commission that the public interest will be served thereby.

FEDERAL ELECTIONS COMMISSION

Scc. 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 national reputation for impartiality, and good judgment, are qualified to conduct the work of the Commission, and are trusted by the Senate and the House of Representatives, 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 portion of the term of the individual whose position he fills and shall serve only for the remainder of the term. The President shall designate one member to serve as Chairman of the Commission, and four members thereof shall constitute a quorum.

c. The Commission shall have an official seal which shall be judicially enforceable.

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 of conforming and technical changes in the enrollment of the Senators.

e. The Commission shall not delegate the making of any recommendation for further legislation as may appear desirable.

(f) 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.

(g) 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.

(h) All officers, agents, attorneys, and employees of the Commission shall be subject to the provisions of section 3109 of title 5, United States Code, as amended (the Hatch Act), notwithstanding any exemption contained in such section.

(i) 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, including 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.

(j) The Chairman of the Commission shall appoint and fix the compensation of such personnel as it deems necessary to fulfill the duties of the Commission under the provisions of title 5, United States Code.

(k) The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(l) Section 3815 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph: "(131) Executive Director, Federal Elections Commission."

In carrying out its responsibilities under this section, 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 Clerk, the Acting General Counsel, 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 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 electric utilities in several States to develop procedures which will eliminate the necessity of multiple filings, without jeopardizing the effectiveness 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, such invalidity shall not affect the other provisions of this title or the application thereof to other persons or circumstances.


(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 sixty days after the date of enactment of this Act, its own regulations with respect to the extension of credit to individuals or corporations for the purpose of making political contributions.

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 technical changes in the enrollment of the bill and that the bill be printed as it has passed the Senate.

The PRESIDING OFFICER. Without objection.

Mr. MANNSFIELD. Mr. President, with the final approval of the Federal Election Campaign Act of 1971 I wish to express 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 Senate floor was, however intimate, 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.

Opening 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. Procyk) earlier. I would like to express my personal thanks for his generous suggestions and many helpful suggestions. It was with Senator Procyk's help that this political reform measure remained bipartisan. His wise counsel on many pertinent points. My use 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. Scudder) 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 bipartisan nature of this bill. All of them are represented 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 years and only 2 nays. This, to me, represents such a total sense of agreement that it is difficult to concieve 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 today's political scene.

All of the Senators recognized that there was a serious problem with the spiralng cost of elections, and through the cooperative and bipartisan support we have witnessed this 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 remain 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 Administration 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 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. 2586) to amend sections 621 to 670 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. 561) 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 budgets 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 policies, 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. 5238) 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 had agreed to the amendments of the Senate numbered 1, 15, 49, and 50 to the bill, 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 peanuts 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, 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 college students, 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. 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 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 commitment 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 not only increase the flow of Federal funds to the public college system; 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 vocational education—at least, long neglected and very vital in comprehensive community college level.

Mr. TAPT. Mr. President, the Education Amendments of 1971, which I co-sponsor, represent a positive reaffirmation of the Federal Government's support of our Nation's education system.

There is to be a keystone in the bridge across our 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 this way, we 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 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 education to the doorsteps of the hometowns of thousands of 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 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 tradition that getting into college is the all-American 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 four years of engineering, chemistry, and other crafts, for example, has nothing short of tragic. It is just as important to be a good electrician or a good carpenter, 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.

Mr. President, in 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 rather than be 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 cannot never provide. It reflects the social awareness of our law students and help them to meet legal problems in human terms rather than 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 educators themselves.

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 worry a bit less about whether they will 'stay up' to the university tradition, and take 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, one is wise to know as education for minorities it could alone—could well be the road to oblivion. This bill, let me say again, conveys that message.

Finally, the crisis, too, 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 in the business and industry.

The bill gives strong support to the States to plan for greater accountability 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 for this booming segment of our educational system 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 PELL, 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 for 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. 2336, to do in 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. 2336) 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 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 of 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 up what is believed 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 where he did, upon International Law and Cooperation

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What we require for the United States is a whole new concept of Foreign Pol-

ic which steers a prudent course of In-

ternational risk-avoidance, instead of building up a force in im-

probable risks. It must bolster at every occasion our respect for, and reliance upon, International Law and Cooperation as peaceful means of settlement, rather than using the 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 succes-

sion 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.

VIETNAM EXPENDITURES

Mr. GRAVEL. Mr. President, it be-

comes increasingly apparent that there will be no more quick dividends from the wind- ing down of Vietnam expenditures—

if indeed there ever were any. If the pres-

ent administration has its way, the price of maintaining our defenses is bound to baloon, for it has never adequately addressed itself to the issues of where the need for forces is greatest and how the military requirements of true national defense differ from the demands imposed by continuing our present policy of garrisoning troops world wide.

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 21 to 1½ wars, he nonetheless avoids the hard decisions we must eventually face in re-

ducing the scale of our worldwide com-

mitments. Instead he continues to spend in excess of $2 billion and to deploy them at varying 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 the 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 Amer-

ican troops, but not in civilian clothes. Do it with the CIA—its Laos—of course, or army regulars.

But the solution to worldwide military intervention is not disguising it, but only way is to stop it. And the only way is to reconceive our whole scheme of world-

wide policy to minimize the risk invol-

volved by the war itself in the very manner by which the war is to be conducted for the national defense. This means that we must reduce-

ments 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

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Mr. TALMADGE. Mr. President, on Thursday, August 5, the Senate took up what is believed 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 where 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.

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 provision of the bill requires the United States 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 broadcast 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 deals which are not being done. Clearly, there is no such situation present here. The immediate beneficiaries of this legislation are the candidates themselves.

Senator CARL COMPTON 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 will vary with each 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 that 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 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.

Mr. President, 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.
H.R. 11060
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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DEFINITIONS

SECTION 1. (a) For purposes of this Act:

(1) The term "election" means (A) any general, special, primary, or runoff election, (B) a convention or caucus of a political party held to nominate a candidate, (C) a primary election held for the selection of delegates to a national nominating convention of a political party, (D) a primary election held for the expression of a preference for the nomi-
nation of persons for election to the office of President, and
(E) the election of delegates to a constitutional convention
for proposing amendments to the Constitution of the United
States.

(2) The term "candidate" means an individual who
seeks nomination for election, or election, to Federal elec-
tive 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 (A) taken
the action necessary under the law of a State to qualify him-
self for nomination for election, or election, to Federal elec-
tive office, or (B) received contributions or made expendi-
tures, 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 "Federal elective office" means the
office of President, United States Senator or Represent-
ative, or Delegate or Resident Commissioner to the Con-
gress; and includes the office of Vice President except as
otherwise provided in sections 2 (c) (2), 3 (b), and 4 (d).

(4) The term "Presidential convention or primary"
means any election held to express a preference for candi-
dates for nomination for election as President, a convention
which participates in the selection of such a candidate, or
an election to select delegates to such a convention.
(5) 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.

(6) The term "contribution" includes 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.

(7) 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.

(8) The term "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, and the Comptroller General in any other case.

(9) The term "State" (except when used in section 2(b)(2)(C)) includes the District of Columbia, the Com-
wealth of Puerto Rico, and the territories and possessions of the United States.

(b) (1) For purposes of paragraphs (6) and (7) of subsection (a), 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 paragraphs (6) and (7) of subsection (a) and paragraph (1) of this subsection, the terms “contribution” and “expenditure” when used in this Act shall not include (A) the rendition of personal services for which no compensation is paid to the individual rendering the services, or (B) 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.

EXPENDITURE LIMITATIONS FOR CANDIDATES FOR FEDERAL ELECTIVE OFFICE

Sec. 2. (a) The aggregate amount of expenditures made by any candidate for Federal elective office or on behalf of his candidacy—

(1) may not exceed the limitation determined under subsection (b) in any general election,

(2) (i) may not exceed the limitation determined under subsection (b) in each primary, or primary run-
off, in which he is a candidate and which is held to select candidates for Senator, Representative, Delegate, or Resident Commissioner for any general election, and (ii) may not exceed the limitation determined under subsection (b) in each primary election held in a State to express a preference for the nomination of persons for election 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 

(3) may not exceed the limitation under subsection (b) in all presidential conventions or primaries in which he is a candidate.

(b) The limitation applicable to any election for Federal elective office is the greater of—

(1) $50,000, or

(2) 6 cents multiplied by (A) 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; (B) the population of the congressional district, in the case of an election for the office of Representative (other than Representative at Large); or (C) The population of all the States and the District of Columbia (i) in the case of a general election for the
office of President, and (ii) in the case of all Presidential
conventions or primaries for the office of President.

Population shall be determined on the basis of the decennial
census under which Representatives were apportioned to the
Congress for which the election is held (or, in the case of a
presidential election, the Congress the membership of which
is the basis for allocating electoral votes to the States in such
election).

(c) (1) 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 elec-
tion or agent thereof.

(2) For the purposes of this section, a candidate
for Vice President in a general election shall not be treated
as a candidate for Federal elective office, but expenditures
made by or on behalf of such candidate shall, for the pur-
poses of this section, be deemed to have been made by
the candidate for the office of President with whom he is
running.

LIMITATIONS ON CONTRIBUTIONS ACCEPTED BY
CANDIDATES FOR FEDERAL ELECTIVE OFFICE

Sec. 3. (a) The aggregate amount of contributions
which are made for the purpose of influencing the out-
come of an election for Federal elective office and which
are accepted by any candidate for Federal elective office
and by all political committees authorized to accept con-
tributions on his behalf—

(1) may not exceed the limitation determined
under section 2(b) in the case of contributions ac-
cepted for use in any general election,

(2) may not exceed the limitation determined
under section 2(b) in the case of contributions ac-
cepted for use in any primary or primary runoff in
which he is a candidate and which is held to select
candidates, for Senator, Representative, Delegate, or
Resident Commissioner for any general election, and

(3) may not exceed the limitation under section
2(b) in the case of contributions accepted for use in
all presidential conventions and primaries in which he
is a candidate.

(b) For purposes of this section, a candidate for Vice
President in a general election shall not be treated as a
candidate for Federal elective office, but contributions ac-
cepted by such candidate (or by any political committee
authorized to accept contributions on his behalf) shall, for
the purposes of this section, be deemed to have been accepted
by the candidate for the office of President with whom he
is running.
LIMITATIONS ON CERTAIN EXPENDITURES BY CANDIDATES
AND CERTAIN CONTRIBUTIONS BY INDIVIDUALS

Sec. 4. (a) No candidate may make expenditures from his personal funds (including expenditures from the personal funds of his immediate family under his control) on behalf of his candidacy 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 or Vice President;

(2) $20,000 in the case of a candidate for the office of Senator; or

(3) $15,000 in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

(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 or Vice 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.

(c) 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.

(d) For the purposes of subsection (b) of this section, 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.

REPORTING OF EXPENDITURES AND CONTRIBUTIONS

SEC. 5. (a) Every candidate for Federal elective office, every political committee, and every person, committee, association, or group of persons, incorporated or unincorporated, profit or nonprofit, including corporations and unions, and every committee or group formed by or under the auspices of a corporation or union, who contributed, promised to contribute, received, or expanded, directly or indirectly, any money or things of value for the purpose of influencing or attempting to influence the outcome of any election for Federal elective office shall,
between the tenth and fifteenth days next preceding the date on which the election is to be held, and not later than 4 postmeridian of the forty-fifth day after such election, file a full, true, and itemized sworn statement, setting forth in detail the moneys or things of value so contributed, promised, received, or expended. Such statement shall contain the following information:

1. The full name of the person, committee, association, or group of persons filing a receipt and expenditure statement; if a committee, association, or group of persons, the full name of the chairman or treasurer.

2. The address, including the street, city, and State, of the person, committee, association, or group of persons filing the statement; if a committee, association, or group of persons, the address of the chairman or treasurer.

3. The candidate’s full name.

4. The candidate’s address, including street and city.

5. The date of election and whether it was a general, primary, or special election.

6. A statement of moneys or things of value contributed, promised, or received, which shall include:

   (A) The month, day, and year such moneys or things of value are received;

   (B) The full name of the person, committee, association, or group of persons from whom moneys or
things of value are received; if a committee, association, or group of persons, the full name of its chairman or treasurer;

(C) The address, including street, city, and State, of the person, committee, association, or group of persons from whom moneys or things of value are received, except that this requirement does not apply to the statements filed by a duly organized State or local committee of a political party nor to a finance committee of such committee; if a committee, association, or group of persons, the address of its chairman or treasurer;

(D) A description of what was received, whether moneys or things of value; if other than money the item must be described; and

(E) The value in dollars and cents of moneys or things of value received.

(7) A statement of expenditures which shall include—

(A) The month, day, and year of expenditure;

(B) The full name of the person, committee, association, or group of persons to whom the expenditure was made; if a committee, association, or group of persons, the full name of its chairman or treasurer;

(C) The address, including the street, city, and State, of the person, committee, association, or group of persons to whom the expenditure was made; if a com-
mittee, association, or group of persons, the address of
its chairman or treasurer;

(D) The object or purpose for which expenditure
was made; and

(E) The amount of each expenditure.

(8) The statement of receipts and expenditures must
be signed by the person completing the form in the presence
of an officer authorized to administer oaths.

(9) Full names and addresses shall be listed.

(10) All receipts and expenditures shall be itemized
separately regardless of the amount except a receipt of
funds from an individual contributor in the sum of $25 or
less in money or things of value at a social or fundraising ac-
tivity. The total receipts from such social or fundraising ac-
tivity shall be listed separately, together with the expenses
incurred and paid in connection with such activity.

(11) All lobbyists registered with the Clerk of the
House of Representatives or the Secretary of the Senate
pursuant to the Federal Regulation of Lobbying Act shall
be identified as lobbyists with full names and addresses
and contributions listed separately.

(12) The statements required to be filed by this sub-
section 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, except that the statement filed not later than
the forty-fifth day after the election is held shall cover the
preceding calendar year.

(b) In the case of a political committee which is re-
ceiving contributions or making expenditures on behalf of
more than one candidate for Federal elective office, the
required reports shall include, under paragraphs (3), (4),
and (5) of subsection (a), the names and addresses of all
candidates in whose behalf contributions have been received
or expenditures made, and the date and nature of all cor-
responding elections, and, under paragraph (7) of subsection
(a), the following: (1) the name of the candidate or can-
didates in whose behalf each expenditure was made; (2) in
the case of expenditures made in behalf of more than one
candidate, a breakdown of each such expenditure, showing
the amount reasonably to be allocated to each such candi-
date; (3) the total amount expended on behalf of each such
candidate, as itemized under clauses (1) and (2) of this
subsection.

(c) (1) Any candidate for Federal elective office who
did not receive or expend any money or things of value in
connection with any election in which he was a candidate
shall, not later than 4 postmeridian of the forty-fifth day
after such election, file a statement to that effect, subscribed
and sworn to before an officer authorized to administer oaths.
(2) Individuals, other than candidates for Federal elective office, making only contributions, the receipt of which must be accounted for by others, need not file a statement under this section.

(3) Any statement under this section shall also set forth the unpaid debts or obligations of such candidates, persons, committees, associations, and groups, incurred in connection with any election for which the statement is filed, and shall specify the balance in the hands of the accounting person, committee, association, or candidate, and the disposition intended to be made thereof.

(4) The form for such statements shall be prepared by the supervisory officer and furnished to candidates without charge.

(5) Any individual other than a candidate for Federal elective office who has expended any money or thing of value for or on behalf of any candidate for Federal elective office, political committee, or other committee or association may, instead of filing a separate statement as provided in this section, attach it to and be a part of the statement to be filed by the candidate, campaign committee, or association.

(6) If the money or thing of value was received from a candidate for Federal elective office, political committee, or association, to be spent for or against any such candidate, an account stating in detail when, where, to whom, and for what
purpose, and in what sum such amounts were expended, shall be attached to and form a part of the statement to be filed by a candidate, committee, or association.

(7) Every such committee, association, or group of persons shall appoint a treasurer and designate his full name and address, including street, city, and State, to the supervisory officer. The treasurer shall keep a strict account of all such moneys, from whom received and the purpose for which they were disbursed.

(8) Every payment in excess of $25, required to be accounted for, shall be vouched for by a receipted bill, stating the purpose of the expenditures, which shall be filed with the statement of expenditures.

(9) The supervisory officer shall issue a receipt for each such statement filed by a candidate or committee and preserve a copy of such receipt for a period of at least six years.

(10) All such statements shall be open to public inspection in the office of the supervisory officer, and shall be carefully preserved for a period at least equal to the duration of the term of office for which the candidate was seeking nomination or election.

(d) For the purpose of this section, 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 being paid by another for such contribution of time.
(e) Any statement under this section shall be filed with the supervisory officer. On or before the twentieth day preceding any election in which statements are required to be filed by this section, every candidate subject to the provisions of this section shall be notified by the supervisory officer by certified mail with return receipt requested of the requirements of this section.

ENFORCEMENT

Sec. 6. (a) (1) The supervisory officer shall examine all statements filed under this section for compliance with sections 2, 3, 4, and 5.

(2) In the event of a failure to file a statement under section 5 with the supervisory officer, or in the event such a statement appears to disclose a violation of law, the supervisory officer shall promptly publish notice of such violation in the Federal Register.

(b) Any person who violates this Act and who was a candidate for President or Vice President at the time of such violation shall be punished by a fine of not more than $25,000.

(c) No certificate of nomination or election shall be issued by any officer of a State to any 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 the 
candidate has fully complied with this Act. Any violation of 
this Act by a person who was a candidate for Federal elec-
tive office (other than for President or Vice President) at 
the time of such violation shall disqualify such 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). 
Any candidate who violates this 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 vio-
lation, and who wins a nomination in such election shall 
forfeit the nomination, and the vacancy in the party nomi-
nation so created may be filled by his political party as if 
such candidate had withdrawn.

(d) Any person who violates this Act and who was not 
a candidate for Federal elective office at the time of such 
Violation shall be fined not more than $1,000 or imprisoned 
not more than one year, or both; except that in the case 
of a willful violation such person shall be fined not more 
than $10,000 and imprisoned not more than two years.

REPEAL OF FEDERAL CORRUPT PRACTICES ACT, 1925

SEC. 7. The Federal Corrupt Practices Act, 1925, is 
repealed.
AMENDMENT TO TITLE 18, UNITED STATES CODE

SEC. 8. 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 new 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, 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."

EFFECTIVE DATE

SEC. 9. This Act (including the repeal made by section 7 of this Act and the amendment made by section 8 of this Act) shall apply with respect to elections occurring after December 31, 1971.
A BILL

IN THE HOUSE OF REPRESENTATIVES

October 4, 1971

Mr. Biaggi
Mr. Armenti, Mr. Nucci, Mr. Pasinelli, and
Mr. Tavas, Mr. Thomson of New Jersey,

Mr. Biaggi, Mr. Armenti, Mr. Nucci, Mr. Pasinelli, and
Mr. Tavas, Mr. Thomson of New Jersey,

In furtherment of and for other purposes, provide for more stringent reporting re-
of candidates for Federal elective office; to limit campaign expenditures by or on behalf

H. R. 11060
REPORT TO ACCOMPANY H.R. 11060

HOUSE COMMITTEE ON HOUSE ADMINISTRATION
FEDERAL ELECTION REFORM

October 13, 1971.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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
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 tend 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 merchandising 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 $83 1/2 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 informa-
tion 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
even 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 nomi-
nate 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 nomi-
nation 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
demed 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 signifi-
cant 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, distribu-
tion, 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 nonbusiness 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.
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.
[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, Forty-

[Sec. 319. This title shall take effect thirty days after its enactment.]

TITLE 18, UNITED STATES CODE
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Chapter 29.—ELECTIONS AND POLITICAL ACTIVITIES
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§ 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 P. Hawkins.

(20)
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 process to the opportunity to seek and hold public office.

(21)
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 Repre-
sentative 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 unconstitu-
tional 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 pro-
tect 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 forbid-
ding 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. Klein-
dienst indicated:

Our final objection to restrictions on campaign contribu-
tions 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 com-
mities 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.
ADDITONAL 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. Abbot, 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: 68,376
- 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.

(27)
Another pitfall for candidates is contained in section 2(e) 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? Underage 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.
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.
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.
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 Pinnochio's nose.

No one benefits from the length of campaigns today except campaign followers 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.
H.R. 11060 is an apparently well-intentioned effort at election reform which falls far short of effecting reform. Rather, it is counterproductive. 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. 11000 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.
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. 2397, 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.

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);

Report entitled "National Research Programs To Combat the Heroin Addiction Crisis" (H. Rept. 92-678).

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:


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.

Election Reform: House concluded all general debate on H.R. 11069, 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.

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.

Consent Calendar—Suspension of the Rules: Objected 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.

Late Report: Committee on Armed Services received permission to file a report by midnight Friday, November 19, on H.R. 9926, to authorize certain naval vessel loans.

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. Marks; 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. 11687, 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 Silles 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 1, I would be 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 in 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 (Mr. HAYS).

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. Bolging 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 Ohio (Mr. SPRINGER).

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 is the most important and perhaps 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 most important 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 become 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 an effort to win 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. 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. 11251, 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 Federal elective office. 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).

Fourth. If space in a newspaper or magazine is sold to one legally qualified 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 newspaper advertising—section 5(a) (1) (B).

Seventh. Include elevator provisions so the media expenditure limitations in the legislation reflect increases in the cost of the media—section 5(a) (4) (A).

Eighth. Set limits on civil and criminal penalties—section 7.


Mr. Chairman, the Subcommittee on Communication and Agriculture 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 someone with 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.

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. And 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.

No other 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. Why not the modern Constantine?

Another:

America, the lands of the civil office for hire.

Another:

Buy our 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.

This is a start. The House has an opportunity to work its will. Let us not lose the chance of those 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 it's 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 a 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. Keith), the ranking Republican on the subcommittee. There are also additional views on pages 33, 34, Mr. HAYS, from North Carolina (Mr. Broyhill).

There are also separate views of Mr. Brown of Ohio, Mr. Neilson, Mr. Collins of Texas, Mr. McCollister, and Mr. DAVIS 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 to the President and the Vice President.

Now, what has been the history of that provision? In 1965 it was suspended temporarily for 1966 and for 1967; and in 1964 and 1968 this body did nothing. Now, in 1972 there is a great rush to do it. I cannot say there is no 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 the 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 broadcast 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 irreplaceable 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, 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 that matter.

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.

A report 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 $1,000 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 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 candidates have the opportunity certifying to TV stations and newspapers on one criteria—under rules of FCC and the Attorney General—and to the “superisory 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 and I do not think it is. What do I mean by “sweatheart” bill?

Mr. Chairman, I picked up an old Illinois colloquialism which is very common in Illinois newspapers cut the constitutional law for 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 let 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 $300,000 in order to get elected, and in some instances it will take more. This limitation of $50,000 would be inadequate if X could name you at least 25 other districts throughout the United States where in every election they spend $100,000 or more.

I think that we went into this, in my opinion, extensively, and we on the majority 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 has expired.

Mr. SPRINGER. I yield myself 2 additional minutes.

Mr. NEILSON. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Minnesota.

Mr. NEILSON. I would like to refer to the media rate requirements in the Macdonald and the Brown-Frenzel bill. In the committee I did not have the opportunity 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 airlines if it did not come to the point of being enough to let some one charge tickets for which they do not think they will be paid.

But at least he has put that down, and it comes on the limits they have specified. 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 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, I yield 10 seconds.

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 28 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 got 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 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 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 filed 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 very 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 campaigned 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 spend a million dollars 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 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 Republicans in the House. 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 favorable to the 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 I have 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 Hayes 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 really it 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 1 of the bill will prevent. It has been proven that the most effective way both candidates and other political parties can win 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 think it is 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 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 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.

If 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 in Congress? I do not think we 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 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. Hayes has tried very hard to do that.

But what I am concerned with is title 1 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 this bill, he has given a total of 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 elections. Again, politics in our great country is becoming a rich man’s 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. It is nothing in the world to the President. He could 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 broadcast time to the candidate of the Vegetarian Party, the Greensback 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 is on notice. That is all.

Second, the bill places an overall limitation on the amount of money which may be spent by or on behalf of any candidate for Federal office. The limit is obtained by multiplying 75 cents by the voting 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 charge the lowest 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 many of Republicans in my district and 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. I understand 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, it is one of the things he paid for 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 happens 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 announcement bill, since 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 highest rate for the under the bill would be the lowest unit rate on a television station as some- body 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 programs and, 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? Do they say, "public interest, convenience and necessity." If they want to sell automobiles or second-hand furniture or sometimes else does it, if they receive a broadcast license they have the 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?
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 the diversity 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 the campaign reform bill will have to be written in this Chamber. Although I ordinarily disapprove of this type of legislation, 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 dealing with aspects of election reform: ceilings on expenditures and contributions, reporting requirements for all campaign contributions and expenditures, enforcement of a new campaign finance law, and total or partial repeal of the equal time provisions of the Communications Act, and establishment of a political advertising rate in all media.

When taken together, 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 concern in this area in testimony before the Committee on Standards of Official Conduct. I proposed 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 them, 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, endowment, 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 ratify this amendment 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, modify 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, food at, or directly related to, 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 interest 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. 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 as a whole, in which 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 $5 or less. Of that number, 3,250 contributed less than $10. These figures should be compared to the 344 contributors donating over $50 to my campaign.

In my first presidential campaign in 1968, I received contributions from more than 5,000 people, the average contribution being $23.50.

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 soliciting 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. I found it to be a very cost-efective 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, 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 many voters.

If, for example, Mr. Chairman, we approve H.R. 11060 with a spending limit of...
of $50,000 or 5 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 $80,000 or 10-cent-per-voter limitation on spending, the candidate who must disclose a 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 bluntly, that a dollar limitation is not the intent or the design 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 funds and an amendment such as that to be introduced by our colleague from Minnesota (Mr. Farnzel) 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 will 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 the intent of the 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 must prevent the abuse of the influence of the dollar, and we must take advantage of that opportunity.

Our distinguished Committees on Commerce and 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 recommended.

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 the Senate version of the campaign reform bills.

Mr. CHAIRMAN. 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 people off is the fact that we do not police ourselves. If we do not want to do it now and approach this problem, it is 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 very honest. Spending control 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 subsampling 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 20 cents in 1961. For that increment alone 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 Hagedorn 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 feel 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 a congressional campaign 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 thought 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 I am not sure of and which I 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.
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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 being because of my overriding feeling that we do need a bill of this kind 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. JACOBSEN).

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, 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.

All 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, however, were adopted, and the bill was passed by an overwhelming, bipartisan vote of 68 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 enunciates the view that those bills were both partisan and precipitous 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 an 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 and substitute H.R. 11280. And then that our bill will be substituted for the Macdonald bill or 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 a 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 it is the obligation of 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 CHAIRMAN. Mr. Chairman, the following is a compilation of the 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 broadcast, 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 of 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 of nominees for 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 Election Commission, Clerk of local U.S. district court.

Required four times yearly plus before election.

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 in 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 ours is that the Macdonald bill repeals the equal time provision, section 315(a) of the Commu-
The Macdonald bill provides a recent 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 billboards. But the future, were the substitute 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 forward. The Senate substiture, the bill H.R. 11280, which we have introduced, and then the substitute will be approved.

Mr. KEITH. 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. He is 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 Snecker indicated were necessary in order to cope with the kinds of advertisements that he decried for. Here, we are 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 areas. It was not just an inadequate 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 badly need. Nor am I certain that the Hays bill speaks to or effectively 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 true reform needed. 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 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. 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 which do not have any laws?

Mr. KEITH. I am just using this forum to explain 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 didn't 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 7th 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 not. 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 New York Times by John Overdorfer. 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 people's will.

If there are no further requests for time, I yield back all my time.

Mr. HAYS. Mr. Chairman, I must ask a question. Am I correct in your answers?

Mr. HAYS. Mr. Chairman, is this what I like of? What is the legislation and what is the rule? 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.
Well, let me tell you something. I found in my time that it is sometimes easier to be a challenger than 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 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. 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 understand 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 regard this stage, 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 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 thing 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, we are 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. NEUMAN), and the gentleman from California (Mr. HAWKINS); and additional views, signed by the gentleman from Ohio (Mr. DICKINSON), the gentleman from Alabama (Mr. HARVEY), the gentleman from Iowa (Mr. SCHWENDEL), the gentleman from Michigan (Mr. HARVEY), the gentleman from Idaho (Mr. HANSEN), the gentleman from Ohio (Mr. DICKINSON), the gentleman from Wisconsin (Mr. WARE), the gentleman from California (Mr. VEYSEY), and the gentleman from Minnesota (Mr. PRENZEL); and supplemental views of the gentleman from Alabama (Mr. MCDONALD), the gentleman from Michigan (Mr. DICKINSON), the gentleman from New Hampshire (Mr. CLEVELAND); and dissenting views of the gentleman from Illinois (Mr. CRANE); and supplemental laws as to whether those from California (Mr. VEYSEY); and additional views of the gentleman from Minnesota (Mr. PRENZEL).

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 are aware of the makeup of congressional districts and how they vary and vary greatly. Geographically, districts come in all shapes and sizes from large to small; some are entirely urban and some entirely rural; they differ greatly in the way they are zoned and in the 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 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? Expenditures in doing a business which conceivably could rebound to the benefit of the candidate presents questions. These are only a few of the many potential questions that could arise.

It is a mistake 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 in it.

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 to legislate meaningfully in a straightforward manner? One of the problems 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 bill 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 primary 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 of $600,000 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 not partisan, 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 it would be a violation of the Credit 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. 11289, 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 recommital would be the better course for a new start to meet the 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 betterment 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. Presiding, I yield the gentleman an 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 franchise-ditordard 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 amendments 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) for his consideration 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 election system is protected and maintained.
One of the hallmarks of that system, first, is that the franchise must be broadly based and continually enlarged, so far as 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-day period 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 use science he feels he should and hopes 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 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 have made an honest attempt to do is to prohibit the fact that the House of Representatives and the purchasing of seats in the other body and the President's seat.
There is a lot about partisanship and 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 problems of our committee (Mr. Massie) 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 chairman and the subcommittee chairman 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 his major objective is a reasonable one, and he has also talked about compromise 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 rest, 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 political junk. It can wait; the people 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, the gentleman 1 additional 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 comfort- able to the brothers, as Mr. Ullal 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 for a democratic 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 defeat of 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 their own personal wealth or the wealth of a few large contributors. This dependence of candidates upon the concentrated wealth of a few individuals is basic to our democratic system. Furthermore, it opens the door to corrupt and insidious influences on our election system.
When candidates are dependent upon a small number of large contributors, 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 be that of a candidate himself 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 the 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 impossible 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. 11080 would establish limitations on overall campaign expenditures, limitations on contributions, and require...
Mr. HAYES. Mr. Chairman, I yield myself 1 minute.

