# HOUSE OF REPRESENTATIVES—*Tuesday, November 30, 1971*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*The Lord will give grace and glory: No good thing will He withhold from them that walk uprightly.*—Psalm 84: 11.

Most merciful and gracious God, cleanse our hearts, clarify our minds, and give courage to our souls as we face the duties and responsibilities of this day.

Reveal to us the means whereby our spirits may be strengthened, our freedoms fortified, and the integrity of our country increased. Give us to realize anew that Thy favor toward us is found in obeying Thy laws, in doing Thy will, and in living with love in our hearts.

Keep alve within us the dawning of the day when people and nations will be united in the bonds of brotherhood singing the song that shatters the spear and the sword and telling the story of truth and mercy which shall usher in a period of peace and prosperity for all.

In the spirit of the Master we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## PERMISSION FOR THE COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT ON A SUPPLEMENTAL APPROPRIATION BILL

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

Mr. BOW reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

## THREATENED VETO OF TAX BILL

(Mr. BOGGS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BOGGS. Mr. Speaker, I take this time to express concern at the statement on yesterday that was attributed to the congressional liaison director of the White House, Mr. Clark MacGregor, threatening a veto of the tax bill now in conference between the House and the Senate.

In the almost quarter of a century that I served on the Committee on Ways and Means, I can never remember any President threatening that committee or the Congress, either the House of Representatives or the Senate separately or jointly on a measure as important as the tax bill.

The President has said this tax bill is a vital part of his economic program and yet, while the conference is still meeting and is still attempting to work out the differences between the two bodies, the President of the United States threatens the Congress with a veto. I hope he is not serious about this, because I am sure that it has dawned on him that at this late hour in this session it is extremely remote that the Committee on Ways and Means will go back to the tax bill, report out a new bill and bring it here to the floor and send it over to the other body for consideration.

If this is simply a political ploy, which most people seem to think it is, then I say it is quite regrettable that the President would use this type of tactic.

Finally, if it is a political ploy, it is certainly not going to have any desirable effect in helping the economic conditions of this country. If the people get the idea that all the President is doing is playing politics, then there certainly will be no economic revival which is so desperately needed in this country.

## PROPOSED TAX BILL

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, I have not had an opportunity to check the historical record, but I suspect that other Presidents have indicated on other measures in advance of the conclusion of the conference report that certain provisions in a bill, if included, would result in a veto.

Let me say on this tax bill specifically, I commend the House Committee on Ways and Means and I commend the House of Representatives for passing a constructive tax reduction bill not identical with the provisions recommended by President Nixon, but a good bill with some responsible variations.

The 120 some amendments added to that tax bill in the other body, making it a typical Senate "Christmas tree," does raise many, many valid objections to what might come out of that conference.

The President is not playing politics with the tax reduction proposal he initiated. The tax bill as reported by the Senate is so different from the House bill and President Nixon's tax cut proposal that I do not think the House could swallow that bill. Therefore, it is incumbent upon the conferees to get rid of all or most of those extraneous amendments so that we can have a good tax bill, so that the country will know we are going to eliminate the 7-percent excise tax, we are going to increase the standard deduction, we are going to increase the personal exemptions, and we are going to have a job investment tax credit proposal. Those are the things the President recommended. That is what the House approved. I believe that is what we ought to come out with so far as the conference is concerned. To load it up with a Senate "Christmas tree" operation, in my opinion, would be bad for the country.

## APPOINTMENT OF CONFEREES ON H.R. 9961, FEDERAL CREDIT UNION ACT EXTENSION

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9961) to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes, with the Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. PATMAN and BARRETT, Mrs. SULLIVAN, Messrs. REUSS, MOORHEAD, ST GERMAIN, and WIDNALL, Mrs. DWYER, and Messrs. JOHNSON of Pennsylvania and J. WILLIAM STANTON.

## CONFERENCE REPORT ON S. 29, CAPITOL REEF NATIONAL PARK, UTAH

Mr. TAYLOR, on behalf of Mr. ASPINALL, filed the following conference report and statement on the bill (S. 29) to establish the Capitol Reef National Park in the State of Utah:

CONFERENCE REPORT (H. REPT. No. 92–685)

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 29) to establish the Capitol Reef National Park in the State of Utah, 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 to the text of the bill, and agree to the same with an amendment as follows: In lieu of the matter inserted by the House amendment insert the following:

That (a) subject to valid existing rights, the lands, waters, and interests therein within the boundary generally depicted on the map entitled "Boundary Map, Proposed Capitol Reef National Park, Utah," numbered 158–91,002, and dated January 1971, are hereby established as the Capitol Reef National Park (hereinafter referred to as the "park"). Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) The Capitol Reef National Monument is hereby abolished, and any funds available for purposes of the monument shall be available for purposes of the park. Federal lands, waters, and interests therein excluded from the monument by this Act shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") in accordance with the laws applicable to the public lands of the United States.

SEC. 2. The Secretary is authorized to acquire by donation, purchase with donated

or appropriated funds, transfer from any Federal agency, exchange, or otherwise, the lands and interests in lands described in the first section of this Act, except that lands or interests therein owned by the State of Utah, or any political subdivision thereof, may be acquired only with the approval of such State or political subdivision.

SEC. 3. Where any Federal lands included within the park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges or their heirs to continue in the exercise thereof during the term of the lease, permit, or license, and one period of renewal thereafter.

SEC. 4. Nothing in this Act shall be construed as affecting in any way rights of owners and operators of cattle and sheep herds, existing on the date immediately prior to the enactment of this Act, to trail their herds on traditional courses used by them prior to such date of enactment, and to water their stock, notwithstanding the fact that the lands involving such trails and watering are situated within the park: *Provided*, That the Secretary may promulgate reasonable regulations providing for the use of such driveways.

SEC. 5. (a) The National Park Service, under the direction of the Secretary, shall administer, protect, and develop the park, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535) as amended and supplemented (16 U.S.C. 1–4).

(b) The Secretary shall grant easements and rights-of-way on a nondiscriminatory basis upon, over, under, across, or along any component of the park area unless he finds that the route of such easements and rights-of-way would have significant adverse effects on the administration of the park.

(c) Within three years from the date of enactment of this Act, the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendations as to the suitability or nonsuitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness shall be in accordance with said Wilderness Act.

SEC. 6. (a) The Secretary, in consultation with appropriate Federal departments and appropriate agencies of the State and its political subdivisions shall conduct a study of proposed road alinements within and adjacent to the park. Such study shall consider what roads are appropriate and necessary for full utilization of the area for the purposes of this Act as well as to connect with roads of ingress and egress to the area.

(b) A report of the findings and conclusions of the Secretary shall be submitted to the Congress within two years of the date of enactment of this Act, including recommendations for such further legislation as may be necessary to implement the findings and conclusions developed from the study.

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act; not to exceed, however, $423,000 for the acquisition of lands and interests in lands and not to exceed $1,052,700 (April 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to the approval of this Act.

And the House agree to the same.

WAYNE N. ASPINALL,
ROY A. TAYLOR,
MORRIS K. UDALL,
SHERMAN P. LLOYD,
*Managers on the Part of the House.*

ALAN BIBLE,
FRANK E. MOSS,
CLIFFORD P. HANSEN,
*Managers on the Part of the Senate.*

JOINT 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. 29) to establish the Capitol Reef National Park in the State of Utah submit this joint statement in explanation of the effect of the language agreed upon by the managers and recommended in the accompanying Conference Report.

The language agreed upon by the managers is the language of the House amendment with two amendments. There were seven points of difference between the Senate version and the House Amendment which were the subject of discussion and action by the Committee of Conference. These differences and the disposition of them are as follows:

(1) Both the House and Senate versions of the bill provided for the gradual phase-out of grazing privileges within the park; however, the House amendment limited such privileges to the existing term and one period of renewal thereafter, while the Senate language permitted them to continue for a period of 25 years or longer subject to terms and conditions established by the Secretary of the Interior. The Committee of Conference agreed to accept the House language on the basis that it provides an adequate, reasonable, and equitable period of time to phase-out the grazing privileges within the park.

(2) The House amendment included a provision comparable to the Senate language providing for the trailing of cattle and sheep along traditional courses across the park area, but the House language, in addition, permitted the Secretary to designate the location of the trailways and to establish reasonable regulations for their use. The Committee of Conference agreed to accept the House language with an amendment to assure the recognition of traditional trailways across the park by the Secretary, but, at the same time, to allow him to establish reasonable regulations for their use.

(3) The Committee of Conference agreed to accept a House amendment deleting a provision in the Senate version of the bill which specifically authorized the Secretary to provide for the proper development of the park. While the Committee of Conference agreed that this provision was not essential to the legislation—since there is ample authority in this regard—its deletion from the bill should not be construed as limiting the customary authority to develop park areas. On the contrary, the reason for including the language initially was to emphasize the importance of pursuing a development program which would assure the availability of the facilities needed for the public use and enjoyment of this park.

(4) Both the Senate language and the House amendment required the Secretary to grant easements and rights-of-way through the park. As distinguished from the Senate language, which provided that the Secretary must grant such easements if he found that they would not have significant adverse effects on the administration of the park, the House amendment required him to grant them only if he found that they would be compatible with the purposes of the park, as well. The Committee of Conference recognized the necessity of allowing utility crossings through this elongated park, but it also recognized the importance of locating these easements and rights-of-way where they would have the least impact. The Committee of Conference agreed upon substitute language which requires the Secretary to grant such easements and rights-of-way unless he finds that "the route of such easements and rights-of-way would have significant adverse effects on the administration of the park."

(5) Although the House amendment modified the Senate language with respect to studies of the area for consideration for wilderness designation, the thrust of both provisions is the same. The Committee of Conference agreed to accept the language of the House amendment because it was standard language used in other comparable measures.

(6) It was agreed by the Committee of Conference that the transportation study of this area—which would be a comprehensive study co-ordinated with similar studies to be made at other national park units in the same region—should be made by the Secretary of the Interior in consultation with other Federal, State, and local agencies as provided in the House amendment. Because of its importance to the future of the communities involved, the report and recommendations are required to be completed and transmitted to the Congress within two years after the date of enactment of S. 29. While the objective of both the House and Senate language was the same, the Senate version made the transportation study a joint responsibility of the Secretary of the Interior and the Secretary of Transportation. The conferees agreed that, while consultation with the Department of Transportation would be desirable, the responsibility for making the study should rest exclusively with the Secretary of the Interior.

(7) The last difference between the House amendment and the Senate version of the bill involves the limitation on appropriations for acquisition in, and development of, the park. The House amendment limited the amounts authorized for future appropriations to not more than $423,000 for the acquisition of lands and not more than $1,052,700 for development. The Senate version contained no comparable limitation. The Committee of Conference agreed to accept the House language.

The conferees wish to point out that there was no difference of opinion between the two Houses of the Congress with respect to giving national park status to about 242,000 acres of land in the State of Utah. Only the several differences involving collateral issues had to be resolved. In resolving these differences, the Committee of Conference has agreed that the most uniform possible approach should be taken with respect to the various national park areas located in the southwestern region of the State of Utah.

National park designation is the highest recognition of natural beauty given to any area in the country. Only the most outstanding natural and scenic outdoor areas are granted this distinction.

WAYNE N. ASPINALL,
ROY A. TAYLOR,
MORRIS K. UDALL,
SHERMAN P. LLOYD,
*Managers on the Part of the House.*

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## PERMISSION FOR THE COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. SISK. Mr. Speaker, I ask unanimous consent that the Committee on

Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

## INTERGOVERNMENTAL FISCAL COORDINATION ACT OF 1971

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, today, the distinguished chairman, along with several other members of the Ways and Means Committee, including myself, has introduced the Intergovernmental Fiscal Coordination Act of 1971. This bill will provide up to $3½ billion for local governments and up to $1.8 billion for State governments annually for a period of up to 5 years.

I personally believe that this bill embodies many of the principles of previous revenue-sharing plans, but at the same time, has eliminated many of the problems which made the previous plans so unworkable.

This bill would provide grants of specific amounts for activities which are certainly of the highest priority: Public safety, environmental protection, public transportation, and youth recreation programs.

This legislation is the end result of months of deliberation and diligent research by the excellent staff of our committee. It is a measure which is aimed directly at the problems of our cities, problems which cannot afford to wait much longer. I am happy to be able to say that this legislation has broad support in our committee. In addition to our chairman, the bill is cosponsored by committee members representing almost all of our major cities.

Mr. Speaker, at no time in our history have our urban areas been in more of a need for Federal assistance than they are now. They are suffocating from the fumes of progress. Their schools are overcrowded and underfinanced. Their law-enforcement agencies are overburdened and their tax bases are certainly overworked. The bill that we have introduced today should not be looked upon as a panacea for all the diverse ills that presently beset our troubled cities—it does, however, represent a very necessary first step—it is a beginning.

Tom Wicker, writing in Sunday's New York Times, very eloquently describes the plight of the American city when he says:

> The real point is that there is, in fact, no place to hide from the kind of society we have created, or allowed to develop. The blacks and the poor didn't make that society; it put them in their present places. The city doesn't make modern life unpleasant; modern life is rendering the city intolerable. The suburb, the weekend house, the island in the sea or the woods can't be walled off against change and turmoil growing out of the kind of people we are and the kinds of lives we lead; they can only delude the hopeful.

Mr. Speaker, this legislation is not another attempt to "delude the hopeful," but rather, it is a concrete approach to attach some of the most basic problems which plague our cities.

## AWARD OF HEISMAN TROPHY TO PAT SULLIVAN OF AUBURN

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, on Thanksgiving night, the New York Downtown Athletic Club selected Auburn University's great quarterback, Pat Sullivan, as this year's winner of the Heisman Trophy. This award is given annually to the Nation's most outstanding college player.

Pat Sullivan set a number of records during his 3 years of varsity play at Auburn. This year alone, he threw for 20 touchdowns and over 2,000 yards. In addition, he has the top scholastic standing among all seniors on the Auburn team; is a member of the Society of Christian Athletes; and is a devoted husband and father.

Champions are made of many things and when I listened to the telephone call placed to Pat Sullivan in Auburn last Thursday after the announcement was made and heard the humility of this great athlete in expressing appreciation to his fellow teammates and his coaches, then I knew that Auburn's Pat Sullivan was a real champion.

Mr. BUCHANAN. Will the gentleman yield?

Mr. NICHOLS. I will be pleased to yield to my colleague from Birmingham.

### BIRMINGHAM'S PAT SULLIVAN, HEISMAN TROPHY WINNER

Mr. BUCHANAN. Mr. Speaker, the people of the city of Birmingham, which it is my privilege to represent in the Congress, have yet another reason to be proud this week. A Birmingham native, Pat Sullivan of Auburn University is this year's Heisman Trophy winner. I join my colleague in saluting him this day.

Upon notification of his receipt of this award, Sullivan said it was "the biggest surprise I've ever had," but for the thousands of Atlabamians who have watched Pat perform for the Auburn Tigers, his selection for this award is far from surprising.

He has led his team to 26 victories in 32 games over his 3-year period as a varsity player.

Pat is the son of Mr. and Mrs. Jerry Sullivan of Birmingham where he grew up playing not only football, but baseball and basketball as well. Even as a youngster, he was a star of the Toy Bowl games, annual benefit football games, leading the Birmingham team to victory every time he played.

At John Carroll High School in Birmingham, his record was the same.

From there it was on to Auburn University. During his junior year he ranked sixth in the Heisman Trophy balloting and led the Nation in total offense, gaining an average of 285.6 yards per game and racking up 26 touchdowns. While in college he married and he and his wife Jean have a 2-year-old daughter, Kim, who I understand broke the still, tense moments prior to the announcement of the Heisman Trophy winner yelling "touchdown."

This year Pat ranks third in passing and has chalked up 20 touchdown passes, ranking fourth on the NCAA total offense list with an average of 219.7 yards per game.

It is typical of Pat's character and a sign of his leadership ability that he gives much of the credit for his success to his teammates, the fine young men who defend him and who have received his many passes. It is most fitting that Pat Sullivan of Auburn University should win the trophy named after a former Auburn coach, John W. Heisman, and be the first Auburn player to be so honored.

All Birmingham shares the pride of his family in Pat Sullivan's outstanding achievement.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I am happy to yield to the majority leader.

Mr. BOGGS. Mr. Speaker, I want to join in the gentleman's statement. I suggest that the gentleman invite our colleagues down to my hometown of New Orleans to watch the Sugar Bowl game between Auburn and Oklahoma where they will have the opportunity to watch Pat Sullivan play on January 1.

Mr. NICHOLS. We expect to do that.

## PHASE II FORMULA

(Mr. CONABLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CONABLE. Mr. Speaker, the distinguished majority leader, responding to a statement by the minority leader about the economy yesterday, deplored the uncertainties of phase II and what he apparently felt was an unwarranted optimism about the course of the economy. No one is ever satisfied with the economy—and that is true regardless of the side of the aisle you sit on. There are always trade-offs, even in a completely controlled economy which I am sure the majority leader would not enjoy any more than the rest of us. The only way to get certainty in an effort to regulate wages and prices is to have complete control—the kind of straitjacket no American wants. The flexible controls of the Nixon phase II formula provide the kind of balanced restraint which permits movement within acceptable limits so that confidence can grow.

Mr. Speaker, confidence is what our economy needs. Lack of consumer and business confidence, rooted at least in part in inflationary expectations, have been working to frustrate the normal dynamics of the incentive system. There is nothing wrong with our system that positive leadership cannot overcome. The President is doing his part, and I hope the Congress will respond, not with roadblocks and negativism, but with the boost that will help a psychologically oriented economy to soar. Gloom and doom can be self-fulfilling prophesies at worst—even at best they are counterproductive, both economically and politically.