Mr. HAYES. 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. HAYES. I yield to the gentleman from Missouri.

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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 improve still 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 limitations on campaign contributions directly.

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 demonstrated in his testimony before the Senate Committee 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 are a violation of the First Amendment. Limiting campaign contributions and expenditures is to increase the relative importance of those groups that conduct extensive campaigns 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 one limitation in 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 would 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 would find most embarrassing. In addition, I believe it would erode public confidence in their elected officials once they realized that they could not agree on such a fundamental issue.

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. The President has publicly expressed his belief in 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 quartermaster for 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. I believe that any people considered to be worse than the present law, which we all admit has more loopholes than we know 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 radio and television 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 3 to 4 cents for broadcast and nonbroadcast spending. 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 an incumbent. For those who claim that excessive broadcast advertising can buy an election, I need only cite the experiences of our former colleagues from New York, Richard Ottinger, or Senator Taft'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 support the repeal of the section which would 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, was one of the reasons 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 independent, 183 individuals for 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 President testifies in support of 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, Mr. Chairman, I am supporting the Senate of the Federal Election Campaign Act. When the President testifies in support of 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 say to the gentleman from Ohio 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 anywhere 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 smarter than most of us. I always felt that was how we 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 so forth. 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. 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.

I have this 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 New York, I have the unique experience of serving on both the Committee on Interstate and Foreign Commerce and the Committee on House Administration. I find 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 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.

Let me ask the question: Does the Member do not care about radio, does the TV? No, he will play 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.

Realizing when I was asked by a number of individuals whether or not I wanted to run for Congress to fill the vacancy that occurred because my predecessor had been elected to the Senate, I was concerned that the situation might be interesting. 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 national policy or my domestic policy?"

I have left this to the Member, but I think the question is 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 very, very difficult to get the money to run a campaign in the primary and in the general. What is more, the House will probably reject any legislation that affects the House at all.

Mr. HAYS. Mr. Chairman, I yield to the Chairman.

Mr. HAYS. The gentleman will remind that the gentleman from Michigan (Mr. Harvey) said that he did not want to limit campaign contributions because somewhere there is a right to participate, to spend money is the way they want to participate.

Well, I had an opponent running against me in the Ohio primary and I spent my money 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 it 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 easier for the House Administration Committee to determine the 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 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 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 Gover
The statute concerning the filing of political contributions and expenditures in Missouri simply states that the report of a political committee for a campaign must include the county of residence of the committee’s 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 $93,000 was filed in one neighbor’s State, and another report involving sums unknown to me was filed in a second neighboring State. I obviously have no way of knowing whether this action was taken with the candidate’s knowledge of the same. But, surely, someone in the campaign organization should have been 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 us 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. 11068 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 we do not make our standards so high as to be unenforceable. One 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 opportunity to speak to luncheon groups, radio exposures, and when we go home, we have the 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 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 stand out from the crowd 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, 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? And then, will you return 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 elections 96.7 percent of the House incumbents were elected.

How much more showing for the incumbent can we have than we now have?

Mr. COLLINS of Texas. I agree that under the present system which has a pretty good chance of returning the sitting congressman, a new candidate 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 all agree that the system is so bad that it 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 as incumbents have, and my fellow Member knows that. 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.

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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 astounds politicians is not as good as what 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 challenge 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 for that amendment, 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 tiler vote and see how many supporters there are for this kind.

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 160-pound lightweight who would take on a 180-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 we cannot be too hard on them.

Mr. COLLINS of Texas. I think 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 competition for debates on television.

Even in a horse race, if a horse has a record of winning and winning and usually they weight him to give the challenger a fair chance.

I think we can find ways to provide in this legislation for balanced competition, to provide 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. Pace), the chairman of the Committee on Standards of Official Conduct.

Mr. Pace of Illinois. Mr. Chairman, I want to commend the chairman of the Committee on House Administration and the chairman of the Subcommitte of the Committee on Interstate and Foreign Commerce who 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 who are not in office subscribe 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 and test, that is the question.

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, attaches 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 surmount by 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 the best features of all if we are to 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 ask, is a real 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? Is it 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 dragon with TV spots, which by the time we can redact this bill 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 now, we may have this type of 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 $500,000 for 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 of all, I think of the effect on contributors. Will even the most legitimate contributions dry up? Our goal must be to broaden the base of contributors.

An important role 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 proposing 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 unenforced ceiling on campaign spending 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-
eral rules that ultimately must be elements in any true reform of this process—ele-
ments so far ignored:
First. The focus must be on how to raise the money directly—the source, not the amount. 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 participation.
Second. Public support of the process, but channeled so that the taxpayer-con-
tributor has some say—about who he is supporting.
Third. Support year-round political party organizations. This alone would do much to reduce overall costs of ele-
ctions by simply providing for better plan-
ning 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 govern-
mental 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 re-
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November 18, 1971

CONGRESSIONAL RECORD — HOUSE

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It is merit, not money, which we are obliged to keep instilled in the American political system. I urge that Congress embrace the opportunity to keep the doors of the public offices in America opened wide to all of its citizens.

Mr. VANK. Mr. Chairmain, 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 rise along with 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 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. Money and the ability to acquire financial backing.

Eighteen years ago, during my first congressional campaign, I spent $6,000 in order to be elected. Between 1964 and 1968 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. My 1968 campaign almost included $90,000 in my campaign while over $240,000 was spent in campaign expenditures by both candidates.

It is my further concern that this 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 $2.6 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 $38.5 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 $2.5 million of it being spent on presidential candidates during the general election period.

Mr. TAYLOR. Mr. Chairmain, 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 the election if 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 advertising and candidates 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.
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 monarchical archetypes 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 have the authority 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 enforced in the bill.

I believe that the high degree of incumbency 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 403 elections where incumbents were trying to retain 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 Member of Congress who cannot run.

A Member of Congress who has the advantage of incumbency 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 to pay for the campaigns of candidates throughout the Nation. Some candidates bought entire tableaux of 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.

The reason for 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 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 characterized our system do not hold democracy to the electorate and the 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. MATHIS of Georgia, 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 rapid mounting of campaign expenses and the increasing size of expenditures are a vital element in the political process and are 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 multimillion-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 and to exert a moral force toward 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 elections 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 bills 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 contributions to small amounts. As some of my colleagues may know, my own State of Hawaii is one of at least nine States which provide income tax credits for political contributions. The others are Iowa, Minnesota, California, Utah, Oklahoma, Missouri, Oregon, and Arkansas. In Hawaii, the taxpayer may deduct up to $100 of any year's contribution. The 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 not think the House will concur at the proper time.

Mr. Chairman, the present statute, the Federal Corrupt Practices Act of 1929, has long 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 rely on influence through large contributions, or to wealthy candidates who pay their own way.

Although we do not know the precise effect of special spending in 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 grabs,” 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. CHIVENGEL, 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. 11069, and I intend to support it. I urge my colleagues to take the amendments which I shall discuss later.

Let me start, Mr. Chairman, by commending the leadership of the House, of the House Administration 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 the conviction that this Committee was not acted upon responsibly as I have already said, has led me to introduce a substitute to make this bill more effective in its final passage.

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 sums 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 University of Pennsylvania Press. 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 the Congress, the Financial Dilemma"]

I. PUBLICIZING CAMPAIGN FINANCE

I. 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 with all the facts 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 FEC 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. We know of no candidate who knows what is 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. Alaska state has adequate auditing or enforcement procedures to deter or uncover illegal activities. As a result of federal and state efforts, there are some candidates spend more than $8 million in their campaigns without reporting any of their activities.

Total spending on the 1968 congressional campaigns reported under the federal statute totaled $6,482,857. Actual spending was probably over $8 million. However, the public has the right to know who is paying how much for congressional campaigns. So, there is a need to dcvelop information, beliefs about political finance that underpin 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 will serve as lawmakers avoid or break the law to get elected.

Information about campaign finance should be available to the public in easily accessible form according to current law. Both the public and the candidates should be confident that attempts to conceal campaigns contributions or expenditures will be investigated, exposed, and punished. 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 nomination of the party to be represented in a federal election should be as fully reported to the public as the contributions and expenditures in general elections.

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. These reports should be filed within fifteen and five days prior to a primary or general election.

Rules 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 identify 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 laws. The Secretary of Agriculture and the Clerk of the House are the statutory repositories for campaign spending reports. They do not have the authority to determine their accuracy. Federal and state agencies have inadequate audit procedures to protect such expenditures.

We recommend the establishment of a bipartisan federal elections commission to administer federal campaign laws. The commission should audit and publicize all campaign finance reports and take any appropriate legal action, including fines, to the appropriate enforcement agencies for action. The commission should have the authority to subpoena, to investigate, to compel those individuals making or performing the jobs assigned to it. It should have the power to investigate charges of illegal activity in federal campaigns, to subpoena evidence, to compel testimony, and to impose and collect fines for violations of the law.

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 committees 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 not been subject to the same scrutiny. Both limits now in the law—$5,000 for a House candidate, $25,000 for a Senate candidate, and $250 for a presidential committee—are unrealistically low. They do not significantly affect the amount of campaign spending. They are enforceable only if members of the House of Representatives and Senate have no legal limits we believe that no worthwhile set of limits can be devised.

Many people believe 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 instances 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 not conflict with the prohibition in federal law of 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

The Task Force is concerned that removing all limits on individual contributions to political committees might open the prospect of rich individuals buying federal elections. We believe that federal law should place limits on the contributions of anyone to any political committee or organization and that the limit should be low enough to prohibit any person from making more than a small share of the total contributions to political committees.

We recommend that the limits be $100 for individuals and $1,000 for corporations, unions, and government contractors.

5. LIMITS ON CAMPAIGN EXPENDITURES

The Task Force recommended 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.

We recommend that all spending limits for congressional campaigns be eliminated.

6. FUNDRAISING AND REPORTING REQUIREMENTS

The Task Force recommends that the Internal Revenue Service be notified of any substantial amounts of money raised or spent for political purposes, and that the IRS be given the authority to examine the books of candidates, political committees, the names of candidates who received such contributions, and to determine the source and purpose of such funds.

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We recommend that nonpartisan political solicitation programs financed by corporate and union operating funds be eliminated.

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 a single committee to finance and organize a campaign. This procedure usually obscures information about the amount and sources of money spent in their campaigns. We believe that the limitation of both contribution and spending limits removes any possible justification for the establishment of multiple committees for any congressional election campaign. To simplify disclosure of the sources of funds and use of money spent in any campaign, only one 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. Nell 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 campaigning.

We know that many candidates and managers believe it is useful to organize their campaigns around many specialized committees. We do not object to this proliferation of political committees unless this practice is carried out to evade the contribution and spending limits. This recommendation would not stop truly independent committees supporting a candidate from being set up.

We recognize that all candidates for federal office be required to designate one official campaign committee. All subsidiary and special committees would be prohibited from making contributions to any 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 enormous. Involving tens of billions of dollars in taxes, expenditures, and the impacts of regulatory requirements. Pressure by lobbyists for every kind of special interest are increasingly severe, gaining strength from swiftly rising costs of government and the acceptance by broadcasters of campaign financing. 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 losses of faith in the integrity of government and in the probity of its offices pose grave dangers. It has encouraged establishment of higher standards to minimize conflicts of interest in both the Congress and the Judicial Branches. The Corrupt Practices Act of 1925 and the Legislative Reorganization Act of 1946 sought to eliminate improper campaign financing and require registration by lobbyists although neither measure has had much impact.

In 1968 the House and Senate each adopted a "Code of Ethics." The Senate Code requires Senators, Senatorial candidates, and key Senate committees to report public 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 House Code, House of Representatives, Congressmen and key assistants are required to file two types of annual reports: one on public, discrete contributions of outside income; one sealed, specifying amounts, which may be examined only upon majority vote of its Ethics Committee. The House Code also provides for the money on services from sources with any interest in official actions and further regulates campaign committees.

There is dissatisfaction with these Codes in both House and Senate because they are incomplete in their reporting requirements and fail to provide public disclosure of financial interests involved in legislation. Measures to improve these Codes are under consideration, 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 sought not to permit itself to become the last stronghold of secrecy in these matters.

In 1968 a 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 influence of political committee unless this practice is carried out to evade the contribution and spending limits. This recommendation would not stop truly independent committees supporting a candidate from being set up.

We recognize that all candidates for federal office be required to designate one official campaign committee. All subsidiary and special committees would be prohibited from making contributions to any one committee organized specifically to support the same candidate.

The second deficiency in the bill deals with repeal of the equal time provisions of the PCC. While I favor repeal of this section a sudden termination without proper controls would work a serious injustice. 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.

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Mr. SNEZEL: 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:
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. 405. 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. GUDEx asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GUDGE. 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 bring 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 Jurisdictional capacity to commit contributed $133 million into Metro, but as of today Congress has continued to withhold $72 million of District of Columbia's contributions money which District of Columbia is entitled 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 system in the 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 and the District of Columbia to WMATA must be met in a timely fashion; and
Whereas, the Washington Suburban Transit District of Maryland, in meeting 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 due 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 of 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 promptly contributed the shares for which they have contracted; and
Whereas, the lack of action on the part of the Congress to resolve this interstate compact and to resolve the difficulties entailed in the participating governments can be reasonably expected to assure

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's apportionments 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 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 primarily as a 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. Potatoes are detected from above since they are variegated 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 distinguished 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 to detect marijuana fields is the 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.

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. It is sponsored by the Laymen's National Bible Committee of New York City, John P. Fisher, executive director, in cooperation with the American Bible Society, the Greek Orthodox Archdiocese of the Leitiy, the 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. Mr. Goldberg is a member of the Governor's committee is Gov. Luis Peres, of Puerto Rico, with Mayor Louis 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.

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.

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 conference: Representatives Mahon, Sikes, Whitten, Andrews of Alabama, Flood, Addabbo, McFall, Minshall, Rhodes, Davis of Wisconsin, Wyman, and Bow.

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.

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.

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.

Referrals: Nineteen Senate-passed measures were referred to the appropriate House committees.

Adjournment: Adjourned at 5:39 p.m.

Committee Meetings

COTTON ADJUSTMENTS

Committee on Agriculture: Subcommittee on Cotton concluded hearings on H.R. 11766, 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-
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November 29, 1971

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. The Senate bill required them 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. 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 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 believe 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 House 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 any contractors hired by the Corporation, from solicitation of clients except that the Corporation was to be allowed a "mere announcement or advertisement" of its existence in those areas. The Senate receded with an amendment which made clear that the prohibition against solicitation was not intended to include any non-legal 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 period" 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 corpus 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 service in criminal proceedings. The Senate receded. The conferees want to make clear that this prohibition does not in any way relieve any attorney from his responsibility to those clients who insist on employing him as an attorney of the court by the courts before which he practices.

The House amendment made the Corporation liable to any modification 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 non-partisan 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 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 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 Manager 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 personal, assets, liabilities, property, and records used in connection with the Office of Economic Opportunity Legal Services programs. 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 commitment, transfer, and use of property provided under civil service laws relating to seniority, classification of positions, retirement benefits, compensation for work injuries, health insurance, group life insurance, and similar matters. The Senate bill would not 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.

Both the Senate bill and the House amendment recurred to any 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 following the transfer. Further amendments 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.

Managers on the Part of the House.
GAYLORD NELSON, EDWARD KENNEDY, WILLIAM F. MOONEL, ALAN CRANSTON, HAROLD E. HUGHES, ADLAI STEVENSON, JENNIFER 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 the bill (HR. 4947) 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: Mears, Mills of Arkansas, Ullman, Burke of Massachusetts, Mrs. Griffiits, Mears, Byrnes of Wisconsin, Betts, and Schrader.

U.S. ECONOMY IS FARING BETTER

(MR. GERALD R. FORD asked and was given permission to address the House for 4 minutes and to revise and extend his remarks.)

MR. GERALD R. FORD. Mr. Speaker,
on November 19, the Washington Post
accounted that the U.S. economy is
failing badly. And it is certainly 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 2.8 percent
shorn in earlier projections. Simultane-
ously, inflation, as measured by the GNP
deflator, rose at an annual rate of 3 per-
cent during the third quarter, as com-
pared 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 small-
est 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
dropped down hard on the inflationary
spiral which we inherited from the fiscal
administration of the late 1960s. It united the
American people in a massive attack on the monster which has been eating away at the purchasing
capacity of the American worker. In its
structure, it has sought to incorporate a high
degree of equity into the framework of its poli-
cies. Requests for exceptions to or exemp-
tions from the guidelines of the Pay Board
and the Price Commission will be exam-
ined carefully on an individual basis.

Because of these positive, innovative
administration policies, 1972 will fulfill
President Nixon's prediction that it will be a good year economically. The presti-
gious Organization for Economic Co-
operation and Development 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 slow-
down 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 permission to address
the House for 1 minute and to revise his
marks.)

Mr. BOGGS. Mr. Speaker, I listened
with great interest to the statement just
made by the distinguished minority
leader. I would express the hope that his
rosy prediction would not 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 face an uncertain future—most people do not know
what it is. I have had many questions about what it is and
what it means and what it does. It freezes and what it does not freeze or suffers, than any
other so-called economic policy that this
country has ever seen.

Certainly, you see confusion and utter
prevailing elsewhere

There has never been a time when the
balance-of-payments deficit has been so
large nor there 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, al-
though it had appeared lately a little ad-

ence, Friday, has been going down
and down and down. Unemployment re-
mains at almost 6 percent and our indus-
trial capacity is still unused to the
extent of about 30 percent.

So I say, Mr. Speaker, if these condi-
tions present a rosy picture, I would
have to see a gloomy one.

AMERICAN PEOPLE SHOULD KNOW
WHAT PRESIDENT PLANS TO DIS-
CUSS 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 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 lead-
ers 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 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 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 Presi-
dent's confidence.

CALL OF THE HOUSE

Mr. DORN, Mr. Speaker, I move 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 fol-
lowing Members failed to answer to their
names:

[Roll No. 411]

Anderson, Calif.
Arenda, Tenn.
Ashley
Badillo
Barrett
Bates
Bell
Blatnik
Boren
Byrne, Pa.
Camp
Cassidy
Chapman
Chappell
Chase
Cotter
Cotter
Cotter
Cotter
Davis, S.C.

Chisholm
Clyde
Collins, Ill.
Colmer
Colmer
Connelly

The Chairman.
Mr. CHAIRMAN. The Chairman.

The Clerk read the title of the bill.

The CHAIRMAN. The title of the bill.

The Clerk stated the title of the bill.

The CHAIRMAN. The title of the bill.

The Clerk 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. DORE, pursuant to House Reso-
lution 694, I offer an amendment in the
form of a new title.

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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

SECTION 101. This title may be cited as the "Campaign Communications Voting 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 or over;

(6) the term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

REFERRAL 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 last sentence: "; 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 inserting after "any such candidate" and inserting in lieu thereof "any legally qualified candidate for public office."

MEDIAREQUIREMENTS

Sec. 104. (a) Section 315(b) of such Act is amended by inserting after "such candidate" and before "such election"

(b) The charges to be made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office shall be, except for the lowest unit charge of the station for the same amount of time in the same period,

(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 or election to such office, the charges made for the use of such space in connection with his campaign shall not exceed the charges for the 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 well as to all legally qualified candidates for Federal elective office, or nomination thereto, in connection with such candidate's campaign for nomination for, or election to, such office;

LIMITATIONS OF EXPENDITURES FOR USE OF COMMUNICATIONS MEDIA

Sec. 105. (a) No legally qualified candidate in an election (other than a primary or 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) or (5) of this section) multiplied by the voting age population (as certified under paragraph (4) or (5) of this section) 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 the amount of $10 on a total address (as defined under paragraph (7) of this section) of the voting age population (as certified under paragraph (4) of this section) of such geographical area, multiplied by the number of Federal elective offices, or nominations for such office, for which he 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.

(b) For purposes of this section and section 315(c) of the Communications Act of 1934, spending and charges for the use of communications media shall be treated as direct charges of the media; but also agents' commissions allowed the agent by the media.

(c) No person may make any charge for the use of or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) of any newspaper or magazine on such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to the person in writing that the payment of such charge shall not be deemed to be a contribution to such candidate.

(d) The term "Federal elective office" includes the office of President of the United States, or of the Vice 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 sections 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) The Attorney General may require any candidate who willfully violates section 105(a) or any regulation under section 105 shall be punished by a fine 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 ap-
ply 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 Mas-
sachusetts?
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 
sure that the legislation we have be-
fore 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; 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 do is to limit the amount of money that can be spent on so-called communica-
tions media blites. The bill, of course, then went to the President, and for what-
ever reason 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, in
der 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 indi-

dicated also that he thought the broad-
casting media were being discriminated against—there was no limitation placed on newspapers or maga-

zines. 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 it means the
etworks, 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 free time to Iow Daily in Chicago, the Vegemite
Party, or any of the other fringe parties.

Second, title I places an overall limi-
tation on the amount of money which can be spent by or on behalf of any can-
didate for Federal office.

And this of course, stops at the loop-
hole of money being spent by commit-
tees for a candidate, and yet the can-
didate does not have to report a cent of it.

The limit in title I is obtained by mul-
tiplying 10 cents times the voting age population—that is people who are eligi-
ble 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 per-
cent 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 ex-
pired.

Mr. VAN DEERLIN. Mr. Chairman, be-
cause of the importance of the gentle-
man’s amendment, I ask unanimous con-
sent that he be allowed to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Cali-
ifornia?

There was no objection.

Mr. MACDONALD of Massachusetts. Mr. Chairman, as we all know, the televi-
sion blitz has worked on both sides.

The last time this was a bipartisan ef-
fort, and I hate to see this become a partisan effort, even though I have heard the House pass it, and I ho-

pe, as the gentleman deems, this will be a measure that will be beyond par-
tisanship in the final work that is done on it in this House. I think the public is en-
titled to this kind of legislation. I think it is in the interest of this country to have the House pass it, and I hope we will re-
ceive 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 Com-
munications a year ago with not a dis-
senting vote, and which came out of the full Committee on Interstate and For-

gn Commerce with only one dissenting vote.

No amendments were put on in the subcommittee, and after it left the sub-
committee, either in the full committee or here in the House. It passed over-
whelmingly, with bipartisan support, a year ago here in the House. It passed the Senate with bipartisan support. The con-
ference report was accepted with a bi-
partisan spirit.

For the life of me I cannot see how in the space of 1 year, when we met the ob-

tections—tried to meet and believe we had got over 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.

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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 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

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February 25, 1971

CONGRESSIONAL RECORD — HOUSE

43145

Amendment offered by Mr. VAN DEERLIN to the amendment offered by Mr. MACONNELL of Massachusetts: Page 2, strike out line 18 and all in line 19 through line 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 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 as a legally qualified candidate for the office of United States Senator, 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.'"

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 conduct a specific investigation into the conduct of the Presidential campaign. After such a study is made, the Commission would report the results. The Senate would then be in a better position to decide whether or not to carry out the amendment.

The Commission would report not later than January 3, 1973, to the Commerce Committee of both House and Senate. At that time we would be able to have the technical basis for repeal of section 315 in the Presidential campaign.

Mr. VAN DEERLIN. 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 for repealing section 315 if we have a problem and for repealing it if we don't. And that is the crux of the argument.

The problem is very different in regard to equal time guarantees as they apply to Presidential candidates, U.S. Senate candidates, and House candidates.

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, their 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, and the Vegetarian Party candidate or for that matter, the Nudist Party candidate.

I would further point out that this repeal was not acceptable to the President, but one in his last mass appeal last year he did not state objections to repeal of section 315 in the Presidential campaign.

In the normal senatorial campaign, no single small race of broadcastrs 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 raise them.

The U.S. Senate this year, under an overwhelming majority, has passed a bill repealing section 315 for all Federal offices, themselves included.

A different problem exists for House Members in their bid 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 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 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 for repealing section 315 if we have a problem and for repealing it if we don't. And that is the crux of the argument.

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 look at another area. Have we ever had 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 conference under strict orders from the White House. If you do not believe me, I can cite you the page number of the Congressional Record where Senator Mansfield offered a motion to table it, and it was tabled, and there was no question as to why it was done.

And I can also point out to you in 1968, and many of you who were here then may have forgotten, that we stayed in session for 24 hours, around the clock. That was the reason some missed 15 or more quorum and roll calls 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, as a Senator you have more. 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 alone, 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 Deerin 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 150 House districts. I do not have to tell you, of course, that many 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 on this point?

Mr. HARVEY. If the gentleman will let me go on 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, 27—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;

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 reached 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, therefore, we are going to exempt the President from section 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—and 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 the 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? These three and often 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 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 effect out of the debate. I do not feel that is is so. 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 to it. It is going to be defeated. 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 deleted.

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 all the Speaker's speeches from both sides of this aisle about the Congress surrendering its power to the executive, and if that is not another surrender I do not know what it is. I do not want the FCC telling me what I have to do in this body and what I 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 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) asked me what you do with 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 it is the place for 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 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 most States 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 opponents 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. HARVEY. 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 vote. If we all, but I am willing to vote 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 reflected that in 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 section 315. It is patently unfair 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. I 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 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 a thing 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. If, 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 that it is not in repealing section 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 instances, 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 bill, and it is 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 felt the same way. This is a major issue; 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 that 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 underfinanced candidate could defeat 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 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 procedure.

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 Yeas on the Van Deering 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 and under the bill there were 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 I put it 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, 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 a moment, there was nothing in the 1960 act or the 1968 act that had anything to do with any study whatever. 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 Senate have studied this question. I suspect there are any number of volumes which have been written on this.

I am pleased 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. What does he mean by 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.

Mr. UDALL. The 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 removal 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 again are wrong he had said.

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 an 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 advanced. I am sorry 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 choices 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. Sure.

Mr. BROWN of Ohio. For 161 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 today.

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. They cannot do it, 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 are 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 today?

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. Hudson] 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. CHAIRMAN. If I am wrong, Mr. HAYS. The gentleman from California also takes that position.

Mr. ECKHARDT. It seems to me that what the gentleman is stating here, and very aptly so, is that 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 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-
Mr. GERALD R. FORD. 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 California.

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 that I am 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-interest 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—among them, the candidates for the Senate who have taken definitive action for the President—will be able to sell time to the candidate for President and the Vice President?

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 being treated as Federal elective offices.

In the interim under this amendment offered by the gentleman from California, it is true that House Members 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.

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 both the Senate 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 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 view which 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 by the networks as a candidate for the Presidency 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 scrutiniies from the Commerce
Mr. DINGELL. The gentleman has mentioned the fairness doctrine. Both what my California delegate, 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 is 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 indicates 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. 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. I think 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 indicate 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 to 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 inertia. 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 a mere farce. That climate for democracy 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 respect for our institutions as agents of change. 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 expenditure which seems to me to encourage the meaningless presentation of the issues to the broadest public possible.

I believe that the American people expect us to enact significant reform. It is increasingly clear that 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 Chairman recognizes the gentleman from Virginia (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 purpose of the equal time doctrine: that is, to provide 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 that I offered in the form of a bipartisan group of 80 co-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 re-examine 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 dialogue 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 viewpoints of 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. MAYS) has expressed at times 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 treat all candidates fairly. But there is no reason why the committee could not have developed these over the last year if it would have had a mind to.

Mr. Chairman, one of the consequences of this negligence on the part of the Macdonald committee is we are now confronted with an impasse that could well mean the life or death of the entire campaign finance reform effort. If this existing 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 that 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 has 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 immediately act on an 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 reconsiders the question of 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 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 to 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 been before 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 weekly in the United States.

If the move is to try to control the public expressions and the campaign attitudes of those people who hold 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 have a very dangerous first amendment territory in this bill 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 elected 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 that we are talking about a quite a large factor or the existence of confidence in the media but, rather, of a lack of 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 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 stations, and points be represented. And media economies 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. Fenzel).

(By unanimous consent, Mr. Fenzel was allowed to yield his time to Mr. Brown of Ohio.)

Mr. BROWN of Ohio. When Mr. Fenzel and I talked about this bill, the Senate or House of legislation on this subject, we conscientiously wanted a total repeal of section 315 as it applies to all Federal office holders.

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 this and let local office holders 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. DelLlenback).

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 bring to the attention of my colleagues in the House that I am one of those who have a minority interest in a license of a radio and television station. I do so once again.

I recall in occasion, with running against the gentelman 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 under the shackles, 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 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 the law, 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 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; 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 attempt to arrive at 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 without 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 got 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 situation applies in New York, New York, and in the broadcast media. It is done sometimes that we truly want election reform then they should vote for the amendment.

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 as the situation applies 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 this, 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 broadcasters 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 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 that 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 benefit 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 would also protect the opponents of Mr. Hays out of the House who 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 is 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 CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. MACONDA)

Mr. MACONDA. Mr. Chairman, I propose an amendment, a amendment was to be introduced by Mr. S

Mr. SPRINGER. Mr. Chairman, I propose an amendment to the amendment offered by Mr. MACONDA.

AMENDMENT OFFERED BY MR. SPRINGER TO THE AMENDMENT OFFERED BY MR. MACONDA OF MASSACHUSETTS

Mr. SPRINGER. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Massachusetts.

The Clerk reads as follows:

AMENDMENT OFFERED BY MR. SPRINGER TO THE AMENDMENT OFFERED BY MR. MACONDA 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 8 on such page, and insert in lieu thereof a period.

Page 4, line 8, strike out "Sec. 106" and insert in lieu thereof "Sec. 104".

Page 6, 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 16, strike out "Sec. 107" and insert in lieu thereof "Sec. 106".

Page 9, strike out line 19 and insert in lieu thereof the following:
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 as in any other area; some are a little lower. I can understand that because of the quality 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.

Mr. SPRINGER. I yield to the gentleman from Illinois (Mr. Collins).

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to my colleague, the gentleman from Illinois (Mr. Collins).

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 true to do what the political candidate is asking 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 higher than 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 a 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 same rate if we are, 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 Illinois.

Mr. HAYS. Mr. Chairman, I am uncertain as to where the gentleman does stand on the newspaper thing. My experience on television in my district is that they will charge a 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 that 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 not applicable.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(Without unanimous consent, Mr. Sisk was allowed to proceed for 3 additional minutes.)

Mr. SPRINGER. May I say to my colleagues, 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 to the Supreme Court, it is my opinion it is unconstitutional.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. I think the gentleman for yielding.

As the gentleman knows, the hearings clearly indicate we had the representatives of newspaper associations before the subcommittee, and 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?

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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 represented 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 sold 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. HAYES. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. Yes; I yield to the gentleman from Ohio.

Mr. HAYES. 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 the 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. HAYES. 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. Personally, I 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 a certain place in the paper and for 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 sure of anything regarding 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 for the 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 newspaper 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.

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, broadcast advertisers, whether they be the local, hard ware store or drygoods merchants or political advertisers, should be charged with the same amount for the same space. A political candidate who has 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 them:

Mr. HAYES. Mr. Chairman, 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 advertising with them that they would for any other type of advertising.

Mr. MACKAY. 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 this.

Mr. TIERNAN. I 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. SPRINGER. 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. HAYES. 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. Asst. for the Committee on House Administration.
Mr. TIERNAN. Mr. Chairman, I move to take up the bill.

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 some before, Shuck 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 further to a higher position 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, 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 him 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:


Hon. WILLIAM L. SPRINGER,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: 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 amendments were ordered to be acted on Monday, November 29, at noon.

The attachment from the Freedom of Information Center traces a long line of cases which hold that the publishing of newspapers is a private business, and that publishers are under no obligation to accept advertising which would be objectionable for it. There is little doubt that Section 4(b) 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) and (c) of the Macdonald bill would do. We realize that some individuals may have problems with political advertising rates of certain newspapers. All I can say is that this association is pledged to eliminate these inequities as quickly as possible. Great improvements have been made in this area within the last ten years.

Once again, on behalf of the more than 6,000 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 105(b) of the Frenzel-Brown bill.

Since floor action on these bills is set for a Monday, we desire to make clear of significance attached to your presence on the House floor during the consideration of these amendments if they are to be successful.

Your consideration 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

(Notes: 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 The News-Leader, the Quarterly Publications Inc., was in a position to show the court ample evidence that it was within its rights in refusing the advertising. This case, which was decided November 9, 1966, in Division Three of the Court of Appeals of Michigan, is the latest in a long line of legal decisions which has produced a capsule history of legal thought on the matter.

Like many manifestations of this complex society, advertising has not anticipated as a problem in either constitutional or common law. When questions as to the nature of newspapers and the so-called "free press" was first published in the 1964 case of The News-Leader, the issue was not new in the traditional debate over the question of a newspaper's right to refuse advertising.

One of the earliest of these cases there is the 1961 case of South Bend News-Times v. City of South Bend which presented the question of a newspaper's right to refuse advertising. The court held that the "right to refuse" is a fundamental aspect of the news media's freedom of expression.

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CASE SUMMARIES

Friedenberg v. Times. The Louisiana court, ruling in 1906, said:

"... it is the function of a newspaper in a business city to fear its competitors, if 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, publisher of the Courrier Clarion, lone Cavour newspaper, refused to publish a petition re- quested by her husband and others in order to fulfill a South Dakota statute requiring the publication 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 imposes any penalty on the publisher of any and all notices, neither can the publication of a newspaper be held to be an occasion (and see applicable's course may impose a hardship upon respondents does not authorize the court to exert a jurisdiction not conferred by statute.

Commonwealth v. Boston Transcript Co. In 1924, a Massachusetts court ruled that "... the legislature never to require any newspaper, at any time, to publish anything whatever against its will," and declared unconstitutional a statute which foreclosed its ability to publish labor commission findings.

Wooster v. Mahaska Co. Also an Iowa court ruling, this 1904 decision said: "... neither the legislature, nor the courts, could compel any paper to publish the proceedings, no matter what compensation might be fixed therefor."

The Wooster and other cases sought to refine the rate at which the county board of supervisory announcements than had been paid for a year's publication, who 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, printer in the Detroit business, re-established his business after a bankruptcy court, 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, 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 was not 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 newspapers have granted the public an interest in the property" (using the landmark railroad decision McLean v. Illinois Public Service Co., 215 Ill. 199, 71 N.E. 810). He also claimed: "... 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 re- minded Wohl that monopoly as a test of public interest had been rejected in Brass v. Work, 268 U.S. 200, 45 S. Ct. 489 (1925). The question is the question of whether public interest in personal contracts as defined by German Alliance In- surance Company v. St. Louis Publishing Co., is to the same effect. In support of his claims, Wohl cited Tyson v. Banton, in which theater tickets were struck in concert with a public interest, and Ribnik v. McBride, in which an employment agency had been de- clared the same.

The court relied on the grant of the precepts of Inter-American Publishing Co. v. Associated Press, in which the AP "was held to be a public corporation," and Tingley, in which the W. J. Sherman, the lone decision requiring a newspaper to accept advertising (to be discussed at greater length); and of the decision in Wolf Paking v. Industrial Court, which said that a business, if found clothed with a pub- lic interest, "is bound by the common law to serve without discrimination." It nevertheless ruled:

"... while it may be true that legislation other than the above is a strictly public interest, and that its public interest, and that its existence is the characteristic of the usual character of public office." The court said, further, that the city could save 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, a 1922 Illinois judg- ment said: "The publication of a newspaper is a property, and its protection against a public interest, and that its public interest, and that its existence is the characteristic of the usual character of public office." The court, however, did exist.

A MINORITY VIEW: UHLMAN v. SHEPHERD It may be symbolic, and it is at least ironic, that the case standing against the tide of decisions favoring the newspaper's right to refuse advertising is in the Common Pleas Court of Defiance County, Ohio. There, in 1919, gathered Sherman and obtained the Creators Society, in order to oppose the efforts of Uhlman, a merchant trader, to have them forced to accept his ad- vertising. Sherman testified to disabling the society, but filed no answer to the plaintiff's brief.

Judge J. Ray, in what was to become Uhl- man v. Sherman, allowed that, "Ordinarily, persons cannot be forced into contracts."

But, citing Elliott on Contracts (Sections 750-511), 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, stockyards, factories and elevators, hack lines, theaters and other public places of amusement, he said, had been remanded to public control.

The court's decision men to the effect that "when private property is affected with a public interest, it ceases to be juris privat," the judge prepared his statements on newspaper rights.

"Newspapers in this country have become universal. They are now practically in every home, and one and the hundred other things which people de- sire to read and know. They are fa- vorable to the public law or 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 for knowledge of recent events both local and foreign, but also for a knowledge of these matters of public concern which virtually affect every citizen and all industrial processes.

"We believe that the growth and extent of the newspaper business, the public favors and confidence derived by newspapers from the public interest and rendered them amenable to reasonable regulations and demands of the public."

Judge Hay was quick to point out in his concurring opinion 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 1930, it has not found a supporter. The Iowa court in the case of the Carroll Daily Herald said, "The Uhlman case has been before two respectable courts since it was given forth. Both have refused to follow Uhlman, holding that Uhlman is wrong, after studying the majority of precedents, including Uhlman, concluded: "I find no reason for believing that there is no such trend of decision in that direction."

"A newspaper is not at the common law a business clothed with a public interest." The most recent Michigan decision, involving Easttown Theatre, said of Uhlman: "That the Uhlman case was not followed by another Ohio court is evidenced by the case of Poughkeepsie Theatre, Inc. v. Gazette Publishing Co. (Unreported, No. 22820) in the Common Pleas Court of Champaign County. The court therein stated: "Where the circumstances are, 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 through the existence of valid statutory law applicable to both districts..." The decision of the Uhlman case is correct."

Although the Uhlman decision will remain mine for themselves by whom the papers are published or rejected, 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 that will pursue therein and the persons with whom they will deal."

Philadelphia Record Co. v. Curtis-Martin Newspapers, Inc. Pennsylvania courts ruled that the Sherman Act restrained the activities of the Philadelphia Record Company to use the same distributors for its "building" (night) edition. "No difference exists...and sale of newspapers is a private enterprise...not in any sense (a) public service corporation..."

"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...and it is immaterial whether the morning Times-Picayune also buy line in the afternoon Daily Times."

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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 Pennsylvania case, *Mid-Willie Electric Cooperative, Inc., et al. v. West Texas Chamber of Commerce* (1963) was decided very strongly in favor of the Chamber, the electrical 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 Ass'n* annotation to it, the court ruled:

"Publishers of newspapers or magazines are generally under no obligation to accept advertising, even *unless they will stand upon the state limit is reasonable. It is also illegal to 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 for political advertising than for 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.

"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: "When a newspaper requests political advertising, they are usually requested to use the same amount of space, they will receive the lowest rate as our largest advertisers are." He said.

Herb Patridge, advertising director for the Medford (Ore.) Mail Tribune, said that local political advertisers qualify for the same rates of costs or contracts rates that any other advertiser has available. "The political advertiser would pay local rates or a little less, depending on how much space and frequency," he said. But there are no earned rates or 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," Pattridge said.

He estimated that his paper received $6,000 in revenue in the last statewide election and approximately the same amount in the last presidential election.

Because all newspapers in Pennsylvania, mostly dailies, reveal that four charge higher prices for political advertising, 10 charge higher rates for political advertising, while 100 charge the same local rates for political advertising.

The Arizona Newspapers Ass'n 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 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 Ass'n said. The association said that 20 percent of its Delaware papers charge more and in the District of Columbia, some newspapers charge the same as the national rate, while others charge less than the local open rate for local political advertising.

Robert Kicks, manager for the Louisiana Press Ass'n told NNA that Louisiana law also included in election years to $40,000, on a state-wide basis.
November 29, 1971

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presents 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 for political advertising. Exceptions are the two Columbus metropolitan papers and the Cleveland metropolitan papers.

Arthur E. Strang, manager of the Illinois Press 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 service handles just about all the non-local political advertising the newspapers get.

Ahern said that last year this association invested about $500,000 in political advertising for the weeklies for the primary campaign of ex-governor Rhodes.

"Likewise there is only one known paper in Michigan that charges more for political ads, said Elmer E. White, executive secretary of the group. He said a Detroit weekly, the Michigan Chronicle, has higher rates for political advertising than for other advertising.

With the prospect of a 'hot campaign' year could bring as much as $500,000 in advertising to Michigan newspapers,

"In Texas we have 86 newspapers (out of 629) 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 $22,000 and $25,000," added Bill 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 rates," Blackstock said. "We refuse to sell ads higher than regular open national line rates.

The manager also said that most statewide or national political advertisements come through 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. The office placed 14 political ads 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. Political advertising is treated the same as national but any placed in political advertising 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. TIERNAN, 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 time. I am preparing to charge a rate that will mean additional costs 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 blocks, and at least one of the bills before the House would require 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 a provision which only 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 forth?

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, he clearly states that it will not exceed the charge made for a comparable use for such 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 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 private advertisers may demand that his advertisement be taken by a newspaper where there is no statutory prohibition or requirement on the part of the newspaper to do so. The courts have obviously held that the acceptance of the other advertiser’s advertisement is in no wise prohibited by law.

The other kind of case cited in the statement of the House journalism 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 the late 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 choices of Senators.

The bill and the section which is sought to be amended does not require newspapers to print any political advertisement, 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 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].

**TELLERS VOTE W/ 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—is 145, noes 219, not voting 67, as follows:

[Roll Call Vote]

**ATEES—115**

Abernathy
Anderson, Ill.
Andrews
N. Dak.
Archer
Arendes
Baker
Bechet
Blackburn
Bow
Bray
Brinkley
Brookfield
Brotzman
Brown, Ohio
Brophy, N.C.
Brophy, Va.
Buchanan
Burke, Fla.
Byrne, Wisc.
Byron
Caffery
Carter
Chamberlain
Nancy
Claussen
Don B.
Clawson, Del.
Cleveland
Cox
Collins, Tex.
Coughlin
Crane
Crane, Daniel, Va.
Davis, Wis.
de la Garza
Dennis
Devine
Duncan
Dwyer
Edwards, Ala.
Esch
Fasell
Findley
Fish
Ford, Gerald R.
Frenzel
Frery

[Table of Tellers]

**Ameritus**

Abbots
Aboureux
Adams
Addabbo
Albert
Alexander
Anderson, Tenn.
Annunzio
Ashbrook
Aspin
Baring
Beach

[Table of Tellers]

**Democrats**

Abbutt
Abzug
Adams
Addabbo
Albert
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Anderson, Tenn.
Annunzio
Ashbrook
Aspin
Baring
Beach

[Table of Tellers]

**Republicans**

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**ABSENT**

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[Table of Tellers]
Mr. PICKLE. Mr. Chairman, the amendment which I have offered will place broadcasters, newspapers, and magazines under the same rule, that is, under the same rate. The Macdonald bill provides that newspapers will be able to charge the comparable or earned rate. The Macdonald bill provides that newspapers will be able to charge the comparable or earned rate. The Macdonald bill provides that newspapers will be able to charge the comparable or earned rate.

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 treats 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 would do 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 about the need for unlimited spending on the quality of public life in this Nation. Many have worked hard to assure that the legislation we are writing here today is truly effective. It is my understanding that Congressmen United for Campaign Reform 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 newspapers 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 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 man in the street, should provide that subsidy.

I know there are many 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 quite small. 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 also hope we could do it without forcing them to pay a 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 words.

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.

Now, I would respectfully request to Mr. Pickle and his statements which was absolutely correct, that this amendment did pass the committee, the gentleman recalls that it passed with no debate and it was tucked 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 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 has been made by many of my colleagues. In the House we always 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...
43164

CONGRESSIONAL

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 gen_
tleman 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
tlle 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 gel; 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 eandidates 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

RECORD-

HOUSE

man from Texas
(Mr. t_ICKLE)
to the
amendment
offered by the gentleman
from Massachusetts
(Mr. MACDONALD).
The question was taken; and on a dfvi,sion (demanded
by Mr, MACr,ONALDOf
Massachusetts)
there
were--ayes
74,
noes 52.
2[qELLE_q;
VOTEWITH CLERKS
Mr. JAMES V. STANTON. Mir. Chair-.
r/lan, I: demand tellers,
Tellers were c,rdered.
Mr..JAMES
V. STANTON. Mir. Chair-man, I demand tellers with clerks.
Tellers with clerks were ordered; and
the Chairman
appointed ss tellers Messrs.
PICKLE, ],ViACDONALD
Of
Massachusetts,
HAav_.¥, and THOMPSON 0J:New Jersey.
The Committee divided, and the tellers
reported that _mlere were--ayes
219, noes
150, not voting 61, as ::ollow,';:
[Holl
[Recorded

No.

4111]

Teller Vote]
AYES---219

Abbltt
Abernethy
Abourezk
Adams
Anderson,

Ill.

l_lood
Flowers
]_q:int
Pord, Gerald
t_'orsythe

Matk,ias,
Calif.
Mathis,
Ga.
Mazzoll
I L Melc:aer
Mills, Ark.

Andrews,
N. Dak.
Archer
Arends
Ashbrc_>k

Pcuntain
t'rellnghuysezL
]_'renzel
Prey
Gidlfianakis

Mille. Md.
Mize:l
Montgomery
Morse
Mosi:er

Aspinall

Gettys

Myers

Baker
Baring

Glalmo
Goldwater

Natc:_er
Nedzl

Begich
Belcher
Bennett
Belts
Bevill
Biester
Blanton
Boland
Bow
Bray
,Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill,
N.C.
Broyhill
Va.
Burke, Fla.

Gonzalez
(_oodllng
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Nichols
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Passman
Felly
Pettis
Plck]e
Poff
Pews,11
Preyer, N,C,
PriCE,,Tex.
Puctaskl
Purcell

Hanley

Quie
Quil]en

Burleson.
Byron
Cabell

Wex.

November

wam:ple'
Ware
Wha!ley
White
Widnall

Williams
Young,
Fla.
Wilson,
Bob
Young,
Tex.
Wright
Zion
Wylie
Zwach
Wyman
NOES---150
abzng
Hansen, Wash. Peyser
Addabbc
Harrlngton
Pike
Alexander
Harsha
Podell
&ndersoa,
Hathaway
Price, rtl.
Tenn.
Hawkins
Rangel
Anntmzko
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asm_,y
Hechler, W. Va. Reid, N.Y.
Aspin
Berglan,:l
Heckler,Mass. Roncalio
Helstoskl
Roe
Biaggi
Hicks, Mass.
Rooney, N.Y.
Binghara
Hollfield
Rooney, Pa.
Blackburn
Howard
Rosenthal
Bradem::,,sB°gg*_
Ichordjohnson,
Calif. RoyPWStenk°w_kt
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Ryan
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]_lass. KochKlUczynskl SarbanesSt
Oermam
Burllson, Mo. Kyl
Scheuer
Byrnes, Wis. Kyros
Scott
CellerCarney

LattaLeggett

ShipleySeiberllng

Collier
Colll:as, ill
Conyers

Link
Long,
Md.
McCormack

Slak
Smith,
CalI:L
Smith,
Iowa

Corman
Danlelscn
Delaney
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McKay
Macdonald,
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Madden
Martin

Springer
Staggers
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Steele

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As you recall, this whole thing started
some 2 years
ago when
a bill was
presented
to our comniittee
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
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be, despite w:hat 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
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and
they are in favor of giving lowest unit

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l_r. CULVER changed his vote from
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SYMINGTON.
Mr. Chairman,
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to the amendment.
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yield the desk if there any 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 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 necessary 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 the Macdonald 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 accrue 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 gentleman's 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 the 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 ensure that whatever limitation applies upon a candidate's primary, so-called primary election campaign, that the sums that he spend 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 any 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 to the Macdonald amendment itself, and the Macdonald amendment itself covers only the communications media. There are other bills before 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, $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 time.
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 media, it 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. Mr. HAYS. Mr. SYMINGTON. That is correct, are newspapers, radio, television, and billboards—let us say you put up your billboards and put up $10,000 worth of billboard advertising for 1 week.

Mr. SPRINGER. And you are talking only of those forms of media covered by your amendment. Is that 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. Semanko) 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. MINSEALL. 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 2 numbers of dollars in so many brochures and if you had a number of dollars in so many match boxes and you did not use all it 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 this. That 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 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. FLETCHER TO THE AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. FLETCHER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Fletch to the amendment offered by Mr. Macdonald of Massachusetts: Strike out line 19, strike out "PRESIDENT AND VICE PRESIDENT" and insert in lieu thereof "FEDERAL ELECTIVE OFFICE".

Beginning on line 34 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 therefor)."

Mr. FREY. Mr. Chairman, I listened with a great deal of interest to the amendment offered by the gentleman from California (Mr. Van DeVENT). I suppose 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 also bided also with 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 President.

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 interested 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 to that 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 1958 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 1969, when section 315 was suspended, the question was asked, "Are you interested in the campaign?" 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 turn-out percentage-wise 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 1956.

Let us look at spending. CBS, for instance, during the 1960 campaign, because of the repeal of 315, gave 33 1/2 hours free time to the President and the Vice President, which was equal to $2 million. If you use that figure as a basis you will see that the networks...
Mr. HAYS. I yield to the gentleman from New Jersey.

Mr. HAYS. I yield to the gentleman from Ohio.

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 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 affect the stations and the networks I do 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 the opponent does not have to be there. A station--shall be heard. But under the fairness doctrine, the opponent does not have to be given a different 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 lose in our political life. I would like to clear up the matter of debates. Of course, the debates in 1969 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 say to you that it would not be a blessing 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 word.

I also voted for the Van Deering amendment, and I hope the maker of that amendment will keep it around until he has an opportunity to use it again later. Now we have had the choice we have before us now, it seems to me elementary we should vote in favor of the Frey amendment. What we are told by the chairman of the subcommitte, the gentlemen 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 repea, 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. FRENZEL) to the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD).

Tellers were ordered.

Mr. FREY. Mr. Chairman, I demand tellers.

Tellers were ordered.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. FRANK, MACDONALD of Massachusetts, and FRENZEL.

The Committee divided, and the tellers reported that there were—ayes 95, noes 277, not voting 59, as follows:

[Recorded Teller Vote]

AYES—65

Anderson, Ill. Esh
Andrews, N. Dak. Fish
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Arendes
Fresch
Eisenhower
Eislender
Ferrandis
Ericksen
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Hansen, Idaho
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Mr. HARVEY. Mr. Chairman, I offer an amendment to the amendment offered by Mr. MacAulay of Massachusetts.

Mr. MACAULAY of Massachusetts. This 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.

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 of the time knew that they could not 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 news interviews.

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 the written law. It is still 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 reinserts section 315 into the law? Precisely what does this gentleman's amendment do?

Mr. HARVEY. What the amendment does is to strike from the MacAulay 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 there not amendments adopted here today that go to section 315?

Mr. HARVEY. No, none have been adopted thus far, I will advise my friend. The MacAulay 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 enact statutory safeguards as well as 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.

However, 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.

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 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, as 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, this 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 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 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 medium. The TV people do a better job of 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, etcetera. I therefore, feel that in the public interest, although I am not convinced that there will be any presidential debates this year, 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 1930, 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 "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 convey.

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 315.

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 both Houses 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 extended to the Senate, that is in essence what we have said, by the defeat of the amendment offered by the gentleman from Ohio. 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 Michigan indicated there may not be any debate, in 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 under certain circumstances. 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.

For my colleague from Arizona, 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 it is possible how can force an incumbent President to debate.

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 receive 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 make the bill this year, who want to get at the record, 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 anybody else.

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: 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 we 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 see the candidate; offered an opportunity to debate. If they wish to refuse, they can refuse.

The present circumstances are very different from those of 1914. One cannot go to the major networks and say, "We will have a candidate 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. SPRINGER. I yield to the gentleman from Illinois.

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 by Mr. Macdonald of Massachusetts: On page 8, line 22, strike out "seeks" and insert "makes available."

Mr. COLLIAR. Will the gentleman yield?

Mr. HATHAWAY. Yes. I yield to the gentleman.

Mr. COLLIAR. 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 the company would have it 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 space, and 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 makes the decision that he wants to give space to a political candidate. 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 have to confess that I am not knowledgeable enough to know whether or not a corporation—a newspaper publishing 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.

Mr. THOMPSON of Georgia. The time of the gentleman from Maine has expired. 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 obeyed 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 legislatively 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 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.

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 fringes 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. KEECH TO THE AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS

Mr. KEETH. 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. Keeth to the amendment offered by Mr. MacDonald of Massachusetts, as follows: Insert on page 6 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(e) 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-
The amendment offered by the gentleman from Massachusetts (Mr. Kennedy) 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). 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. No, 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 for itself 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 by travel and then lost the election, were unable to pay those bills.

The Commerce Committee does have jurisdiction over this subject matter. It truly is a reform bill 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. Kennedy).

The provisions of the Macdonald amendment deal with a limited area: limitation of expenditures by candidates for radio, TV, newspapers, and billboards. Provisions of the amendment of the gentleman from Massachusetts (Mr. Kennedy) 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—specifically those Members whose committees assign such matters 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 paying 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 the reformers 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 elective 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. 11020, 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 vital reforming elements of any genuine reform in 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 money 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 unable 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 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.

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 in 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 its 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 of candidates;

Support year around political party machinery;

Address into account minority and disident party efforts when they have sufficient commitment to be viable;

Not overly insulate incumbents;

Be essentially non-partisan, non-campaign;

Cover all elective offices in the U.S.;

Involves contribution increments small enough to keep the donor to expect nothing in return yet large enough to generate a sense of involvement;

Provide a direct link between the contributors and his choices;

Eliminate corrupt practices reporting hypocrisy;

Be accountable;

Involves minimum change from existing means of fund raising;

Provide dignity for the contributor and the candidates;

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 an internally disciplined laissez faire approach. The reforming 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 as the worst Oswald Spengler's contentment 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 outdistance more clearly 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
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In small enough increments to be free of any potential conflict of interest, available per dollar invested proportion to the size of the constituency to which the candidacy is aimed.

Let us assume that any candidate prefers no-strings contributions—a safe assumption 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 acount 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—a defined league of state or local branches 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 political bodies, 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 any one 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 and TV, flyers in bank statements, credit card billing, monthly statements, co-advertising with the candidates, and so forth.

With such distribution machines at work, virtually anyone 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—well 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 identity of the same mass marketers long ago learned; that, however salable a product, it must have distribution machinery immediately available after a successive number of motives 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 hand he would fill it 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 in 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 described 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 $10 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 them 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 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 two dollars, a sum so small as to be almost negligible 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 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 short-timers. But, 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, and at which time the candidate may 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 majority. 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-

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ficient localities may vary by a factor of 10 or more. Since more persons than just those voting in the most 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, $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 membership support 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 if it operates 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 proportional representation system—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 there can be a form, a wherewithal directly proportionate to the nation'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 finance 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 much 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 success of such efforts is sparse, the effect they can 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. An incumbent is not all bad. Public office like any other private demand has 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. Therefore, unless 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 others. 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 contributors or voters 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 continuously identified with one or the other political party. Therefore campaign finance reform that weighs heavily on any one or several of these segments versus others necessary take on an overtone. This adds another dimension of difficulty to an already tough enough problem. Essentially campaign giving in another form of "voting" for a person or a position and if it is to be done 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 a money game to make observance of the law unwilling at best. Though part/complexion change still remains the great body of labor and minority elements which the Democrats call the "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 the realistic question cannot be ignored when about the distribution of taxation proceeds. The total revenues 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 those offices. If these results obtain, the Federal expenditure can be justified.

Eighth. Small contribution increment: This general proposition—the initial premise of operation clean bill—should generate adequate resources with a clean bill certificate there would be obviated, and with the tax incentive surely the contributor would prefer to buy a clean bill than to pass the strait 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 in this phase of national expenditure would be at fingertips. We could finally learn what elections cost, where, and the true effect of money on our most basic process.

Chances are there would be revealed much less to run than the present obfuscated mess insinuates.

Twelfth. Involve minimum charge from existing fund raising techniques: Political campaigns like other human enterprise tend to generate interest in certain provincialisms. A barbecue at one place is a cora 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
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 December 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 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 15 percent 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, 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.

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 bills to or near the appropriation level.

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 genuine political value 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 question on which the struggle 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 is 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 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 a gain 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 analysis. If the plan 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 declared the chair, Mr. Boulding, 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. 19680), 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 cried. The item appeared in the Washington Post on Sunday, November 29, 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

(President, Massachusetts Institute of Technology, Cambridge, Mass.)

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
H.R. 11060
NOVEMBER 30, 1971
care facilities which are damaged or destroyed by a major disaster, amended (H. Rept. 92-692); 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).

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.

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.

Late Reports: Committee on Rules received permission to file certain privileged reports by midnight tonight.

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. 12231) 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 ayes 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 ayes 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, Abbitt, Gray, Harvey, and Dickinson. Appointed as conferees to titles I and II: Representatives Staggers, Macdonald of Massachusetts, Van Deerlin, Springer, and Devine.

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.
November 30, 1971

CONGRESSIONAL RECORD — HOUSE

THE DISTRICT OF COLUMBIA AP-
PROPRIATIONS BILL AND ITS IM-
PACT UPON THE 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 self-sustaining 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 waistbands.

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 Gleson 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. 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. 2806, 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 clearly in need of improvement. It will cost from $1 1/2 to $1 1/2 billion to acquire the reserve provided for in the bill and an additional $20 million annually to store it.

Mr. Speaker, it is extremely important that the rule be granted on this bill to 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 an excuse for further enriching vertically integrated conglomerates, other large agricultural combines and individual large operators. The subterfuges through which they continue to draw huge federal payments then are 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 that 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:

Ronald Berman, D.C., Rees, taken. Th

MR. MAYNE. 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, 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. EARVEY. Mr. Chairman, I offer an amendment in the nature of a substitute for the text of the bill H.R. 11060.

The CHAIRMAN. Is the Chair aware 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.

POUR OR 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 that drafted this 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. I was just told 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 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 clause "in lieu thereof" and insert 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 is further amended by inserting after "public office" in the first sentence thereof a comma and the words "or any other Federal elective office for which he is a candidate", and by inserting at the end of such section the following new clause—"the candidate's campaign for nomination for election, or election to any candidate for nomination for election, or election to any Federal elective office for which he is a candidate."

(2) Section 315(a) of such Act is amended by inserting after the words "in connection with any 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." a comma determined under subparagraph (d).

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

(1) During the forty-five days preceding the date of a primary election and during the sixty days preceding the date of any general election, or special election in which such person is a candidate, the lowest unit charge of the station for the sale or use of any amount and time of the use for the same period and for any other time, the charges made for comparable use of such station by other users therefor, as shown by its records.

(2) Any broadcasting station by or 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 President of the United States, as shown by its records, shall be deemed to have been spent by the candidate for the office of President of the United States on behalf of his opponent or derogating his opponent's stand on such issues.

(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 the words "or, and" and adding at the end of such section 312(a) the following new clause—"(7) For maximum 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,"

EXPLANATION LIMITATIONS FOR CANDIDATES FOR MAJOR ELECTIVE OFFICES

Sec. 102. Section 310 of the Communications Act of 1934 is further amended by redesignating subsection (c) as subsection (d) and by inserting immediately before such subsection the following new subsection—"(c) For purposes of this subsection and subsection (d), the term "candidate for Federal office" means the office of President, Vice President, United States Senator or Representative, or Delegate or Resident Commissioner to the Congress; and "(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 Presi-

(1) "Federal election office" means the office of President, Vice President, United States Senator or Resident Commissioner to the Congress; and (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 electoral votes.

(4) "Use of any nonbroadcast communications medium by or on behalf of any candidate" includes not only amounts spent for advocating the candidate's qualifications, but the amounts spent for urging the defeat of his opponent or derogating his opponent's stand on such issues.

(5) Except as provided in section 110 of this Act, no legally qualified candidate in any primary, runoff, general, or special election, or Federal elective office may spend for the use of any nonbroadcast communications medium on behalf of his candidacy in such election a total amount in excess of 

"(d) If a State by law expressly 

"(e) No person may make any charge for the use of any nonbroadcast communications medium by or on behalf of any legally qualified 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 licensees that the payment of such charge will not violate paragraph (c)."

LIMITATIONS ON CAMPAIGN EXPENDITURES FOR NONBROADCAST COMMUNICATIONS MEDIA

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

"(1) "Federal election office" means the office of President, Vice President, United States Senator or Resident Commissioner to the Congress; and (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 electoral votes.

(4) "Use of any nonbroadcast communications medium by or on behalf of any candidate" includes not only amounts spent for advocating the candidate's qualifications, but the amounts spent for urging the defeat of his opponent or derogating his opponent's stand on such issues.

(5) Except as provided in section 110 of this Act, no legally qualified candidate in any primary, runoff, general, or special election, or Federal elective office may spend for the use of any nonbroadcast communications medium on behalf of his candidacy in such election a total amount in excess of 

"(d) If a State by law expressly 

"(e) No person may make any charge for the use of any nonbroadcast communications medium by or on behalf of any legally qualified 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 licensees that the payment of such charge will not violate paragraph (c)."

LIMITATIONS ON CAMPAIGN EXPENDITURES FOR NONBROADCAST COMMUNICATIONS MEDIA

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

(1) "Federal election office" means the office of President, Vice President, United States Senator or Resident Commissioner to the Congress; and (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 electoral votes.

(4) "Use of any nonbroadcast communications medium by or on behalf of any candidate" includes not only amounts spent for advocating the candidate's qualifications, but the amounts spent for urging the defeat of his opponent or derogating his opponent's stand on such issues.