## THE DISTRICT OF COLUMBIA APPROPRIATIONS BILL AND ITS IMPACT UPON ACTIVITIES IN THE DISTRICT

(Mr. GUDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUDE. Mr. Speaker, on Thursday we shall decide whether the great Kennedy Center for the Performing Arts will be a select gathering place for the rich—or shall be available to all.

On Thursday, we shall decide whether this Capital City shall have a vital downtown or a vacant, darkened wasteland of crime and danger.

On Thursday, we shall decide whether Connecticut Avenue has been ripped apart for a purpose, or as an expensive exercise.

On Thursday, we shall decide whether the Federal Government shall be accessible to the people.

On Thursday, we shall decide whether we mean what we say about creating greater accessibility to jobs, rather than adding to our welfare rolls.

On Thursday, we shall be deciding all these things because we shall be deciding whether to fund the Washington-area Metro subway system.

Thursday will be the crucial time of decision. If we do not vote then to permit the District of Columbia to pay the debts it owes the public corporation that is building the subway, then that corporation's construction work will halt. I was advised this morning at a meeting with Montgomery County Executive James Gleason that the county cannot continue to pay for subway construction when there is no sign that Congress will release the District of Columbia funds due. If Congress does not release these funds the County will make no further payments after this coming month, the county executive said. In all likelihood, the other suburban jurisdictions will take similar action. Then, the great tunnels that have already been dug under Washington will become a bitter reminder to all that congressional authorizations and long-standing commitments are without substance.

## STRATEGIC RESERVE BILL FOR THE PURCHASE OF WHEAT AND FEED GRAINS

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAYNE. Mr. Speaker, the House Rules Committee heard testimony this morning on H.R. 8290, a bill to establish a strategic reserve of wheat and feed grains. This is one of the vehicles being suggested to raise the price of corn, which is now below production cost and definitely requires drastic improvement. It will cost from $1¼ to $1½ billion to acquire the reserve provided for in the bill and an additional $210 million annually to store it.

Mr. Speaker, it is extremely important that if a rule is granted on this bill it be sufficiently liberal to waive points of order for the offering of an amendment by the gentleman from Illinois (Mr. FINDLEY) to limit payments received under the program to $20,000 a year.

We certainly do not want this bill to be used as a vehicle for further enriching vertically integrated conglomerates, other large agricultural combines and individual large operators. The subterfuges through which they continue to draw huge combined payments in excess of the present $55,000 limit have been exposed and very properly denounced.

Members genuinely interested in the survival of the family farmer will want to make sure these agri-giants do not exploit the reserve as a further means of widening the unfair competitive advantage they already enjoy enabling them to gobble up more and more small and medium sized farms.

Mr. Speaker, I hope our colleagues will join me and Mr. FINDLEY in urging the Rules Committee before final action is taken on this rule to open it up sufficiently to permit consideration of a $20,000 limitation amendment. If the committee does not waive points of order to such an amendment, it is our present intention to ask the House to vote down the previous question on the rule in order to make the amendment in order.

## CALL OF THE HOUSE

Mr. SCHMITZ. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 415]

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|---|---|---|
| Andrews, Ala. | Diggs | Moorhead |
| Ashley | Dowdy | Morgan |
| Baring | Edwards, La. | Morse |
| Belcher | Ellberg | Murphy, N.Y. |
| Bell | Evins, Tenn. | Pepper |
| Blanton | Fraser | Pryor, Ark. |
| Blatnik | Gallagher | Pucinski |
| Burton | Gray | Railsback |
| Byrne, Pa. | Gubser | Rangel |
| Cabell | Halpern | Rees |
| Celler | Hanna | Rhodes |
| Chamberlain | Harsha | Riegle |
| Chisholm | Hébert | Rodino |
| Clark | Heckler, Mass. | Roybal |
| Clay | Hogan | Satterfield |
| Collins, Ill. | Landrum | Scheuer |
| Colmer | McClory | Sikes |
| Conyers | McCulloch | Teague, Tex. |
| Davis, Ga. | McKevitt | Wilson, Bob |
| Davis, S.C. | McMillan | Wilson, |
| Derwinski | Miller, Calif. | Charles H. |

The SPEAKER. On this rollcall 369 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## FEDERAL ELECTION REFORM

Mr. HAYS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 11060) to limit campaign expenditures by, or on behalf of, candidates for Federal elective office; to provide for more stringent reporting requirements; and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 11060, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the Macdonald of Massachusetts amendment, as amended, had been agreed to.

House Resolution 694 provides that at this point it shall be in order for the Chair to recognize Members for the purpose of offering, without the intervention of any point of order, the text of the bill H.R. 11280 as an amendment in the nature of a substitute for the bill.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HARVEY

Mr. HARVEY. Mr. Chairman, I offer an amendment in the nature of a substitute for the text of the bill H.R. 11060.

The CHAIRMAN. Does the Chair understand that the offering of the text of H.R. 11280 by the gentleman is not objected to by the authors of H.R. 11280?

Mr. HARVEY. That is my understanding, Mr. Chairman.

POINT OF ORDER RESERVED

Mr. HAYS. Mr. Chairman, I reserve a point of order against the amendment in order to ask the gentleman a question.

Is this the exact text of the bill which the rule makes in order, or has it been changed?

Mr. HARVEY. No; I would state to my chairman that this is the exact text of H.R. 11280, which contradicts what I said to my chairman yesterday. However, I wanted to get into this first because the rule does require that I introduce the exact text of H.R. 11280.

It is my understanding, however, that the gentleman from Massachusetts (Mr. MACDONALD), chairman of the subcommittee, is going to offer an amendment to the substitute which will make it conform exactly to what the House expressed yesterday on the several votes that were taken. This amendment will go to title I.

Further, I want to say to my chairman and the rest of my colleagues that I intend to wholeheartedly support that amendment, which will mean we will not have to plow over that old ground again but, rather, if we accept the Macdonald amendment to the substitute, what we did on yesterday would be embodied in title I.

Mr. HAYS. The reason I made this reservation of a point of order was to inquire of the gentleman as to that particular point. I agree with the gentleman. I will also support the Macdonald amendment when it comes up. I withdraw my reservation of a point of order.

The CHAIRMAN. The Clerk will report the amendment which has been offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HARVEY: Strike out all after the enacting clause and insert in lieu thereof the following:

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

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

EXCEPTION TO EQUAL TIME REQUIREMENTS AND CHARGE LIMITATIONS

SEC. 101. (a)(1) Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315 (a)) is amended by inserting after "public office" in the first sentence thereof a comma and the following: "other than Federal elective office (as defined in subsection (c) of this section),".

(2) Section 315(a) of such Act is amended by inserting after the first sentence thereof the following: "When a licensee permits a legally qualified candidate for Federal elective office to use his broadcasting station in connection with such candidate's campaign for nomination for election, or election to such office, the licensee shall afford such candidate maximum flexibility in choosing his program format."

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

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

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

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

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

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

EXPENDITURE LIMITATIONS FOR CANDIDATES FOR MAJOR ELECTIVE OFFICES

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

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

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

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

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

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

"(2) Except as provided in section 104 of the Federal Election Campaign Act of 1971, no legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of broadcasting stations on behalf of his candidacy in such election a total amount in excess of—

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

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

For the purposes of computing the limitation provided by the first sentence of this paragraph in connection with a Presidential primary election, the resident population of voting age for the office of President shall be held and considered to be the entire population of voting age for such office within the State in which such primary election is conducted. Amounts spent by or on behalf of any candidate for nomination for election to such office in connection with his primary campaign in any State shall not exceed such limitation for that State.

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

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

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

"(d) If a State by law and expressly—

"(1) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection, and

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

"(3) has provided in any such law an unequivocal expression of intent to be bound by the provisions of this section, and

"(4) has stipulated that the amount of such limitation shall not exceed the amount which would be determined for such election under subsection (c) had such election been an election for a Federal elective office or nomination thereto;

then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate, or a person specifically authorized by such candidate in writing to do so, certifies to such licensee in writing that the payment of such charge will not violate such limitation.

"(e) One who willfully and knowingly violates the provisions of subsection (c) or (d) of this section shall be punished by a fine not to exceed $5,000 or imprisonment for a period not to exceed five years, or both. The provisions of sections 501 through 503 of this Act shall not apply to violations of such subsection."

LIMITATIONS ON CAMPAIGN EXPENDITURES FOR NONBROADCAST COMMUNICATIONS MEDIA

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

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

(2) "nonbroadcast communications medium" means newspapers, magazines, and other periodical publications, and billboard facilities;

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

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

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

(c) Except as provided in section 104 of this Act, no legally qualified candidate in any primary, runoff, general, or special election for a Federal elective office may spend for the use of nonbroadcast communications media on behalf of his candidacy in such election a total amount in excess of—

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

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

For the purposes of computing the limitation provided by the first sentence of this paragraph in connection with a Presidential primary election, the resident population of voting age for the office of President shall be held and considered to be the entire resident population of voting age for such office within the State in which such primary election is conducted. Amounts spent by or on behalf of any candidate for nomination for election to such office in connection with his primary campaign in any State shall not exceed such limitation for that State.

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

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

the use of any nonbroadcast communications medium to or for the benefit of any such candidate at a rate which is less than the rate normally charged by such person for such use shall be deemed to have made a contribution to such candidate in an amount equal to the excess of the rate normally charged over the rate charged such candidate.

(f) One who willfully and knowingly violates the provisions of this section shall be punished by a fine not to exceed $5,000 or imprisonment of not more than five years, or both.

LIMITED INTERCHANGEABILITY BETWEEN EXPENDITURES LIMITATIONS

SEC. 104. (a) A legally qualified candidate in any primary, runoff, general, or special election for Federal elective office may, at his option, transfer not to exceed 20 per centum of the expenditure limitation under section 315(c) of the Communications Act of 1934 as amended or section 103(c) of this Act between one or the other to be spent on either the broadcast or nonbroadcast media on behalf of his candidacy in such election. Any amount so transferred from the one expenditure limitation to the other shall be deducted from the expenditure limitation upon the media from which such transfer is made.

(b) Any such legally qualified candidate exercising this option shall promptly notify the Federal Elections Commission in writing of the amount so transferred and spent, and shall provide such Commission with such information as the Commission, in its judgment, deems necessary and proper in the exercise of this option.

(c) The Federal Elections Commission is authorized to develop and promulgate appropriate rules and regulations to carry out the purposes of this section.

(d) The definitions contained in section 315(c) of the Communications Act of 1934 and in section 103(a) of this Act are applicable to this section.

COST-OF-LIVING INCREASE IN LIMITATION FORMULA

SEC. 105. (a) For purposes of this section, the term—

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

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

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

TITLE II—CRIMINAL CODE AMENDMENTS

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

"§ 591. Definitions

"When used in sections 597, 599, 600, 602, 610, 611, and 614 of this title—

"(a) 'election' means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

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

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

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

"(e) 'contribution' means—

"(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

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

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

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

"(5) notwithstanding the foregoing meanings of 'contribution', the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

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

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

"(g) 'person' and 'whoever' mean an individual, partnership, committee, association, corporation, or any other organization or group of persons; and

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

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

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

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

SEC. 202. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitations on contributions and expenditures

"(a)(1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

"(A) $50,000, in the case of a candidate for the Office of President or Vice President;

"(B) $35,000, in the case of a candidate for the Office of Senator; or

"(C) $25,000, in the case of a candidate for the Office of Representative, or Delegate or Resident Commissioner to the Congress.

"(2) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

"(b) No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of the provisions of this section.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed $1,000, imprisonment for not to exceed one year, or both.".

SEC. 204. Section 609 of title 18, United States Code, is repealed.

SEC. 205. Section 611 of title 18, United States Code, is amended to read as follows:

"§ 611. Contributions by Government contractors

"Whoever—

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

office or to any person for any political purpose or use; or

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

shall be fined not more than $5,000 or imprisoned not more than five years, or both."

SEC. 206. The table of sections for chapter 29 of title 18, United States Code, is amended by—

(1) striking out the item relating to section 608 and inserting in lieu thereof the following:

"608. Limitations on contributions and expenditures.";

(2) striking out the item relating to section 609 and inserting in lieu thereof the following:

"609. Repealed.";

(3) striking out the item relating to section 611 and inserting in lieu thereof the following:

"611. Contributions by Government contractors.".

## TITLE III—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

### DEFINITIONS

SEC. 301. When used in this title—

(a) "election" means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

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

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

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

(e) "contribution" means—

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

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

(3) a transfer of funds between political committees;

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

(5) notwithstanding the foregoing meanings of "contribution", the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

(f) "expenditure" means—

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

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

(3) a transfer of funds between political committees;

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

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

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

### ORGANIZATION OF POLITICAL COMMITTEES

SEC. 302. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution in excess of $10 for a political committee shall, on demand of the treasurer, and in any event within five days after receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address (occupation and the principal place of business, if any) of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

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

(1) all contributions made to or for such committee;

(2) the full name and mailing address (occupation and the principal place of business, if any) of every person making a contribution in excess of $10, and the date and amount thereof;

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

(4) the full name and mailing address (occupation and the principal place of business, if any) of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

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

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

(f) (1) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the Federal Elections Commission is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402."

(2) (A) The Commission shall compile and furnish to the Public Printer, not later than the last day of March of each year, an annual report for each political committee which has filed a report with him under this title during the period from March 10 of the preceding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain—

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

(ii) a copy of each report filed by such committee under section 304 from March 10 of the preceding year through January 31 of the year in which the annual report is so furnished to the Public Printer.

(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the Commission.

### REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 303. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1,000 shall file with the Commission a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the Commission at such time as it prescribes.

(b) The statement of organization shall include—

(1) the name and address of the committee;

(2) the names, addresses, and relationships of affiliated or connected organizations;

(3) the area, scope, or jurisdiction of the committee;

(4) the name, address, and position of the custodian of books and accounts;

(5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;

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

(7) a statement whether the committee is a continuing one;

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

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

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

(11) such other information as shall be required by the Commission.

(c) Any change in information previously submitted in a statement of organization shall be reported to the Commission within a ten-day period following the change.

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

REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

SEC. 304. (a) Each treasurer of a political committee supporting a candidate or candidates for election to Federal office and each candidate for election to such office, shall file with the Commission reports of receipts and expenditures on forms to be prescribed or approved by it. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the Commission may prescribe, which shall not be less than five days before the date of filing except that any contribution of $5,000 or more received after the last report is filed prior to the election, shall be reported within forty-eight hours after its receipt.

(b) Each report under this section shall disclose—

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

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

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

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

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

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

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

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

(9) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom an expenditure or expenditures have been made by such committee or on behalf of such committee or candidate within the calendar year in an aggregate amount or value in excess of $100, the amount, date, and purpose of each such expenditure and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made;

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

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

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the Commission may prescribe and a continuous reporting of their debts and obligations after the election at such periods as the Commission may require until such debts and obligations are extinguished; and

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

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

REPORTS BY OTHERS THAN POLITICAL COMMITTEES

SEC. 305. Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of $100 within a calendar year shall file with the Commission a statement containing the information required by section 304. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

SEC. 306. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the Commission in a published regulation.

(c) The Commission may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 304 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

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

REPORTS ON CONVENTION FINANCING

SEC. 307. Each committee or other organization which—

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

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

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

DUTIES OF THE COMMISSION

SEC. 308. (a) It shall be the duty of the Commission—

(1) to develop and furnish to the person required by the provisions of this Act prescribed forms for the making of the reports and statements required to be filed with it under this title;

(2) to prepare, publish, and furnish to the person required to file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;

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

(4) to make the reports and statements filed with it available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person: *Provided*, That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

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

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

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

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

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

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

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures

to file any report or statement required under the provisions of this title;

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

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

(b) (1) Any person who believes a violation of this title has occurred may file a complaint with the Commission. If the Commission determines there is substantial reason to believe such a violation has occurred, it shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the Commission, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

(2) In any action brought under paragraph (1) of this subsection, 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. 309. (a) A copy of each statement required to be filed with the Commission by this title shall be filed with the clerk of the United States district court for the judicial district in which is located the principal office of the political committee or, in the case of a statement filed by a candidate or other person, in which is located such person's residence. The Commission may require the filing of reports and statements required by this title with the clerks of other United States district courts where it determines the public inerest will be served thereby.

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

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

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

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

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

FEDERAL ELECTIONS COMMISSION

SEC. 310. (a) There is hereby created a Commission to be known as the Federal Elections Commission, which shall be composed of six members, not more than three of whom shall be members of the same political party, who shall be chosen from among persons who, by reason of maturity, experience, and public service have attained a nationwide reputation for integrity, impartiality, and good judgment, are qualified to carry out the functions of the Commission and shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of two years, one for a term of four years, one for a term of six years, one for a term of eight years, one for a term of ten years, and one for a term of twelve years, beginning from the date of enactment of this Act, but their successors shall be appointed for terms of twelve years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission and one member to serve as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and four members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the money it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

(e) Members of the Commission shall, while serving on the business of the Commission, be entitled to receive compensation at a rate fixed by the Director of the Office of Management and Budget but not in excess of $100 per day, including traveltime; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers at any other place.

(g) All officers, agents, attorneys, and employees of the Commission shall be subject to the provisions of section 9 of the Act of August 2, 1939, as amended (the Hatch Act), notwithstanding any exemption contained in such section.

(h) The Commission shall appoint an Executive Director without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, to serve at the pleasure of the Commission. The Executive Director shall be responsible for the administrative operations of the Commission and shall perform such other duties as may be delegated or assigned to him from time to time by regulations or orders of the Commission. However, the Commission shall not delegate the making of regulations regarding elections to the Executive Director.

(i) The Chairman of the Commission shall appoint and fix the compensation of such personnel as it is deemed necessary to fufill the duties of the Commission in accordance with the provisions of title 5, United States Code.

(j) The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(k) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Executive Director, Federal Elections Commission."

(l) In carrying out its responsibilities under this title, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities, of the General Accounting Office and the Department of Justice. The Comptroller General and the Attorney General are authorized to make available to the Commission such personnel, facilities, and other assistance, with or without reimbursement, as the Commission may request.

PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

SEC. 311. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

PENALTY FOR VIOLATIONS

SEC. 312. Any person who violates any of the provisions of this title shall be fined not more than $1,000 or imprisoned not more than one year, or both.

STATE LAWS NOT AFFECTED

SEC. 313. (a) Nothing in this title shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this title.

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

PARTIAL INVALIDITY

SEC. 314. If any provision of this title, or the application thereof, to any person or circumstance is held invalid, the validity of the remainder of the title and the application of such provision to other persons and circumstances shall not be affected thereby.

REPEALING CLAUSE

SEC. 315. (a) The Federal Corrupt Practices Act, 1925 (2 U.S.C. 241–256), is repealed.

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

## TITLE IV—MISCELLANEOUS

EXTENSION OF CREDIT BY REGULATED INDUSTRIES

SEC. 401. The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 301(c) of the Federal Election Carupaign Act of 1971), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.

EFFECTIVE DATE

SEC. 402. Except as provided for in section 401 of this Act, the provisions of this Act shall become effective on December 31, 1971, or sixty days after the date of enactment of this Act, whichever is later.

Mr. HARVEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HARVEY. Mr. Chairman, As I mentioned earlier this is the full text of H.R. 11280, that I am introducing as a substitute. It is the Senate bill. It was first introduced in the House by the gentleman from Ohio (Mr. BROWN) and the gentleman from Minnesota (Mr. FRENZEL). If adopted with the amendment of Mr. MACDONALD of Massachusetts, it will indeed serve as a good vehicle for campaign spending reform.

Mr. Chairman, the amendments which the House adopted yesterday actually bring the combination Hays-Macdonald bill that we are working on much closer to the Senate substitute that I am offering. Certainly, the Frey amendment, which broadened the nonbroadcast media to be limited as far as spending is concerned, and the 20 percent flexible feature that he added made the House bills spending limitations very close to those in the Senate substitute. The only major difference is that the substitute provides for an overall limit as high as $60,000, or $30,000 each for broadcasting and nonbroadcasting, whereas the limit of the House bill is a total of $50,000.

There are, however, several other major areas of difference between the Senate substitute that I am offering and the combination Hays-Macdonald bill now before us. The fact that these areas of difference do still exist in itself should be enough to persuade those Members who truly want reform that there is considerable merit in supporting the substitute, as it will be amended by Mr. MACDONALD of Massachusetts. Let me take a minute to point out some of these areas of difference between the two bills:

First. Disclosure and reporting. The Senate substitute requires full reports from candidates, from committees and from individuals, and provides for filing these reports 15 and 5 days before an election, as well as for quartely reports throughout the year. These reports would be due on the 10th of March, June and September each year and the January 31st following an election. Further, a copy of the report would have to be filed with an Elections Commission to be appointed by the President, with the advice and consent of the Senate, and also with the U.S. District Court for the district in which the committee is located or the candidate resides, and where they would be available for inspection.

The Hays-Macdonald bill, on the contrary, simply requires two reports, one between 15 and 10 days before the election and one 45 days after the election. It simply requires that these reports be filed with the Secretary of the Senate, the Clerk of the House, or the Comptroller General—insofar as the President-Vice President is concerned.

Second. Limits on contributions. In this area of difference, I would point out that testimony before our committee from Deputy Attorney General Kleindienst clearly indicated his belief that such limits would be unconstitutional. In addition, I would point out the very clear and convincing testimony of Prof. Ralph Winter, of Yale University Law School, in this regard. This matter was considered in the Senate and because of this fact and because the White House was so strongly opposed to such limits, the Senate substitute contains no provisions in this regard.

The Hays-Macdonald bill, which we are now considering, however, does contain such limits and would prevent any individual and member of his immediate family from contributing more than $35,000 to any Presidential candidate, $5,000 to any Senate candidate, and $5,000 to any House candidate.

Three. Limits on the amount a candidate may spend in his own behalf. Again, if you read the testimony of Professor Winter, there is considerable question about the constitutionality of such a provision, but it is clear from the sentiment expressed in both the Senate and House that the Members feel there should be such limits.

The Senate substitute provides that no candidate from his funds or those of his personal family may spend more than $50,000 as a candidate for President or Vice President, nor more than $35,000 as a candidate for the Senate, nor more than $25,000 as a candidate for the House.

The Hays-Macdonald bill before us even further limits the amount that can be spent and would prohibit a presidential candidate from spending more than $35,000, a Senate candidate more than $20,000, and a House candidate more than $15,000.

Four. The agency regulations with regard to extending credit. The Senate substitute clearly requires the CAB, the FCC, and the ICC to issue regulations concerning the extension of credit to candidates.

The Hays-Macdonald bill has no such provision, and you will recall yesterday that this was ruled nongermane by the Parliamentarian.

Five. Penalties. The Senate substitute in each case provides for a fine of up to $5,000, or as much as 5 years in prison, for violations thereof.

The Hays-Macdonald bill provides for a fine of up to $25,000 in the case of a candidate for President or Vice President, but no fine in the case of Senators or Representatives. It does, however, have a very severe restriction which would disqualify any person from assuming such office; in the case of a candidate for Congress, 5 years, and in the case of a candidate for the Senate, 7 years, until he had complied with the act.

Although it is my understanding such a provision is in existence in the State of Ohio, I think again there is considerable doubt about the constitutionality of this provision insofar as Members of Congress are concerned.

For all of these reasons, I believe the Senate substitute, with the amendment to title I of the gentleman from Massachusetts (Mr. MACDONALD), will make a stronger bill. I said at the outset that as far as I was concerned, the real key was a strong disclosure provision. In addition, the absence of a limit on contributions in the Senate substitute is more realistic, and the agency regulations for extension of credit to candidates is essential. I would, therefore, urge you to support this Senate substitute which I have introduced so that we may have true reform.

AMENDMENT OFFERED BY MR. MACDONALD OF MASSACHUSETTS TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. HARVEY

Mr. MACDONALD of Massachusetts. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The Clerk read as follows:

Amendment offered by Mr. MACDONALD of Massachusetts to the amendment in the nature of a substitute offered by Mr. HARVEY: Page 2, strike out line 1 and all that follows down through line 2 on page 13 and insert in lieu thereof the following:

TITLE I—CAMPAIGN COMMUNICATIONS

SHORT TITLE

SECTION 101. This title may be cited as the "Campaign Communications Reform Act".

DEFINITIONS

SEC. 102. For purposes of this title:

(1) The term "communications media" means broadcasting stations, newspapers, and outdoor advertising facilities.

(2) The term "broadcasting station" has the same meaning as such term has under section 315(d) of the Communications Act of 1934.

(3) The term "Federal elective office" means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States (and for purposes of section 103(b) such term includes the office of Vice President).

(4) The term "legally qualified candidate" with respect to Federal elective office, or nomination for election to such office, has the same meaning as such term has when used in section 315 of the Communications Act of 1934.

(5) The term "voting age population" means resident civilian population, eighteen years of age and older.

(6) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

MEDIA RATE REQUIREMENTS

SEC. 103. (a) Section 315(b) of such Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office shall not exceed the actual charges made by such station for any comparable use of such station for other purposes."

(b)(1) To the extent that any person sells space in any newspaper or magazine to a legally qualified candidate for Federal elective office, or nomination thereto, in connection with such candidate's campaign for nomination for, or election to, such office, the charges made for the use of such space in connection with his campaign shall not exceed the charges made for comparable use of such space for other purposes.

(2) If any person makes available space in any newspaper or magazine to any legally qualified candidate for Federal elective office, or nomination thereto, in connection with such candidate's campaign for nomination for, or election to, such office, such person shall make equivalent space available on the same basis to all legally qualified candidates

for the same office, or for nomination to such office, as the case may be.

LIMITATIONS OF EXPENDITURES FOR USE OF COMMUNICATIONS MEDIA

SEC. 104. (a) (1) No legally qualified candidate in an election (other than a primary or primary runoff election) for a Federal elective office may—

(A) spend for the use of communications media on behalf of his candidacy in such election a total amount in excess of the greater of—

(i) 10 cents (or such greater amount as may be certified under paragraph (4) (A) (i)) multiplied by the voting age population (as certified under paragraph (4) (B)) of the geographical area in which the election for such office is held, or

(ii) $50,000 (or such greater amount as may be certified under paragraph (4) (B) (ii)), or

(B) spend for the use of broadcast stations on behalf of his candidacy in such election a total amount in excess of 60 per centum of the amount determined under subparagraph (A) with respect to such election.

(2) No legally qualified candidate in a primary election for nomination to a Federal elective office, other than President, may spend—

(A) for the use of communications media, or

(B) for the use of broadcast stations, on behalf of his candidacy in such election a total amount in excess of the amounts determined under paragraph (1) (A) or (B), respectively, with respect to the general election for such office. For purposes of this subsection a primary runoff election shall be treated as a separate primary election.

(3) (A) No person who is a candidate for presidential nomination may spend—

(i) for the use in a State of communications media, or

(ii) for the use in a State of broadcast stations, on behalf of his candidacy for presidential nomination a total amount in excess of the amounts which would have been determined under paragraph (1) (A) or (B), respectively, had he been a candidate for an election for the office of Senator from such State (or for the office of Delegate or Resident Commissioner in the case of the District of Columbia or the Commonwealth of Puerto Rico).

(B) For purposes of this paragraph, a person is a candidate for presidential nomination if he makes (or any other person makes on his behalf) an expenditure for the use of any communications medium on behalf of his candidacy for any political party's nomination in an election to the office of President. He shall be considered to be such a candidate during the period—

(i) beginning on the date on which he (or such other person) first makes such an expenditure (or, if later, January 1 of the year in which the election for the office of President is held), and

(ii) ending on the date on which such political party nominates a candidate for the office of President.

For purposes of this title and of section 315 of the Communication Act of 1934, a candidate for presidential nomination shall be considered a legally qualified candidate for public office.

(C) The Attorney General shall prescribe regulations under which any expenditure by a candidate for presidential nomination for the use in two or more States of communications media shall be attributed to such candidate's expenditure limitation in each such State, based on the number of persons in such State who can reasonably be expected to be reached by such communications media.

(4) (A) During the first week of January 1974, and during such week in every second subsequent year, the Secretary of Commerce shall certify to the Attorney General and publish in the Federal Register—

(i) an amount which bears the same ratio to 10 cents, and

(ii) an amount which bears the same ratio to $50,000,

as the value of the communications price index for the last calendar year ending before the date of certification bears to the value of such index for 1972. The communications price index shall be a price index, using 1972 as a base year, measuring changes in the charges to candidates for the use of communications media. Such index shall be established and maintained by the Secretary of Commerce.

(B) During the first week of January 1972, and during such week in every second subsequent year, the Secretary of Commerce shall certify to the Attorney General and publish in the Federal Register an estimate of the voting age population of each State and congressional district for the last calendar year ending before the date of certification.

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

(6) For purposes of this section and section 315(c) of the Communications Act of 1934, spending and charges for the use of communications media include not only the direct charges of the media but also agents' commissions allowed the agent by the media.

(7) For purposes of this section and section 315(c) of the Communications Act of 1934, any expenditure for the use of any communications medium by or on behalf of the candidacy of a candidate for Federal elective office (or nomination thereto) shall be charged against the expenditure limitation under this subsection applicable to the election in which such medium is used.

(b) No person may make any charge for the use by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) of any newspaper, magazine, or outdoor advertising facility, unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such person in writing that the payment of such charge will not violate paragraph (1), (2), or (3) of subsection (a), whichever is applicable.

(c) Section 315 of the Communications Act of 1934 is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

"(c) No station license may make any charge for the use of such station by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate any limitation specified in paragraph (1), (2), or (3) of section 104(a) of the Campaign Communications Reform Act, whichever paragraph is applicable.

"(d) For the purposes of this section:

"(1) The term 'broadcasting station' includes a community antenna television system.

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

"(3) The term 'Federal elective office' means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States."

REGULATIONS

SEC. 105. The Attorney General shall prescribe such regulations as may be necessary or appropriate to carry out sections 102, 103 (b), 104(a), and 104(b) of this Act.

PENALTIES

SEC. 106. (a) Whoever violates any provision of section 103(b), 104(a), or 104(b) or any regulation under section 105 shall be assessed a civil penalty of not more than $1,000 for each violation.

(b) Any legally qualified candidate who willfully violates section 104(a) or any regulation under section 105 shall be punished by a fine of not more than $10,000 or by imprisonment of not more than one year, or both.

EFFECTIVE DATES

SEC. 107. Section 103 of this Act and the amendments made thereby shall take effect on January 1, 1972. Section 104 and the amendments made thereby shall apply only to expenditures for the use on or after such date of communications media.

Mr. MACDONALD of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with, and that it be printed in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts (Mr. MACDONALD) is recognized for 5 minutes in support of his amendment.

Mr. MACDONALD of Massachusetts. Mr. Chairman, the amendment which I just now offered is the amendment which was adopted yesterday by the Committee of the Whole. Stated in another way, it is the amendment which I offered under the rule as an amendment yesterday. I think just for those who do not follow parliamentary procedure any better than I do, I ought to spell out what is included in the amendment which is now pending.

In the first place, it includes the Frey amendment which added billboards and established a floor on expenditure limitations of $50,000; and it provides not more than 60 percent of the candidates expenditure limitation could be spent on broadcasting.

Second, it includes the Pickle amendment.

Third, the Symington amendment, which provides that area expenditures count against the limitations in the elections in which they are used.

It includes the Harvey amendment, which would leave the provisions of section 315(a) of the Communications Act, known as the equal time provision, in the bill exactly as they are in existing law.

It includes also the Hathaway amendment, which relates to advertising space made available in magazines and newspapers.

In adopting this amendment, the House will be only reconfirming how and in what way it worked its will on my original so-called Macdonald amendment which is title I.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Illinois.

Mr. SPRINGER. I should like to ask my distinguished chairman of the subcommittee this question. What you are in effect doing, to reduce it to the irreducible, is to take the Harvey substitute, which is in effect the Senate bill; am I correct in that?

Mr. MACDONALD of Massachusetts. That is correct.

Mr. SPRINGER. Now, by what you are proposing, you are amending title I of the Harvey substitute in such a way as to put this bill in the exact form which we put it yesterday by the amendments that were offered yesterday to the Macdonald bill; am I correct?

Mr. MACDONALD of Massachusetts. Absolutely correct.

Mr. SPRINGER. And that includes all the amendments which were offered yesterday?

Mr. MACDONALD of Massachusetts. I point out to the gentleman from Illinois that I just enumerated for the record the amendments which were offered and accepted by the House on yesterday.

Mr. SPRINGER. And may I ask the distinguished gentleman whether those were all the amendments that were offered yesterday and there is nothing in addition?

Mr. MACDONALD of Massachusetts. Nothing more, no. This goes to title I. It includes the so-called Macdonald amendment as amended by the various Members: Mr. FREY, Mr. PICKLE, Mr. SYMINGTON, Mr. HARVEY, and Mr. HATHAWAY. They are all included and nothing else is included.

Mr. SPRINGER. I thank the gentleman.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Ohio.

Mr. HAYS. I think we ought to clear up one thing. The gentleman from Illinois, I am sure inadvertently, kept saying, "It includes all the amendments offered yesterday." It does not. It includes all the amendments that were adopted yesterday.

Mr. SPRINGER. I thank the gentleman. That clarifies it even better.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the distinguished Minority Leader.

Mr. GERALD R. FORD. I think the gentleman has adequately clarified the situation, but let me put it in another way. The amendment that you have offered are amendments approved yesterday to the Macdonald bill that relate to comparable provisions in the Harvey substitute as far as substance is concerned?

Mr. MACDONALD of Massachusetts. Actually, I offered only one amendment. My amendment was then amended by five other amendments which this House in its wisdom saw fit yesterday to adopt.

Mr. GERALD R. FORD. Let me phrase it in another way. The amendment which you have offered today to the Harvey substitute does not strike out something in the Harvey amendment and add something, in effect eliminating parts of the Harvey substitute that we might like to keep in there?

Mr. MACDONALD of Massachusetts. I point out to the distinguished minority leader that I do not think Mr. HARVEY would support that, and he has already supported it in his speech in the well this afternoon.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. The gentleman has incorporated in the amendment he is now offering both Republican-sponsored and Democratic-sponsored amendments that were offered and adopted in the Committee of the Whole yesterday, and thus is giving to us a bipartisan product that is a House product and a substitute for the Senate language?

Mr. MACDONALD of Massachusetts. That is exactly correct.

Mr. EDMONDSON. I think it should have bipartisan support. I commend the gentleman for what he has done.