(5) Except as provided in section 110 of this Act, no legally qualified candidate in any primary, runoff, general, or special election, or Federal elective office may spend for the use of any nonbroadcast communications medium on behalf of his candidacy in such election a total amount in excess of 

"(d) If a State by law expressly 

"(e) No person may make any charge for the use of any nonbroadcast communications medium by or on behalf of any legally qualified 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 licensees that the payment of such charge will not violate paragraph (c)."
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 difference between the rate normally charged over the rate charged such candidate.

(f) One who willfully and knowingly violates the provisions of this paragraph 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, publicly expend 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 such expenditure shall be deducted from the expenditure limitation to the other shall be publicly expended from the media from which such transfer is made.

(b) Any such legally qualified candidate exercising this option shall promptly notify the Commission in writing of the amount so transferred 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

Sec. 105. (a) For purposes of this section, the term—

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

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

Sec. 105. (c) 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 so determined shall be the amount transferred to the twelve months following the end of such calendar year.

TITLE II—CRIMINAL CODE AMENDMENTS

Sec. 201. Section 901 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—

"(1) "person" means (a) a general, special, primary, or runoff election, (b) a convention or caucus of a political party held to nominate a candidate, (c) a primary election of delegates to a national nominating convention of a political party, (d) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, (e) the selection of delegates to a constitutional convention for proposing amendments to the Constitution of the United States, or (f) a primary election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is in violation of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office shall have 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 for the nomination of any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, for Federal office;

"(3) "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 or savings and loan association) made in accordance with the applicable banking laws and regulations and in the ordinary course of business, for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the nomination for election, or election, of any person to a primary held for the selection of delegates to a national nominating convention of a political party or for the purpose of influencing 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 who is not a candidate or political committee without charge for any such purpose; and

"(5) notwithstanding the foregoing meanings of "contributions," a person who 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, deposit, or transfer 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), 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 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 "whenever" mean an individual, partnership, committee, association, corporation, or any other organization or group of persons;

"(h) "State" means each State of the United States, the District of Columbia, the territories, and any possession of any State, Territory or Territory of the United States of America:

"Sec. 202. Section 906 of title 18, United States Code, is amended to read as follows: "§ 606. Limitations on contributions and expenditures

"(a) (1) No candidate may make expenditures from his personal funds, or the personal funds of his家属, 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 Representative, or Delegate or Resident Commissioner to Congress;

"(C) $25,000, in the case of a candidate for the Office of Representative, or Delegate or Resident Commissioner to Congress.

"(2) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, sister, or other kinship of the candidate, and the spouses of such persons.

"(b) No candidate or political committee shall accept any such 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. 305. Section 611 of title 18, United States Code, is amended to read as follows: "§ 611. Contributions by Government contractors

"Whenever—

"(a) entering into any contract with the United States or any department or agency thereof for the furnishing of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof, if payment for the performance of such contract for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated thereto or made available between the commencement of negotiations for and the later of (1) the completion of performance of such contract or (2) for negotiations for, such contract or furnishing of material, supplies, equipment, land or buildings, directly or indirectly, makes any contribution, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office, or for making or offering to make any such contribution, or promises expressly or impliedly to make any such contribution to any political party, committee, or candidate for public office.
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office or to any person for any political purpose
or use; or
(b) knowingly solicits any such contri-

bution from another person for any 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 amend-
ed by—
Title III—Disclosure of Federal Campaign Funds
DEFINITIONS
Sec. 301. When used in this title—
(a) "election" means (1) a general, special, or
primary, or a convention or caucus of a political party held to
nominate a candidate; (2) a primary election held for the
selection of delegates to a national nominating convention of
a political party, (3) a primary election held for the
expression of a preference for the nomination of the
office of President, and (4) the election of
delees 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, who has not been convicted of any

crime, does not owe any tax assessment, and has not been adjudged
a felon, and, for purposes of this chapter and this
section, an individual shall be deemed to seek
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 the nomination for election, or election, to
such office;
(c) "Federal office" means the office of
Presidential, Vice-Presidential, or Senatorial, or Delegate or
Resident Commissioner to, the
Congress of the United States;
(d) "political committee" means any com-
mitee, 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 candidate; or
(2) the giving of any such contribution;
(3) any transfer of funds between political
campaigns;
(4) the payment, by any person other than a
candidate or political committee, of
compensation for the personal services of
another person who are rendered to such
candidate or committee without charge for
any such purpose; and
(5) notwithstanding the foregoing mean-
ings of "contribution", the word shall not
be construed to include services provided without compensation by individuals
voluntarily performing a portion of the
time on behalf of a candidate or political committee;
(f) "expenditure" means—
(1) a payment for a contract, a
loan, advance, deposit, or gift of money or anything of
value, made for the purpose of
influencing the nomination for election, or election, of
Federal office, or as a presidential and vice-presidential
candidate, or for the purpose of influencing the
result of a primary election of
delees 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 de-
lees to a constitutional

convention for proposing

amendments to the Constitution of the United States;
(2) a contrast, promise, or agreement whether or not legally enforceable, to make an
expenditure;
(3) a transfer of funds between political
committees;
(g) "commission" means the Federal
Elections Commission;
(h) "person" means an individual,
participation, committees, association, corporation, labor organization, or any
other organization or group of persons;
(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.
ORGANIZATION OF POLITICAL COMMITTEES
Sec. 302. (a) Every political committee
shall have a treasurer who shall keep a
current record of all contributions and
expenditures made by the committee, and of all
receipts of contributions and expenditures made
by or on behalf of such committee and shall
make 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
under this title, for a period of two years from the
date of the expenditure, or later than such time as
may be determined by the Commission.
(b) Any political committee which solicits
or receives contributions or makes expendi-
tures of, or on behalf of any candidate, shall be
notified by writing such candidate to that
extent and shall include a notice on the face or
front page of all literature and advertise-
ments published in connection with any
candidate's campaign by such committee or by
any person on behalf of such candidate. The
notices shall state that the committee is not
authorized by such candidate and that such candidate is not responsible for the
activities of such committee.
(c) Any political committee shall in-
clude 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 Supreme
Court of the United States at
Washington, D.C. 20424.
(d) The Commission shall compile and
furnish to the Public Printer, not later than the
day of March of each year, an an-
ual report for each political committee which
has filed a report under this title for
the calendar year ending on that date.
Such an annual report shall contain—
(1) a copy of the statement of organiza-
tional structure and of the political committee required under
section 303, together with any amend-
ments thereto; and
(2) a copy of each report filed by such
political committee during the calendar year ending on
the day of January 31 of the year in which such annual report is
made available to the Public Printer.
(b) The Public Printer shall make copies of
such annual reports available for sale to
the public by the Supreme Court of the United
States at such reasonable price after they are
received from the Commission.
REGISTRATION OF POLITICAL COMMITTEES;
STATEMENTS
Sec. 303. (a) Each political committee
which articulates contributions or making expenditures during the calendar year in an aggregate amount exceeding $1,000 shall file with the Commission a statement of organization with the
Commission, or 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 commit-
tees;
(2) the names, addresses, and relationships of
officers of the political committee;
(3) the area, scope, or jurisdiction of the
committees;
(4) the name, address, and position of
each principal officer of the political committee;
(5) the name, address, and position of
other principal officers, including officers
and members of the finance committee, if any;
(6) the names, addresses, and position of
any person or organization which is supporting
for nomination for election, or election,
the public office or any
other public office, or party affiliation of (A) each candidate whom
the committee is supporting, and (B) any
individual, if the committee is supporting such
individual for nomination for election, or election,
the political party of the committee; and
(7) any other statement required by
the Commission.
(7) a statement whether the committee is a continuing one;
(8) the disposition of residual funds which will be returned to the candidates or committee in the event of dissolution;
(9) a listing of all banks, safety deposit boxes, or other depositories used;
(10) a statement of the amounts required to be transferred to a committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and
(11) the total number of contributions 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 statements of organization, amendments, and contributions and expenditures during the calendar year in an aggregate amount exceeding $6,000 shall 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 according to the calendar year in an aggregate amount or value of $100 or more, either contributions or expenditures during the calendar year not previously reported by such committee or candidate to the Commission, and which is subject to the reporting requirements of this section.

(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 or 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 date and amount of such contributions;
(3) the total number of individual contributions made to the political 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, as well as any transfer of funds, together with the amount and dates of all transfers;
(5) each loan to or from any person within the calendar year in an aggregate amount or value of $100 or more which is evidenced by the full names and mailing addresses (occupations and the principal place of business, if any) of the lender, the date, and amount of such loans; and
(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, or other meeting and an event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, bumper stickers, h insignificant quantities, literature, and similar materials;
(7) each contribution, rebate, refund, or other receipt in excess of $100 not otherwise disclosed in paragraph (6);
(8) the total amount 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 during 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 the person to which such expenditure was made;
(10) the full name and mailing address business, if any, of each recipient to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of $100 has been made, and whether or not the recipient is not otherwise reported.

(e) Each treasurer shall file a report containing a 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 used.

REPORTS BY OTHER THAN POLITICAL COMMITTEES

Sec. 305. Every person (other than a political committee) who makes or receives contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of $100 during the calendar year shall, 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.

FILING OF REPORTS

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 under the standards set forth in this section, or by a committee or candidate, shall be filed in triplicate by a governmental agency, or otherwise filed as provided in the rules of the Commission, and shall be filed on or before the thirty-first day of the fourth month following the period for which it is required to be filed, except that in the case of elections held on November 30, a statement shall be filed on the first day of December, unless the Commission has prescribed an earlier date.

(b) A report or statement shall be preserved by the person filing it for a period of time to be designated by the Commission or by governmental agencies.

(c) The Commission may, by published regulation of general applicability, require any category of political committees of the obliges set forth in sections 304 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates in Federal elections; and (2) aggregate contributions during the calendar year exceed $100,000.

(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 and expenditures, shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, the 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, of 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 for the nomination of a candidate for the office of President or Vice President, or
(2) represents a national political party in making arrangements to hold a convention, or for the nomination of a candidate for the office of President or Vice President, shall, within sixty days following the end of the convention, file with the Commission a 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 used.

PENALTIES FOR 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 accounting methods of bookkeeping and reporting;
(3) to develop a filing, coding, and cross-indexing system consistent with the purpose of this title;
(4) to make the reports and statements filed with it available for public inspection and copying, commenting on 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 establish regulations as provided in this section on such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purposes;
(6) 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 date of receipt;
(7) to prepare an annual report including compilations of (A) total funds contributed and expenditures for all candidates, political committees, and political committees organized to comply and maintain a current list of all statements or parts of statements pertaining to each candidate;
(8) to report to the President an annual report, including compilations of (A) total reported contributions and expenditures for all candidates, political committees, political committees organized to comply and maintain a current list of all statements or parts of statements pertaining to each candidate;
(9) to report to the President an annual report, including compilations of (A) total reported contributions and expenditures for all candidates, political committees, political committees organized to comply and maintain a current list of all statements or parts of statements pertaining to each candidate;
(10) to preserve such reports and statements filed with it available for public inspection and copying, commenting on 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;
(11) to establish regulations as provided in this section on such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purposes;
to file any report or statement required under the provisions of this title;
(12) to report all 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 chapter.
(b) (1) Any person who believes a violation of this title has occurred may file a complaint with the Commission. If the Commission determines the complaint contains substantial evidence 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 the Commission, after affording the person making the complaint an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices directly or indirectly affecting such provisions of the Act, the Commission may issue a complaint in 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 any 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 this subsection (1) of this subsection, subpoenas for witnesses who are required to attend a United States district court shall not be served on any other district court.
(3) Any person aggrieved by an order granted under paragraph (1) of this subsection may file a petition within sixty days after the date of entry of the order, in 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 brought on the docket of the court in which filed, and shall be governed by all other sections (other than other actions brought under this subsection).

STATMENTS FILED WITH CLERK OF UNITED STATES DISTRICT 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 of other persons, such as officers and employees of the United States district courts where it determines the public interest will be served thereby.
(b) The United States district court shall:
(1) receive and maintain in an orderly manner all reports and statements required by this title to be filed with such clerks;
(2) preserve such reports and statements for not less than four 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;
(3) make to the reports and statements filed with him available for public inspection and copying during normal business hours, at no charge, 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;
(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 four of whom shall be members of the same political party, who shall be chosen from among persons who, by reason of maturity, experience, knowledge of the law and government, and nationwide reputation for integrity, impartiality, and good judgment, are qualified to exercise the powers and duties of such Commission, and shall be appointed by the President, by and with the advice and consent of the Senate. One of the members shall be appointed 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, beginning from the date of enactment of this Act, but their sucession shall be semi-annual. Each member shall be eligible to serve not more than 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 an initial 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 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 the powers of members thereof shall constitute a quorum.
(c) The Commission shall have an official seal which shall be judicially noticed.
(d) The Commission shall, within the close of each fiscal year report to the Congress and to the President concerning the action it has taken; its statements, reports, and records have jurisdiction within its jurisdiction and such recommendations for further legislation as may appear desirable.
(e) Members of the Commission shall, while serving on 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 the equivalent of subsistence 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 Federal legal proceedings, and employees of the Commission shall be subject to the provisions of section 9 of the Act of August 2, 1939, as such Act may be amended or supplemented, 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 be appointed and may be removed only by the Commission. 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 6, United States Code.
(i) The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

Sec. 311. The election 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.

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 make or cause to be 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 the failure to comply with provisions of law would result in a violation of a provision of this title.
(b) The Commission shall encourage, and cooperate with, the election officials of 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 invalidity thereof shall not affect the operation of such provision to other persons and circumstances, shall not be affected thereby.

REPEALING CLAUSE
Sec. 3.3. (a) The Federal Corrupt Practices Act, 1923 (2 U.S.C. 241-258), is repealed.
(b) In case of any conviction under this Act, or the application thereof, to any person or circumstances, 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 are each authorized, within ninety days after the date of enactment of this Act, to issue regulations permitting 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, on terms and conditions consistent 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 601 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 an 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. 11230, 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. Bower), and the substitute from Minnesota (Mr. Franks). 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, all they accomplish which broadened the nonbroadcast media to be limited as far as spending is concerned, and the 20 percent feature that he added made the House bills spending limitations very close to those of 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 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 approved by and providing the vice 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 is notable that these reports but not 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 Klein-dienst, clearly indicated his belief that such a limit is needed for reform. 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 the substitute, which I have introduced so that we may have true reform.

Senate substitute that I am offering to limit individuals and members 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 Klein-dienst, there is considerable question 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 ICO 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 imprisonment up to 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 or the case of Senator 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 as to 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-
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 (or either a primary or a 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) per 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.

(C) (A) No person who is a candidate for presidential nomination may spend—

(i) for the use 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 by either a wave-length (or makes on his behalf) an expenditure for the use of any communications medium on behalf of any legally qualified candidate for the 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 in such a State if the election to the office of the President, in which the candidate for the office of President, in which the candidate is a candidate, is held on the same day as the election to the office of President, in which the candidate is a candidate, is held in such State, based on the number of persons in such State who can reasonably be expected to be reached by such communications media.

(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 price index of communications media shall be established and maintained by the Secretary of Commerce.

(B) During the first week of January 1973, 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.

(C) Amounts spent for the use of communications media on behalf of any legally qualified candidate for Federal elective office for nomination to such office shall, for the purposes of certification, 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.

(D) For purposes of this section and section 315 (e) of the Communications Act of 1934, spending and charges for the use of communications media include not only the direct charges paid by the candidate and agents' commissions allowed the agent by the media.

(E) For purposes of this section and section 315 (b) 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 thereof) shall be charged against the expenditure limitation under this subsection applicable to the election in which such medium is used.

(F) 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) under such medium (or any person designated by such candidate in writing to do so) 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.

Section 315 of the Communications Act of 1934 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (a) 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) under such on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) under such medium (or any person designated by such candidate in writing to do so) to such person 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) (1) The term broadcasting station includes a community antenna television system.

(2) The term station license and station licenses when used in connection with the community antenna television system, mean the operator of such system.

The term Federal elective office means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner of Delegate to, the Congress of the Territory of Guam.

REGULATIONS

Sec. 165. The Attorney General shall prescribe such regulations as may be necessary or appropriate to carry out sections 103, 103 (b), 104 (a), and 104 (b) of this Act.

PENALTIES

Sec. 166. (a) Whoever violates any provision of section 103 (b), 104 (a), or 104 (b) or any regulation under section 105 shall be subject to a fine of not more than $1,000 for each violation.

(b) Any legally qualified candidate who wilfully 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 January 1, 1972. Section 104 and the amendments made thereby 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 an 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.

The CHAIRMAN. 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 now offer 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 the record that the amendment which was voted on by the Committee of the Whole was the one which was voted on yesterday by the Speaker as the new 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 election 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 as they are in existing law.

It includes also the Hathaway amendment, which relates to advertising space available in magazines and newspapers.

In adopting this amendment, the House will be only confirming here 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?

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 offered yesterday to the Macdonald bill; am I correct?

Mr. MACDONALD of Massachusetts. Absolutely correct, a House product and a substitute for the Senate bill; am I correct?

Mr. SPRINGER. I put this bill in the exact form which we 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 refer 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 which were 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 included 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 of Harvey." He does not include 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 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. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Oklahoma.

Mr. EDMONDS. The gentleman has incorporated, it is true, in his amendment the amendments which were offered and adopted in the Committee of the Whole yesterday, and thus is giving us a bipartisan product. In order that it is a House product and a substitute for the Senate language?

Mr. MACDONALD of Massachusetts. That is exactly correct.

Mr. EDMONDS. 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. Mr. Chairman, I am pleased to see that the gentleman has incorporated in his amendment the action of the House yesterday.

But I am 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 that would give us 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 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 over 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, Members 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, co-sponsored 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 add 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 amendment to the campaign checkoff that I recently introduced just an indiscriminate use of Federal funds. I think if we were to Rifeshot the problem, If we were to enact into law a provision that would pay 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 would 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 indiscrimi-
nately applied through a national com-
mittee for any purpose whatever re-
lating to a presidential campaign.

I regret very much that at this point in our consideration of this bill, it is possible to offer that kind of amend-
ment 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 re-
form 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 re-
form, 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 enact-
ment of this bill, even though it does represent a very significant advance.

I hope particularly in this area of mak-
ing available potential 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 com-
pliment 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 another time or at least
in some way.

What I had wished to do was to offer something that would be a compromise between the limited coverage of the limited-
ations in the Senate bill—namely, TV and radio, newspapers and periodicals, and billboards. In the one hand, the
other hand the total coverage of the Hays bill, a ceiling covering all expendi-
tures in all campaigns.

The purpose of my compromise would
be to introduce and add two additional categories to those contained in the Sen-
ate bill; namely, organized telephone campaigns and organized mail cam-
paigns. I would have done that by inserting
the following language after the words "outdoor advertising facilities":

Telephone, including the cost of paid tele-
phonists and automated equipment, when
used in banks of five or more instruments to communicate with voters, or advertising, and not
postage for computerized or identical mail-
ings in quantities of 200 or more.

Let me point out what this would do. It
would include two major categories of ex-
penditures in many congressional dis-
tricts.

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 substan-
tially has no effect in my district or in
other metropolitan New York districts, as pointed out very eloquently by my col-
league 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 the letters casually writ-
en. But it would cover when we cus-
tomarily use in New York, banks of tele-
phones operated either by automated equipment or by paid telephonists, some-
times 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 a clearly measured, 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 pre-addressed guarantees quantity 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 considera-
tion of this bill—either later on or in the consideration of the substitute or per-
haps at the stage when we are consider-
ing 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 gentle-
man yield?

Mr. BINGHAM. I will be glad to yield to the distinguished minority leader.

Mr. GERALD R. FORD. I can under-
stand in the substitute and I am sure other others in other districts have a
comparable problem, but is not an
answer to your problem to accept the Sen-
ate 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 dis-
bistinguished minority leader that my pur-
pose is to include limitations on these items, I think we pass legislation that, in
effect, sets no limitation for expendi-
tures in many Congressional districts be-
cause it does not cover the type of ex-
penditures that are made in those Congress-
ad districts, then we have left a ma-

major gap.

The CHAIRMAN. The time of the gen-
tleman has expired.

By unanimous consent, Mr. Birch-
ham was allowed to proceed for 3 addi-
tional minutes.

Mr. PODELL. Will the gentleman yield?

Mr. BINGHAM. I will be glad to yield to the gentleman from New York.

Mr. PODELL. I thought that the Hays bill is approved, is not your objec-
tion covered by that part of the bill?

Mr. BINGHAM. Well, in a general way,
yes, because the Hays bill provides com-
prehensive coverage for all expenditures, but I have pointed out, one of the ob-
jectives to that bill was that there was a number of questions about what is in-
cluded and what is not included, which is met by limiting the coverage to major
categories which are readily identifiable.

Mr. PODELL. Does the Hays bill it-
self provide for expenditures and ac-
counting for the expenditures on postage, on printing, on teleimeters and all phases of campaign spending? Is it not pres-
ently 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. EAYS. Well, since the Macdonald of Massachusetts bill was debated for a
whole day yesterday and this is the pend-
ing thing, I was wondering if we can get
an agreement on limitation of time on the Macdonald of Massachusetts amend-
ment.

Mr. EAYS. Are you against the Mac-
donald of Massachusetts amendment?

Mr. BROWN of Ohio. I am not against the Macdonald of Massachusetts amend-
ment, but I would like to have the op-
portunity to speak.

Mr. EAYS. Mr. Chairman, I ask unan-
imous consent that all debate on the Mac-
ndon 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 sim-
ilar circumstances there were only one or
two people apparently wanted to talk, and by the time a question was asked there were 25 who stood on their feet, so that each one got a minute or at the mos:
more than 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 or, contrib-
te to, the debate would get at least 3 or
in which to express their views.

Mr. HAVER. When I made the unan-
imous-consent request, if the gentleman
will yield, I will say to the gentleman that there were three people standing and I meant the request for 15 minutes, 5 minutes to Mr. FRENZEL, 5 minutes to Mr. BROWN of Ohio and 5 minutes to Mr. MONAST,, 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 not.
Mr. GROSS. Mr. Chairman, if the gentle-
man will yield, I have not made up my mind as yet. It will take a little time to
find out.

Mr. BINGHAM. Mr. Chairman, I ask unan-
imous consent that all debate on the
Mr. GROSS. Mr. Chairman, I have no objection. Mr. Chairman, I ask that my name be stricken from the list of those standing.

Mr. MONAGAN. Mr. Chairman, I support the Macdonald amendment.

I rise simply because I find myself in agreement with the position of gradually being prevented, as the gentleman from Connecticut (Mr. MONAGAN) and the gentleman from Iowa will be stricken. The resolution recognizes the gentleman from Iowa as the gentleman from Michigan (Mr. FRENZEL). The resolution recognizes the gentleman from Michigan (Mr. FRENZEL).

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 ridiculous. There are only two other nations in the world about which I know—the Philippines and Chili—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 costs 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 some practical reduction in the cost of 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 gentleman 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 in preserving 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 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 not 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 believed 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 conviction. 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 bill and the Frenzel amendment, coordinated reform instrument.

Again, Mr. Chairman, I am willing to surrender my first choices, as has the gentleman from Massachusetts (Mr. FRENZEL), in our joint efforts to achieve a reform. I urge that the Macdonald amendment be promptly adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. BAUMAN).

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 selecting and electing our 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 spend the money, and only 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. 13, 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 of the 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 antiquated Federal Corrupt Practices Act of 1935, with Rogers said years ago:

Poilts 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 contacts for 455 seats in the House of Representatives, 24 senatorial seats, 21 governorships, or local races. The total on all political spending in 1968, according to the Committee on Governmental 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 expenses might be made, politics would be purged enormously.

Today, the public is demanding that political spending and contributions be disclosed. A recent Gallup poll reported that 75 percent of the public favored a limit on campaign spending.

Polls indicate that here in the House today is an avenue to bring our Federal election 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 limited 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 spending on the bill, H.R. 13, the Political Broadcasting Disclosure 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 political campaigns. The 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 only thing that is 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 stiffer publicity are needed—and they surely must it is true—then the wise old axiom that government can be no better than the men who govern. As citizens with the prize ticket out of the box, must insist upon the highest code of honor in public life."

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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. 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 section 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 86 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 Massachusetts (Mr. AMRISON) 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 of the House 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 me on behalf of Mr. Udall and Mr. Amrison to make it in order as a substitute for the two bills that sprang from the House committees. We think it is a better vehicle as we introduced it, however, in the interest of trying to get a bill which I am happy to support the Macdonald amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. Kerr).

Mr. KERR. 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 amendments which Senator Scour were 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 often file bills 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 yeas appeared to have it.

Mr. SCRINGER. Mr. Chairman, I demand a roll call.

Tellers were refused.

So the amendment to the amendment in the nature of a substitute was agreed to.
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However, I am willing to work to get a good bill. I think probably what we are going to get 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 will cost $10 million a year, and you can get it for at least $20 million.

Now this thing is going to be enforced—there is any reporting at all—it is going to be enforced by the press—and I am a realist. 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, 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 cannot see any reason why we have to have a commission appointed to be run by the executive branch, which certainly is going to be subordinate 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.

It 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 have come to be feared. I hear a lot of criticism of it. But I have never heard, 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 reproducing 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 have a 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 some form where is approved.

Mr. THOMPSON of New Jersey. My Chairman, I move to strike the requisite number of words.

Mr. CHAIRMAN. The gentleman from New Jersey is called.

Mr. THOMPSON of New Jersey. My Chairman, my feelings with respect to this amendment are not xen with some, I suspect it is 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 substitute from 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 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 I commend it, 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. 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 was aware of 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 Speaker 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 to federal court and a Presidentially appointed commission handling the reports by Members of the House. If this amendment is fair to the federal court, it is fair to the Comptroller General who is, in fact, an employee of the House, has expressed an unwillingness to undertake this additional responsibility. That does not necessitate that I am 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. My Chairman, I will make a substitute proposal of my own. 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. There is a provision in the Harvey-Frenzel-Brown bill, which does not provide for an independent supervisory agency as provided in the Harvey-Brown 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 35—can go in and seek injunctions and restraining orders and so on. The employees of the House and the Senate are good and upright people.

Nevertheless, they are inappropriate people to be judges. I hope this law—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 cooperation.

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, and if something in the Harvey-Brown substitute, in the Harvey-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 Harvey-Frenzel-Brown 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 givé away this right in our substitute.

Mr. Chairman, I urge that the 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 committee in its report sought to make this bill more workable for the courts, 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 wants to accomplish the 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 to 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 speaks 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 direction and the one person's expenditure with an amount of over $10 that he has received. I have lived with

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 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 weaken irremediably 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 for 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 end of democracy is majority. 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 legislative 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 want 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. DANIENSON. 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. DANIENSON. That is correct.

Mr. HAYS. You can get 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 more incisive than any other 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 report, and I do not know of anyone ever violating 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. DANIENSON. 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. DANIENSON. 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 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 of this House, I can understand; I can 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. DANIENSON. Amen.

The CHAIRMAN. The time of the gentleman has expired.

(Without unanimous consent, the request of Mr. Brown of Michigan, Mr. Danielson was allowed to proceed for additional minutes.)

Mr. BROWN of Michigan. Will the gentleman yield?

Mr. DANIENSON. 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 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. DANIENSON. 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.
Mr. DANIELSON. Yes. I yield to the gentleman.

Mr. BROWN of Ohio. Will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman.

Mr. BROWN of Ohio. The Comptroller General is an officer of this body. Is that not so? And I am told 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 the gentleman's request that the Comptroller General 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 which would be outlined which would contain 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 assure you 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 urge the House to 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 gentleman from Illinois, 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, the amendment I said 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 19, 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 Arizona that I was glad to help him achieve this 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 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 we will have a bill this year 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 be happy.

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.

Mr. EVANS of Colorado. Mr. Chairman, I yield to the gentleman from Colorado (Mr. Anderson) to this particular section is voted upon.

Mr. ANDERSON of Illinois. I am impressed with our procedures that prevail here this afternoon that he has not lost even if the amendment is defeated, we are talking about a parliamentary inquiry. It is my understanding that the Comptroller General is to run the control over this body—when you give control over to one body, it is not the reverse of the case of the President of the Senate and that, sir, is most relevant in Mr. Chairman, I submit to the House Administrat—

Mr. DANIELSON. The function of the Comptroller General is to report to 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, then?

Mr. DANIELSON. The function of the Comptroller General is to report to 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. Why would not make a good person or location to assess propriety of elections of all Federal offices, then?

Mr. DANIELSON. The position is to be an independent 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 because after all it is his election that is going to be watched over as well; and, finally, two appointed by 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, two members appointed by the Speaker of the House.

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.

To the extent that you allow the President to appoint this commission you are helping to create an executive body 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 so? And I am told that the Comptroller General has written some letters in which he has stated that he does not want this responsibility.

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Mr. HAYS. Mr. Chairman, will the gentleman yield?

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Mr. ANDERSON of Illinois. I yield to the gentleman from Arizona.

Mr. UDALL. I would like to say to the gentleman from Arizona that I was glad to help him achieve this 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 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 we will have a bill this year 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 be happy. 

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.

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 CHAIRMAN. The gentleman from New Jersey (Mr. Thompson) will be able to make whatever an amendment is voted down, then another germane amendment to that 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 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. UDALL. 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 avenue, 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 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 the 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 opinion 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 the bill with 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 commission 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.

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. Mont- can) 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 of defeating an amendment suggested by the gentleman from Ohio of relegate our activity into the hands of a Presidentally 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 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, the amendment that is proposed to be offered if his amendment is defeated, would give the Congress 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 Pennel-Brown bill, at page 35, there is in four or five paragraphs a specific list of 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 forms required by 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 forms and statements a manual setting forth recommended uniform methods of bookkeeping and accounting;
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 it 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 commission 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 from New York, in addition.

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. LATTANZI, and by unanimous consent, Mr. PODELL was allowed to proceed for 1 additional minute.

Mr. LATTANZI. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I yield to the gentleman from Ohio.

Mr. LATTANZI. I rise in support of the amendment offered by the gentleman from Ohio. I do not think Congress should delegate the 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 bill itself is necessary if we are to carry out this 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—aye's 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 185, to line 205 as section 205 and insert in lieu thereof a new section 235, to read as follows:

Section 610 of title 18, United States Code, relating to contributions or expenditures by national banks, corporations, or labor organizations, 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.

As used in this section, the phrase 'contribution or expenditure' shall include any contribution, loan, advance, deposit, or gift of money, or any services, or anything of value to any candidate, party, 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.

Mr. HANSEN of Idaho. Mr. Chairman, the purpose of this amendment is to clarify and 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, 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 in behalf of a candidate in a Federal election. This amendment is a part of more than 70 amendments offered 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 funded by the general public, which are prohibited, and expenditures 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. They 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 political 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 the funds 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 duces facias, or other money required as a condition of employment or membership in a labor organization, or by means obtained in any commercial transaction.

The net effect of the amendment, therefore, is to clarify and codify 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. It prohibits 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 Congress' intent in passing this provision to completely exclude these organizations from the political arena, 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 public in behalf of a candidate is per se illegal. (Department of Justice, United States in U.S. v. UAW, 352 U.S. 667).

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 those less familiar with the law. The result is that the courts have held that the result has been an undesirable confusion as to what section 610 actually provides. And this has led to numerous charges that the
lame 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 might be able 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 not being uniformly. 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," 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 solve it. The definition of "corporate and union political contributions" 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 permission given earlier 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 uncertainty. 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 anti-corruption and partisan 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, with a touch, the field of law.

Section 610 strikes a balance between organizational rights and the rights of those who wish to retain their shareholders' 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. The House opinion 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, nor 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 this amendment or section 8 of H.R. 11060 would not, regulate 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, has 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 the familiar wording 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 ensure that the concept of "financial support with the purpose of influencing the outcome of any Federal election," the phrase the amendment employs, is applied reasonably and uniformly, 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 medical, and farm organizations, for example, nor has it placed comparable stringent limitations on wealthy individuals. Indeed, if any of the proposals presently under consideration in this body become law, only corporations, unions, and political candidates will be limited in this 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 purposes.

Recognizing that group interests must be given some play and that the interest of the minority is weakest when corporations and unions confine their activities to their 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 political activity related to the political process.

The courts, as well as other independent student sections of 6.9 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 U.S. v. CIO, 355 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 nonpolitical organization—43 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, there need not be a nick 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 or political union publications. This, I believe, is a legitimate exercise of free speech, 117 Cong. Rec. page 28539 (Aug. 4, 1971). The compelling policy considerations supporting this consensus can be very succinctly stated.

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. Our proposal extends no further than the present economic stabilization program for a compelling illustration of the extent to which Federal policy is the critical deterrent of corporate and union health and vitality, whether it be the NAM, the AMA or the AFL-CIO, believe 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 across through those means.

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 interests, and with them the members. 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 advantages," the interest of its members 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 voting persons who attempt to restrict the number who vote
are inimical to the democratic precepts upon which the political process rests.

Of course, such campaigns must be kept 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 out 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 may not be paid 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 basic limitation and there is no reason why a corporation should be permitted to use its members' or stockholders' funds to reach the general public in support of particular candidates or by way of political contributions to urge approval of their policies.

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, or so forth—provided to a candidate by a voluntary political fund must be financed by the voluntary political contributions it has collected.

At the present time there is broad agreement as to the essence of the proper balance between 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. The amendment now writes that balance into clear and unequivocal statutory language.

The CHAIRMAN pro tempore (Mr. HOFIELD). The time of the gentleman from Idaho (Mr. HANSEN) is 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.

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. 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 gentle- man to make it clear 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 are 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's, attorney that has expressed the kind of limitations that can be placed on consideration, and that is the question that was espoused by Mr. ANDERSON of Idaho.

Mr. ANDERSON of Idaho to yield to the gentleman.

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 able way that 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 the stockholders 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.

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 voluntariness 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 nations in the form of political campaigns to 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 prevent involuntarily raised moneys from being used to support a candidate opposed by the individual 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 Sny v. 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 then doubly. Its utilization to support campaigns causes the plaintiff's opporess renders them captive to the idea, associations and causes espoused by others, using 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 cause.

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. Very briefly.

Mr. CRANE. If I am a member of a union and I am forced to 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 Democratic 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 Hayo bill.

The question of whether the expenses of an organization or of candidates are to be paid for out of 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 this bill 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. 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, solicit beyond their leadership—if 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, and 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 or contribute to that 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 the 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," 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 organizations 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.

On request of Mr. CRANE, and by unanimous consent, Mr. HANSEN of Idaho was allowed to proceed for 3 additional minutes.

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On request of Mr. CRANE, and by unanimous consent, Mr. HANSEN of Idaho was allowed to proceed for 3 additional minutes.
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. That sound in theory as I shall show, has proven workable in practice, and has generated a broad bipartisan consensus in favor of continuation of the present rules. For this reason I accord Mr. Hanssen’s amendment, with one exception, the present law.

Analytically the proposal has three component parts. First, it spells out in detail the point that corporations and unions—whether or not they use their treasury money—that is, the money a corporation secures from commercial transactions or a union secures from dues, initiation fees, and similar exacts—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. 11080 word for word and it is plainly all-encompassing. That is what should be. If 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 restrictions on 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 their political contributions and expenditures. Thus section 610 as it stands, and under the Hanssen 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 concept of the Hanssen 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. 105—from conducting non-partisan 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 Domenici speaks directly to the floor of the other body on behalf of an amendment to section 610 he had proposed, stating:

If a member wishes to pay money voluntarily to a candidate or to a labor organization, whether or not even a fund from which the union will determine how it is to be spent, I have no objection. A labor organization should not expend the funds on behalf of ... non-partisan political activity such as voter registration or voter education on campaign issues ... and delineating 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 businesses and labor unions. It is far 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. In an organization, whether it be the NAM, the AMA or the AFL-CIO, believes that certain candidates pose a threat to ... well-being of its members or stockholders, it should have the right to express its views to the electorate. As Afl-CIO believes that 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 export guidance. In determining where their self-interest lies they have no other comparable influence on the political process. 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,” it “would rob those methods of inelasticity for the public benefit.” If an organization can spend all the money it wants to with respect to such matters. But the prohibition is against any organization 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 direct 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 contributions. 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 so 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 possible to use the political process for force, job discrimination, or the threat thereof, in seeking contributions. This is intended to ensure that a solicitor for COPE or BIPAC cannot abuse his organizational authority by 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 to make 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 role of 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 only 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, candidates. It includes the restriction of funds 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 current federal 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 within 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 in 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 the form. 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 prohibition for 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 the so-called "voting trust" has authorized.

Mr. CABELL. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

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—

"(c) "Contribution' means—"

"(1) is 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 which I am authorized for $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 used $10,000 with both of that his bank 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 of the committee, 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 agrees with the language from Ohio it does clarify it 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 believe the amendment will lead to make a lack of corporate expenditures for political activities which under the 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 by the original corporate expenditures in connection with Federal elections under the antitrust Practices Act was adopted in 1912. 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 unions as well as corporate entities; and third, to protect union members holding political views contrary to those supported by labor leaders from having their membership dues to promote acceptance of these opposing views.

The amendment proposed by the gentleman from Idaho (Mr. Hansen) would create a very dangerous loophole which would legalize broad-scale union political action—which is now prohibited—and undermine whatever protection that the law now seeks to give rank and file union members against political use of their dues money.

The 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 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 compulsory 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 expenditures for voter registration or get-out-the-vote activities would be so spent, but that either a corporation or a union could 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 Idaho for raising this question. I do in the amendment offered by the gentleman from Idaho falls, intend to offer an amendment to the amendment under consideration. As matter of fact, there is already a part of the campaign which has already 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—

establishing and administering a separate campaign or a union political action committee 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 restricted to dues, fees, or other moneys required as a condition of membership in such organization as are otherwise not needed in the performance of their duties.

Mr. HAYS. 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. Mr. Chairman, 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 1975. Mr. DENNIS. I could give the gentleman some experiences, too, but I would rather get along with my remarks.

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 it is legal.

Mr. HANSEN of Idaho. Will the gentleman yield?

Mr. DENNIS. I yield briefly to the gentleman.

Mr. HANSEN of Idaho. Is it not true that the language in the present Hays amendment just states that that is legal.

Mr. DENNIS. The Hays amendment just states that that is legal.
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 on getting-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 purposes 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 maintain a 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 so that you expect 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—money that is paid 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 for the union 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.

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, local, or congressional office." I

Without question, this amendment to the Teamsters' constitution will encourage the continued wholesale flooting of restraints imposed by the Congress on union political activities in 1947 when it amended section 610, title 2, of the United States Code.

It is common knowledge that dues payments collected from involuntary members, as well as from voluntary members, go into the 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 one example of methods now being used to circumvent the existing law.

Mr. Chairman, I submit that the convention delegates who handed Mr. Fitzsimmons the pen are 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 unemployed union representation.

Exclusion 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.

Now, whatever my friend from Idaho (Mr. HANSEN) would not. In fact, it would open the door to a use of union money in general that is 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 our 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 talk to you tomorrow", 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 makes the membership of the union a condition for holding down political activity 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.

Mr. HAYES. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to my colleague from Ohio.

Mr. HAYES. I think in applying this you would have to use the rule of construction that the legislature intended to put 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 reason ableness I would be allowed as a part of get-out-the-vote to go and get those 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. HASY, Mr. Chairman, 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 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 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. HAY. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Ohio.

Mr. HAY. 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, 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 there. I do not know whether the gentleman remembers the case of Governor Davey when he was defeated by 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 state 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 were going to cut 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 they 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 office." 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 spend a certain 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, I read that a person operating on the assumption that for every member of the union you are reaching with labor publications, that you are simultaneously reaching their spouse as well, and two from parents, 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 parents, and to those talks already somewhere in the neighborhood of 60 million voters.

I would also like to comment in response to the gentleman from Ohio on knowing that I have made to him, in agreement with a quotation by Mr. Meaney 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 see these votes in the ballot boxes, but I think 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 make a sound estimate as to how people would vote and I think I would be good enough to know how the outcome would be by being selective 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. Meaney himself said, the unions exercise selectivity in spending union money to get people to 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 votes, I think I probably will end up helping me more than hurting me. So if 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. If the gentleman wishes to respond, I will be glad to yield to the gentleman.

Mr. HANSEN of Idaho. Mr. Chairman, I believe there are 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 sides, and I have to 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 anti-labor 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 810 of title 18 has been interpreted to mean.

Mr. CUDE, Mr. Chairman, will the gentleman yield?

Mr. WIECK of Wisconsin. I yield to the gentleman.
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 interpret that 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, non-partisan 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, which involves voluntary contributions, is 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 would 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 is time 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 non-partisan 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 who are stockholders or customers of danger to their advantage 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 Court then went on to say that "the evil" which Congress may constitutionally regulate is "the use of union funds to influence the public 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 provided for in the law in section 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. 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 in the House administration bill and refers equally to corporations, national banks, and labor organizations.

To me the issue solves back to that of voluntary 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 say if 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 has 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 compulsory versus voluntarism is beyond 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.

(B.Y unanimous consent, Mr. Steiger of Wisconsin asked to be heard 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. Mr. Chairman, I think 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 it, we are talking about corporations which, at least in the title 18 cases which I come from Michigan, 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 generally limited to labor campaigns 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, giving them 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 have to cut you off. I think the gentleman is getting a little bit further afield. The other body is now considering a bill and refers equally to corporations, national banks, and labor organizations.

Likewise, non-partisan 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, which involves voluntary contributions, is 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 would 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. CRANE. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I thank the gentleman for his contribution.

Mr. Chairman, I rise in opposition to the Hansen amendment primarily because, if adopted, it will preclude consideration of the Crane amendment. The purpose of the House Administration bill, the Hays bill, before you, H.R. 11060, 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 an unfair bill 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 APL-CIO amendment.

Whereas some gentlemen formerly insinuated that union political activities are funded exclusively by voluntary contributions from members, union officials now complain that Mr. Crane’s proposal would “deceive union activity perhaps enhanced by Treasury money, connected in any way with Federal elections.” Their complaint raises 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 contributor 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 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” drives 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 chokey when we choose districts to try to lose a battle so we can lose a vote in the ballot box, so that when they go in we have a pretty good idea how they are going to vote.

Furthermore, APL-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 “aired 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 of voting age, and we have to make sure that they understand what America’s choices really are. And we have to make sure that everyone who 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 his support for my amendment which I hope I will have a chance to introduce.

I want to comment on some of the remarks made earlier. Frankly, I find it somewhat surprising that the gentleman from Wisconsin would 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 point out a quotation of Justice Black on the subject.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(Government of request of Mr. Crane, and by unanimous consent, the time 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 use of get-out-of here, as it is 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.

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. A 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-of-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 extended?

Mr. CRANE. It would be significantly broadened and in my judgment it would be to the detriment of most Americans.

Mr. DEVINE. 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 prepare 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 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; 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 the 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 the 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 186 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 on behalf of a particular candidate and yet that is not accepted by 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 proposed 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 for union members while the Crane amendment would not.

I cheeringously supported the Crane amendment in committee in its unexpurgated version, which is stronger than the version now in the Hansays 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 past, to 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 the Committee on House Administration. If 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 don’t 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. There is the importance, in my judgment, of defeating the Hansen amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HAYS) in the 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 CCCFE 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 Chair appointed as tellers:

Messes. Hansen of Idaho, Crane, Hays, and Dennis.

The Committee divided, and the tellers reported that there were—aye 232, no 147, not voting 51, as follows:

[Roll No. 416]

[MR. CRANE’S TELLER VOTE]

AYES—233

Abourezk
Abzug
Adams
Addabbo
Albert
Anderson, Calif.
Anderson, Ill.
Andrews
N. Dak.
Annunzio
Ashley
Aspin
Badger
Baker
Baldwin
Baldwin, Me.
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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 pages 21 and 22 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 reads 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 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 problems described above 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 Michigan (Mr. HAYS), 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 that 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 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 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 reads 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 run-off, 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 telephone and automated equipment, when telephones are used in banks, five or more others are required 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 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 introduced to offer to the substance of the Maccordial bill, which I 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. Where 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 the 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. It might be 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 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 congressional district 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, as 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 already covered by this—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, says 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 that we have bought 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 gentleman 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 back-door way of amending title I, which has already been adopted?

Mr. BINGHAM. I would say to the gentleman 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 the most artful way to accomplish the purpose, but I would also assume in conference the conferences 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 regretfully 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 amended and 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 expenditure, for any successful 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 extremely 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 nominal fee have a box anonymously and 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 districts 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 control.

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 to the same nitpicking that everybody here has been deplored with regard to television and radio. This is easily proved, because if you buy 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 out 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 this matter, 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 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 commercial and representation 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 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. The Bank of Massachusetts 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, five telephones that were used for calling out, 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 to see 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 that. And the money that you would pay 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 the individual who has on his own time and on his own phone calls up his friends.

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 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, no. 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 districts, 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. FICKLE. 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 opponents—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, legal; 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 in heart want to write a bill that the Post and the Star would like. I take it 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 attempt by 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 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, Mr. Chairman. I am not trying to kill anybody.

Mr. ABBITT. I yield to the gentleman.

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 trying to put any sense of spending money for banquetos or about buying balloons to pass out at fairs or mail 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 many States where you can raise as much money as you can in Texas, but there are plenty of States where they are raising every penny 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, 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. Any 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 many thousands of dollars in business.

Mr. Mc Kinney. 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 bollierroom and computerized mail operations have become one of the most vicious unreported campaign tactics going. I will support this amendment to bring this to a stop.

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 worker.

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 the bill and certainly make it less of a reform measure.

In the second place, Mr. Chairman, these expenditures are really not auditible. 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 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 bollierroom or computer mailing under the limitations imposed here, he could do better than 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 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 cur 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. Po dell).
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 National conventions are held, and these conventions bring business to the cities that far exceed the monies 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 thus in turn bring 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 indicated that a convention 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 amounts 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 pur, and, second, the amount paid is reasonable in the 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. Chair, I have 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 extent that the courts have 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" in connection with a subsequent convention makes 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 corporate contributions 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 costs of the convention phase of our campaign process. I hope that by raising this matter at this time there will be no longer 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:

Mr. UDALL. Mr. Chairman, I offer an amendment to the Amendment in the Nature of a Substitute offered by Mr. Harvey: Page 44, line 18, insert "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 part cular 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," which 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 offered 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) 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 in this Act."

"(8) 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. One of the reasons for enacting the Federal law are very ancien; and have unrealistic and unworkable spending limitations and all the rest.

This amendment contains 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 Federal bill, you would have to report amounts greater than the state limit of $5,000.

Mr. UDA LL. This says you can do that without violating State law. Mr. POD ELL. 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 with the 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? Would it not be better 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 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. Federal law would apply in that case, and you have to comply with the Federal law. Under the Symbington 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 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. POD ELL. Will the gentleman yield?

Mr. UDALL. I yield to the gentleman from New York.

Mr. POD ELL. 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 Symbington amendment, which we just adopted, it is $50,000 on these five categories.

Mr. POD ELL. 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. POD ELL. 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.

Mr. POD ELL. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

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. POD ELL. Mr. Chairman, if the gentleman will yield, only for the purposes of clarification.

Mr. GERALD R. FORD. How long is the amendment?

Mr. POD ELL. 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. POD ELL. 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. Posell to the amendment in the nature of a substitute offered by Mr. HARVEY: Page 45, insert after line 14 the following:

PODELL-SUBSTITUTE 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 caucus of a political party held to nominate a candidate.

(2) The term "candidate" means an individual who seeks nomination for election, or election as a 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 (A) it takes the action necessary under the law of a State to qualify himself for nomination for election, or election, of $50,000 or more, or (B) it receives contributions or makes expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to being nominated for election, or election, to such office.

(3) The term "Representative" means the office of Representative of the House or Resident Commissioner to the Congress.

(4) The term "political committee" includes any committee, association, or organization of persons that makes 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" means any in any amount and services or property (other than money) the value of which exceeds $25.

(Notwithstanding paragraph (6) and subparagraph (A) of paragraph (1), the term "expenditure" when used in this section shall not include (I) the rendition of personal services or compensations 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 Senator of his candidacy—

(1) may not exceed the limitation determined under subsection (c) in any general election.

(2) 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.

For purposes of an expenditure shall be regarded as having been made on behalf of a candidate if it is made to influence an election, or the consent of the candidate or of any political committee supporting his election or agent thereof.

(a) Any person who violates this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) This section shall apply with respect to elections occurring after December 1, 1971.

Mr. GERALD R. FORD (daihng 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. POD ELL) desire to make a unanimous-consent request?

Mr. POD ELL. 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, read just 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. SYMRINOR) in that the money cannot be carried over from one election to the other just read by the Clerk.

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 offices—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, 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 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 could not understand what he meant in that title I have already covered that subject, and have put in a cost-of-communications escalator: in which, as the cost of communications grows, then the amount 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 how 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 II, and today we have the Macdonald amendment where we affirmed what we said today and we agreed we were not going to throw up old ground.

Now it seems we are doing just exactly that. You have adopted 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 wish to 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, the question of the amount of limitation in the Macdonald amendment, it simply means if it is limited to one who spends $10,000 on television, he can do it. But if he is going to spend $50,000 on television, he 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 nillionaires who want to enter into campaigns and spend hundreds of thousands of dollars for a District of Columbia campaign for Congress. I think it is wrong.

Mr. HARVEY. May I ask my friend another question?

Does this do away completely with any categories of expenditures that were set up this Congress by recording media, newspapers, 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 1960 when the next census is taken mean a very great deal to some candidate or to some challenger in a district that is 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. C'ARA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I represent one of those mushrooming suburban districts that have experienced sudden growth. Most of the State 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, we do not 650,000 of voting age, and the Macdonald amendment speaks against 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. And 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 it. Everybody has contributed very large sums. Certainly, while those representatives beholden to large contributors. I ask that the Podell amendment be agreed to.

Mr. UDALL. Mr. Chairman, I move to strike from the 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, defendable 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). It is million would not be a difficulty I do not believe I could have withheld 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. Hayes) made on this subject awhile ago in talking about the Bingham amendment. I associate myself also with what Mr. MacCormack 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 could be tracked, 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 matchbooks, nail files, and ballots, we are not controlling it. But, 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 charge is? Mr. Chairman, I think we have a good middle ground that we should not depart from.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Minnesota.

Mr. Hayes. 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? It would 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. That I reported. I think a $50,000 limitation, when I get to $49,500, I quit spending.

Mr. UDALL. You have a good law in Ohio, in which the gentleman from New York (Mr. Podell) says we do not want to breed hypocrisy and evasion by trying to limit some things that we cannot effectively limit.

Mr. EDMONSON. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Oklahoma.

Mr. EDMONSON. Mr. Chairman, I thank the gentleman from Arizona for yielding.

I think the gentleman is talking practical common sense 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 heard a lot of stuff about our gentlemen in the 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 prounincement bill, such as has been made in other States, 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 this kind of ceiling on the challenger is not to truly think. I think he is making this a pro-incumbent 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 yesterday and today, 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. Hayes. 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 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.

Mr. Hayes. 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 support there are differences in the maintenance of the districts, but I find if one goes out to spend money in an election, the 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 spending. I wonder how any normal person can vote on an incumbency, great differences in the Congress of the United States when we are quibbling about a limitation on only a restricted type of spending of almost two and half times our total gross total in this bill.

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 2% percent of winning the Senate and would have won 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 public 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 us out of.

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 opinion a big spender, it would be good for me to defeat his amendment, because all my campaigning is done with little things. There is a matchbook now and then, and maybe a little pen or a 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 "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 think they are 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 CHAIRMAN recognizes the gentleman from Ohio (Mr. Bipson).

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-

the spending by non-incumbents who are trying to unboss an incumbent Member of Congress.

I suppose it 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 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 continuously for 2 years. We all make those trips home, as the gentleman from Pennsylvania (Mr. Den.) indicated, to go to public functions and baptisms and weddings 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 great disservice.

The CHAIRMAN. The gentleman from Minnesota (Mr. Fresnel).

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 thing 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 Mondale amendment, and renders the Mondale 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 Mondale amendment.

This does not do anything to protect your 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. DANIELSON) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. Harvey).

The amendment was rejected.

Mr. DANIELSON. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

Mr. DANIELSON. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

Mr. DANIELSON. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

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 offered by Mr. Harvey: Page 30, lines 6 and 10, after the word "values" in line 9, strike "excess of $100" 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 11, page 31, line 13; etc.

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. Mr. Chairman, 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 not 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: 

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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 the 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 in 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, so as 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 Judicial partaking 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 the separation of powers go so far as to 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 you commit, every promise, every lie. 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 be certain, 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, say, 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 still say to the gentleman from Illinois 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 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.

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 era in the 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. Nobody will believe that your local newspapers and your opponents have the right to know what you are spending in your reelection 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, say in 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 books, 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 people phoned and going 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 were seen to be 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 here.

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 98 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 335 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 the Member. 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 spending.

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 disinterested. 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 him and urge the defeat of the amendment.

Mr. ABBITT. Mr. Chairman, I move to strike out the sentence. 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 about the local election.

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, 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 real bummer 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. Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman. 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 to the press and to everybody else in the country—I believe this part of the bill is just whitening 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 of the President of the United States to whom we would have to report—How do we know it?

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 the Congress by the way it is written. I would report here, and nobody 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 know what 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 bellified 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. Mr. Chairman, when a 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 of election expenses 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 UPI or AP. 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 UPI or AP. Nevertheless, it is a hundred times better than examining 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’ll defeat this amendment.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from New York.

Mr. UDALL. 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 basic to the 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 this simply to any 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 you not pick somebody else out? Why did you not pick out the Sec-

Mr. FRENZEL. Mr. Chairman, the an-

Mr. STAGGERS. If the gentleman will yield further, there are 384 districts that do not have district courts. Yet there is a discussion of the bill to the district courts. I would say why we not find some-

Mr. FRENZEL. Mr. Chairman, I did not mean that any Member was antidis-

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 listen-

Mr. WAGGONNER. The gentleman is exactly right. There is a matter for the Congress and not the courts until some-

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 expenditure limitations 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 expenditure limitations if we want to look at it, some of them consti-

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. Mr. Chairman, 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 gen-

Mr. UDALL. We could file it with a 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.

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 asking 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 picture of what the Physical setup of my office 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 an office 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. We served the papers on everybody. 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 afternoon, that is another thing.

That is only on the pre-election 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. With the gentleman yield? Mr. PATTEN. I yield to the gentleman from Ohio.
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 reads 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 CHAIRMAN. The question is on the amendment in the nature of a substitute 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 reads as follows:

Amendment offered by Mr. HAYS to the amendment in the nature of a substitute offered by Mr. HARVEY: Page 46, 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 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 renumber the following section accordingly.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. HAYS. Mr. Chairman, the amendment would merely prohibit the use of Federal funds for election activities and any of its adjuncts in setting up political organizations in any community to influence the vote in any primary or general election of any Federal office. The amendment would prohibit the use of any funds by any Federal agency in the nature of a substitute offered by Mr. HARVEY.

Amendment offered by Mr. BINGHAM to the amendment in the nature of a substitute offered by Mr. HARVEY: Page 17, line 23, after the word "family" insert "under his control". Strike out line 8 through 31 and insert in lieu thereof the following:

(b) No individual may, in any calendar year, engage in the use of personal funds (including contributions from the personal funds of his immediate family) for the purpose of influencing the election of any candidate for a Federal office for the purposes of this subsection, be deemed to contribute any money to the campaign of the candidate for Federal office for the purposes of this subsection, be deemed to contribute any money to the campaign of the candidate for the office of President with whom he is running.

(1) For the purposes of this section, "immediate family" means the parent, child, grandparent, or grandchild of such personal funds (including contributions from the personal funds of his immediate family). The amendment would limit what the candidate's family members could spend on behalf of the candidate and would provide relatively generous limitations on individual contributions to campaigns.

Mr. BINGHAM. Mr. Chairman, what this amendment does is to incorporate into the Hatch 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 CHAIRMAN. The gentleman from Ohio, in his amendment, provides limitations on candidates of $5,000 for a candidate for President or Vice President $35,000, for a candidate for Senator, and $25,000 for a candidate for the House. The limitations include the members of his family, which are defined quite broadly to include not only the child and parent, grandparent, brother, and sister.

What my amendment does is set some limitations, but it is true that they are quite gener-ous limitations, on contributions to candidates. 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, and 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 a 32 to 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. This is the portion of it which uses the words "under his control." I believe those were the words.

This troubles 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. It 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 of 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, such a contribution 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 only if 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 Colorado.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. Roussinot. 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 propose 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. Colliner, and Mr. Abbot 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 home and to 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 ceiling upon what that a person could contribute to a candidate or to a committee was overwhelming, but more important, was that the White House was violently opposed to such an amendment. And for that reason I think 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 get us a long way towards 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 would place a ceiling 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 using $100,000 to buy stock 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, no limit was placed upon that 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 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. Upon those, that is the reasons why they are in favor, rather, of the students who say they are not able to contribute so
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 the amendment. 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 guy who knows whose candidates probably would not be determined or who are not to be announced candidates until the election year, and they would have a $35,000 limitation. But if a person wanted to announce, say, 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 the things 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. It means that each generation can contribute $1,320. If you are married, that makes it $870.

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 implication on a person's right to express himself on a campaign, I'm not sure what it is.

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 as a citizen, I think that free citizens 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. Price).

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 his 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 a candidate nominating 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 proud that we have limitations on the powers of the 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 this point 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 here and written ten 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 have better decide right now whether you want a bill or an issue. We have a cracker jack bill here today. It will stop millionaires from buying Senate seats. No one will be able to buy the presidency under this bill. This amendment is not a 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 never look 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 is 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 $4,000, 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 of Professor Freund of Harvard Law School and Professor Freund 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 we 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, $25,000 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 a Bill of Rights. 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 tangential to 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 no contribution 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 stripped anonymity to those who contribute personal or noncash services. We have already given them unlimited ability to contribute those services. They 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 in one congressional campaign should be 435 times that allowed for a congressional campaign. That ratio would allow contributions in excess of $2 million. Instead, the 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 an 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 thing 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—recognition and 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. This provision is entirely 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 if 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. McCArDOON).

[By unanimous consent, Mr. McCaArdoo of Massachusetts yielded his time to Mr. HAYES]

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 incredible that my friends on the other side of the aisle many of whom I know sincerely dedicated to the cause of campaign finance reform, would put such an opportunity 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 contribution 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 1963.

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 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 amending, 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 bipartisanism 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 confront an extremely sensitive election reform bill and it is my sincere hope that the final product will represent a major step toward restoring public confidence in the electoral process and its elected officials.

There seems to be 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 the organized—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 a lot loophole than law. Their limits do not limit and their penalties are empties 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 a matter of fact, 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. 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 strengthens 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 not the final call 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 the dual-time provision of the Federal Communications Act, for presidential and vice presidential can-
make the electoral process more responsive and more responsible. It will represent true response to a public demand which has been expressed year after year, 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, is to restore and strengthen public faith and confidence in the National Government.

Our more immediate purpose is to try to ensure 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.

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, would be accepted by the House when that measure comes before us in the near future. It seems to me that, in the final analysis, 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 assure the public integrity of our electoral 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 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 affiliations, we can patriotically legislate in the lasting national interest by restoring public confidence 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. Therefore, I urge that the House will overwhelmingly accept this 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 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 work and working men 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 working men 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 unhampered 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 as a ringing affirmation of the right to limited 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 providing free air time to the remotest corners of the Nation. A wired society is in the immediate offing, and political candidates are being whooped by the political costs. The few social interests do not deliver. Massive amounts of campaign money are too often in a commanding position as far as eventual influence upon an elected candidate’s voting positions. This is 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 46 years. If this is not disinfectant, and we must make public servants consistently pour their perquisites. Most major corporations have persisted in making 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 allow 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 this 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 who have a voice 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 feels the 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 candidates, within the limitations applied to all others.

It is interesting to note that labor union outlays, $1,079,000 on 24 successful Senate candidates last year, up to as much as $151,000 for the winning candidate. In addition unions contributed $669,000 to 17 unsuccessful Senate candidates.

On the House side, 32 successful unbound candidates got more than $10,000 each, with $149,000 going to unsuccessful candidates.

But that is not all. There were 58 additional successful candidates for House seats who received $5,005 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 only one front. 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 bill will be widely accepted by the American public.

Mrs. ABZEG. Mr. Chairman, as we pass this bill, we are lulling ourselves to 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, as a Congress, should consult with the people and all others who have a voice in 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 breaks to encourage or require 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 procedures to insure that the public is aware of whose money is supporting the po-
ilical campaigns of its elected repre-
sentatives. Reporting provisions must be
timely so that abuses are not turned up
g ays after the election, but in time for
actions in the post-election period. The
denalties for violations must be severe enough to make can-
didates resist the temptation to evade the law and realistic enough that our law
forcement authorities take them seri-
ously.

Primary elections must be subject to the
same regulations as general elec-
tions. This is fundamental and cannot
be avoided. The price of money spent in the
final stage of the process and ignore it at earlier stages is
itself-defining 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 to purify the process
of money at the final stage of the pro-
cess and ignore it at earlier stages is
itself-defining or contemptuous of the
public intelligence.

Mr. BLACKBURN. Mr. Chairman, I dis-
agree with you. Many members have
discussed the need for full disclo-
sure of all campaign finances. I believe
there are arguments in opposition to this
proposition which have not adequately
been presented to this body.