Mr. MACDONALD of Massachusetts. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

PARLIAMENTARY INQUIRY

Mr. ANDERSON of Illinois. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ANDERSON of Illinois. The gentleman from Massachusetts has just offered an amendment to the amendment in the nature of a substitute offered a few minutes ago by the gentleman from Michigan (Mr. HARVEY). My parliamentary inquiry is, Would it be in order at this time to submit further amendments to the amendment just offered by the gentleman from Massachusetts, Mr. MACDONALD?

The CHAIRMAN. The answer is that it would not.

Mr. ANDERSON of Illinois. I thank the Chair.

(By unanimous consent, Mr. MACDONALD of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I am pleased to see that the gentleman has incorporated in his amendment the action of the House yesterday.

But am I to assume then that my subcommittee chairman, the gentleman from Massachusetts, intends to support the Brown-Frenzel substitute with the Macdonald bill if the Macdonald bill is adopted as amended by the Frenzel substitute?

Mr. MACDONALD of Massachusetts. I do not completely understand the gentleman's question.

Mr. BROWN of Ohio. If the Macdonald bill is adopted as an amendment to the Brown-Frenzel substitute, the Senate bill, then is the gentleman from Massachusetts planning to support the substitute?

Mr. MACDONALD of Massachusetts. I support the bill as amended. Although I do not, as I indicated yesterday, agree with many of the amendments, I will support the action of this House and will support it fully.

Mr. BROWN of Ohio. I thank the gentleman.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first I would certainly like to add my commendation to those that have already been received by the gentleman from Michigan (Mr. HARVEY) for offering the Senate substitute as I think it is the best chance that this House has today to adopt a really comprehensive limitation on media spending as well as to enact effective reporting and disclosure provisions.

I previously addressed a question to the Chair as to whether or not at this point in the debate further amendments to the Macdonald amendment would be in order, and the members of the committee will recall that the Chair answered that question in the negative. I still must confess, and I would ask members of the committee to indulge me for several minutes, while I discuss what I would like to have offered in the form of an additional amendment to the communications section of this bill.

As Members may know, there is a controversy raging in the country at the present time on the question of a campaign check off, and there are those in the other body who are insisting that in order to fund the expensive television campaigns that have become necessary in recent years, the taxpayers of this country should be asked to indicate on their tax returns a contribution to the party of their choice. I think a far superior proposal to that would be one which I offered in the form of legislation earlier this year and last year, cosponsored by the distinguished gentleman from Arizona (Mr. UDALL), and as I recall almost 85 Members of this House on both sides of the aisle, a proposal calling for voters' time, where the Federal Government would pay for it, would pay for blocks of time in half an hour each, six blocks of 30 minutes each for the major party candidates.

I would add in that original proposal we also provided for voters' time for the candidates for the Senate and for the House as well.

But I think in the interest of trying to meet the problem of financing the expensive television campaigns that have been encountered in recent presidential elections, it would make sense to realize that public financing of a portion of the presidential campaign is in order. My fundamental opposition to the campaign checkoff is that it represents just an indiscriminate use of Federal funds. I think if we were to rifleshot the problem, if we were to enact into law a provision for voter time that would say to the presidential candidates of the major parties, yes, you can go out and buy, you can go out and contract for six 30-minute time segments on network television during prime time, and the Treasury of the United States will pay for that television time, then I think we would accomplish the kind of intelligent reasoned discussion of the issues that the voters of this country are entitled to, and at the same time, I think we would avoid

some of the vices of the campaign checkoff where funds would be indiscriminately applied through a national committee for any purpose whatsoever relating to a presidential campaign.

I regret very much that at this point in our consideration of this bill, it is not possible to offer that kind of amendment as it would pertain to a presidential race. I would express, however, in closing, the hope that in this Congress, perhaps not in this session of Congress, but early in the next session of Congress we could get on with the job of still further reform as far as this whole campaign process is concerned.

It is an evolutionary process. None of us is going to accomplish all of the things we would like to see accomplished today in the way of campaign financing reform, but given the importance of the office and given the importance of the issue, I would hope we would not think our job was done today with the enactment of this bill, even though it does represent a very significant advance.

I hope particularly in this area of making available to Presidential candidates the necessary television time, that will be paid for out of the U.S. Treasury for a discussion of national issues, this will be something that will be discussed and talked about, and I hope ultimately will receive approval of this body.

Mr. BINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I want to say that I will, of course, support the Macdonald of Massachusetts amendment, and I compliment the gentleman and the chairman and members of his committee for the work they did, which was realized on the floor yesterday.

I rise to explain an amendment I had hoped to offer to the Senate bill, which I now find, because of the procedure being followed, cannot be offered, at least at this time. I will seek to find a way to offer it at a later point in the bill.

What I had wished to do was to offer something that would be a compromise between the limited coverage of the limitations in the Senate bill—namely, TV and radio, newspapers and periodicals, and billboards—on the one hand, and on the other hand the total coverage of the Hays bill, a ceiling covering all expenditures in all campaigns.

The purpose of my compromise would be to introduce and add two additional categories to those contained in the Senate bill; namely, organized telephone campaigns and organized mail campaigns. I would have done that by inserting the following language after the words "outdoor advertising facilities":

Telephones, including the cost of paid telephonists and automated equipment, when used in banks of five or more instruments to communicate with potential voters, and postage for computerized or identical mailings in quantities of 200 or more.

Let me point out what this would do. It would include two major categories of expenditures in many congressional districts.

In my campaigns I have never used TV and radio. I do not believe anyone in the New York metropolitan district does. It is too expensive. I rarely use any newspaper or periodical advertising. Thus the Senate bill in its present form substantially has no effect in my district or in other metropolitan New York districts, as pointed out very eloquently by my colleague from New York (Mr. PODELL), the other day.

What I had proposed to do would cover the major items in such districts. It would not cover individual mailings. It would not cover you asking your friend to make some telephone calls for you. It would not cover some letters casually written. But it would cover what we customarily use in New York, banks of telephones operated either by automated equipment or by paid telephonists, sometimes voluntary telephonists, if one is fortunate enough to be able to procure them.

It would also cover postage—and I am not proposing to try to cover the printing problem, because that is complicated, or even the labeling problem but just the postage—which is an identifiable, clearly measured item of expense which comes to large sums in any general mailing. That would be both bulk rate and first class, for, as I put it, computerized or identical mailings in quantities of 200 or more. Why 200? Because that is the minimum number specified in the bulk mail regulations to the post office.

I hope at some stage in the consideration of this bill—either later on in the consideration of the substitute or perhaps at the stage when we are considering the Hays bill, if the substitute is voted down, or perhaps in conference—it will be possible to introduce this concept. It seems to me to offer a reasonable compromise between the very limited coverage of the Senate bill, which does not have any effect in many districts, and the total coverage of the Hays bill.

Mr. GERALD R. FORD. Will the gentleman yield?

Mr. BINGHAM. I will be glad to yield to the distinguished minority leader.

Mr. GERALD R. FORD. I can understand the gentleman's position, and I am sure others in other districts have a comparable problem, but is not an answer to your problem to accept the Senate version or the Harvey version which has no limitation on expenditures? Does that not take care of your problem?

Mr. BINGHAM. I would say to the distinguished minority leader that my purpose is to include limitations on these items. I think if we pass legislation that, in effect, sets no limitation for expenditures in many Congressional districts because it does not cover the type of expenditures that are made in those Congressional districts, then we have left a major gap.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. BINGHAM was allowed to proceed for 3 additional minutes.)

Mr. PODELL. Will the gentleman yield?

Mr. BINGHAM. I will be glad to yield to the gentleman from New York.

Mr. PODELL. In the event that the Hays bill is approved, is not your objection covered by that part of the bill?

Mr. BINGHAM. Well, in a general way, yes, because the Hays bill provides comprehensive coverage for all expenditures, but as has been pointed out, one of the objections to that bill is that it raises a number of questions about what is included and what is not included, which is met by limiting the coverage to major categories which are readily identifiable.

Mr. PODELL. Does not the Hays bill itself provide for expenditures and accounting for the expenditures on postage, on printing, on telemeters and all phases of campaign spending? Is it not presently included in the Hays bill?

Mr. BINGHAM. Yes, it is. But what I am saying is what I am offering will be in the nature of a compromise between the Senate limited coverage and the total coverage of the Hays bill.

Mr. HAYS. Well, since the Macdonald of Massachusetts bill was debated for a whole day yesterday and this is the pending thing, I was wondering if we can get an agreement on limitation of time on the Macdonald of Massachusetts amendment.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. BROWN of Ohio. I wonder if it would be possible for the two of us who put in the Frenzel-Brown bill, now introduced by Mr. HARVEY, to speak on that amendment prior to limitation of time on the Macdonald of Massachusetts amendment.

Mr. HAYS. Are you against the Macdonald of Massachusetts amendment?

Mr. BROWN of Ohio. I am not against the Macdonald of Massachusetts amendment, but I would like to have the opportunity to speak.

Mr. HAYS. Mr. Chairman, I ask unanimous consent that all debate on the Macdonald of Massachusetts amendment—and there will be no amendments to it under the rule—cease in 10 minutes.

Mr. KEITH. Mr. Chairman, reserving the right to object, yesterday under similar circumstances there were only one or two people who apparently wanted to talk, and by the time the question was asked there were 25 who stood on their feet, so that each one got a minute or at the most a minute and a quarter and I hope, really, prior to adopting the 10-minute limitation a better estimate could be made as to the number of people who want to talk. I would hope that those of us who want to comment on, or contribute to, the debate would get at least 2 or 3 minutes in which to express their views.

Mr. HAYS. When I made the unanimous-consent request, if the gentleman will yield, I will say to the gentleman that there were three people standing and I meant the request to be for 15 minutes, 5 minutes to Mr. FRENZEL, 5 minutes to Mr. BROWN of Ohio and 5 minutes to Mr. MONAGAN, and then the gentleman from Iowa (Mr. GROSS) got up, and I do not know whether he wants to speak on the Macdonald of Massachusetts amendment or what.

Mr. GROSS. Mr. Chairman, if the gentleman will yield, I have not made up my mind as yet. It will take a little time to find out.

Mr. HAYS. Mr. Chairman, I ask unanimous consent that all debate on the

Macdonald of Massachusetts amendment cease in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GROSS. Mr. Chairman, I have now made up my mind. I ask that my name be stricken from the list of those standing.

The CHAIRMAN. The name of the gentleman from Iowa will be stricken.

The Chair recognizes the gentleman from Connecticut (Mr. MONAGAN).

Mr. MONAGAN. Mr. Chairman, I support the Macdonald amendment.

I rise simply because I find myself in the position of gradually being prevented, as several of the other Members who have spoken have been, from presenting an amendment which I had hoped to present and which I had told the membership I would present. That is an amendment which would have limited the time for presidential campaigns to 60 days.

Mr. Chairman, it is my belief and has been for a long time that the time for these campaigns in this country of ours is ridiculously long. There are only two other nations in the world about which I know—the Philippines and Chile—which have campaigns that compare with ours in length. The average democratic country in the world, whether it be Israel or India, Canada or the United Kingdom, conducts a national campaign of about 30 days and they present the issues adequately. So, because of the phenomenal cost, because of area of diminishing returns from expenditures and physical exercise which comes in every campaign and the resulting lack of communication between the candidates and the electorate, the circus flapdoodle quality detracts from the importance and seriousness of the campaign.

Mr. Chairman, this is not a matter of restriction, it is not a matter of control; it is not a matter of censorship, but a matter of bringing some proportion into the campaign for the Presidency. I believe it could ultimately be extended, of course, it would seem to them that as an opening to Senatorial and House campaigns this would be an appropriate place at which to start.

I have filed a bill to accomplish this result and it is my hope that it will be reported favorably and that we may be able to do directly what we would be doing immediately by amendment here.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman and members of the Committee, the Macdonald amendment in my opinion does drastic things to the bill which the gentlemen from Ohio (Mr. BROWN) and I introduced in the nature of a substitute. Nevertheless, because of the bipartisan spirit in which the House worked yesterday in attempting to develop a true compromise, an amendment that the Members on both sides of the aisle and all interested parties, including the people of this country, could all live with and support, was adopted.

I intend to vote for the Macdonald amendment. It is my hope that we can continue in this same spirit to develop a piece of legislation of which we can all be proud and that can, in fact, become law.

The gentleman from Ohio (Mr. BROWN) and I introduced our bill to which he refers as the Brown-Frenzel bill, but which is correctly identified as the Frenzel-Brown bill, and now, lamentably—perhaps fortuitously for the country, has become the Harvey substitute. We did not do this because we were against election reform, but, rather because we judged that this was the best we could do in order to get election reform.

We already have congratulated the two chairmen and the two subcommittee chairmen of the two committees which produced these bills. We have sought to clarify the situation and to produce the best vehicle, the best coordinated, the best integrated vehicle that would give us honest reform for our Nation's elections. Our substitute amendment, the Harvey substitute, is one which we think closes all the loopholes and produces the best law. We did not think that the amalgamation of the Macdonald-Hays bills produced a usable, coordinated reform instrument.

Again, Mr. Chairman, I am willing to surrender my first choices, as has the gentleman from Massachusetts (Mr. MACDONALD), in our joint effort to achieve reform. I urge that the Macdonald amendment be promptly adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, I support the efforts in the House of Representatives today to bring about reform and modernization of our campaign finance laws. I congratulate the committees for bringing this legislation to the floor and I am hopeful a strong bill will be passed by the House of Representatives.

This debate is highly important because what is involved in the costs of getting elected strikes at the base of democratic government. People who run for public office, especially for the highest offices in our land, should be required to disclose what and where they get funds and resources and how they expend them in running for office. The public has a right to know this if we are to maintain the integrity of our system.

I have long been an advocate of strict reporting of campaign finances, and introduced a bill, H.R. 1213, to establish the Federal Campaign Disclosure Act to limit and control spending by Federal candidates, on January 22, 1971. I testified before the House Administration Committee on this bill.

This legislation follows the model Florida elections law, known to Floridians as the "who gave it—who got it" law. The Federal Government should have such a law on the books for full disclosure, repealing the antique Federal Corrupt Practices Act of 1925.

Will Rogers said years ago:

Politics has got so expensive it takes a lot of money even to get beat with.

In the 1968 presidential election the three contending parties spent a reported total of $100 million, up 67 percent over 1964. This does not include contests for 435 seats in the House of Representatives, 34 senatorial seats, 21 governorships, or local races. The total on all political spending in 1968, according to the Citizens Research Foundation, was $300 million, up 50 percent over 1964.

The problem of campaign financing is not a new one. At the beginning of this century, Theodore Roosevelt, seeking to find a solution to high campaign costs, recommended that Congress provide "an appropriation for the proper and legitimate expenses of each of the great national parties." During the 1920 presidential campaign, the Democratic candidate, William Gibbs McAdoo, said:

If the national government paid the expenses of the national campaigns and specified the legitimate objects which expenditures might be made, politics would be purified enormously.

Today, the public is demanding that political spending and contributions be disclosed. A recent Gallup poll reported that 73 percent of the public favored a limit on campaign spending.

The legislation before the House today is an avenue to bring our Federal elections laws up to date so the public will have a better understanding of campaign financing, thus a better understanding of representative democracy. I am hopeful that strengthening amendments will make the bill even more responsive to the great needs for reform.

It is my feeling that there should be full disclosure in the bill we pass, and that there be limits on contributions and expenditures by candidates and by individuals who contribute.

Mr. Chairman, it is my belief that political broadcast advertising should ultimately be free to the qualified candidate; and that local broadcasting stations should be required to provide free time either as part of the license procedure or recompensed by Government funds. My bill, H.R. 4086, the Political Broadcasting Spending Reform Act, which I testified for in the House Interstate and Foreign Commerce Committee would make fairer the use of the all important radio and television media for all candidates. It is this media advertising cost that has put political spending out of the realm of commonsense. The airwaves are owned by the public. It is in the public interest that political advertising be free to candidates. Also, there should be minimum times placed on all political broadcasting advertising. Candidates should be allocated time in segments not less than 5 minutes in length.

Money is the moral issue we are talking about. Knowledge of the expenditure and use of dollars to influence legislation and decisions and to elect individuals to Federal office must be made open and available to the public and the news media. As President Eisenhower wrote in 1967:

If better laws, vigorously enforced with pitiless publicity are needed—and they surely are—we must still remember the wise old axiom that government can be no better than the men who govern. As citizens with the priceless right of franchise, we must insist upon the highest code of honor in public life.

Mr. Chairman, the House can make a significant contribution to American democracy by passing a strong bill, with teeth, to modernize our Federal campaign finance law.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I rise in somewhat reluctant support of the Macdonald amendment to the Harvey substitute, once known as the Frenzel-Brown and Brown-Frenzel bill. I say "reluctant" because I am not particularly happy with the action taken in regard to section 315(a) of the Communications Act nor with the Hathaway amendment to section 103(b)(2) of the Macdonald bill. But as has been indicated here, we are in the process of working out a compromise, and compromise is the only method by which we are going to get legislation in this relatively touchy but very significant area.

The gentleman from Minnesota (Mr. FRENZEL) and I introduced our bill—the Senate bill—in the hope that we could have a better and more substantial vehicle than the two bills which sprang from the Committee on Interstate and Foreign Commerce and the Committee on House Administration.

The Senate bill—our bill—passed the Senate by a bipartisan vote of 88 to 2. It has the tacit support of the White House, and the vocal support of the minority leader of the House, Mr. GERALD R. FORD. We felt that it also encompassed most of the aspects of the bipartisan bill introduced earlier in the session by the gentleman from Illinois (Mr. ANDERSON) and the gentleman from Arizona (Mr. UDALL). The Senate bill had come to the House but had not been referred because the Committee on Interstate and Foreign Commerce and the Committee on House Administration were in the process of developing bills of their own. So we introduced the Senate bill as our own, got it referred, and that made it possible for the Committee on Rules to make it in order as a substitute for the two bills that sprang from the two House committees. We think it is a better vehicle as we introduced it, however, in the interest of trying to get a bill we are happy to support the Macdonald amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Chairman, I rise in support of the Macdonald bill, and of the Brown-Frenzel bill. But I would like to point out, as the gentleman from Ohio has recently mentioned, that really this bill has been debated at length on the Senate side. It is not the Brown-Frenzel bill, it is the Senate bill and it has great merit. It broadens the base of our reform. It has enlarged the scope of our approach and we are better able to reach the abuses that need reform.

The procedure the House has followed has been most responsive to the public and the political needs of the situation that confronts us. I particularly hope that the amendment which Senator SCOTT won on the Senate side will remain in the House version. It provides, as I mentioned in debate yesterday, that the regulatory agencies shall issue regulations that will catch up with those candidates who run up large bills and then fail to pay them. The regulatory agencies, the ICC, the FCC and the CAB, will stop the practice which has left some Members of Congress, in effect, in debt to the airline and telephone companies who oftentime have legislation before committees on which they serve.

The point of order that lay against my amendment yesterday will, I believe, no longer stand in the way of our effort to establish true reform in this respect.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MACDONALD) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SPRINGER. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. HAYS TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. HARVEY

Mr. HAYS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The Clerk read as folllows:

Amendment offered by Mr. HAYS to the amendment in the nature of a substitute offered by Mr. HARVEY. On page 23, strike out lines 19 and 20 and insert in lieu thereof the following:

"(g) 'supervisory officer' means the Secretary of the Senate with respect to candidates for Senator; and the Clerk of the House of Representatives with respect to candidates for Representative in, or Delegate or Resident Commissioner to, the Congress of the United States; and the Comptroller General of the United States in any other case;"

Page 25, line 21, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 26, beginning in line 9, strike out "Federal Elections Commission" and insert in lieu thereof "appropriate supervisory officer".

Page 26, line 13, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 27, line 6, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 27, line 11, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 27, line 17, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 27, line 18, strike out "it" and insert in lieu thereof "he".

Page 28, line 23, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 29, beginning in line 1, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 29, line 7, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 29, line 12, strike out "Commission" and insert in lieu thereof "appropriate supervisory officer".

Page 29, line 13, strike out "it" and insert in lieu thereof "him".

Page 29, line 18, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 32, line 7, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 32, line 9, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 32, line 12, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 33, line 1, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 33, line 15, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 33, line 16, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 33, line 23, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 34, line 23, strike out "Commission" and insert in lieu thereof "Comptroller General of the United States".

Page 34, line 24, strike out "it" and insert in lieu thereof "he".

Page 35, line 4, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 35, line 8, strike out "it" and insert in lieu thereof "him".

Page 35, line 16, strike out "it" and insert in lieu thereof "him".

Page 36, line 15, strike out "it" and insert in lieu thereof "he".

Page 36, line 21, strike out "it" and insert in lieu thereof "he".

Page 37, line 5, strike out "it" and insert in lieu thereof "he".

Page 37, line 19, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 37, line 20, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 37, line 21, strike out "it" and insert in lieu thereof "he".

Page 37, line 25, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 39, line 11, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 39, line 16, strike out "Commission" and insert in lieu thereof "supervisory officer".

Page 39, line 18, strike out "it" and insert in lieu thereof "he".

Page 40, strike out line 15 and all that follows down through page 43, line 20.

Page 44, line 10, strike out "Commission" and insert in lieu thereof "supervisory officer".

Mr. HAYS. Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with and that it be printed in the RECORD at this point. I will explain the balance of the amendment—the main thrust of the amendment has already been read.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. HAYS) is recognized.

Mr. HAYS. Mr. Chairman, I am delighted to hear Mr. FRENZEL say now he wants a bill and that he is willing to work to get a bill, and compromise—because my understanding is that in committee he did not want any bill.

However, I am willing to work to get a good bill. I think probably what we are going to come out with is less than I had hoped for in the way of overall coverage.

But I am a realist and this particular amendment goes to the commission set up in the Senate bill which it has been estimated to cost $10 million—and which you can bet will cost at least $20 million.

Now this thing is going to be enforced—if there is any reporting at all—it is going to be enforced by the press—and by dissemination by other media. It is going to be enforced by them. You make a report and have it accessible—and you can do that, the Clerk of the House tells me that he can handle all of these reports with two people additional and make it available to the press as they come in. They can broadcast any way they like exactly what was in your report—who contributed and who did not contribute; how much you spent, and for what—within the limits of the so-called Senate bill.

I have a fixation, you might call it, against unnecessary commissions, and I think this is another unnecessary commission at which you are doing two things. I think you ought to listen to this because it affects every one of you perhaps more than any other piece of legislation you will have. Under the Senate bill you are transferring to the executive branch a part of the control over your election and to the courts the rest of it. If there is any validity in the separation of powers, it is just as valid today as it was when the Constitution was written, and for the life of me I can see no reason why we have to have a commission appointed to be run by the executive branch, which certainly is going to be subservient to the executive branch, to handle the presidential campaign and the Congress, and then in addition you have to report to the Federal court in your district.

If that is not breaking down the separation of powers, then I do not know.

I would like to make another point. I do not know since when around this Chamber just what the other body does has become so sacred. I hear a lot of criticism of it. But I have heard over and over on this bill, "Well, the Senate passed it 88 to 2." Well, so what does that prove? They passed the Tonkin Gulf resolution 92 to 2 and now they are repudiating it all over the place. So that does not prove anything to me except that they can be wrong, and sometimes are. And I think we ought to write our own bill on the floor of this House and then we will go to conference with the Senate, and if there are good things in their bill, we will take them, and if they are not so good, we will reject them and come back here and let you approve or disapprove what we do. But I strongly suggest that this commission and Federal court approach is certainly the wrong way to go about it.

I hope this amendment will be adopted in case the substitute is approved.

Mr. THOMPSON of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from New Jersey is recognized.

Mr. THOMPSON of New Jersey. Mr. Chairman, my feelings with respect to this amendment are, I must confess, somewhat ambivalent. I agree entirely and thoroughly, however, with the fundamental purpose of the distinguished gentleman from Ohio, my chairman, in his assertion that the House should not accept the version set forth in the other body, which you will find beginning on page 23 of the Senate-passed legislation.

In the bill of the other body the commission is appointed by the President with the advice and consent of the Senate. I have proposed and have served notice in the RECORD that I would offer an amendment subsequently to put the reporting in the GAO in circumstances under which the President of the Senate would name two members, the Speaker of the House would name two members, and the President would name two members; the seventh member would be the Comptroller General. It occurs to me that the amendment offered by the gentleman from Ohio is at least—and I have no pride of authorship in mind—is at least a step in the right direction, and it is imperative that it either be accepted or, in the alternative, my amendment be adopted.

In other words, the amendment offered by the gentleman from Ohio (Mr. HAYS) is in the nature of a compromise, and although in all candor I do not think it is as good as the GAO amendment, it is indeed, and I am certain in fact, better than that which is embodied in the bill passed by the other body.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Ohio.

Mr. HAYS. I will say to the gentleman that I would favor the GAO approach, and the gentleman knows that we discussed it in the committee. But the head of the General Accounting Office has sent a letter to the Speaker and others saying that he does not want to be charged with supervising the election of Members of the Congress. So my amendment places the reporting of the House on the Clerk of the House, that of the Senate on the Secretary of the Senate, and for the President, on the Comptroller General, which is a compromise of sorts, I suppose.

But it seems to me the way to do it. And, of course, all of these reports would be public property. Certainly I just do not think we ought to have the Federal court and a Presidentially appointed commission handling the reports by Members of the House. If this amendment fails, I would certainly be in favor of something like the gentleman's amendment.

Mr. THOMPSON of New Jersey. I understand this. The chairman and I have discussed this matter. It is a fact that the Comptroller General who is, in fact, an employee of the House, has expressed an unwillingness to undertake this additional responsibility. That does not necessarily persuade me, however, since he is an employee of ours and would, in fact, if given his duty, carry it out.

My attitude at the moment is that although the amendment by the gentleman from Ohio is not adequate, certainly it should be accepted, and I intend to support it, and if it is not adopted, I intend to offer an alternative.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I would like to read a portion of the Constitution, and the gentleman referred to it just a moment ago, which says:

> Each House shall be the Sole Judge of the Elections, Returns and Qualifications of its own Members,

It says, "elections, returns and qualifications" and that to me covers the election of and all the things pertaining to the election, so I do not see how we can give away authority to any other body or any other group to judge what our qualifications for office shall be and how me run our campaigns. We are the judges of that under the Constitution.

Mr. THOMPSON of New Jersey. The Senate-passed language is, in fact, of questionable constitutionality, because of the charge made in the Constitution which the gentleman just read.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the amendment. Mr. Chairman, what the distinguished chairman of the House Committee on Administration is doing here is to reinstate his supervisory agent into the Harvey substitute, the late lamented Frenzel-Brown bill. What he does then is to put this law in charge of the supervision employees of the House and the Senate instead of an independent supervisory agency as provided in the Harvey substitute.

Mr. Chairman, this is tantamount to putting the fox in charge of the chicken coop. These people under the powers that remain as supervisory agents—and I refer the Members to page 38—can go in and seek injunctions and restraining orders and so on. The employees of the House and the Senate are good and honest and upright people.

Nevertheless, they are inappropriate people to be judging how this bill—I hope this law—is going to operate. I think they will not be credible in the eyes of the public as simply judging how the Members, you and I, each of us, is going to be campaigning under this law.

I think it is absolutely essential that we have an independent agency, and I would agree with those who said that the substitute, the GAO compromise, which I hope will be offered, would be offered in the spirit of compromise.

Mr. Chairman, as to the cost of this and as to the constitutionality, I think these questions can always be raised. In the area of elections and campaigns, everything we do has an element in it that may be violating some constitutional right. I think there are many things in both these bills that may be of doubtful constitutionality. All we can do is go ahead in the best way we know how. However, there is nothing in the Harvey substitute, in the Frenzel-Brown bill, that gives away the right or authority of the House to be the judge of its own Members. There is a provision in the Hays bill, through which a State elected official can withhold certification of an

election if in his judgment the law has been violated. But, we do not give away this right in our substitute.

Mr. Chairman, I would urge this amendment be defeated. If necessary, a substitute could be supported in the form suggested by the gentleman from New Jersey (Mr. THOMPSON).

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, in the first place, the gentleman said this commission could go into court and seek injunctions, and so on. I would suspect if this became law, we would have practically every election in the country tied up in the courts before and during and after the elections. I believe that is very dangerous.

The point I wanted to make is that the gentleman and the gentleman from Ohio keep talking about the Frenzel-Brown bill. I have not attached any title to any bill. Some people call one of them the Hays bill.

I would say to the gentleman, if he has pride of authorship in this and wants to go down in history as author of the bill, if he will accept a few amendments to this bill and not try to get the Senate bill in toto, I might get around to the point where I would say, "All right, let us accept the substitute and get this thing over with."

Mr. FRENZEL. I thank the gentleman.

Mr. HAYS. I cannot agree to the Senate bill in toto, and I do not believe the House would agree to it.

Mr. FRENZEL. I agree with the gentleman, and have no interest in telling the House the Senate is the sole fount of wisdom. The chairman's interest in achieving a compromise is supported by me. I just do not support this one.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Arizona.

Mr. UDALL. I want to say the gentleman from Ohio has been very accommodating and very reasonable, and I am impressed by his desire to reach a compromise. I have the same misgivings the gentleman from New Jersey expressed about this amendment. I should like to clarify one part of it.

One thing I liked about the proposal of the gentleman from Minnesota was, instead of having 900 reports in the basement of the Longworth Building 10 days before the election, with the press and everybody else falling over each other, in addition one would be required to file a copy in the district court of the district involved.

I am not sure whether the gentleman's amendment deletes that provision.

Mr. HAYS. The gentleman's amendment does not delete that provision, but the gentleman is aware of another amendment which will be offered to delete it, and the gentleman from Ohio intends to support it.

Mr. UDALL. I appreciate the information. I personally am torn by this. It is a step in the right direction.

Mr. DANIELSON. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, gentlemen and ladies, I rise to support the amendment offered by the gentleman from Ohio. I believe that in our effort to cultivate the favor perhaps of the media or probably common cause—I do not know just who it is—in that effort to cultivate that favor we are on the verge here of doing something which would wreak irremedial damage to the status of the Congress of the United States.

Section 5 of article I of the Constitution provides that each House shall be the sole judge of the elections, returns and qualifications of its Members.

I submit, Mr. Chairman, in the light of that language, this House has neither the moral nor the legal right to delegate that responsibility to someone else. Most certainly it does not have the right, and I submit it does not have the constitutional power, to delegate even a portion of that responsibility to the executive or to the judiciary.

My colleagues, this is our problem. It is a problem of the House of Representatives. It is our duty and our privilege to rise to meet this problem, to provide an answer which is suitable under the circumstances; and we can do it.

The existing law may be faulty. It is faulty perhaps in the manner in which it requires reporting of contributions. Perhaps it does not require enough detail. But that can be remedied by the legislation we are drafting here today. We need a workable law.

We need a workable law; we need one that meets the requirements of the 1970's; but I have never heard any valid, serious criticism of the manner in which the Clerk of the House of Representatives has exercised his legal duties under the existing law. True, he has not been reporting alleged violations. Why should he? The law does not say that he must do so. But he is the custodian of all of these records under existing law and, so far as I know, no one has ever criticized the manner in which he has taken custody. He has made them available to anyone who might wish to see them, whether it be the press or the Attorney General, and I submit that we should not remove this responsibility from our own shoulders.

Mr. HAYS. Will the gentleman yield?

Mr. DANIELSON. Yes. I yield to the gentleman.

Mr. HAYS. I point out that prosecution for violation would not be initiated, presumably, by a commission or the Clerk or anybody else except the Justice Department.

Mr. DANIELSON. That is correct.

Mr. HAYS. You can bet your bottom dollar whoever is the recipient of the reports, if it is the press or the person's opponent, who thinks he has violated the law, will go to the Justice Department. I have said time and time again any election reporting law that is worth its salt is self-enforcing .We have a much tougher law than anything like this in Ohio, and I can testify that the people in Ohio scrupulously abide by the law. I do not know of a single one who does not file a complete and total report listing every expenditure with an amount of over $10 that he has received. I have lived with that, and I can tell you if I ever violated it, I would have heard about it a long-time ago.

Mr. DANIELSON. I thank the gentleman.

I submit to my colleagues that the President neither has any business in the affairs of this Congress, either directly or by appointment, nor should he even want to involve himself in our internal affairs. And that goes for both parties, because there is a way of changing the incumbent at 1600 Pennsylvania Avenue. I submit that this is our job, ladies and gentlemen. We should not avoid it. We ought to meet it ourselves.

I support the amendment offered by the gentleman from Ohio (Mr. HAYS).

Mr. STAGGERS. Will the gentleman yield to me?

Mr. DANIELSON. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I would like to agree and associate myself with the remarks of the gentleman from California and say to this House that if we ever come to the position of saying that we are so dishonest that we cannot decide whether an election is fair or not then we have seen the end of democratic government. If we do not have a majority of the 435 Members who can and will stand up and say that this is right or wrong, then God help America, and we have gone too far down the road.

I agree with the gentleman in his statement.

Mr. DANIELSON. Amen.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. BROWN of Michigan, Mr. DANIELSON was allowed to proceed for 2 additional minutes.)

Mr. BROWN of Michigan. Will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman.

Mr. BROWN of Michigan. I have listened to the gentleman's constitutional arguments with great interest, and I think he states the law very clearly and correctly. However, I do not see the relevance of his arguments to the bill in question. I do not believe he has tied the provisions in the substitute to his constitutional arguments, because under the provisions of the substitute there is no authority to preclude one from running for office nor does it provide for enjoining the candidacy or election of anyone under any circumstances; it only provides for the enjoining of violations or further violations of campaign expenditure limitations or other related acts covered by the bill. Would the gentleman try to make his constitutional arguments more relevant to the bill?

Mr. DANIELSON. Surely. I will answer the gentleman.

First of all, I do not accept the assumption that my argument is not relevant. However, I will answer the question of the gentleman.

I would submit that neither the Congress nor the executive nor the judiciary, none of the three separate branches of Government, has the right to do indirectly that which it may not do directly.

To the extent that you allow the President to appoint this commission you are having his representative exercising some form of supervision over the internal affairs of the Congress of the United States and that, sir, is most relevant in my opinion.

Mr. BROWN of Ohio. Will the gentleman yield?

Mr. DANIELSON. Yes. I yield to the gentleman.

Mr. BROWN of Ohio. The Comptroller General is an officer of this body. Is that not the reverse of the case of the President having the power to exercise some control over this body—when you give the Comptroller authority to monitor presidential elections?

Mr. DANIELSON. It is my understanding that the Comptroller General is an employee of this Congress, but he is appointed by the President of the United States.

Mr. BROWN of Ohio. Why would he not make a good person or location to assess propriety of elections of all Federal offices, then?

Mr. DANIELSON. The function of the Comptroller General is to run the General Accounting Office. If we are going to keep him apolitical, nonpolitical, and keep him on the job of running the audits himself, we are going to have to proceed scrupulously in our affairs in order to try to keep him out of the thickets of politics.

Mr. BROWN of Ohio. Are you referring to the Clerk of the House and the Secretary of the Senate as political offices?