There have been developed that:
First, the cost of political cam-
paigns has become so high that America
can no longer afford unregulated democ-
archy in action; second, "fat cat" contrib-
utors demand commitments from can-
didates 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 repeti-
tion, they are rapidly approaching the
status of dogma. And, with the interrup-
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every contributor and the amount of his
contribution.

The demands for a complete disclo-
sure and the amount of contribu-
tions is probably the most questionable
argument being advanced. In the first
place, a dishonest candidate and a dis-
honest contributor are not going to re-
port their financial transactions as they
would be an impossibility to adequately enforce
such a provision of law. The honest can-
didate and the honest contributor would
be the only disadvantaged.

The implications 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 difficul-
ties 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 busi-
ness connection, or professional connec-
tions, may wish to support a candidate
who espouses a political ideology for
which they hold a vicarious responsibility. At
the same time, they might fear retaliation
against their business interests of their
professional association by persons hold-
ing positions of authority who do not
agree with their thinking.

Ironically, it is the small businessman,
seeking to hold government-related busi-
ness, the union member, seeking to sup-
sort a candidate his union leadership
supports, or the college professor seek-
ing to establish tenure with a college having
a leadership of strong political philoso-
phy contrary to his, who would be the
least able to afford public disclosure of
their financial support for political can-
didates. 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 ex-
dent of participation by the "little
man" that these laws ostensibly are seek-
ing 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. Pri-
ivate wealth has become a corrupting
force in American politics today, not be-
cause 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 prop-
erty of those whose political contribu-
tions attract the support of the wealthy.
This is not an ideological or party mat-
ter. 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
of the American political system. People
are well aware of the many ad-
vantages 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 referred to 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.

Mr. C. R. 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 led 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, bipartisanship.

"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 and 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 column:

**CRANE FINDS WHO IS IN HOUSE (By Willard Edwards)**

WASHINGTON, December 25.—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 major in the House, that is, 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.), the majority leader, or the Democratic chairman of House committees.

These Democratic bosses, however, found, when organized labor, in the person of Andy Bensiller, 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. It was a fateful moment for a freshman as well as a university and as an author a.d expert on the problems with which the committee deals.

Instead, he was shunted to a spot on the banking and currency committee. To legislate 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 H. Albertson, chairman of the committee, and Rep. William H. Ayres (R., 0.), the ranking minority member.

All agreed that Crane was a "natural" for the committee. The Democratic 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 and 37 members from 35, putting Crane and Mrs. Chisholm in the two places created.

But when labor lobbyist Bensiller learned of this plan, according to bipartisan sources, he put his foot down. The committee, with considerable reason, as his domain. He made it clear that his opposition was based on an averiance for Crane, a conservative who in his book, "The Democrat's Dilemma," denounced control of Congress by a labor party, mentioning Bensiller by name.

Protests against the Democratic leadership proposal were led by Representatives Roman C. Fucini (D., Ill.) and Augustus P. Hawkins (D., Cal.).

In vain, McCormack, much disturbed, pleaded with these objects that he had reached 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 Bensiller, 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 this. Fucini engineered the Ford amendment to include a provision that would deny a substitute for Mrs. Chisholm. The issue of a committee enlargement would be sent to conference, the last resort in the House.

A last-minute attempt was made on the House floor to secure unanimous consent for the committee enlargement. Both Fucini and Joe D. Waggoner (D., La.) were able to object, Waggoner, whose objection was presumably aimed at Mrs. Chisholm, woz.

"It is a disappointing case in the history of the House," Crane said of the experience. "It certainly proves my contention that Congress is dominated by labor chiefs to the point that 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 tien 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 workable, it has, in practice, failed to prevent 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:

"To reduce the undue and disproportionate influence of labor unions upon Federal elections; to preserve the purity of such elections against the use of aggregated wealth by union as well as corporate entities; and 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 short, they have transformed 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-
not only represents trade union members and members of the House of Representatives but the results of labor's registration drives in the Negro, Puerto Rican, and Mexican-American communities. In many states, labor did the registration for 50 cents a head. He confidently predicted that 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 communities of more than one million people. A half million pieces of literature, especially prepared for the Negro community, were distributed. We were the major force in getting out the Negro 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.

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.

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 to 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.

In a few months ago a group of McDonnell-Douglas Corporation 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 case was tried by the district 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 for purposes of which the plaintiffs oppose renders them captive to the ideas, associations and causes espoused by others. At the same time it deprives their own causes of the support of the fund and prevents them from expressing their opinions in any self-determined fashion. (Seay v. McDonnell Douglas Corp. 427 F.2d 996, CA 9 [1970])

If additional proof is needed to confirm labor unions' involvement in partisan politics, listen to this. In January 1968, AFL-CIO Executive Director Andreas reported to the convention of the Hotel and Restaurant Employees and Bartenders Union in Chicago. He told of the trouble he and a member of the House of Representatives talked principally about the 1972 presidential election, according to the Chicago Tribune.

Mr. Barkman cautioned his audience not to become confused about its priorities. He said:

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 dues 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 saved 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, for one, I am appalled that we would campaign to our country's union members.

In the House Administration Committee, of which I am privileged to be a member, my bill—H.R. 1259—was accepted in modified form as section 8 of the bill under consideration, H.R. 1160. My bill thus became title 8 of the bill which we are presently discussing.

When the Penzel-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). He allowed 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 363 to 147, which precluded consideration of the Crane amendment.

I say "regrettably" Mr. Speaker, because the Hansen amendment in no way
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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.

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 are outside the limitations of the law. The section 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 Corporate 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, in more integrity of free 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 compulsory union dues and for 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 corporations from using corporate money for 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 standard 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 Mann 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 talking about a minimal amount in this district in which we want to get 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 activity is aimed at union members and their families. While vigorously attacking President Nixon, he said:

Over the next 13 months labor and its political arm obstructs the real problem of campaign reform. We have to carry our message to every American eligible to vote, and we have to make sure that they understand what America needs in President Ford’s administration.

Clearly, the leaders of organized labor are attempting to influence union members and all other voters in the Nation. They are using their money to provide 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 Sirs: Mr. Califano’s plea for public subsidy of campaigns (November 15, 1971) on the basis that some elected officials are too indebted to an elite group of wealthy individuals obscures the real problem of campaign reform. The less than $5 million which he cites as having been spent by these individuals on the Republican candidate in the 1968 Presidental race is a pittance compared with the more than $50 million spent by the various unions on the Democratic candidate in the same election. Beyond the quantitative differences, however, the real difference is that the money given by wealthy individuals is generally given on a free basis, whereas 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. Union officials virtually spent $10 million 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, and I think to the vast majority of Americans, that while neither they nor I am completely pleased with largesse of wealthy individuals, nonetheless this does much less violence to the conscience and free will of the individual citizen than does an automatic $10 take-off from a $300 a month pensioner.

A second area of campaign reform which Mr. Califano conveniently ignores is the money 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: Congress, in 1968 during the campaign period for such items as air fares, telephone, printing, etc., thus overextending yourself for your favored income and, then, when the can goes to the people, 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 those who paid the taxes (usually 40% of the net profit for these corporations) will also decrease proportionately. Thus, the $9 million debt of the Democratic National Committee and its allied groups will end up costing the taxpayers more than $36 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 adding 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, entitled “Protestor” and “tax evasion and coercion” in the Marine Engineers’ Pension Association养老基金会。The MEBA is a constituent unit of the AFL-CIO. They finance their political activities by means of a National Committee fees of $10 a month from retired members and of the amount of money provided almost on a compulsory basis from members.

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Cordially,

EDWIN J. FEULNER, JR.

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 organization.

Delegates to the Teamsters Union convention adopted what is generally regarded as an omenous amendment to their constitution. It authorizes the general pledge of all union political 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 restrictions 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-
to 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 con
troversial title 18, has
time bill is a matter that was not
time a majority 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.

Inclusion of my amendment in the
legislation considered by the House 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 con
ducted 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,
desire to have the use of involuntary
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 involuntary
funds are used for any political purposes. Mr. Speaker, we have
done in this most elemental regard, and
therefore, the bill which is before us is a
mockery of campaign reform. Worse still, the amendment introduced by
those who are pulled into believing
significant reforms have been introduced
when belatedly they discover the truth.

I, for one, will not be a party to this
decree. 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 introduction at 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 unions, it was denounced as
allobor by union spokesmen. I
include excerpts from letters I have re-
ceived from Mr. Biemiller, the legislative
director of the AFL-CIO and from Mr.
Fitzsimmons, president of the Teamsters
Union:

One provision, the Friedman, is
patently and properly interpreted, this
amendment would prohibit all union
activity financed by treasury money,
conducted in any way with federal elections.
This provision would include prohibi-
tions 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 Friedman
amendment would continue present permission for
educational and registration activities, but
would prohibit any "get out the vote"
activities.

The Friedman 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 by the basic principle that
exercise of the franchise is a civic
right.

If the Friedman amendment is offered to the
substitute (H.R. 11290), the AFL-CIO urges
you to vote against its adoption. If the
substitution bill fails and the House is amending
the bill, the Friedman amendment
urges you to support the effort to strike this
unfair provision.

Sincerely,
ANDREW J. BIEMILLER, Director.

We call your special attention to the
"Friedman Amendment," introduced by
Congressman Philip Crane (R.-Ill.) which is
directed toward labor unions. This amend-
ment, if adopted, would seriously im-
pair efforts to extend to all Americans the
right to vote to thousands, if not millions of
Americans who would otherwise fail, through
ignorance, fear or apathy, to express their
political opinion. We, you and our institu-
tion, cannot allow those few who fear the
will of the American people to narrow the
exercise of the right of the right to vote.

We cannot express too strongly that the
"Friedman Amendment" must be defeated in order
for the American political base not to
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


DEAR COLLEAGUES: Section 8 of H.R. 11060,
the Election Reform Bill, contains a provision
which would strengthen that portion of exist-
ing law (section 610, Title 18, U.S.C.) which
prohibits contributions and expenditures by
banks, corporations and unions in con-
nection with Federal elections.

In 1947 the Congress amended Section 610
to cover political contributions and expendi-
tures by labor unions... the effects of this
provision were summarized as follows in 1948 by the U.S.
Supreme Court in U.S. v. CIO, 335 US 105: "... (2) Has... been regarded in the light of recent experiences
as the undue and disproportionate influence of
labor unions upon federal elections; (3) to
prevent unions from using treasury funds,
against the use of aggregated wealth by union
as well as corporate entities; and (3) to
prohibit union activities in election campaigns 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 did 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 had the express 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,
being denounced as "anti-labor"
by union spokesmen.

Whereas these spokesmen formerly insisted
that union political activities are funded exclu-
sively 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 the result of misleading your people.

In the first place, Section 8 includes this
notable safeguard:

"Nothing in this section shall preclude an
organization from establishing and admin-
istering a separate contributory fund for any
political purpose, including voter regis-
tration or get-out-the-vote activities... gifts or payments to such fund are made freely and voluntarily, and are
unrelated to dues, fees or similar payments,
as a condition of membership in such or-
ganization or as a condition of employment."

Secondly, this is an abundance of evidence
proving that the "get-out-the-vote" campaigns are not non-partisan.

George Meany himself has acknowledged:
"If you are a member of the AFL-CIO and
you do want to vote, you will get a vote in the ballot box."

In the same way, in the next 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 where
America's choices really are. 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 other voters in the manner that they are
using union dues money provided mostly
on a compulsory basis from members.

The interests of members who oppose
the political views of union officials are
not being protected under existing law.
Because the members are obligated to pay
dues in order to remain in their em-
ployment, they are powerless to forestall the
diversion of their dues into partisan politi-
cal activities.

Only the avenue of costly litigation is
open to them (the only such cases on record
required more than ten years in court), and
the use of their limited means is it beyond
their reach.

I solicit your support for the Crane
Amendment.

PHILIP M. CRANE.

793
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:


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 corporate 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 reasoning for this overwhelming endorsement is clear. Small independent businessmen view recent trends in political financing as alarming and dangerous. The spectacle of big business exploitation of their limited economic power and resources to vie for leadership will be halted by the passage of the bill. I hope it will pass.

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 the potential of this bill. 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 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 but I am trying to get the best I can.

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 endeavor 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 were defeated, Mr. Frenzel said it would take away from the aged and infirm their right to vote. 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.

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Mr. Speaker. The question is on the amendment offered by the gentleman from Michigan (Mr. BINGHAM) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HAYS).

The amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. BINGHAM) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HAYS).

The amendment was agreed to.

Mr. Speaker. The question is on the amendment adopted by the Committee of the Whole.

The amendment was agreed to.

The CHAIRMAN. The question is on the amendment adopted by the Committee of the Whole.

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.

Mr. 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]

YEA-S 373

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Perhaps the funniest statement I have heard today is that if this amendment were defeated, Mr. Frenzel said it would take away from the aged and infirm their right to vote. 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.
November 30, 1971

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So the bill was passed.
The Clerk announced the following pairs on this vote:
Mr. Burton for, with Mr. Hibbert against.

Until further notice:
Mr. Garmatz for Mr. Ross. No objection was made to the use of any communications medium on behalf of his candidacy for any political party's nomination in an election to the office of the Commonwealth of Puerto Rico.

DEFINITIONS

Sec. 102. For purposes of this title:
(3) The term "broadcasting station" has the same meaning as such term has under section 315(d) of the Communications Act of 1934.

(4) The term "legally qualified candidate" with respect to Federal election 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 over.

(6) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.
\[ \text{} \]

\[ \begin{align*}
\text{(C) The Attorney General shall prescribe regulations under which any expenditure by a candidate for Federal office or political organization for the use in two or more States of communications media shall be attributed to such candidate's expenditure by limitation in such State, based on the number of persons in such State who can reasonably be expected to be reached by such communications media.}
\end{align*} \]

\[ \begin{align*}
\text{(A) During the first week of January 1974, and during such week in every second subsequent year, the Secretary of Commerce shall certify to the Attorney General and publish in the Federal Register an estimate of the voting age population of each State and congressional district for the last calendar year ending before the date of certification.}
\end{align*} \]

\[ \begin{align*}
\text{(B) During the first week of January 1972 and during such week in every second subsequent year, the Secretary of Commerce shall certify to the Attorney General and publish in the Federal Register an estimate of the voting age population of each State and congressional district for the last calendar year ending before the date of certification.}
\end{align*} \]

\[ \begin{align*}
\text{(5) Amounts spent for the use of communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this section, be deemed to have been spent by such candidate. Amounts spent for the use of communications media by or on behalf of any legally qualified candidate for Federal elective office (or nomination to such office) shall, for the purposes of this section, be deemed to have been spent by such candidate.}
\end{align*} \]

\[ \begin{align*}
\text{(7) For purposes of this section and section 315(c) of the Communications Act of 1934, any expenditure for the use of any communications medium by or on behalf of the candidacy of a candidate for Federal elective office (or nomination thereto) shall be charged against the expenditure limitation under this subsection applicable to the election in which such medium is used.}
\end{align*} \]

\[ \begin{align*}
\text{(B) No candidate or political organization shall be charged for an expenditure for the use by or on behalf of any legally qualified candidate for Federal elective office (or nomination to such office) of any newspaper, magazine, or other publication by which such candidate (or a person authorized by such candidate in writing to such person to act for such candidate) makes a campaign expenditure charge (as defined in section 317, as amended), which may not exceed the amount of the expenditure limitation for such candidate.}
\end{align*} \]

\[ \begin{align*}
\text{Section 315 of the Communications Act of 1934 is amended by redesignating subsection (c) as subsection (d) and by inserting after such subsection (e) the following new subsections:}
\end{align*} \]

\[ \begin{align*}
\text{(c) No station licensee may make any charge for the use of such station by or on behalf of any candidate for Federal elective office (or for nomination to such office) unless such candidate (or a person specifically authorized by such candidate in writing to such person to act for such candidate) certifies to such licensee in writing that the payment of such charge will not violate paragraph (1), (2), or (3) of subsection (a), whichever is applicable.}
\end{align*} \]

\[ \begin{align*}
\text{Chapter 741, House of Representatives, November 30, 1971}
\end{align*} \]

\[ \text{constitutional convention for proposing amendments to the Constitution of the United States:}
\]

\[ \begin{align*}
\text{(b) 'candidate' means an individual who seeks nomination for election to a Federal office, whether or not such individual is elected, and, for purposes of this paragraph, such term includes a person who, in the case of an individual not a citizen of the United States, is a noncitizen of the political party or for which the election of delegates to a national nominating convention is proposed, to whom a political party grants a preference for the nomination of persons for election to the office of President, and (3) the election of delegates to a national nominating convention for proposing amendments to the Constitution of the United States.}
\end{align*} \]
corporation, or any other organization
or group of persons; and
(b) "State" means each State of the United States, the District of Columbia, the Com
monwealth of Puerto Rico, the Virgin Islands, the Territory or possession of the United States."
Sec. 302. Section 600 of title 18, United
States Code, is amended by adding at the
end of subsection (d) the following:
"(f) "primary" means election for any office or
candidate for any office for the nomination for
election to any office, or for the selection of
delegates to any political convention or caucus
held to select delegates to a constitutional
convention for proposing amendments to the
Constitution of the United States; or
(g) "delegated to a national nominating
committee" means to a national nominating
committee for the purpose of influencing the result of a primary or for the purpose of influencing
the nomination for election to the office of
President, for the purpose of influencing the
result of a primary held for the selection of
delegates to a national nominating committee
for proposing amendments to the Constitution
of the United States;
(h) "State" means each State of the United
States; the District of Columbia; the Common
wealth of Puerto Rico; and any "territory or
possession of the United States."
"§ 600. Promise of employment or other benefit
(a) entering into any contract with the
United States or any department or agency
thereof for the rendition of personal services or for
the furnishing of material, supplies, or equip-
ment to the United States or any department or
agency thereof or for any land or building or the
furnishing of material, supplies, or equipment in whole or in part from funds appropriated
by the Congress, at any time between the com-
 mencement of negotiations for and the later of
(1) the completion of performance under,
or (2) the termination of negotiations for
such contract, shall include any such contribu-
tion, to any political party, committee, or
candidate for public office or to any per-
son for any political purpose or use; or
(b) solicits any such contribu-
tion from any such person for any such pur-
during any such period;
shall be fined not more than $5,000 or im-
prisoned not more than five years, or both.
"§ 608. Contributions by Govern-
mor, or any other benefit
for political activity
"Whoever, directly or indirectly, promises
any employment, position, appointment, con-
tract, or any other benefit, provided for or
made possible in whole or in part by any Act of Congress, or any special
consideration to any candidate or any polit-
can in connection with any general or special election to any political office, or in
connection with any primary election or polit-
ical convention or caucus held to select can-
didates for any political office, shall be fined
not more than $1,000 or imprisoned not more than one year.
"§ 609. Contributions or expenditures
for or by a Federal officer, or a National or State
bank made in accordance with the applicable
laws and regulations 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 of 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 committee
for proposing amendments to the Constitution
of the United States;
(a) a contract, promise, or agreement
whether or not legally enforceable, to make
a contribution for any such purpose;
(b) a transfer of funds between political
committees;
(4) the payment, by any person other than
a candidate or political committee, of com-
pensation for the services of another person who is rendered to such candidate or
committee without charge for any such service.
"§ 609. Contributions or expenditures
for or by a Federal officer, or a National or State
bank made in accordance with the applicable
laws and regulations 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 of a presidential
and vice-presidential elector, for the purpose of influencing the result of a primary held for the selection of
delegates to a national nominating committee
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 com-
pensation for the services of another person who is rendered to such candidate or
committee without charge for any such service.
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made possible in whole or in part by any Act of Congress, or any special
consideration to any candidate or any polit-
can in connection with any general or special election to any political office, or in
connection with any primary election or polit-
ical convention or caucus held to select can-
didates for any political office, shall be fined
not more than $1,000 or imprisoned not more than one year.
"§ 609. Contributions or expenditures
for or by a Federal officer, or a National or State
bank made in accordance with the applicable
laws and regulations 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 of 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 committee
for proposing amendments to the Constitution
of the United States;
(a) 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 com-
pensation for the services of another person who is rendered to such candidate or
committee without charge for any such service.
vacancy in the office of chairman or treasurer thereafter, No contribution may be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every committee or candidate, or person soliciting funds for such committee or candidate, shall be required to make and keep such records, reports, and statements as the Federal Election Commission may prescribe, and shall, within ten days after the end of each calendar quarter, or such longer period as the Federal Election Commission determines, 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 name and address of, and the principal place of business, if any, of the person soliciting funds for such committee or candidate, or to each representative of such committee or candidate.

(c) The federal Election Commission shall require no record or report of any contribution or expenditure to be filed with the Federal Election Commission unless such contribution or expenditure is in excess of $5,000.

(d) Each report under this section shall contain:

(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 to whom any (or any portion of) any contribution to or from such committee or candidate (including the purpose for which such contribution or expenditure was made) made in excess of $100 in any calendar year, together with the amount and date of such contributions;

(3) the total sum of individual contributions in excess of $100 for or on behalf of any candidate for the period beginning on the date of such report and ending on the date of the immediately preceding report, together with the amounts and dates of all such contributions;

(4) the total amount of all contributions in excess of $100 for or on behalf of any candidate for the period beginning on the date of such report and ending on the date of the immediately preceding report, together with the amounts and dates of all such contributions; and

(5) the total amount of all contributions in excess of $100 for or on behalf of any candidate for the period beginning on the date of such report and ending on the date of the immediately preceding report, together with the amounts and dates of all such contributions.

(e) Each report required to be filed by such committee or candidate shall include:

(1) the name and address of the committee;

(2) the names, addresses, and relationship of the principal committees and candidates of the committee or candidate;

(3) the amount, date, place of all contributions, and the principal place of business, if any, of the person soliciting funds for such committee or candidate, or to each representative of such committee or candidate.

(f) Each committee or candidate shall include:

(1) the name and address of each representative of such committee or candidate;

(2) the name and address of each representative of such committee or candidate;

(3) the total amount of all contributions in excess of $100 for or on behalf of any candidate for the period beginning on the date of such report and ending on the date of the immediately preceding report, together with the amounts and dates of all such contributions;

(4) the total amount of all contributions in excess of $100 for or on behalf of any candidate for the period beginning on the date of such report and ending on the date of the immediately preceding report, together with the amounts and dates of all such contributions; and

(5) the total amount of all contributions in excess of $100 for or on behalf of any candidate for the period beginning on the date of such report and ending on the date of the immediately preceding report, together with the amounts and dates of all such contributions.

(g) Each report required to be filed by such committee or candidate shall include:

(1) the name and address of each representative of such committee or candidate;

(2) the name and address of each representative of such committee or candidate;

(3) the total amount of all contributions in excess of $100 for or on behalf of any candidate for the period beginning on the date of such report and ending on the date of the immediately preceding report, together with the amounts and dates of all such contributions; and

(4) the total amount of all contributions in excess of $100 for or on behalf of any candidate for the period beginning on the date of such report and ending on the date of the immediately preceding report, together with the amounts and dates of all such contributions.

(h) Each report required to be filed by such committee or candidate shall include:

(1) the name and address of each representative of such committee or candidate;
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REPORTS BY OTHERS THAN POLITICAL COMMITTEES

Sec. 405. Every person (other than a political committee or candidate) who makes contributions or expenditures, or both, by contributing 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 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 shall be filed by a treasurer of a political committees, a candidate or by any other person, shall be verified by the oath or affirmation of the person filing such report, a 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) A supervisory officer may by published regulations of general applicability, prescribes 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 determining the results of a national convention 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 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 thirty days prior to the date on which presidential and vice-presidential elections 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 of reports and statements required to be filed with him under this title; to require, publish, and furnish to the person required to file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and record-keeping; and

(2) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

(3) 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 calendar year in which it was received, and to permit copying of any such report or statement by hand or by machine or duplicating machine by any person, at the expense of such person: Provided, That any information copied from such reports and statements shall not be sold or distributed to any person for the purpose of soliciting contributions or for any commercial purpose;

(4) to require 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 only for five years from the date of receipt;

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

(6) 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 and broken down into candidate, party, and nonparty expenditures on the National, State, and local levels; (C) total amounts, by influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as he shall determine to carry out the purposes of this title;

(7) to prepare and publish an annual report containing 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 and broken down into candidate, party, and nonparty expenditures on the National, State, and local levels; (C) total amounts contributed according to such categories and broken down into candidate, party, and nonparty expenditures on the National, State, and local levels;

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

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

(10) to make from time to time audits and field investigations with respect to reports and statements made 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;

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

(12) to prescribe suitable rules and regulations to carry out the purposes of this title.

(b) It shall be the 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 States at no cost or at a cost not to exceed the cost of reproducing and mailing copies thereof. Nothing in this subsection shall be construed to authorize the Comptroller General to exercise any power or recommend the Comptroller General in any such study.

(c) 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 make such investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter of such investigation in a hearing before 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 prohibited by this title, or to constitute a violation of any provision of this title or any regulation or order issued thereunder. Any 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 make appearances before United States district courts may run into any other district.

(3) Any party aggrieved by an order issued under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition in the United States district court 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.

(5) The jurisdiction of the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(6) 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 which is solicited for an organization, 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.

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 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 remainder of the Act and the application of
such provision to other persons and circumstances shall not be affected thereby.

Clause (b)....


(b) In case of any conviction under this title, where the offense shall 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 to such office.

**PROHIBITION AGAINST USE OF CERTAIN FEDERAL FUNDS FOR ELECTION ACTIVITY**

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 "activity" 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. 11066) was laid on the table.

**APPOINTMENT OF CONFERENCE**

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 appointment of the gentleman from Ohio? The Chair has heard no objection.

The former conference on all titles of the foregoing amendment except for titles I and II: Messrs. Hays, Abrut, Gray, Harvey and Dricuson, and appointed the following Members as managers on the part of the House on titles I and II: Messrs. Staggis, Macdonald of Massachusetts, Van Deerle, Spencer 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 remarks.

Mr. BURLISON. Mr. Speaker, we all know of the great emotion that has been stirred by the school prayer amendment controversy. Many have threatened revenges 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 Missouri State Register of Cape Girardeau, Mr. Speaker,' has written the entire affair in fair 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 Host of Prayer

It is ironic that those congressmen who voted against the school prayer amendment are now to be flagging it to defeat it.

That, at any rate, announced by Mrs. Ben C. Gahr, the lady from Cuyahoga Falls, Ohio, moving force behind the amendment. Funds will be raised in the districts of all 432 members who, she says, "(a) voted against the civil right of (b) ignored the proven piety of the nation."

It is ironic because, as a result of it, some politicians acted with which is the way religion supposed to act. They tried to buy billboard space for prayer and school prayer and will of the vast majority.

It is ironic because there can be little doubt that, in effect, some politicians acted with which is the way religion supposed to act. They tried to buy billboard space for prayer and school prayer and will of the nation.

The Supreme Court did not kick Ohio out of the public schools, it kicked the state out of religion.

The Supreme Court never voted voluntary prayer and meditation in the public schools. It forbade state-written prayer and held that even those 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. What would be accomplished? Students would be subjected to more routine exercises in which it would be meaningless. The plight of a few people would be satisfied, but more children would be learning nothing about religion.

In the meantime, we were asked to pass 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 remarks.

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 officials of this Nation, the men we call on to ensure the rights of others.

Two recent Federal court cases clearly show that a police officer does not enjoy 'the rights of due process 'ordred other citizens. I inserted ful commentary on the case under extension 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 be charged with a crime. The judge stated that—and I quote—"If any officer who appeared before the panel were to invoke the full paraphernalia of the disciplinary process 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 constrictions of his position under 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
December 1, 1971

CONGRESSIONAL RECORD — DAILY DIGEST

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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).

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.

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.

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.

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,
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.

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.

Nominations: Senate received the nominations of Sinclair Corp., Clearwater, Fla.; David H. Scott, Export-Import Bank; Kenneth K. Hall, to be a U.S. district judge for the District of Columbia; Clyde J. Blaine Anderson, to be a U.S. district judge for the District of Columbia.

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.

Record Votes: Nine record votes were taken today.

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, avionics 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.; Steve A. Sample, Illinois Board of Higher Education; John F. Bean, National Business Aircraft Association, Inc.; Ken Miller, Waco Electric Co., Kansas City, Mo.; Herbert J. Frank, Aeronautical 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. 1358, to authorize D.C. government to fix certain fees, receiving testimony from Mr. Watt;

S. 2268, to improve laws regulating insurance in the District of Columbia, receiving testimony from Mr. Watt; Robert Price, Peoples Life Insurance Co.; Arnold W. Wolfert, National Education Association; John D. Stingler, American Mutual Insurance Alliance; and Vernon Holleman, D.C. Life Underwriters Association; and

S. 2269, proposed D.C. Law Enforcement and Criminal Justice Act, receiving testimony from Mr. Watt.
Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXE) is absent on official business.

The Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDY) are absent because of illness.

So the result was announced—yeas 40, nays 51, as follows:

[List of yeas and nays]

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXE) is absent on official business.

The Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDY) are absent because of illness.

So the result was announced—yeas 40, nays 51, as follows:

[List of yeas and nays]

Mr. PASTOZE. Mr. President, I ask that a motion to reconsider the vote by which the amendment was rejected be laid upon 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 FINANCING

SECTION 1. Short Title

This Act may be cited as the "Campaign Financing Reform Act".

DEFINITIONS

S. 302. For purposes of this Act:

(1) The term "campaign communications media" means newspapers, magazines, and outdoor advertising facilities.

(2) The term "broadcasting station" has the same meaning as under section 315(d) of the Communications Act of 1934.

(3) The term "Federal election office" means the office of President of the United States, or a Senator or Representative in Congress, or a Federal Commissioner or Delegate to or for the Congress of the United States (and for purposes of section 103(b) such term includes the office of Senator from any State (or for the office of Delegate or Resident Commissioner in the case of the District of Columbia or the Commonwealth of Puerto Rico).

(4) For purposes of this paragraph, a person is a candidate for a political nomination or election if the person makes or incurs an expenditure for the use of any communications media or for the conduct of meetings with respect to a campaign for the person's nomination or election. Any such expenditure shall be attributed to the person making such expenditure.

(5) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

MEDIATION 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 be 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 on any station for the use of a legally qualified candidate for a Federal campaign, or nomination thereto, in connection with such candidate's campaign for the office of President, the charges made for the use of such space 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, magazine, or any legally qualified candidate for Federal election office, or nomination thereto, in connection with such candidate's campaign for nomination for such office, such person shall reduce the amount charged to the candidate for Federal election office, or nomination thereto, in connection with such candidate's campaign for nomination for such office, by an amount which bears the same ratio to the amount charged 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 the calendar year in which the certification is held.

LIMITATIONS ON EXPENDITURES FOR USE OF CAMPAIGN COMMUNICATIONS MEDIA

SEC. 104. (a) (1) No legally qualified candidate may spend more than $50,000 (or greater amount as may be certified under paragraph (4) of this section) for a Federal election office or for a Federal campaign or for any other purposes, except for the use of communications media, for the use of any communications media, or for any other purpose, for the use of such media, in connection with such candidate's campaign for Federal election office, or nomination thereto, in connection with such candidate's campaign for nomination for such office.

(b) Spend the use of broadcast stations on behalf of such candidate in such election a total amount in excess of 60 per centum of the amount determined under section 315(d) of the Communications Act of 1934, as certified under paragraph (4) of this section, or

(c) Make payments to an amount which bears the same ratio to the amount charged 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 the calendar year in which the certification is held,

except for the use of communications media, or for any other purpose, for the use of such media, in connection with such candidate's campaign for Federal election office, or nomination thereto, in connection with such candidate's campaign for nomination for such office.

(2) The candidate for presidential nomination may spend—

(A) for the use of communications media, or

(B) for the use of broadcast stations, on behalf of such candidate in such election a total amount in excess of 60 per centum of the amount determined under paragraph (1) or (B), respectively, with respect to the general election in which such candidate is a candidate for the office of President, or if the candidate is a candidate for the office of Senator from any State, with respect to the general election in which such candidate is a candidate for the office of Senator from any State (or for the office of Delegate or Resident Commissioner in the case of the District of Columbia or the Commonwealth of Puerto Rico).

(3) For purposes of this section, the term "campaign communications media" means newspapers, magazines, and outdoor advertising facilities.

DEAL WITH VIEW ON COMMUNICATIONS MEDIA

SEC. 105. The Secretary of Commerce, before the end of December, 1973, shall certify to the Senate a statement containing an estimate of the value of the communications price index for the last calendar year ending before the date of certification, the value of such index for the calendar year in which the certification is held, and any other information which the Secretary of Commerce deems necessary.
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 media by a candidate for Federal office (or nomination thereto) shall be charged against the expenditure limitation under this subsection, unless the expenditure is attributable 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 a charge is specifically authorized by such candidate in writing to do so certifies to such person in writing that 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, as amended, and thereby redefining this section (c) as subsection (a) and by inserting after subsection (b) the following new subsection:

"(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 a charge is specifically authorized by such candidate in writing to do so certifies to such person in writing that 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 term "licensee" and "station licensee" includes a community antenna television system, and 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 Congress, or Delegate or Resident Commissioner to the Congress of the United States.

Sec. 105. The Attorney General shall prescribe such regulations as may be necessary or appropriate to carry out sections 103, 106 (b), 106(a), and 106(b) of this Act.

Sec. 106. (a) Whoever 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 $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 $100,000 or by imprisonment of not more than one year, or both.

SEC. 107. Section 105 of this Act and the amendments made thereby shall take effect on January 1, 1972. Section 106 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 use any primary, primary runoff, or general election campaign fund in the form of the limitations imposed by section 104 of title I (for the use of communications media) or section 315(c) of the Communications Act of 1934, 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 911 of title 18, United States Code, is amended to read as follows: "(i) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money made by a bank in the ordinary course of business, made for any purpose other than the purpose of influencing the nomination for election of candidates for any political party or for the purpose of influencing the election of delegates to a national nominating convention of a political party or for the purpose of influencing the election of persons for the office of President of the United States, or Senator or Representative in Congress, or Delegate or Resident Commissioner to the Congress of the United States; (2) a promise, 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) a payment, by any person other than a candidate or political committee, of compensation for the personal services or use of any person other than a candidate or political committee or another person which is rendered to such candidate or political committee without charge for any purpose of any such payment; (5) notwithstanding the foregoing meanings of 'contribution', the word shall not include services provided without compensation or the voluntary giving of a portion or all of their time on behalf of a candidate or political committee; (6) 'expenditure' means—"
tion or expenditure' shall include any primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate or candidates for state or federal office or 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 of any State to propose amendments to the Constitution of the United States).

(b) "candidate" means an individual who is seeking nomination for election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, (a) an individual seeking nomination for election, or, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or, if he has (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, which is regulated by the applicable banking laws and regulations and in the ordinary course of business), made 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 enforceable, for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(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 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, to Federal office, of a candidate or candidates for 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

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 or candidates for state or federal office, or 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 of any State to propose amendments to the Constitution of the United States;
authorized by such candidate and that such candidate is not responsible for the activities of such committee.

(2) (1) Any political committee shall include on a form to which the amounts and dates of all transfers, including contributions, of a candidate and candidates for Federal office and each candidate for election to such office, shall be required to make expenditures in such form as the supervisory officer may prescribe and a continuous reporting of their expenditures from January 31 of the preceding calendar year to the date of the election at such periods as the supervisory officer may require until such debts and obligations are extinguished; and

(18) Such other information as shall be required by the supervisory officer.

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 period, the treasurer of the political committee or candidate shall file a statement to that effect.

REPORTS BY OTHERS THAN POLITICAL COMMITTEES

SEC. 406. Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, of an aggregate amount 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. 408. (a) A report or statement required by this title shall be in writing on a form designed by the supervisory officer in a published regulation.

(c) The supervisory officer may, by published regulations or order, require 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, when they are required, and when any such contributions or expenditures shall be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as gross in such regulations shall not be considered until actual payment is made.

REPORTS ON CONVENTION FINANCING

SEC. 407. Each committee or other organization which

(a) Represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party in respect to the convention held in such State or political subdivision to nominate a candidate for the office of President of the United States;

(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 after the day on which the presidential and vice-presidential candidates are chosen), file with the Comptroller General of the United States a full and complete financial statement in form and detail as he may prescribe, of the sources from which it derived its funds, and the purposes for which such funds are used.

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) Nothing in this Act shall be deemed to invalidate or make inapplicable any provision of any State law, except where such provision conflicts with the provisions of this Act, the provisions of which law shall result in a violation of a provision of this Act.

(b) Notwithstanding paragraph (1), no provision of this Act 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.

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 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) Subsections (1) to (7) of section 502, United States Code, as amended, are 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 upon the application of any person within sixty 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 election 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 1966 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 official or employee of the Office of Economic Opportunity who, in his official capacity, acts or employs, 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.

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) Nothing in this Act shall be deemed to invalidate or make inapplicable any provision of any State law, except where such provision conflicts with the provisions of this Act, the provisions of which law shall result in a violation of a provision of this Act.

(b) Notwithstanding paragraph (1), no provision of this Act 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. PASTORE. Mr. President, I move that the Senate disagrees to the amendment of the House and agree to the request of the Senate for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be author-
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 (ii) beginning with the word "wages" on line 6 through the word "at" on line 14.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that this amendment be dispensed with.

Mr. BUCKLEY. Mr. President, this amendment 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 wages paid to the media. It does not interfere with the exemption for wages charged to that media at the printing plant, an exemption from economic control as it affects the wages 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 the extent that 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 the kind of work that he does to the situation which will corrupt the writer or a worker for the same printing plant has to pay the same amount of groceries, and taxes. If he finds himself controlled by the Wage-Price Board, while at the same time he is able to demand an equal to a wage he can only work for a newspaper and achieve an equality of wages.

I believe this would also limit at the wage part of the wage-price position in this new industry 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 charges paid by advertisers. That would be one thing 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 
of 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. PROXMIKERE. Mr. President, you 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 by the Buchanan amendment. They are 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 a chance to pass 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 pretended more clearly than he the arguments of equity and inequity.

Mr. PROXMIKERE. 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

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 telephoneists, 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.
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 508 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.
§ 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--

"(f) 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 13, 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) $55,000, in the case of a candidate for the office of Senator;
"(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 service 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.
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 author-
ization 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 prin-
cipal 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 prin-
cipal place of business, if any) of every person to whom any expendi-
ture is made, the date and amount thereof and the name and address
of, and office sought by, each candidate on whose behalf such expendi-
ture 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 expendi-
tures 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,
(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.
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 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.
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, subpenas 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


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
EQLAL 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 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 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 percent 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 telephoneists, 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 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, 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 making 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.
Meeting Hour: By unanimous consent, the House will meet at 11 a.m. on Tuesday, December 14.

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.

Referrals: Eight Senate-passed measures were referred to the appropriate House committees.

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
Conferences, 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.
Conferences 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
Conferences, 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
Conferences, in executive session, agreed to file a conference report on the differences between the Senate- and 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. Conferences 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. Conferences also agreed to compromise version of Senate work incentive program amendments.

UNEMPLOYMENT COMPENSATION
Conferences, 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
Conferences, in executive session, agreed to file a conference report on the differences between the Senate- and House-passed versions of S. 2892, 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.

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. 92–582);

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).

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 said before the President 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 the recommendation 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:

Committee on the Judiciary:

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:

S. 1234. An act to amend the Fishermen's Protective Act of 1957 to enhance the effectiveness of international fishery conservation programs (Rept. No. 92-881).

By Mr. STEVENS, for Mr. MAGNUSON, from the Committee on Commerce, with an amendment:

S. 2422. 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. 92-882).

**ENROLLED BILL SIGNED**

The PRESIDENT pro tempore signed the enrolled bill (H.R. 3961) 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.

**ALASKA NATIVE CLAIMS SETTLEMENT ACT—CONFERENCE REPORT**

S. REPT. NO. 92-881

Mr. BIBLE, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (H.R. 13967) 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. BUTTIS, Mr. PANNING, Mr. HANES, Mr. JORDAN of Idaho, Mr. SCOTT, and Mr. DOMINICK):

S. 3012. A bill to strengthen and improve the private pension system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing plans, by providing deductions to individuals for personal savings for retirement, and by increasing contributions by 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 Davids. 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. PAOXMAN):

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 Judiciary.

By Mr. INOUYE (by request):

S. 3016. A bill to amend section 101 (19) of the Federal Employees' Retirement System to establish 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. THURMOND:

S. 3017. A bill to amend section 803 (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. INOUYE:

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. BENSON):

S. 3021. A bill to amend section 201(b) (1) of title 10, United States Code, to remove the requirement that a Junior Reserve Office Training Corps unit at any institution must have a minimum of physically fit male students. Referred to the Committee on Armed Services.

By Mr. BEACH (for himself and Mr. CRAMER):

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. RYAN, and Mr. TAYLOR) (by request):


By Mr. SCOTT:

S. J. RES. 103. Joint resolution extending the date for transmission to the Congress of the President's economic report. Considered and passed.

By Mr. MANSFIELD (for Mr. PAXSON):

S. J. Res. 104. 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, I have consulted with the Parliamentary 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 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 a later referral of the bill to the Committee on Armed Services after the initial referral.

I, therefore, ask unanimous consent that the bill be referred to the Committee on Armed Services.

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

Mr. TAFT. Mr. President, at the present time, more than 500 draft registers 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 of 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 Scioto, Ohio, has written to me that—

It is my contention that many of these young men are misled or persuaded to return to their native land and desert their responsibilities and become useful citizens again. I do not mean that they are not wrong, that they fail to earn their return and regain their normal heritage and birthright through hard work and proof that they are here to stay and to be reaccepted 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 wise, strong, and capable 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 the proper answer. Witness the 55,000 young Americans who have lost their lives serving their country in Southeast Asia, we should not simply welcome back the draft resisters with, and thankful that they have returned, 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 forestall 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. After this period 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 Peace Corps. 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 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 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 be granted a Presidential pardon.

Young men who had been previously released from prison for having been convicted of a crime or been found not guilty of a crime if they agreed to undertake a period 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 have the 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:

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.

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 1969."

Sec. 2. (a) Notwithstanding any other provision of law, any person who has evaded or refused registration under the 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, is hereby granted immunity from prosecution under section 12 of the Military Selective Service Act, or any other law, on account of any such evasion, refusal 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) submitted to the Attorney General of the United States or certain officials or agents 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, 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 provisions of this agreement under Section 2(a) of this Act shall void any such 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, may have such sentence commuted, if he later registers and agrees to serve for a period of not less than three years in Volunteers in Service to America (VISTA), a Veterans' Administration hospital, a Public Health Service hospital, or other federal service, and

the President, or his designee, shall order his release from such sentence.

(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 shall be dismissed on motion of such person, provided he 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.

(c) It is the sense of the Congress that the President grant a pardon to any person convicted of an offense described in Section 2(a) of this Act, if he enters into such agreement, in the discretion of the President, and shall be commuted if such a pardon is granted.

(d) 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, shall be dismissed on motion of such person, provided he 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.
December 14, 1971

CONGRESSIONAL RECORD — SENATE

Our National Marine Fisheries Service estimates that the American industry could perish without even leaving the United States. The federal government, which has long neglected our fishermen as politically unimportant, must start taking the political and economic goals of the United States. It must also realize the importance of other nations. The United States and its allies have agreed that the fishing industries of the Mediterranean Sea will be closed to fishery vessels from all nations except those of the European Economic Community.

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 recessed 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, announces that the House had agreed to the amendments of the Senate to the House bill (H.R. 10604) to amend title I of the Social Security Act to permit the payment of the lump-sum death payment to pay the funeral 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. McLENNAN), the Senator from North Carolina (Mr. ERVIN), the Senator from Florida (Mr. GRAHAM), 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.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be reconsidered.

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

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 reconsidered.

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

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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 a candidate the 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, etc.

There is no other qualification on the lowest unit rate concept.

Second. At all times, candidates for Federal 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 reasonable, the candidates 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 the Federal directives under the Constitution the House and the Senate are the sole judges of the qualifications of their Members, the House conferences 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 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 like 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 it is insisted on the equal-time proviso we continue in the 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 responsibilities 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 candidacy 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 the decision of the conference. I have no fault to find with the fact we left it alone. However, 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 both the Senate and the House of Representatives.

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 offices can spend on communications media. However, in the rush to be all-inclusive, we have included some very ambiguous language 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 the form of a provision allowing the President to volunteer 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 Orwell 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 awry. Any candidate who uses an agent to purchase space or time in communications media will have to pay a commission normally in the 10-15 percent range. So instead of excluding these fees, they were included. In my estimation, this provision will work to the disadvantage of little candidates who may have to use more sophisticated communications techniques and who would thus need the services of a professional campaign consultant.

On the disclosure requirements 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 republics—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 agreement can be reached 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 district legislatures. The reason is this—where does the Federal Government get the authority to direct these State officeholders to comply with certain Federal directives? This is unclear and its further implementation will almost have to be left up to court decisions.
December 14, 1971

CONGRESSIONAL RECORD — SENATE

During debate in the House of Representatives, there was considerable sentiment for detailed rules more clearly than even before, to limit 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 subject 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 to say that my colleagues 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 provide are credit to candidates within 60 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 the 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. PASTORE. Mr. President, I find myself caught in a rather uncomfortable 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, I confess 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 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, but the 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 judgment of the Senate in considering such major legislation in this hurried manner. If passed, this bill will relate to expenditure reports 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 not the opportunity to hear my colleagues, the bill will determine how often voters in the United States will be able to hear or see and 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 38 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 re-election. 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—or the 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 candidates 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 conferences.

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 have the opportunity to hear and see what the programs and platforms of the various candidates 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 conferences.

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 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 it 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, and the Senator's campaign had- say, "For my good friend Pierre 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. PASTORE. 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 included in the telephone. They 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 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 the bill was written. The House conference telephoned and computerized mail. Finally the suggestion was made by the Senator from Pennsylvania that he would be favorable 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 those whose age of 18 or over for broadcast communications 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 in newspapers, 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 for the costs of telephones, switches, wires, paid 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 hours to carry on a telephone campaign in a candidate's State or district, or nation ally. They are voluntarily undertaking the communicating. The question is, if a committee is formed, to pay the expense of the telephoning, then they would fall within the coverage of the bill; but if the volunteers themselves, without making a formal committee, 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 the settlement 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 talk. 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 tools. We talked back and forth, and I, 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 campaign is advocated by him or his agents, 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 conference gave, because they wrote the language. That is exactly what it means.

To answer the question further, if a group of people got 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 dime, 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 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 loose speech rights 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. I would have 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 and 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 wants. But the candidate can only communicate to the voters through the medium of television and radio x number of hours and number of billboard or newspaper spaces.

It is also obvious that he can use only 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 spending, 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 Winter, Jr., a professor at Yale Law School, referring to the dollar limitations, points out that:

Constitutionally speaking, there is no countervailing interest—preserving the public peace and order—against the restriction on speech for the reason that it is imposed not to preserve some other legitimate interest of society but solely for the sake of restricting the speech itself, for the sake instead 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 in two past occasions the Supreme Court has affirmed 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 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 political committees 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 cast time is that it somehow equalizes the advantageability to the media of both candidates. It 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 in seeking the seat of a 2,000,000 population 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 have to spend $60,000 with Mr. DOMINICK. I am happy to yield. Island whether I am correct on that?

Mr. PASTORE. If I understood the explanation of the Senator from Rhode Island and the Senator from Pennsylvania, and the newspaper reports, a person who contributes $100 to 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 Senate 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 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 anyone who believes 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?

To overcome this tremendous inequality the challenger is limited to about $80,000; or, if he finds that 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 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, to as 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 so. As I pointed out in my debate comments, the House and the Senate—or, for that matter, the President of the United States—should not allow this to affect this upcoming election. If we vote ourselves this rather ridiculous provision was finally determined at 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 it out of its effects until the 1976 presidential election. But we are going to vote now, which brings us back to the 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 it out of 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 this is fair.

Mr. PASTORE. Mr. President, will the Senator yield on that?

Mr. DOMINICK. I am happy to yield.

Mr. PASTORE. The Senator voted for this.

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 in the 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 point out that it is a good job that this is an incumbents bill. Incumbency is no guarantee of reelection. Some incumbents are not reflected for the simple reason that they are not good incumbents. Some incumbents 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 the President, I have pointed out 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 under us.

We should be doing, and which the Senator from Rhode Island has reported yesterday, do we 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. People do what 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 closed the debate.

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. PASTORE. The 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, the newspaper reports, a person who contributes, say, $100 to 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 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 anyone who believes 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 $1000 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 tell the 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 knows what 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 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, if he had the recognition of the party and campaign assisted by the benefits of his office, I want to say that it would be a pretty tough situation for an opponent who 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 economically 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 impression me in the amendment, so far as I am aware of the situation in Colorado. Mr. PASTORE, added just such a commission to the bill during the process of considering police kinks and compile reports that tion by the Senate. That was the independent election committee. It was to try to be a limitation on spending and there 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 papers 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 reference to some of the inferiors 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 he had. And I might also say to the Senator from Rhode Island that this was done on purpose.

Some States, because of their geography of population, require expensive campaigns. For instance, in the State of California, in order to get to the people and 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 decide any of the minor defects in the bill. I do not know 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 limited 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 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 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 now 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 campaign and debate his views 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 perform the functions. 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 left 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 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 in any 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 for 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 the other one and the national. The Senator can imagine running 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 wonder 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. Goldenson of the other network—that they were willing to give us up to 4 minutes in 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 business 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 and 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. And telephones 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 supplies that are given out. What we are trying to do is to provide.
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 charges only 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 in an honorable fashion. 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

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 li-
cense. 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 po-
litical candidates what is then the low-
est rate established for other advertise-
ments who have the opportunity and the desire
to use the facility around the calendar.
A political candidate does not do that.
The Phonetic does not have to wait
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 al-
ready 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 sal-
ary 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 need-
ed, not for the incumbent. Over and
over again I said we should not raise
our own salaries while we are in
offices.

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
facts 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. President, will the
Senator yield for a question?

Mr. DOMINICK. Yes, Mr. Curtis.

Mr. CURTIS. I understand that if a com-
mittee 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. PASTORE. 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 ques-
tions that arise.

Mr. PASTORE. Let me remove the
cloud of doubt that the Senator may
have about whether or not he could
get austorization 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 take a report, how are we going to
hold the candidate for something that
committee may do?

Mr. PASTORE. Because he has to re-
port 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-
ify 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 broad-
casting. How about the other restricted
items?

Mr. PASTORE. It applies to the oth-
ers, too.

Mr. CURTIS. With respect to the oth-
er 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 for a person speci-
fically authorized by such candidate in writ-
ing (to do so) certifies to such person in writ-
ing that the payment of such charges shall
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 adver-
tisement in any newspaper, and for any
radio, or television broadcast, that fac-
ility must have a written authorization
for that broadcast from the person who
is the candidate?

Mr. PASTORE. Or his agent, if he is
going 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 Prov-
idence Journal will say, "Do you have my
permission?" He would have to bring
not only my authorization but my cer-
tificate 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 it is a written au-
thorization from the candidate on every
single thing that goes on. Is that cor-
rect?

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 com-
plaining 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? Suppose the
group goes to the Providence Journal
and says, "We want to run an ad for
John Pastore. We are Providence Vol-
unteers for Pastore—PVP."

Mr. PASTORE. What are those initials?

Mr. DOMINICK. PVP—Providence
Volunteers for Pastore.

Mr. PASTORE. It is beautiful. It is
euphonic. That is why I wanted the
Senator to repeat it.

Mr. DOMINICK. They go to the Provi-
dence 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 Parson," and they put it in, are they subject to penalty?

Mr. PASTORE. The Providence Journal will say, "Have you Parson's permission?" "Yes, I have." "Where is his certificate?" "Here it is."

Mr. DOMINICK. All right. What about the 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. President, the Senate and House conferences on the Federal Election Campaign Act of 1971 have met to consider their differences on the bills passed by each House of Congress 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 45-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 that there be full disclosure of 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 would have to do 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 time 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 rights to purchase air 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 the intention of the prime purpose 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 the opinion of 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 both Federal elections outside any State, as well as for the offices of President and Vice President, to purchase adequate time and space to assure public availability of issues and programs that would be of the order 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, I am especially pleased to fix 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 proposal 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 Constitutional Law 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 House of the United States have tried to do a good job in carrying out the duties of existing law. However, the duties imposed upon those officers were inadequate, mounting criticisms, and 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 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 by all candidates for the House of Representatives and by candidates for the Senate and committees working in their behalf, that the sincerest 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 and 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, 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 very clearly say, 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 MEDICARE, 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 of a deceased 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.

(Conference report is printed in the House proceedings of the Congressional Record of this date at pp. 46759-46772.)

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 TALMAGE, makes a number of changes designed to improve the work incentive program for the disabled under the Social Security Act. I am pleased to say that these provisions were accepted by the con-
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. REP. 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:

That the Senate rescind 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 1—CamPaign CommunicAtions

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, 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 election office to communicate with potential voters (excluding any costs of telephones incurred by a volunteer or a campaign 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 a candidate who satisfies 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.

NATIONAL RACE AND RELATED REQUIREMENTS

Sec. 103. (a) 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, or election to, such office shall not exceed—

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

The result of the vote was announced as above provided.

A motion to reconsider was laid on the table.

CONCLUSION

That such Act is amended by inserting "and pursuant to section (a) of subsection (a) of title (b) of section (c) of this Act" 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 election 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 the primary or run-off election) for a Federal elective office may—

(A) spend for the use of communications media on behalf of his candidacy in such election the total amount in excess of the greater of—

(i) 10 cents multiplied by the voting age population of the State in which the election for such office is held, or

(ii) $5000.

(B) spend for the use of broadcast stations on behalf of his candidacy in such election the total amount in excess of 40 per cent of the amount determined under subparagraph (A) with respect to such election.

(2) No legally qualified candidate in a primary election for 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 determined by multiplying the amount which would have been determined under paragraph (1) (A) or (B), respectively, with respect to the general election for such office by 50 per cent.

(3) For purposes of this section a primary run-off election shall be treated as a separate primary election.

(4) A 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 or for the use of such stations in connection with an endorsement or declaration of support for such candidacy the 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 Virgin Islands) for any other election held on or before 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 section and section 315(b) 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.

Sec. 105. The Comptroller General shall prescribe such regulations as may be necessary to determine the amount of any expenditure described in paragraph (1) incurred by a candidate for Federal elective office during the base period or any other period in connection with the campaign of such candidate during the period 1990-1993, for the use of communications media in a State or abroad by a candidate for a Federal elective office during such period, and the total amount of any such expenditure by such candidate during such period.

Sec. 106. Whoever wilfully and knowingly violates this section of the Act or any regulation issued under section 105 shall be fined not more than $5,000 or imprisoned for 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, 601, 610, and 611 of this title—

(1) 'others' means (A) a general, special, primary, general, special, run-of-the-mill, or other election or nomination campaign of a political party held to nominate a candidate, (B) a primary election held for the nomination of a candidate for a Federal elective office, (C) a Federal primary election held for the nomination of a candidate for a Federal elective office, (D) an election held under the provisions of the Act of September 23, 1941, as amended, for the nomination of a candidate for Senator or Representative in Congress, (E) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the State of Nevada, or (F) the election of the first national delegate or two or more national delegates to the first national political convention of a political party held to nominate a candidate for a Federal elective office.

(2) 'political party' means any individual who seeks nomination for election, or election, to Federal office, whether or not a candidate is actually elected, and, for purposes of this paragraph, an individual shall be deemed to seek election for an office which is subject to the provisions of section 315 of the Communications Act of 1934.
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 election; (2) received nomination for election; or election, or (2) received contributions or made expenditures, or has given his consent for any campaign or political committee to 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 any elective executive, legislative, or judicial office of the United States; and a constitutional convention for proposing registration and get-out-the-vote campaigns (b) "candidate" means an individual who (1) makes expenditures in connection with his campaign for nomination for election, or election, to Federal office; or in excess of—

"(A) $50,000, in the case of a candidate for the office of President, or (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) "candidate" 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. 203. Section 608 of title 18, United States Code, is amended to read as follows:

"[1608. 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; or in excess of—

"(A) $50,000, in the case of a candidate for the office of President, or (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) "candidate" 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 anything of value (except a loan of money by a bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business 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 contribution, 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 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;"
President or Vice President of the United States; or any Delegate or Resident Commissioner to the Congress of the United States;

(2) "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount in excess of $100, or of which any person serving as a delegate to a national nominating convention of a political party or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(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 who is not a candidate or committee without charge for any such purpose; and

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

(6) a statement of the reports required to be made by such committee to the Public Printer, not later than the last day of March of each year, and an annual report for such 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—

(a) a copy of any report required of organization of the political committee required under section 303, together with any amendments thereto;

(b) 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 report is made available to the public by the Superintendent of Documents as soon as practicable after they are received from the supervisory officer.

(7) a statement of the organization shall include—

The supervisory officer shall compile and furnish to the Public Printer, not later than the last day of March of each year, and an annual report for such 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—

(a) a copy of any report required of organization of the political committee required under section 303, together with any amendments thereto;

(b) 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 report is made available to the public by the Superintendent of Documents as soon as practicable after they are received from the supervisory officer.

Every person who receives a contribution in connection with such a committee shall, on demand of the treasurer, and in every event within five days after receipt of each such contribution, prepare and shall make available to the Committee of the United States; or of which any person serving as a delegate to a national nominating convention of a political party 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) 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 activities during 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 amount of interest and dividends made to or for such committee or candidate during the reporting period and not reported in paragraph (2);
(4) the name and address of each political committee or candidate from which the person received contributions or expenditures, 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, or event for fundraising or other collections made at such events; and (B) sales of items such as political campaign pins, buttons, bumper stickers, fliers, flags, emblems, hats, banners, literature, and similar materials;
(7) each contribution, rebate, refund, or other deduction 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 has 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 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 has 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 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, including any change in such 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 is no change in an item reported in a previous report during such year, only the amount need be carried forward. If no expenditure contributions or expenditures are 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 forms prescribed by the supervisory officer or critical committees are filed, but need not be cumulative.

FORMAL REQUIREMENTS RESPECTING REPORTS
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 required by the oath of office or otherwise to file the acknowledgment of the person filing such report or statement, taken before any officer authorized to administer such oaths;
(b) A copy of a report or statement shall be preserved by the person filing it for a period of three years following the fiscal year in which it was filed or any shorter period and designated by the supervisory officer in a published regulation;
(c) The supervisory officer may, by published regulation of general applicability, require any category of political committee to file such statement as the obligation to comply with section 304 if such committee (1) primarily supports persons seeking nomination or election to public office;
(d) The supervisory officer shall, by published regulations of general applicability, prescribe the forms to be used to verify contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported as political expenditures and the amount reported and they shall be reported in separate schedules. In determining aggregate amounts of contributions and expenditures reported as provided in such regulations shall not be considered until actual payment is made.

REPORTS ON CONVENTION FINANCING
Sec. 307. Any political committee or other organization which—
(1) represents a State, or a political sub-division thereof, or any group of persons, in writing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision, or State conventions, shall, within sixty days following the last day of the convention, file with the Comptroller General of the United States a full and complete financial statement, in such form and detail as he may prescribe, including any change in such receipts 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 and to prescribe uniform forms for any comment or recommendation of the Comptroller General in any such study;
(5) to preserve such reports and statements for a period of not less than five 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 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;
(8) to prepare and publish from time to time special reports comparing the various contributions and expenditures with the requirements of this Act, 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 required 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;
(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 States and political subdivisions in the States in the use of procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of reports and statements in one filing to satisfy the State requirements.
(c) It shall be the duty of the Comptroller General to serve as a national clearinghouse for the distribution of 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 in such 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 at a reasonable cost thereof. Nothing in this subsection shall be construed as to authorize the Comptroller General or any succeeding official to make any comment or recommendation of the Comptroller General in any such study.

(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 proceedings filed by him, if he is a candidate, or the matter complained of. Whenever in the judgment of the supervisory officer or in any other person engaged or about to engage in any acts, or on behalf of any person engaged or about to engage in any acts, which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, or any other order in the district court of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other 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 any other order shall be granted without bond by such court.

(2) In any action brought under paragraph (1) of this subsection, subpenas for witnesses who are required to attend a United States district court may run into any other district.

(3) Any party to an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry of the order, petition the United States district court of appeals for the circuit in which such person if found, resides, or transacts business, for judicial review of such order.

(4) The judgment of the court of appeals affirming or dissolving 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 certiorari or other proceeding in section 1254 of title 28, United States Code.

(5) Any action brought under this subsection shall be brought 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 the 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 order to afford due process, shall be filed with the Secretary of State, 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), to file, after due process, the report and statements filed with him with 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 to compile and maintain a current list of all statements or parts of statements pertaining to any such 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 receive 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) If a fine shall be assessed 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 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 designated 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 such activity. As used in this section, the term "engages in such activity" means the same meaning given such term by section 301(a) of the Federal Election Campaign Act of 1971, or the term "engages in such activity" as such term was given 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 any state law shall prohibit any person from taking any action authorized by this Act or from making any expenditure (as such term is defined in section 315(a) 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 remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

REPEALING CLAUSE


SEC. 406. Except as provided for in section 401 of this Act, the provisions of this Act shall become effective on December 31, 1970, or sixty days after the date of enactment of this Act, whichever is later. And the House agree to the same.