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and members of the Committee, I certainly accept the injunction of the distinguished chairman of the House Administration Committee that there is no need to accept in every single detail in haec verba the language of the Senate bill. But out of due respect to the chairman I would hope that his amendment to that bill would be defeated so we would have an opportunity under the procedures that prevail here this afternoon to pass upon an amendment which in my opinion will answer his fears that the House is being shut out completely of the monitoring process through the establishment of a completely independent and presidentially appointed Commission. I refer to an amendment which has been drafted which would provide for the appointment of a seven-man Commission, two to be appointed by the Speaker of the House of Representatives—one from each party—giving the House the representation that it rightfully should have in this process; two members appointed by the President of the Senate to represent that body; two members appointed by the President because after all it is his election that is going to be watched over as well; and, finally, the Comptroller General as the seventh member of that Commission.

Mr. Chairman, some mention has been made of the fact that the Comptroller General has written some letters in which he has stated that he does not want this responsibility.

I want to make this absolutely clear. Those letters were written in response to an earlier proposal that would have lodged all the supervisory authority and responsibility in the Comptroller General.

Mr. Chairman, I spoke to Elmer Staats on the telephone at 11 o'clock this morning and described the kind of compromise proposal that I have just outlined which would retain unto this House and the other body their rightful decisions which they would have to make with respect to the naming of members.

Mr. Chairman, I want to assure the Members of the House that Mr. Staats told me and gave me authority to quote him on the floor this afternoon that he would have no objection to that kind of procedure and that he thinks to the extent it would become a wholly separate division of GAO, but an independent Commission which would give him the right and authority to delegate the necessary operational forces that would be required to take over the monitoring of the various reports of the 435 different congressional districts, that this would be an acceptable compromise.

Therefore, Mr. Chairman, I would urge the House to turn down the amendment which has been offered by the gentleman from Ohio so that we will have an opportunity to work our will on this proposal.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. Yes; I yield to the gentleman from Ohio.

Mr. HAYS. When I talked about it to the Comptroller General, he certainly said he did not want the reports of Congress which would overburden him.

The second point is that the gentleman has all of these wonderful amendments in the name of reform but he has not done the courtesy to show them to the chairman of the committee. Had he done so, it is possible that we might have worked out something of a compromise, but since he did not, I am standing by my amendment.

Mr. ANDERSON of Illinois. In answer to the gentleman from Ohio, I would like to yield to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. The amendment to which my distinguished colleague has referred is the amendment proposed by me and put in the Record of November 17, 1971; is that correct?

Mr. ANDERSON of Illinois. That is precisely the amendment I have in mind and the one on which I hope we will have an opportunity to vote this afternoon.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Arizona.

Mr. UDALL. I would like to say to the gentleman from Illinois that I was pleased to help him develop the compromise amendment to which the gentleman has referred and which was further refined by the gentleman from New Jersey (Mr. THOMPSON). In our opinion we thought it was a pretty good compromise. I still believe it is just that.

Mr. Chairman, I am impressed with the gentleman from Ohio in his efforts to get a bill this year and the spirit of compromise which he has demonstrated. I am personally in complete agreement with my friend from Illinois and shall vote against the amendment in the hope that we will be able to get to the counter-proposal which will be offered by the gentleman from New Jersey (Mr. THOMPSON). However, the willingness of the gentleman from Ohio to yield a little on this point leads me to have some hope that in the conference, and undoubtedly the gentleman from Ohio will be one of the most important conferees, that, perhaps, with the Senate having a far tougher version, we can have something worked out on which the gentleman from Illinois and I can agree.

I do agree that our proposal is far superior. I am going to stand with my friend, the gentleman from Illinois, but all is not lost even if the amendment is adopted.

Mr. ANDERSON of Illinois. Let me say in conclusion, Mr. Chairman——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. EVANS of Colorado, and by unanimous consent, Mr. ANDERSON of Illinois was allowed to proceed for 1 additional minute.)

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I will be happy to yield to the gentleman from Colorado.

PARLIAMENTARY INQUIRY

Mr. EVANS of Colorado. Mr. Chairman, I have asked the gentleman from Illinois to yield to me for the purpose of posing a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. EVANS of Colorado. In the event the amendment offered by the distinguished gentleman from Ohio (Mr. HAYS) is defeated, will we then be in a position to entertain an amendment as described by the gentleman from Illinois (Mr. ANDERSON)?

The CHAIRMAN (Mr. BOLLING). The Chair will reply to the gentleman from Colorado that the Chair cannot anticipate events precisely. If the amendment offered by the gentleman from Ohio (Mr. HAYS) to this particular section is voted down, then another germane amendment to the particular area could be offered.

Mr. EVANS of Colorado. I thank the Chairman.

Mr. ANDERSON of Illinois. Mr. Chairman, if I have any time remaining let me say to the gentleman from Ohio that I regret any feeling that the gentleman has that there was any discourtesy toward him. I had certainly no intention to keep this matter a secret from the gentleman. I had assumed that since the matter had been in the CONGRESSIONAL RECORD that the matter had been called to the gentleman's attention. I am truly sorry if it was not, because I think the gentleman from Ohio throughout this debate has exhibited a reasonable willingness to compromise on these issues, and I certainly salute the gentleman for it.

Mr. BINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this matter was discussed extensively in the Committee on House Administration, and several alternatives were discussed.

It is unfortunate that we are operating

here under a procedure which does not allow the consideration of an amendment to the amendment offered by the gentleman from Ohio (Mr. HAYS) or substitutes to the Hays amendment, and that our only recourse, if we want to change what is in this amendment, is to vote it down and then consider something else.

The compromise proposal that the gentleman from New Jersey (Mr. THOMPSON) is prepared to offer I thought had been widely discussed. I thought it had been discussed with the Chairman. It has been in the RECORD, and it does seem to me that it offers——

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I will yield to the gentleman from Ohio if I may proceed for just another minute.

It does offer a compromise which goes to a problem that the amendment offered by the chairman, the gentleman from Ohio (Mr. HAYS) does not meet, and that is the problem of public confidence.

I believe that, if we adopt the idea of leaving the responsibility for oversight with the Clerk of the House and the Secretary of the Senate, the American public are going to say, "There they go again, no matter what is in the bill it is not going to do any good, they will take care of themselves, and this whole thing is a farce."

So I would hope, and I say this reluctantly, because I have the greatest admiration for the way the chairman, the gentleman from Ohio (Mr. HAYS) has managed this bill in committee and here on the floor, I would hope that this amendment would be voted down, so that we can then proceed to consider the adoption of the compromise amendment to be offered by the gentleman from New Jersey (Mr. THOMPSON).

Now I will yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, there is one point that I would like to make, and that is the assumption that I read the CONGRESSIONAL RECORD in its entirety each day, please, nobody assume that any more, because I am sure that no one else in this body does. I would have to be thought the only one who spends his time this way.

The second thing is that I have discussed this with the gentleman, and between us there is nothing personal in what I am about to say. When the gentleman talks about the American public saying, "There they go again," I think that he may be confusing the Washington Post and the New York Times for the American public, because what they say we have to do and what the American public says we have to do, as far as my interpretation of it goes, are two entirely different things.

Mr. BINGHAM. My chairman is entitled to his view of the matter. I just do not agree with it.

May I just say in conclusion that I would like to address myself to the question whether the Congress is in some way passing on a responsibility which is its responsibility under the Constitution and that it has no right to do this, as was suggested by the gentleman from California (Mr. DANIELSON).

Surely the Congress can delegate its responsibilities in this regard to any officer. It can delegate them to a 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.

A major difficulty with the tripartite approach contained in the Hays amendment is that we may have different interpretations of the same provisions coming from the Secretary of the Senate, the Clerk of the House, and the Comptroller General. Surely it would be better to have a uniform procedure that would give the whole job of supervision to one office, whether it be the Comptroller General himself—or as I understood was going to be proposed by the gentleman from New Jersey—a commission, including representatives of the Senate and of the House.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Texas.

Mr. ECKHARDT. Does the gentleman agree with me that in none of these proposals, neither in the Senate bill nor in the proposal of Mr. THOMPSON, nor in the proposal of Mr. HAYS, is there any provision by which we give authority to any agency to determine who shall be seated? It seems to me all we do in all of those provisions is simply to give a certain authority to persons to keep records and to keep books and to receive information and report information.

Ultimately, that information may result in a law suit. But the agency itself has no right to seat or not to seat anyone, as I understand it.

Mr. BINGHAM. The gentleman is correct.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman.

Mr. BROWN of Ohio. I understand the Hays bill provides that a certificate of election can be withheld by State Secretaries of State in certain cases. Would not that be a denial of a seat by someone outside the House of Representatives?

Mr. BINGHAM. We are talking now about an amendment to the Harvey substitute and the Harvey substitute contains no such provision.

Mr. BROWN of Ohio. That is correct.

Mr. BINGHAM. So what the gentleman from Texas (Mr. ECKHARDT) said is quite correct, that there is no power in any officer to bar the seating of a Member of the House or a Member of the Senate.

Mr. PODELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, perhaps I, for one, am confused because I find that we are discussing a proposal by the gentleman from Illinois that is not before us at this moment, relating to the supervisory capacity of the GAO and to the selection of members of a board between the Senate and the House of Representatives. That is not the issue before us at the moment.

The issue before us is either first, that which is outlined in the Senate bill; or, second, that which is outlined by the gentleman from Ohio (Mr. HAYS) in his amendment.

If we defeat the amendment by the gentleman from Ohio, we are presented with a commission. Now I think there is one thing to be said about Commissions and that is this.

What this country does not need is one more Commission. A study by the gentleman from Connecticut (Mr. MONAGAN) indicates there are some 3,200 Commissions in the country today which cost the taxpayers some $75 million a year.

There is a Commission which was created in 1947 to create a Marine Memorial in Chicago. That Commission is still in existence and nothing was ever done.

One of the worst things we can possibly do is to relegate the activities of the Members of this House to an independent Commission appointed by a political individual—the President of the United States.

Had the amendment—or had the suggestion as recommended by the gentleman from Illinois (Mr. ANDERSON) been before us, I would take a different position—but it is not and we face the possibility, by defeating the amendment suggested by the gentleman from Ohio of relegating our activity into the hands of a Presidentially appointed Commission.

Let me tell you—it would be one big mistake.

I would only submit one additional thought to the Members of the House—for 2 days I have been hearing a lot about the Senate bill and it makes sense to me, that the Senate passed a bill that was good for the Senate. We have to pass a bill which is equally as good for the House of Representatives.

Mr. ALBERT. Mr. Chairman, will the gentleman yield for a question?

Mr. PODELL. I yield to the distinguished Speaker.

Mr. ALBERT. Which of the amendments, the amendment already offered by the gentleman from Ohio or the amendment that is proposed to be offered if his amendment is defeated, would give the conferees the greatest latitude in working this thing out?

Mr. PODELL. I think the amendment introduced by the gentleman from Ohio (Mr. HAYS) would.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I merely wanted to point out that in the language of the bill H.R. 11280, which is the Frenzel-Brown bill, at page 35, there is in four or five paragraphs a specific list of the duties that would be required of this Commission. They are as follows:

(1) to develop and furnish to the person required by the provisions of this Act prescribed forms for the making of the reports and statements required to be filed with it under this title;

(2) to prepare, publish, and furnish to the person required to file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;

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

And so on.

It is unfair to suggest to this House that we would have another Marine Commission that would sometimes sit and vegetate somewhere without duties. The language of the bill makes it clear that this will be an active, hard-working commission during the period that the reports are coming in and are being monitored. An investigation may be called for. I disapprove of the type of commissions to which the gentleman has referred as much as does the gentleman from New York, commissions that sit around and do not do anything. But the proposed Commission simply is not that kind of commission we are talking about under the language of the bill.

Mr. PODELL. Will the gentleman from Illinois advise the House who, under the existing Senate bill, would appoint the members of the Commission?

Mr. ANDERSON of Illinois. I quite agree I do not like——

Mr. PODELL. Will the gentleman answer the question?

Mr. ANDERSON of Illinois. The President would appoint the Commission. I am proposing that we vote down the amendment so that we get a chance to work on another amendment which will give the House an opportunity to provide two members of the Commission.

Mr. PODELL. Suppose that amendment is not adopted? Then you are back to the Commission. That is the problem.

The CHAIRMAN. The time of the gentleman from New York has expired.

(On request of Mr. LATTA, and by unanimous consent, Mr. PODELL was allowed to proceed for 1 additional minute.)

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I yield to the gentleman from Ohio.

Mr. LATTA. I rise in support of the amendment offered by the gentleman from Ohio. I do not think Congress should shirk its constitutional responsibility to be the judge of its own elections. Under the Constitution, Congress is to be the judge of its own elections not some commission as proposed in this bill. The Hays amendment is necessary if we are to carry out this proper constitutional function. Had the drafters of the Constitution meant that we should not police and judge our own elections, they would have given this responsibility to some other branch of the Government. Since they specifically gave it to the Congress, we should not pass it on to a commission or to some other agency.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HAYS) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The question was taken; and on a division (demanded by Mr. ANDERSON of Illinois) there were—ayes 79, noes 52.

So the amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. HANSEN OF IDAHO TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. HARVEY

Mr. HANSEN of Idaho. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HANSEN of Idaho to the amendment in the nature of a Substitute offered by Mr. HARVEY: Page 18, line 20, renumber section 205 as section 206 and insert in lieu thereof a new section 205, to read as follows:

Section 610 of Title 18, United States Code, relating to contributions or expenditures by national banks, corporations, or labor organizations, is amended by adding at the end thereof the following paragraph:

"As used in this section, the phrase 'contribution or expenditure' shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section; but shall not include communications by a corporation to its stockholders and their families or by a labor organization to its members and their families on any subject; non-partisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor orgnization aimed at its members and their families; the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization; provided, that it shall be unlawful for such a fund to make a 'contribution or expenditure' by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination or financial reprisal; or by dues, fees or other monies required as a condition of membership 'in a labor organization or as a condition of employment, or by monies obtained in any commercial transaction.'"

Mr. HANSEN of Idaho. Mr. Chairman, the purpose of my amendment is to codify the court decisions interpreting section 610 of title 18 of the United States Code, and to spell out in more detail what a labor union or corporation can or cannot do in connection with a Federal election.

The text of the amendment may be found in the CONGRESSIONAL RECORD for Wednesday, November 17, 1971, at page 41869.

Section 610 of title 18, United States Code, prohibits the making of a contribution or expenditure in connection with certain elections by a corporation or a labor union. The first part of my amendment reinforces that prohibition and defines the phrase "contribution or expenditure" to include "any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section."

The effect of this language is to carry out the basic intent of section 610, which is to prohibit the use of union or corporate funds for active electioneering directed at the general public on behalf of a candidate in a Federal election. This part of my amendment is identical to the first part of section 8 of H.R. 11060.

Next, the amendment, in further defining the phrase "contribution or expenditure," draws a distinction between activities directed at the general public, which are prohibited, and communications by a corporation to its stockholders and their families, and by a labor organization to its members and their families, on any subject, which the courts have held is permitted.

The amendment sets forth the limited circumstances where such communications are permitted in connection with an election. These include:

(1) non-partisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families.

(2) the establishment, administration and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization.

This fund must be separate from any union or corporate funds, and contributions must be voluntary. To insure that contributions are voluntary, the amendment prohibits the use by the separate political fund of any money or anything of value obtained by the use or threat of force, job discrimination, or financial reprisal, or by dues or fees, or other moneys required as a condition of employment or membership in a labor organization, or by moneys obtained in any commercial transaction.

The net effect of the amendment, therefore, is to tighten and clarify the provisions of section 610 of title 18, United States Code, and to codify the case law. It spells out more clearly the rules governing election activities that apply equally to labor unions and corporations. While prohibiting abuses that involve activities directed at the general public, the amendment recognizes that the constitutional guarantee of free speech protects the right of labor organizations and corporations to communicate with their own members or stockholders.

Section 610 of title 18 of the United States Code makes it a criminal offense for a corporation or labor union to make a contribution or expenditure in connection with any Federal election. The legislative history of section 610 demonstrates that it was not Congress' intent in passing this provision to completely exclude these organizations from the political arena. That history, as the Justice Department, which has the responsibility for enforcing the statute, has stated, shows instead that the purpose of section 610 is simply to insure that—

When a union [or corporation] undertakes active electioneering on behalf of particular federal candidates and designed to reach the public at large, [the organization's] general funds . . . may not be used (Brief for the United States in U.S. v. UAW, 352 U.S. 567).

Corporate and labor political communications directed at members and stockholders, nonpartisan registration and get out the vote activities, and partisan electioneering directed at the general public financed by voluntary contributions, are all lawful.

While these rules are well known to students of this area of the law the exact scope of section 610 is a matter of some mystery to the uninitated. This stems from the fact that the cryptic statutory language is of little help and a full understanding of the provision's meaning requires a diligent study of the court cases and the legislative history. The result has been an undesirable confusion as to what section 610 actually provides. And this has led to numerous charges that the

law is defective, or that it is not being observed. Many of these charges stem from a lack of appreciation of what section 610 actually provides. Others indicate that there may well be instances in which corporations and unions seek to utilize the complex interrelationship between the statutory language and the gloss which had been put on that language as a cover to obscure the fact that they are acting unlawfully. In either event the public confidence in the regulation of Federal election financing suffers.

Despite this lingering confusion it has been 24 years since Congress last legislated in this field. Section 8 of H.R. 11060, the so-called Crane amendment to the Hays' bill, attempts to break this legislative logjam by adding a new final paragraph to section 610 defining the critical phrase "contribution and expenditure" as used therein.

Unfortunately, as often happens in dealing with a complex subject, the Crane amendment's definition tends to make the problem worse rather than solving it. For section 8 of H.R. 11060 can either be read as prohibiting all union or corporate activity financed by treasury money that touches Federal elections in any way, or as continuing the limited permissions the 1947 Congress extended to corporations and unions with one exception—"get out the vote activities" which are presently permissible but which would be prohibited. In the name of providing legislative clarification it creates new confusion. The result is certain to be fresh uncertainty and a new round of litigation.

While its execution is faulty the idea behind section 8 of H.R. 11060 is sound. Congress should set out in a clear statutory form precisely what corporations and unions can and cannot do in the election area. And it is plainly proper to do so during the consideration of this overall attempt to modernize campaign regulation. But since section 8 does not in fact accomplish that goal I hereby offer my amendment, the aim of which is to perfect section 8, and by so doing to clarify the exact scope of section 610.

Section 610 strikes a balance between organizational rights and the rights of those who wish to retain their shareholding interest or membership status but who disagree with the majority's political views. The balance presently obtaining provides, in my judgment, an optimum solution to the complex problem of accommodating these conflicting interests. This solution is sound in theory as I shall show, has proved workable in practice, and has generated a broad bipartisan consensus in favor of continuation of the present rules. For this reason my amendment, with one exception, follows the present law.

Analytically the proposal I offer has three component parts. Before turning to them, two preliminary points should be noted for the sake of completeness. At present section 610 does not, and under either this amendment or section 8 of H.R. 11060 it would not, cover corporate or union legislative activities. Lobbying is a separate field which has traditionally been, and should continue to be, regulated separately. Indeed, while section 610 discourages corporate political action, the Internal Revenue Code, through the deductions allowed, encourages lobbying. In addition, at present section 610 does not, and under either this amendment or section 8 of H.R. 11060 would not, regulate corporate or union political activity in connection with State elections even though such activity, by reason of such factors as the party system and the simultaneous running of Federal and State elections, may have some residual overlapping effect. For the power of the States to regulate their own elections is essential to a healthy Federal system.

With these preliminaries to the side the first section of my amendment spells out in detail the point that corporations and unions may not use their treasury money—that is, the money a corporation secures from commercial transactions or a union secures from dues, initiation fees and similar exactions—either directly or indirectly to make any type of "contribution or expenditure in connection with any federal election." This prohibitory language follows that of section 8 of H.R. 11060 word for word and it is plainly all-encompassing. That is as it should be. For as I noted at the outset the basic purpose of section 610 is to prohibit active electioneering by corporations and unions for Federal candidates directed at the public at large. There can be no doubt that this language accomplishes that end.

Before going further, and to insure that the accepted not be confused with the necessary, it should be noted that this prohibition is the most far-reaching in the entire election law. While the regulation of corporate and union political contributions is based on a fear of the effects of aggregated wealth on politics these organizations are not the sole repositories of funds adequate to finance big money contributions. Yet Congress has never regulated the activities of legal, medical, or farm organizations, for example, nor has it placed comparable stringent limitations on wealthy individuals. Indeed, if any of the proposals presently under consideration by this body become law, only corporations, unions and political candidates will be limited in the making of political contributions and expenditures.

Thus, section 610 as it stands, and under my proposal, represents a complete victory for those who believe that corporations and unions have no moral right to utilize their organizations' general funds for active public partisan politicking. It totally subordinates organizational interests to individual interests.

Recognizing that group interests must be given some play and that the interest of the minority is weakest when corporations and unions confine their activities to their own stockholders and members, the beneficial owners of these organizations, the second subdivision of the amendment sets out three precisely defined and limited permissions for corporate and union activity related to the political process.

The courts, as well as other independent students of section 610 and its legislative history, have concluded that the 1947 Congress did not intend to prohibit corporations or unions from communicating freely with their members and stockholders—see *U.S.* v. *CIO*, 335 U.S. 106—from conducting nonpartisan registration and get out the vote campaigns, or from securing voluntary contributions made directly to the support of a labor—or management — political organization—93 CONGRESSIONAL RECORD 6440, remarks of Senator Taft.

Today, as 24 years ago, there is a broad consensus that these limited permissions are proper. For example, Senator DOMINICK speaking on the floor of the other body on behalf of an amendment to section 610 he had proposed, stated:

> If a member wishes to pay money voluntarily to a candidate or to a labor organization fund for a candidate or even to a fund which the union will determine how it is to be spent, I have no objections . . . A labor organization should be able to expend its funds on behalf of . . . nonpartisan political activity such as voter registration or voter education on campaign issues . . . (and) endorsing a particular candidate in its normal union publications. This, I believe, is a legitimate exercise of free speech, 117 Cong. Rec. page 29329 (Aug. 4, 1971).

The compelling policy considerations supporting this consensus can be very succinctly stated.

First, every organization should be allowed to take the steps necessary for its growth and survival. There is, of course, no need to belabor the point that Government policies profoundly affect both business and labor. One need turn no further than the present economic stabilization program for a compelling illustration of the extent to which Federal policy is the critical detriment of corporate and union health. If an organization, whether it be the NAM, the AMA or the AFL–CIO, believes that certain candidates pose a threat to its well-being or the well-being of its members or stockholders, it should be able to get its views to those members or stockholders. As fiduciaries for their members and stockholders the officers of these institutions have a duty to share their informed insights on all issues affecting their institution with their constituents. Both union members and stockholders have the right to expect this expert guidance. In determining where their self-interest lies they have no other comparable source of information. Indeed, as the Supreme Court stated in the CIO case, if Congress were to prohibit communications between an organization and its members concerning "danger or advantage to their interests from the adoption of measures or the election to office of men, espousing such measures, the gravest doubt would arise in our minds as to its constitutionality."

Second, it has also been recognized that it is proper to allow corporations and unions to conduct nonpartisan registration and get out the vote campaigns. Indeed, any other conclusion would have been contrary to the basic precept that the exercise of the franchise is not merely a political right but a civic duty. The health of our representative form of government requires that every possible step be taken to maximize the number of eligible voters who go to the polls. Attempts to restrict the number who vote

are inimical to the democratic precepts upon which the political process rests.

Of course, such campaigns must be nonpartisan. Within the constraints set by an organization's resources which may require it to concentrate on particular areas where its members are most numerous or where a race of particular importance is to be held, it must make an effort to reach all those in the area and not merely those who will vote in a certain way. A failure to respect this limitation would, of course, be a violation of section 610.

It is not entirely clear to me, even after substantial study, as to whether the present law requires such campaigns to be limited to members and stockholders. It is my judgment that they should be, and the amendment I propose insures that such a limitation would have to be observed. The dividing line established by section 610 is between political activity directed at the general public in connection with Federal elections which must be financed out of political donations and activities directed at members or stockholders which may be financed by general funds. As a matter of principle this line of demarcation supports the proposed limitation and there is no consideration of which I am aware that requires an exception to the basic guiding theory of this provision.

Finally, there can be no doubt that union members or stockholders should have the right to set up special political action funds supported by voluntary donations from which political "contributions and expenditures" can lawfully be made. As Senator Taft stated in his floor explanation of section 610:

> If [union members or stockholders] are asked to contribute directly . . . to the support of a labor [or management] political organization, they know what their money is to be used for and presumably approve it. From such contribution the organization can spend all the money it wants to with respect to such matters. But the prohibition is against labor unions using their members' dues for political purposes, which is exactly the same as the prohibition against a corporation using its stockholders' money for political purposes, and perhaps in violation of the wishes of many of its stockholders. 93 Cong. Rec. 6440

For the underlying theory of section 610 is that substantial general purpose treasuries should not be diverted to political purposes, both because of the effect on the political process of such aggregated wealth and out of concern for the dissenting member or stockholder. Obviously, neither of these considerations cuts against allowing voluntary political funds. For no one who objects to the organization's politics has to lend his support, and the money collected is that intended by those who contribute to be used for political purposes and not money diverted from another source.

The essential prerequisite for the validity of such political funds is that the contributions to them be voluntary. For that reason the final section of this amendment makes it a violation of section 610 to use physical force, job discrimination, financial reprisals or the threat thereof, in seeking contributions. This is intended to insure that a solicitor for COPE or BIPAC cannot abuse his organizational authority in seeking political contributions. Of course, nothing can completely erase some residual effects on this score, any more than the law can control the mental reaction of a businessman asked for a contribution by an individual who happens to be his banker, or of a farmer approached by the head of his local farm organization. The proper approach, and the one adopted here, is to provide the strong assurance that a refusal to contribute will not lead to reprisals and to leave the rest to the independence and good sense of each individual.

As a further safeguard the proviso also makes it a violation for such a fund to make a contribution or expenditure from money collected as dues or other fees required as a condition of membership or employment or obtained through commercial transactions. This insures that any money, service, or tangible item—such as a typewriter, Xerox machine, and so forth—provided to a candidate by such a fund must be financed by the voluntary political donations it has collected.

At the present time there is broad agreement as to the essence of the proper balance in regulating corporate and union political activity required by sound policy and the Constitution. It consists of a strong prohibition on the use of corporate and union treasury funds to reach the general public in support of, or opposition to, Federal candidates and a limited permission to corporations and unions, allowing them to communicate freely with members and stockholders on any subject, to attempt to convince members and stockholders to register and vote, and to make political contributions and expenditures financed by voluntary donations which have been kept in a separate segregated fund. This amendment writes that balance into clear and unequivocal statutory language.

The CHAIRMAN pro tempore (Mr. HOLIFIELD). The time of the gentleman from Idaho has expired.

(On request of Mr. HAYS, and by unanimous consent, Mr. HANSEN of Idaho was allowed to proceed for 5 additional minutes.)

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Idaho. I am happy to yield to my chairman.

Mr. HAYS. I want to say to the gentleman I commend him for offering this amendment. I intend to support it.

The gentleman has made a very clear and concise statement on the amendment, but for the purpose of legislative history I should like to ask a couple of questions, if I may, to see if I understand it as he does.

The amendment would allow unions to conduct get-out-the-vote drives and registration drives from union funds?

Mr. HANSEN of Idaho. Directed at the union members and their families only.

Mr. HAYS. And the same for corporations and stockholders?

Mr. HANSEN of Idaho. That is correct.

Mr. HAYS. Corporations only directed at stockholders?

Mr. HANSEN of Idaho. Directed toward stockholders and their families.

Mr. HAYS. From voluntary funds unions could spend the money any way they saw fit, within the law?

Mr. HANSEN of Idaho. That is correct, so long as the funds came in a truly voluntary manner and without the employment of the kinds of threats or reprisals or other methods that are prohibited by this amendment.

Mr. HAYS. I have one other question. As to corporations, would the gentleman's amendment prohibit voluntary contributions by members of corporations if they were reimbursed sub rosa? Does the gentleman understand? In other words, we will say that John Doe is vice president of X corporation, and that he gave $500 to a fund, and the corporation then reimbursed him, say, with some kind of cover saying it was expenses or something. That would be prohibited if it were found out?

Mr. HANSEN of Idaho. That in my judgment would constitute a violation of law; in fact, a violation of law as it exists now, as an indirect payment.

Mr. HAYS. I appreciate the gentleman's answer. I thought that was the way it was. It is done sometimes, I am sure, as I have heard.

In other words, the money that is truly voluntarily contributed either by stockholders or officers of a corporation or by members of a union they can spend by contributing or any other way that is legal; is that correct?

Mr. HANSEN of Idaho. That is correct.

Mr. HAYS. I thank the gentleman. Again I say I appreciate the gentleman's offering this amendment. It is substantially what is in the law now. Everybody has lived with it for a long time. I intend to support the amendment.

Mr. GERALD R. FORD. Will the gentleman yield?

Mr. HANSEN of Idaho. I am happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. A moment ago the gentleman from Ohio (Mr. HAYS) asked this question, and I think this is the way he phrased it: If a corporate executive gave $500 to an individual candidate and then he was subsequently reimbursed by the corporation, was that illegal, and the gentleman from Idaho said it was.

Now, if a union official gives a donation to an individual candidate and then he was subsequently reimbursed by the union, is that illegal?

Mr. HANSEN of Idaho. I would interpret that as also being clearly illegal.

Mr. HAYS. Will the gentleman yield?

Mr. HANSEN of Idaho. Yes. I yield to the gentleman.

Mr. HAYS. I agree, except I would say to the distinguished minority leader I do not think I said if the union reimbursed him, and that is what we are talking about—either the union reimbursing him sub rosa or the corporation reimbursing him sub rosa. Both would be illegal in my opinion and I believe in the opinion of the gentleman. I understood the gentleman to mean that.

Mr. GERALD R. FORD. I did mean to imply that. I will correct it in the RECORD, because I meant to place them on an equal basis.

Mr. HAYS. I thought that was what the gentleman meant, and I asked the gentleman to yield to make it clear that that was what we all meant.

Mr. ANDERSON of Illinois. Will the gentleman yield?

Mr. HANSEN of Idaho. I will be glad to yield to the gentleman.

Mr. ANDERSON of Illinois. I want to join in commending the gentleman from Idaho (Mr. HANSEN) for submitting his amendment. I think he is trying to reach a problem area where there have been some serious abuses, and I think his amendment helps to meet the problem.

Recently I read a statement from Mr. Lane Kirkland, the AFL–CIO treasurer, where he said:

> We have to carry our message to every American eligible to vote . . . and we have to make sure that every voter we can reach is registered and that they go to the polls.

Under the gentleman's amendment that would not be possible, would it? They could not use union funds to go out and indiscriminately try to register the general public or engage in vote-getting activities with the general public but they are restricted to pursuing their activities among their own union members and their families, which was stated in the case of the United States against UAW and United States against CIO, where the court gets into the first amendment considerations that have to be taken into account in considering the kind of limitations that can be placed on both unions and corporations.

Does the gentleman feel that that is substantially the matter at issue?

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. DELLENBACK, Mr. HANSEN of Idaho was allowed to proceed for 3 additional minutes.)

Mr. DELLENBACK. Will the gentleman yield?

Mr. HANSEN of Idaho. I will be happy to yield to the gentleman, but may I first respond to the gentleman from Illinois (Mr. ANDERSON) and his question.

The gentleman interpreted my amendment exactly as it is intended. As a matter of fact, the indication of plans to direct get-out-the-vote drives and registration drives in the general public further prompted my bringing this amendment to the floor. To make it absolutely clear that the activities directed at the public are prohibited and activities directed at the membership are now protected.

Mr. ANDERSON of Illinois. In the case of *United States* v. *CIO*, 335 U.S. 106, the court did say that if Congress were to prohibit communications between an organization and its members concerning "dangers or advantages to their interests from the adoption of measures or the election to office of men espousing such measures, the gravest doubts would arise in our minds as to its constitutionality."

The gentleman's proposal does not seek to cross that constitutional line and prohibit communications from the union to their own membership. Is that correct?

Mr. HANSEN of Idaho, That is correct.

I now yield to the gentleman from Oregon.

Mr. DELLENBACK. I join in the commendation of the gentleman in the well and also of the chairman of the committee, the gentleman from Ohio, for joining in the support of this amendment.

May I ask as a general question, Mr. HANSEN, is it your intention by the way you have drafted the amendment to propose that corporations and unions be treated absolutely equally?

Mr. HANSEN of Idaho. That is correct.

Mr. DELLENBACK. And, further, if a situation is proper for a corporation, it is also proper for a union and if it is proper for a union, then it is also proper for a corporation.

I think it is extremely important that what you have here proposed is an amendment that seeks to bring about equity. I think it is important that a union be able to communicate with its members and do what the law already permits it to do, and likewise I feel it is important that a corporation be able to do that same thing with its stockholders.

Mr. Chairman, I join in support of this particular amendment. It seems to me that it does work equity in what has been a very troublesome situation in the past.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to the gentleman from Illinois.

Mr. CRANE. The concern I have with the gentleman's amendment deals with what I think is the nub of the issue under consideration, and that is the question of voluntarism versus compulsion.

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

(By unanimous consent (at the request of Mr. CRANE) Mr. HANSEN of Idaho was allowed to proceed for 2 additional minutes.)

Mr. CRANE. Mr. Chairman, if the gentleman will yield further, as I understand the gentleman's amendment, when he talks about permitting the unions or corporations for that matter or national banks to be allowed to engage in not just "communications" but "nonpartisan" registration and get-out-the-vote campaigns, in effect, this is negating the efforts that I am sure the gentleman is trying to make; namely, to prohibit involuntarily raised moneys from being used to support a candidate opposed by the individuals whose moneys may be involuntarily raised.

I think tighter language is required to achieve that objective. Moreover, this position has been upheld by the courts in the past.

In the case of Seay against McDonnell Douglas which happened in California, the courts took the position that:

> . . . The diversion of the employees' money from use for the purposes for which it was exacted damages them doubly. Its utilization to support candidates and causes the plaintiffs oppose renders them captive to the ideas, associations and causes espoused by others. At the same time it depletes their own funds and resources to the extent of the exproporiation and renders them unable by these amounts to express their own convictions, their own ideas, and support their own causes.

This amendment does nothing to prohibit that kind of abuse but, in fact, by its present language puts a specific stamp of approval on this continued abuse which has gone on for many years as we all well know.

Mr. HANSEN of Idaho. I would not agree that that is the effect and purpose of the language of the amendment.

Mr. CRANE. It might not be the purpose of the amendment, but in my judgment it is the effect of it.