Wayne L. Hays, Walter J. Hubert, Ken Gray, James Harvey, and J. B. Jordan, Managers on the Part of the House as to Titles II, IV, and V of the House Amendment.

Harley O. Staggers, Thomas H. MacDonald, Lionel Van Deerlin, James Oberstar, and Anchel Nielsen, Managers on the Part of the House as to Title I of the House Amendment.


JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disapproving votes of the two Houses on the amendment of the House to the bill (S. 382) to promote fair practices in the conduct of elections 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 House bill and the Senate 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 agreements reached by the conferences, 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 currently 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.—The substituting conference report 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 re- 
cedes on this provision.  

Media rates and access requirements the use of Broadcast Stations  

Both the Senate bill and the House amendment revised section 315(b) of the Communications Act of 1934. Under the existing law (as amended by the Senate bill), 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 same amount and class of space” charged for the same amount and class of space by a non-candidate for the use of the station for other purposes.  

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 any primary election and during the 60 days preceding any general election, exceed the charges for comparable use of the station for the same amount and class of space.  

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 the broadcast station by legally qualified candidates to report on their candidacy.  

House amendment.—No comparable provision.  

Conference substitute.—This provision is included in the conference substitute, with a clarifying amendment limiting the provision to legally qualified candidates for Federal elective office. A conforming amend- ment 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 the space by non-candidates 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 election, the charges made for the use of any nonbroadcast communications medium (newspapers, magazines, billboards, etc.) by a person furnishing such medium for the same amount and class of space.  

Conference substitute.—The conference substitute provides 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 that 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 re- 
cedes on this provision.  

Free or Reduced Rate Use of Nonbroadcast Media  

Senate bill.—Section 103(e) of the Senate bill provided that any person who limited 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 amend- ment contained limitations on expendi- tures 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) $150 times voting age pop- ulation, or (2) $50,000. In addition, the House bill provided that not more than 60% of the overall limit on expenditures could be spent for the use of broadcast 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, $50,000), applicable to expenditures for the use of nonbroadcast communications media. Section 104 of the Senate bill permitted not more than 80% of either of the limits, or the limits to be waived for other, if the Federal Elections Commission was notified.  

Conference substitute.—The conference substitute incorporates the provisions of the House amendment.  

Both the Senate bill and the House amendment provided that the primary, general, special, or runoff election would be treated as a separate election, and would 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 primaries, the voting age population in the State in which the election is held would be used to compute the expenditures, and that a candidate’s expenditures for a Presidential primary in a State could not exceed the limitations applicable to such primaries.  

House amendment.—The House amend- ment imposed State-by-State limitations on media expenditures for Presidential primaries. 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 can- didacy for President, an amount in excess of the overall communications media limitation, or the broadcast stations limitation, which had been ap- plicable 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—  

(1) 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  

(2) ending on the date on which the polit- ical party nominated a candidate for the office of President.  

The Attorney General was directed to pre- pare a report on the amounts of such expendi- ture for the use in two or more States of a communications medium by a candidate for Presidential nomination which would be attributed to the candidate’s nomination 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 Pres- dential nomination would be considered a legally qualified candidate for public office.  

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 cents" formula, which would have been conforming changes. Under the conference substitute, such communications media expenditure limita- 

Conference substitute.—The conference 

The conference substitute follows the provisions of the Senate bill with technical and conforming changes. Under the conference substitute, the "5 cents" expenditure limitation was increased by 4.3 percent. In a State which had a population of 4,000,000, the media expenditure limit for senatorial candidates would be the greater of—  

(A) $41,720 (the product of 10¢ x 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 $31,230 (50 percent of the $52,150 overall limit). The primary election limit would be $26,150 for the general election: $52,150 for all media expenditures, and $31,250 for broadcast expenditures.

Voting Age Population

The Senate bill and the House amendment would both apply to broadcasting stations on "resident population" of voting age, determined annually for the first time in 1972.

House amendment.—The House "10 cent" formula was based on "resident population" of voting age, 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 provide, and the conference substitute provides, that amounts spent for the use of communications media on behalf of any legally qualified candidate for Federal electoral office (or for nomination to such office) will, for purposes of the expenditure limitations on Federal expenditure, be treated as incurred on behalf of the candidate, whether made by the candidate, a political committee, an individual, or any other person. This provision eliminates the definition of time, place, or manner qualifications for purposes of the expenditure on behalf of the candidate, by other people, under the Senate bill, and, for purposes of the expenditure limitations on Federal expenditure, will not violate the applicable Federal expenditure limitation.

Conference substitute.—The conference substitute amends the House amendment to provide for comparable provisions.

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 included newspapers, magazines, and other periodical publications, and billboards.

House amendment.—Communications media was defined, in section 315(c) of the House amendment to include broadcasting stations, newspapers, magazines, and other periodical publications, and billboards. This new definition covers expenditures for any medium used by or on behalf of the candidate, whether such expenditure was incurred by the candidate, a political committee, an individual, or any other person.

Conference substitute.—The conference substitute defines communications media to include broadcasting stations, newspapers, magazines, and other periodical publications, and billboards.

Certification Requirements

The Senate bill, House amendment, and conference substitute all provide that no expenditures may be made for the use of any newspaper, magazine, outdoor advertising facility, or broadcasting station unless the candidate or his authorized agent certifies that the expenditure on behalf of the candidate, whether made by the candidate, a political committee, an individual, or by any other person, will, for purposes of such limitations, be deemed to have been spent by the candidate for the office of President with whom he is running.

Special Rule for Members of Federal Agencies

The Senate bill, House amendment, and conference substitute all provide that the amount of a candidate's expenditures for the use of communications media, shall be included only in the direct charges of communications media, but also agents' commissions allowed by the media. In addition, the House amendment provides 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 medium by or on behalf of the candidate for Federal electoral office (or nomination therein) would be charged against the expenditure limitation applicable to the election in which the medium is used.

Senate bill.—The Senate bill and the House amendment provide for comparable provisions. Conference substitute.—The conference substitute contains the provisions of the House amendment.

Regulations

Senate bill.—The Senate bill provided for Federal regulations to carry out title I, although the Federal Elections Commission was provided with authority to prescribe regulations under section 104 (relating to limited interchange between expenditure limitations) and the Federal Communications Commission's general rule making authority under the Communications Act applied to the sections of the bill amending that Act.

House amendment.—The conference substitute contains an amendment generally authorizing any Federal agency to prescribe regulations to carry out title I, although the Federal Elections Commission was provided with authority to prescribe regulations under section 104 (relating to limited interchange between expenditure limitations) and the Federal Communications Commission's general rule making authority under the Communications Act applied to the sections of the bill amending that Act.

Conference substitute.—The Senate bill contains an amendment generally authorizing any Federal agency to prescribe regulations to carry out title I, although the Federal Elections Commission was provided with authority to prescribe regulations under section 104 (relating to limited interchange between expenditure limitations) and the Federal Communications Commission's general rule making authority under the Communications Act applied to the sections of the bill amending that Act.
Conference substitute.—The conference substitute deletes title I 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 Commerce Act of 1913 would be 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 them.

House amendment.—Section 106(a) of the House amendment makes any person who violated the provisions of the Act 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 Comptroller Act) and of the regulations of the Comptroller General subject to the penalties provided in the Senate bill. The penalties in 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 is 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 the use of which occurs on or after January 1, 1972.

Conference substitute.—The House recedes. The conference intend however that the expenditure, in a presidential election year, of 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 telephoneists and automated equipment. When telephones are used in banks of five or more instruments to communicate with potential voters, and for telephones 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, primary, primary runoff, or general election, an amount in excess of the limitations imposed on expenditures for the use of communication media under title I, and any amounts spent for the use of communications media would be counted against the applicable bankings laws and regulations in the ordinary course of elections.

DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

Definitions

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 the identical definition of the term "contribution" and the term "expenditure". Each such definition included 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 amends the Senate bill.

Federal Elections Commission and Superintendents of Elections

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 "superintendent of election". The House amendment defined the term "superintendent of election" to mean the Secretary of the Senate with respect to candidates for Senator; the official or representative of a campaign committee in a State with respect to candidates for Delegate or Resident Commissioner to the House of Representatives, or Delegate or Resident Commissioner to the Congress of the United States; and the Commissioner General in any other case. The House amendment omitted all references to the Commission and substituted references to the appropriate superintendent 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 appropriate superintendents having jurisdiction with respect to particular candidates.

Conference substitute.—The conference substitute is the same as the House amendment.

Reports of contributions by political committees

Senate bill.—Section 304(b) of the Senate bill required that each report of receipts and expenditures by a committee of a candidate and the mailing address of any such committee, the principal place of business, if any, of each person who made or caused to be made any contribution or who controlled or had the power to direct the making of any such contribution, or who for such committee or candidate (including the purchase of tickets for fundraising events) within the calendar year in an aggregate amount of not less than "$10,000 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 the convention in a State or political subdivision, or for the purpose of representing a candidate for the office of President or the nomination of a candidate for the office of President, or for the purpose of influencing the election of delegates to a national nominating convention of a political party 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 purpose of influencing 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 Code.

House amendment.—The House amendment contained identical definitions of the terms "contribution" and "expenditure", except that, in each instance, the 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 Superintendents of Elections
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 90 days before the date on which presidential and vice presidential electors were chosen.

House amendment.—No comparable provision. The House amendment required the Comptroller General to serve as a national clearing house for information in the administration of elections. It also provided that, in carrying out its duties, the Comptroller General was prohibited from requiring that any such study include any comments or recommendations made by the President or any person under his control.

Conference substitute.—The conference substitute is the same as the House amendment.

**ADDITIONAL FILING OF STATEMENTS**

Statements Filed With State Officers

Senate bill.—Section 409 of the Senate bill provided that the Comptroller General was required to compile and maintain a current list of all functions, powers, and duties relating to the disclosure of Federal campaign funds, except that required to be published in the Federal Register. Such list was to be updated annually.

House amendment.—The House amendment provided that the Comptroller General was required to compile and maintain a current list of all State officers, political committees, political parties, and any other person engaged in any activity required by any law to be filed with or reported to the Federal Elections Commission.

Conference substitute.—The conference substitute is the same as the House amendment.

**Eject on State law**

Senate bill.—Section 313(a) of the Senate bill provided that nothing in 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 such title III.

Separability

Senate bill.—Section 314 of the Senate bill provided that if any provision of title III (relating to disclosure of Federal campaign funds) or the application of such provision to any person or circumstance, as held invalid, the validity of the
December 11, 1971

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remainder of such title III and the application of any of the provisions 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.

WYLAN D. HAYS, W. M. ASBETT, KEQ. GRAY, JAMES HAYES, WM. L. DICKINSON, Managers on the Part of the House as to Title III, IV, and V of the House amendment.

HARLEY O. STAGGERS, TOBOBET H. MACDONALD, LIONEL VAY DREBIN, SAMUEL L. DEVINE, ANDERSON NELSON, Managers on the Part of the House as to Titles I and II of the House amendment.

JOHN O. PASTORE, J. N. D. HART, VANCE HARTSC, R. EYET ITT JRADAN, HOWARD W. CANNON, CLAIRBONE PELL, HOWARD BAKER, MARKY C. DO, TED STENS, 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 parties 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 reason for me to take effect before the end of February. I am aware of the way 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 gentlema yield?

Mr. HAYS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Let me say to the gentleman that I think the conferences did a good job and I wish to compliment the House 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 to the conference.

Mr. HAYS. I thank the gentleman.

I would point out, Mr. Speaker, that one reporter from a local newspaper criticized it severely because the bill has it in a section that deals with 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 terminate all federal interest in the State of Idaho from the operation of the U.S. 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 RECESS TODAY

Mr. MCFAUL. Mr. Speaker, I ask unanimous consent that at any time during the remaining time the President is in order for the Speaker to declare recess 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 the week of November 15, pursuant to a leave of absence granted for official business, and was unable to be present during several roll calls 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. Dizuca) is recognized for 60 minutes.

883
HOUSE
FLOOR DEBATE
ON
CONFERENCE REPORT
JANUARY 19, 1971
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 deflating 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 reads 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. BOOGE. 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
- Aspin
- Baring
- Barreca
- Bell
- Betts
- Boland
- Brademas
- Bray
- Burke, Fla.
- Byrne, Pa.
- Caflery
- Carey
- Chisholm
- Clark
- Clay
- Collier
- Conyers
- Conlan
- Diggs
- Dowling
- Edwards, Ala.
- Edwards, La.
- Esch
- Evans, Tenn.
- Fisher
- Fraser
- Fulbright
- Fugua
- Garnett

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or whoever the election official is in the State where the election is held.

It defines 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. 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 refer to as "political committees" meaning 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 beseeched 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.

First of all, I would like to compliment the chairman and the conference for their efforts. 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.

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 601 (f) for which limits are not made. Obviously, contradictory State laws are superceded. Similarly limitations on contributions lower than those in the 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. And 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 what 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 work in not even 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 clear that the bills were not passed, 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 such matters.

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 will be listening.

Mr. Speaker, I hope that the gentleman on the other side 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 House in general to somebody that the State designate?

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 another question: The gentleman made the statement that anyone who contributes more than $100 to an election must give his name and address. Further information must be included in the report.

What happens if you have a dinner where the cost of the dinner may be anything 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 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 three bills was that the bill would not 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 members 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 without disagreement. The conference was expected to be 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 conference was able to prevail. The first of these issues effects the status of section 315 of the Federal Communications Act—the equal-time provision. The conference, 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 discarded, 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. The candidates of the federal and state offices should report to supervisory officers of the Houses of Congress as at present. This issue was also resolved in favor of the House version.

Naturally the House conferees could not accept 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 Senate were accepted. The Senate bill would have given an overall spending limit 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 they 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 bill. The House had a rather strong feeling that the Attorney General was too apt to be a party in interest in political action. 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 it was adopted by the committee.

Considerable discussion was directed at the problem of telephone campaigns and computerized mail campaigns. There was considerable feeling that administration of the restrictions on such expenses would be extremely 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 feel 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 pre-empted only insofar as they would facilitate 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 they apply 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 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 committee 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. 882—FEDERAL ELECTION CAMPAIGN ACT OF 1971

1. Section 15 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 conference agreed to the Senate language.
3. The Senate bill made it an offense resulting in loss of license for a broadcaster to willfully fail to make a 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, prevail.

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 made 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 provisions for committees of state agents' commissions in the limits was retained.
10. A Senate provision for state limits on local candidates and procedures was included in the conference version.
11. Accounting for amounts spent purely as 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 course of business.
14. The Senate bill created an elections commission while the House bill kept the present system of reporting to the "super-electoral commission." The Senate bill expressed itself on this issue by amending the substitute and its version prevailed.
15. State law is imposed 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 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 the number 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 end the gentleman 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 conference. 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 expenses?

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 included in the legislation. 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 conferences on the part of the House did a very fine job.

Mr. Speaker and the committee and there was a lot of emotion tied 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 conference 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 provision is contained 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 such broadcast licensees 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. ABSBIT, 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, and I am told that there are under their distinguished chairman, Mr. MACDONALD, LIONEL VAN DEERLIN, FRED ROONEY, BOB TIERAN, GOODLOE BYRON, HASTINGS KEEF, CLARENCE BROWN, JAMES POLOKOFF, and also the House conferees from our committee, who, in addition to Mr. MACDONALD and myself, were MR. VAN DEERLIN, SAM DEVINE, and ANGIE 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 this field and for 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 the full committee, 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 $50 per contributor in any year shall 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 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 sourcils material that has been going out before elections against individuals that is unsigned. Those who engage in such activities will be punished 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 honest elections; when we did consider 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 choose to do so 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 was not what our forefathers envisioned when they founded this Nation.

This legislation is a small but effective step in revising the election laws. I am sure that they 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. Hayes) for the work that they have done in bringing this measure and conference report to the floor. Mr. Speaker, I have the conference report which has been transmitted 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 given an opportunity 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 100% against 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 weaknesses of our 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 Block Spending 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 conservative Republican with a tough legislative record, in favor of campaign spending limits. Mr. Thompson is a softspoken Republican with a liberal voting record, in favor of unlimited campaign contributions. They have voted in favor of campaign spending laws and a man at the Justice Department says: "He has never seen a law he didn't like".

Mr. Hansen's voting record suggests that lobbyist Young isn't telling all he knows. The mix-up occurred on the day of the House floor debate over the amendment. When he was down, Rep. Thompson got up to "commend the distinguished gentleman from Idaho for the distinguished speech he delivered in favor of this amendment." Mr. Thompson spoke some more off-the-cuff, then gained permission to "revise and extend" remarks he had made 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 Rep. Hansen. The consequence of Mr. Thompson's slipup appears in the Congressional Record of Nov. 80. Diligent readers of that day's proceedings will find a remarkable correction from Mr. Thompson giving almost the same speech, back to back. Except for minor editing ("Analytically, my proposal has three components," Mr. Thompson echoed) the two successive explanations coincide word for word, for paragraphs.

Mr. Thompson attributes this embarrassing overlap not to a common authorship but to "an unpreventable identity of legislative intent." But he won't identify the staffers who supposedly wrote the speech. Staffers, he says, were not involved, and Mr. Hansen's chief of staff assistant says he was cut 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 the legislator's words are destined to reverse it: either it, the Supreme Court (where an appeal was argued last week) or by means of Mr. Thompson's speech.

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 the proceeds of voluntary fund-raising drives. So long as force wasn't used, unions assumed that such collecting was legal. Nor did the government take the issue to the courts until 1968.

In that year, the Justice Department brought charges against Pipefitters Local 562 in St. Louis, a 1,500-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 a competing amendment, separate collection committees, and the proceeds of voluntary fund-raising drives. So long as force wasn't used, unions assumed that such collecting was legal. Nor did the government take the issue to the courts until 1968.

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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 union was deprived of free speech, job discrimination, or 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, pay, job allocation, and other incidents of employment. In those unions, if the union representative states to the membership that a $10 donation to an unnamed cause, the union member won't question the agent. . . . Thus it is the government's position that a contribution to any unidentifiable organization is a type of political action which may lead to the formation of a political fund not otherwise known to 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 many 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 30-minute rule which I seek 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 this 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 bill of the past Congress. The House floor, and finally in conference with the Senate has embodied the spirit of cooperation between the two major parties.

The fact that I was a member of 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 conference, of which 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. Simply, 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.
terest and worked hard to have legislation in this area.

The conferences 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 members 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. It is hoped that the media will also provide more information to the public about elections and create more trust and confidence in the election process.

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 House administration bill (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 conferences the new amendment to 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 minor amendments.

The situation, then, at the time the conferences 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 conferences 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 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 offices. 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 80 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 conferences also adopted the House provision covering media expenditure limits with respect to Presidential nominations. Under those provisions candidates for Presidential nomination will be limited on media expenditures to the same amount that applies 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 a candidate uses the facilities of more than one State. The conferences modified this to provide that the Comptroller General would prescribe such regulations.

The Senate eschew 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 provisions were accepted. The House version, which was accepted, retains limitations on communications media spending for the limitation to be increased in proportion to increases in the Consumer Price Index over calendar year 1970.

In the case of House elections, the limitation would be charged against the candidates for the 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 cost of the space for other purposes. Actually this test should have been applied across the board, rather than to discriminate.

The conferences accepted a Senate provision designed to insure accessibility to broadcast stations by candidates in the case of elections. As it stands, the Senate amendment, which was accepted, makes it mandatory that at least one broadcast station be available to the use of any broadcasting station, newspaper, magazine, outdoor advertising facility unless the candidate or his authorized representative certifies that the applicable expenditure limitation would be exceeded. This provision is applicable for a 45-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 cost of the space for other purposes. Actually this test should have been applied across the board, rather than to discriminate.

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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 that nonbroadcast media were excluded from the definition of broadcast media. The Senate conference report states that the Senate version of the bill was a major improvement over the House version, and that as the Senate version was adopted by the Senate, S. 382 would have created a major problem in this regard for candidates. As it is, the law is in effect and candidates have been able to receive and handle the reports. In contrast, the House version, which was accepted, retains the Clerk of the House as the supervisory officer for Senate elections and the Comptroller General for presidential elections. Reports on political convention financing were also required to be submitted to the Comptroller General.
The congressmen 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 outcome of any Federal election. The conference 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 619 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 the Federal court, to make it more difficult to be invalidated. However, that provision was replaced with a watered down amendment that will in all likelihood allow labor unions, if they have the will, to continue the practice of buying political advertising.

The gentleman from Idaho (Mr. Hansen) offered an amendment that was adopted, and at that time he stated specifically that it was his intention that his amendment codified existing law, so no other interpretation should be made as to his intention or the application of the amendment. This provision is 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 follow-up legislation will be indicated.

The gentle from Idaho (Mr. Hansen) offered an amendment that was adopted, 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 intention of the gentleman from Idaho. I believe the gentleman will enlarge upon that when time is allowed 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. I believe enactment into law will be in the public interest.

Mr. SPRINGER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. Kerr).

Mr. Kerr indicated that he would take a 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 track and abuses.

I am particularly pleased that this report contains the things for which I have been pressing—and which the House adopted, and to which the Senate added—this particular matter.

I yield 1 charge price.

Mr. SPRINGER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Minnesota (Mr. Nelson).

Mr. NEelsen. 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 only to point out the 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 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 broadcasters who have the resources to provide bargain basement rates for politicians, entirely overlooking the fact that nonpolitical advertisers are often more much more interested in the advertising rate, due to 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 over the previous matter, I do want once again to express my concern that the measure does discriminate against the broadcasting industry in the manner described.

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important piece of legislation, the Federal Election Campaign Act. This measure will 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 provisions 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 expenditures 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 regardless of the medium, is unjustifiable, and, I hope, can 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 legislation 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 limiting the filing of campaign reports was weakened by the elimination of the provision for a Federal Elections Commission. Originally included in the Senate version, section 408(b) 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 post 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 political action committees 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 activity 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 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. It was a reasonable compromise that would solve some of 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 loopholes, require intrastate as well as interstate committees to register, and encourage the act to primary candidates, 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 defects as well. Most importantly, this 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 Senate, 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 disproportional influence that the candidates who possess the largest 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 independent 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 conference.

I think we must remember that thorough and timely reporting by candidates is a step in the right direction. 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 the necessary authority that will be required to do the job effectively.

Mr. Speaker, despite this one area of disappointment let me again urge that to the conference report be approved. As one who has 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: "This is the final legislation on this problem ever far forward this year."

Mr. Speaker, in the absence ofurlage adoption of the conference report.

Mr. MCCOLLY (at the request of Mr. Springer). 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 not importantly on reporting campaign receipts and expenditures.

Mr. Speaker, this measure imposes appropriate responsibilities on political candidates and campaign committees. It is important to have these loopholes which, at the 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 not be 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. The House would properly entitled a story about its history and events. The first 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.

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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, page 31, page 41969. 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 stating to my knowledge concerning the provisions of the amendment that we recently been questioned. These 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 being 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 same and 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 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 sponsors of separate, early Senator Robert Taft of Ohio. The Hansen amendment is consistent with the position taken by the Justice Department in the brief filed with the U.S. Supreme Court in the PIPELINES 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 political fund.
GLEANED FROM THE INDICTMENT AND FROM NEVER PROSECUTED EITHER A UNION OR A COT-EXTEND THEIR REMARKS ON THIS SUBJECT.

both amendments are as follows: Government's redrafted and broadened in order to for "political committee 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 termination of employment or financial reprisals 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 members obtained by any commercial transaction." (Emphasis supplied.)

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 a properly instruct ed 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:

"[Unions can • • • organize something like the PAC, a political organization, and receive disclosures, 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 or contributions]." 93 Congressional Record 6440.

In light of this explanation the Government advised the Supreme Court in United States v. UAW, 352 U.S. 561 (1956), that section 610 had the purpose of removing 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 corporate groups have no right to set up and run legitimate labor or corporate political organizations such as COPE and BIPAC.

Thus as Senator Dominitz 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 for a candidate or even to a fund which the union will determine how it is to be spent, I have no objections." (Emphasis supplied.)

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 a fund so 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. In fact, it merely brings current accepted practices into clear and explicit statutory language.

Much has been made of the fact that some of the material which I inserted in connection with my remarks is similar to material inserted by the gentleman from New Jersey (Mr. Thomson) 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 in connection with my remarks. Obviously, the gentleman from New Jersey (Mr. Thomson) 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 the other Members of this 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 overwhelm ing vote of approval.

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. The gentleman from Ohio is recognized.

Mr. DEVINE. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. Downs).

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 to him 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 Circuits Court of Appeals in the Eighth Circuit, I believe it was the Pin

fitters' 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 gentle

tman from Indiana has expired.

Mr. DEVINE. Mr. Speaker, I yield 1 minute to the gentleman from Minnes
to (Mr. Franzen).

Mr. FRENZEN. 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 con

gressional responsiveness.

This bill is the first significant reform in decades. It provides for expanded disclosure both for expenses and contribu
tions, and establishes spending limitations for the 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 substan
tially the existing, and obvious, advan
tages of incumbency. It also resisted the equally strong temptation to restrict undue the rights of citizens who participate financially in the political process.

The bill has favorable provisions, 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 politi
cal 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 the whole treatment of election reform is that we are passing Congress own bill. It did not come from the Executive, although the White House did contribute greatly and has indicated support for 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 major
ty 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 chairman, 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 ef

forts reflected

It is my hope that this bill will be passed by an overwhelming majority to
day.

Mr. HAYS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. Pickle).

Mr. PICKLE. Mr. Speaker, the Mem

ers of the House will remember that during the first floor debate on this legis
lation I offered an amendment providing that broadcasters should charge comparable or earned rates, the same as the newspapers and other media under the amendment. The House passed that amendment by a vote of 218 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 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 sup
port 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 that the provision requiring broadcasters to give the lowest unit rate to political candidates, if that is indeed what the language really says, is patent
tially unfair and should be corrected. I hope to take steps and get along this year to correct that difference.

Mr. HAYS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. Enor

Mr. BINGHAM. Mr. Speaker, the ques

tion 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 tele
phones 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 recog

izable category. It was not my intention to include any璜d that is beyond that. These people are generally not the kind of people you would consider as part of the campaign staff. There are no other provisions that are likely to include the phrase "paid telephonists" to include general campaign staff.

Mr. HAYS. Mr. Speaker, I yield 1 minute to the gentleman from Wyoming (Mr. Roncallo).

Mr. RONCALLO. Mr. Speaker, I thank the chairman of the committee, the gentle
man from Ohio (Mr. Eays).

Mr. Speaker, my purpose in taking the floor at this time is to ask a question for the benefit of absent Members.

What about attorney's and 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 or a particular thing last year." Is this allocable to your opponent's expense limitations?

Mr. HAYS. No, it is not. But if a person—this 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. RONCALLO. I thank the gentle
man very much.

Mr. HAYS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. As
ter), 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 administra

Mr. ABBITT. Mr. Speaker, I appreciate very much the gentleman yielding to me and this kind of hearing had just spoken.

Mr. Speaker, I want to commend the chairman of the committee, 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 concretely.

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 spend

ing or expenditure is for the costs of tele

phones, 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 broad

casters, that is, television and radio, was adopted. Broadcasters must charge the lowest unit rate for space and time dur

ing the 45 days preceding a primary and 90 days preceding the general election.

Second, there was stricken from the House bill the provision requiring anyone who makes space available in a newspa

per 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 the applica

tion of section 103 and adopted the Senate provision, which provides for a fine of not exceeding $5,000 or imprison

ment of not more than a year or both.

Fifth, there was the amendment that was offered by Mr. Eays 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 con

ference committee was to say that a re

port shall be filed with the appropriate
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 definitions of "contribution" and "expenditure" do not include communications, nonpartisan registration, and get-out-the-vote campaigns directed at the stockholders of the corporation and their families or 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 any 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 provided for campaign expenditure limits and made the Commission responsible for enforcing the law. I believe that the limit of $50,000 for President or Vice President, $35,000 for Senator, and $25,000 for Representative is a fair limit which will give us a better election system.

Mr. MAHON. Mr. Speaker, under permission I would like 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 area which I represented. 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. I was also informed of the many 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. 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. FOSTER) and the other Senate conferees. We came up with a bill that I think is a long step in the right direction, and I urge adoption of the conference report.

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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 is deliberately 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 be realized without the gross provision which we would operate 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-per cent difference in rates.

Second, in the 10-cent-per-voter limitation on spending, this bill specifies that only 8 cents can be spent on the broadcast media. It 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 proper. 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 provisions 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 I am confident their product will be political, obligations which are often inexcusable due.

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 its chairman, and their minority counterparts, have earned the appreciation of the House and 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 that matter was before us last year, and share his view that it 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. DERMINSKI. 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 has, 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. If 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 by the Federal office. In addition, it does not protect the electorate, nor the candidate, from corruption.

God 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; while 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 statements saying 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 1962, 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, at the same time, give all candidates from the pressure of political obligations which are often incurred in raising funds to undertake political campaigns, I urge my colleagues to support the Conference Report to the bill, S. 182, the Federal Election Reform.

Under this measure, a candidate for Federal office would be limited to 10 cents per eligible vote, 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 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 would be 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.

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l_r. Wolff with Mr, Roll.
ldr. Barrett with Mr. Collier.
l_Ir. Stubblefield
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Mr. Aspin with Mr. McDade.
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901


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 way 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
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--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 telephoneists, 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.

Primaes.

(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
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 subsection:

"(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 section, 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) 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.
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

"(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

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.");

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
February 7, 1972 - Pub. Law 92-225

"(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. 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:

"As used in this section, the phrase 'contribution or expenditure' shall include any direct or indirect payment, distribution, loan, 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 for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof 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 buildings 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. 907. 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-
tion 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.

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 solicitation, 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.
(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.
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 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 Fed-
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.

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


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.

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. 92-566 (Comm. on Commerce), No. 92-229 (Comm. on Rules and Administration) and No. 92-580 (Comm. of Conference).

CONGRESSIONAL RECORD:
Nov. 19, 29, 30, considered and passed House; amended, in lieu of H.R. 11060.
Dec. 14, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 8, No. 7:
Feb. 7, Presidential statement.
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Pendleton Act of 1883 (Civil Service Act), Act of January 16, 1883, 22 STAT 403 (see Title 18, §§ 1, 371, 1917)

Revenue Act of 1971, Act of December 10, 1971, Title VIII, 85 STAT 497 (see Title 26)

War Labor Dispute Act of 1943, Act of June 25, 1943, Ch. 144, 57 STAT 163 (Smith-Connally Anti Strike Act)
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) in 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 pre-election 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 pre-elections 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 nonpartisan fund, and placing the check-off on the first page of the income tax form in order to promote its use).