Mr. HANSEN of Idaho. The gentleman is entitled to his own opinion.

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

(By unanimous consent (at the request of Mr. HAYS), Mr. HANSEN of Idaho was allowed to proceed for 3 additional minutes.)

Mr. HANSEN of Idaho. I believe the effect and the purpose of the amendment is to circumscribe the kinds of activities that must of necessity be protected under the first amendment and which recognize the right of the union or the corporation to communicate with the members or its stockholders for get-out-the-vote drives or voter registration and also to establish, administer, and solicit funds for a separate voluntary, political fund.

Mr. CRANE. Mr. Chairman, would the gentleman yield for a question for a point of information?

Mr. HANSEN of Idaho. Very briefly.

Mr. CRANE. If I am a member of a union and I am forced to pay dues as a condition for employment, and these moneys go into treasury funds under the check-off system, would your amendment permit them to be spent for voter registration and get-out-the-vote activities? If, as in the case of 1968, I was one of the 44 percent of union members who the polls indicated were opposed to the Democrat candidate for the Presidency, would not my union dues nevertheless be spent contrary to my interest and in a system where I am denied any redress of that grievance in the courts under the phasing of this particular amendment?

Mr. HANSEN of Idaho. The amendment is designed to recognize the fact that a stockholder or a union member exists in two capacities: In his individual capacity with his own individual views and his capacity as a member of an organization that has interests as an organization.

The intent and the purpose of the amendment is to strike a balance between those interests.

The political activities that are designed to elect specific candidates must be financed out of a separate political fund.

The funds administered by COPE are an example of such a separate political fund that is recognized both in my amendment and the so-called Crane amendment which is part of H.R. 11060, the Hays bill.

The question of whether the expenses of an organization like COPE be paid for through voluntary money is often asked. Many of COPE's activities, such as the preparation of voting records and statements of the AFL–CIO's political position, are directed at union members. These activities may be paid for by treasury money. However, to the extent that

COPE incurs expenses by providing personnel to a candidate, or performing a service for a candidate, such as a mailing for him, or by giving a candidate tangible items for use in his campaign, such as typewriter, leaflets, and paper. Those items must be paid for by voluntary money.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, as I understand it, this only covers whatever transpires between the corporation and its stockholders and families and the union leaders and the union members. However, the union member himself is not restricted in his solicitation of registrations or for voting, getting out the vote, is that right?

Mr. HANSEN of Idaho. No. The prohibition is against the use of union funds.

Mr. DENT. Right.

Mr. HANSEN of Idaho. For anything other than communications directly dealing with the members and their families for these specific purposes.

Mr. DENT. There will be a question asked later on by the chairman of the committee, so I will not ask the question, except I will ask this: What about other organizations such as Chambers of Commerce, who are very active in this situation, they solicit beyond their leadership—I mean, beyond their membership. They raise funds through dues and they are in many instances very active in their efforts, especially in my district.

Mr. HANSEN of Idaho. Of course, section 610 never did cover these kinds of organizations, farm organizations, medical organizations, and various other organizations that do become very active in political affairs.

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

(On request of Mr. CRANE, and by unanimous consent, Mr. HANSEN of Idaho was allowed to proceed for 3 additional minutes.)

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, may I also have the attention of the gentleman from Pennsylvania so that he might also be drawn into the colloquy?

He made the suggestion that there is a parallel between what is under discussion here and the activities of chambers of commerce. I submit that there is no parallel that can be drawn because we are talking about individuals who are in a situation where, as a condition of employment, they are compelled to join an organization. In addition to that they are compelled to pay dues to that organization. Their dues, in turn, have been used to support specific political candidates. As indicated earlier in the case of the 1968 election, at the national level; at least, these moneys were spent for a candidate who was not supported by 44 percent of the people who were locked into this kind of a situation.

Mr. DENT. You fail to recognize you do not have to become a stockholder by any pressure, and yet you have corporations and medical societies who have spent money on particular issues along a particular line.

Mr. CRANE. That is not an involuntary association. I am saying that in those cases where a man must join and pay these assessments as a condition of employment, and that is 85 percent of the members of organized labor today, who have to join a union as a condition of employment, and pay union dues, this seems to me to be an outrageous situation, a violation of the constitutional rights of these individuals, and a denial of their freedom of choice.

Mr. DENT. That is against the law now.

Mr. HANSEN of Idaho. May I say in response to the gentleman this does not reach organizations such as the chambers of commerce, and it does prohibit the use of funds of a union or a corporation to support a specific political candidate. That is now prohibited, and that prohibition is reinforced under the language of this amendment.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to the gentleman from New York.

Mr. FISH. The gentleman has used the term, the general term "corporation" in this section, and is the gentleman referring to a business or stock corporation, and in no sense a foundation which may be incorporated under the laws of the State, and engaged in voter registration activities?

Mr. HANSEN of Idaho. The term "corporation," as used in the amendment, is the same corporation as used in the original law enacted back in 1947, so that there is no change with respect to the category of corporations that come within the scope of the provision.

Mr. FISH. This is a business corporation——

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, first of all I would like to commend the distinguished gentleman from Idaho for the development and for the offering of this amendment.

Some of the colloquies we have heard exhibit rather dramatically, I think, the lack of specific knowledge of the effect of section 610, title XVIII, United States Code which this would clarify, which makes it a criminal offense for a corporation or a labor union to make contributions and expenditures in connection with a Federal election.

Section 610 of title XVIII of the United States Code makes it a criminal offense for a corporation or labor union "to make a contribution or expenditure in connection with any—Federal—election." The legislative history of section 610 demonstrates that it was not Congress intent in passing this provision to completely exclude these organizations from the political arena. That history as the Justice Department, which has the responsibility for enforcing the statute, has stated, shows instead that the purpose of section 610 is simply to insure that "when a union—or corporation—undertakes active electioneering on behalf of particular Federal candidates and designed to reach the public as large—the organization's—general funds—may not be used"—brief for the *United States* v. *UAW*, 352 U.S. 567. Corporate and labor political communications directed at members and stockholders, nonpartisan registration and get out the vote activities, and partisan electioneering directed at the general public financed by voluntary contributions, are all lawful.

While these rules are well known to students of this area of the law the exact scope of section 610 is a matter of some mystery to the uninitiated. This stems from the fact that the cryptic statutory language is of little help and a full understanding of the provision's meaning requires a diligent study of the court cases and the legislative history. The result has been an undesirable confusion as to what section 610 actually provides. And this has led to numerous charges that the law is defective, or that it is not being observed. Many of these charges stem from a lack of appreciation of what section 610 actually provides. Others indicate that there may well be instances in which corporations and unions seek to utilize the complex interrelationship between the statutory language and the gloss which has been put on that language as a cover to obscure the fact that they are acting unlawfully. In either event the public confidence in the regulation of Federal election financing suffers.

Despite this lingering confusion it has been 24 years since Congress last legislated in this field. Section 8 of H.R. 11060, the so-called Crane amendment to the Hays bill, attempts to break this legislative logjam by adding a new final paragraph to section 610, defining the critical phrase "contribution and expenditure" as used therein.

Unfortunately, as often happens in dealing with a complex subject, the Crane amendment's definition tends to make the problem worse rather than solving it. For section 8 of H.R. 11060 can either be read as prohibiting all union or corporate activity financed by Treasury money that touches Federal elections in any way, or as continuing the limited permissions the 1947 Congress extended to corporations and unions with one exception—"get out the vote activities" which are presently permissible but which would be prohibited. In the name of providing legislative clarification it creates new confusion. The result is certain to be fresh uncertainty and a new round of litigation.

While its execution is faulty the idea behind section 8 of H.R. 11060 is sound. Congress should set out in a clear statutory form precisely what corporations and unions can and cannot do in the election area. And it is plainly proper to do so during the consideration of this overall attempt to modernize campaign regulation. But since section 8 does not in fact accomplish that goal Mr. HANSEN offers his amendment, the aim of which is to perfect section 8, and by so doing to clarify the exact scope of section 610.

Section 610 strikes a balance between organizational rights and the rights of those who wish to retain their share-

holding interest or membership status but who disagree with the majority's political views. The balance presently obtaining provides, in my judgment, an optimum solution to the complex problem of accommodating these conflicting interests. This solution is sound in theory as I shall show, has proved workable in practice, and has generated a broad bipartisan consensus in favor of continuation of the present rules. For this reason Mr. HANSEN's amendment, with one exception, follows the present law.

Analytically the proposal has three component parts. First, it spells out in detail the point that corporations and unions may not use their treasury money—that is, the money a corporation secures from commercial transactions or a union secures from dues, initiation fees, and similar exactions—either directly or indirectly, to make any type of "contribution or expenditure in connection with any Federal election." This prohibitory language follows that of section 8 of H.R. 11060 word for word and it is plainly all-encompassing. That is as it should be. For as I noted at the outset the basic purpose of section 610 to prohibit active electioneering by corporations and unions for Federal candidates directed at the public at large. There can be no doubt that this language accomplishes that end.

Before going further, and to insure that the accepted not be confused with the necessary, it should be noted that this prohibition is the most far reaching in the entire election law. While the regulation of corporate and union political contributions is based on a fear of the effects of aggregated wealth on politics these organizations are not the sole repositories of funds adequate to finance "big money" contributions. Yet Congress has never regulated the activities of legal, medical, or farm organizations, for example, nor has it placed comparable stringent limitations on wealthy individuals. Indeed, if any of the proposals presently under consideration by this body become law, only corporations, unions, and political candidates will be limited in the making of political contributions and expenditures. Thus section 610 as it stands, and under the Hausen proposal, represents a complete victory for those who believe that corporations and unions have no moral right to utilize their organizations' general funds for active public partisan politicking. It totally subordinates organizational interests to individual interests.

The second subdivision of the amendment sets out three precisely defined and limited permissions for corporate and union activity related to the political process.

The courts, as well as other independent students of section 610 and its legislative history, have concluded that the 1947 Congress did not intend to prohibit corporations or unions from communicating freely with their members and stockholders—see *United States* v. *CIO*, 335 U.S. 106—from conducting nonpartisan registration and get out the vote campaigns, or from securing voluntary contributions "made directly to the support of a labor—or management—political organization"—93 CONGRESSIONAL RECORD 6440, Remarks of Senator TAFT.

Today, as 24 years ago, there is a broad consensus that these limited permissions are proper. For example, Senator DOMINICK speaking on the floor of the other body on behalf of an amendment to section 610 he had proposed, stated:

> If a member wishes to pay money voluntarily to a candidate or to a labor organization fund for a candidate or even to a fund which the union will determine how it is to be spent, I have no objections . . . A labor organization should be able to expend its funds on behalf of . . . nonpartisan political activity such as voter registration or voter education on campaign issues . . . (and) endorsing a particular candidate in its normal union publications. This, I believe, is a legitimate exercise of free speech.

The compelling policy considerations supporting this consensus can be very succinctly stated.

First, every organization should be allowed to take the steps necessary for its growth and survival. There is, of course, no need to belabor the point that Government policies profoundly affect both business and labor. One need turn no further than the present economic stabilization program for a compelling illustration of the extent to which Federal policy is the critical detriment of corporate and union health. If an organization, whether it be the NAM, the AMA or the AFL–CIO, believes that certain candidates pose a threat to its well-being or the well-being of its members or stock holders it should be able to get its views to those members or stockholders. As fiduciaries for their members and stockholders the officers of these institutions have a duty to share their informed insights on all issues affecting their institution with their constituents. Both union members and stockholders have the right to expect this expert guidance. In determining where their self-interest lies they have no other comparable source of information. Indeed, as the Supreme Court stated in the CIO case, if Congress were to prohibit communications between an organization and its members concerning "danger or advantage to their interests from the adoption of measures or the election to office of men, espousing such measures, the gravest doubt would arise in our minds as to its constitutionality."

Second, it has also been recognized that it is proper to allow corporations and unions to conduct nonpartisan registration and get out the vote campaigns. Indeed, any other conclusion would have been contrary to the basic precept that the exercise of the franchise is not merely a political right but a civic duty. The health of our representative form of government requires that every possible step be taken to maximize the number of eligible voters who go to the polls. Attempts to restrict the number who vote are inimical to the democratic precepts upon which the political process rests.

Of course, such campaigns must be nonpartisan. Within the constraints set by an organization's resources which may require it to concentrate on particular areas where its members are most numerous or where a race of particular importance is to be held, it must make an effort to reach all those in the area and not merely those who will vote in a certain way. A failure to respect this limitation would, of course, be a violation of section 610.

It is not entirely clear to me, even after substantial study, as to whether the present law requires such campaigns to be limited to members and stockholders. It is my judgment that they should be, and the amendment Mr. HANSEN proposes insures that such a limitation would have to be observed. The dividing line established by section 610 is between political activity directed at the general public in connection with Federal elections which must be financed out of political donations and activities directed at members or stockholders which may be financed by general funds. As a matter of principle this line of demarcation supports the proposed limitation and there is no consideration of which I am aware that requires an exception to the basic guiding theory of this provision.

Finally, there can be no doubt that union members or stockholders should have the right to set up special political action funds supported by voluntary donations from which political "contributions and expenditures" can lawfully be made. As Senator TAFT stated in his floor explanation of section 610:

> If [union members or stockholders] are asked to contribute directly * * * to the support of a labor [or management] political organization, they know what their money is to be used for and presumably approve it. From such contribution the organization can spend all the money it wants to with respect to such matters. But the prohibition is against labor unions using their members' dues for political purposes, which is exactly the same as the prohibition against a corporation using its stockholders' money for political purposes, and perhaps in violation of the wishes of many of its stockholders. 93 Cong. Rec. 6440.

For the underlying theory of section 610 is that substantial general purpose treasuries should not be diverted to political purposes, both because of the effect on the political process of such aggregated wealth and out of concern for the dissenting member or stockholder. Obviously, neither of these considerations cuts against allowing voluntary political funds. For no one who objects to the organization's politics has to lend his support, and the money collected is that intended by those who contribute to be used for political purposes and not money diverted from another source.

The essential prerequisite for the validity of such political funds is that the contributions to them be voluntary. For that reason the final section of this amendment makes it a violation of section 610 to use physical force, job discrimination, or the threat thereof, in seeking contributions. This is intended to insure that a solicitor for COPE or BIPAC cannot abuse his organizational authority in seeking political contributions. Of course, nothing can completely erase some residual effects on this score, any more than the law can control the mental reaction of a businessman asked for a contribution by an individual who happens to be his banker, or of a farmer

approached by the head of his local farm organization. The proper approach, and the one adopted here, is to provide the strong assurance that a refusal to contribute will not lead to reprisals and to leave the rest to the independence and good sense of each individual.

As a further safeguard the proviso also makes it a violation to transfer to such a fund money collected as dues or other fees required as a condition of membership or employment or obtained through commercial transactions. This insures that 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, Federal candidates and a limited permission to corporations and unions, allowing them to communicate freely with members and stockholders on any subject, to attempt to convince members and stockholders to register and vote, and to make political "contributions and expenditures" financed by voluntary donations which have been kept in a separate segregated fund. This amednment writes that balance into clear and unequivocal statutory language.

What the gentleman's amendment will do is simple. It, in effect, incorporates the case law into existing statutory law and would allow within a very limited area already existing in the law the expenditure of certain treasury moneys or corporate moneys for the sole purpose of reaching either union members or stockholders in the corporations—and no one else outside of that very specific purpose of reaching the voters or drives for getting out the votes.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman.

Mr. UDALL. Mr. Chairman, I want to commend the gentleman from New Jersey for his statement and the gentleman from Idaho for his amendment.

I like the spirit that I see here this afternoon and I am beginning to believe that we can get a strong, workable, and sensible bill.

We have had a bipartisan spirit evidenced on this amendment and the gentleman from Ohio says that he will accept it. A number of distinguished Republicans in this House have said they can live with this and that they agree with the spirit and the purpose of this amendment.

I hope that we shall not here today try to load this bill down with all kinds of peripheral, emotional, and divisive elements that are not really essential to campaign finance reform. This is a bipartisan amendment. The amendment would merely clear up confusion in existing law. The trouble with existing law is not the way it is written but the way it has been observed. We would make clear in the history here that we will have a new day, that labor unions and corporations——

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(On request of Mr. UDALL, and by unanimous consent, Mr. THOMPSON of New Jersey was allowed to proceed for 1 additional minute.)

Mr. THOMPSON of New Jersey. I yield to the gentleman from Arizona.

Mr. UDALL. We have made it very clear that labor unions and corporations are no longer going to be able to play unfair games, but that there is a limited role for labor unions and corporations in the political process, and that such roles, however, are limited to their stockholders, limited to their members. We need the kinds of registration and get-out-the-vote activities that are authorized under the amendment. I hope that the gentleman's amendment will be supported in a bipartisan fashion.

Mr. THOMPSON of New Jersey. I might say to the gentleman from Arizona that the purport of the amendment is limited to corporations and to labor unions and not to other organizations, which obviously operate under their first amendment rights, which exist anyway.

Mr. HAYS. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. CABELL. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Texas for the purpose of asking a question.

Mr. CABELL. I thank the gentleman for yielding. I would like to direct this question to the gentleman from Idaho, the author of the amendment. In the case of corporations and with relation to registration drives, nonpartisan, get-out-the-vote drives, if a bank president should authorize, for the purpose of such registration, one of its clerks or deputies to set up a desk in the lobby of a bank to encourage such a drive on strictly a nonpartisan basis, would that be in violation of the law under the terms of your amendment? They have done that quite often, as I am sure the gentleman knows.

Mr. HANSEN of Idaho. If the gentleman will yield, I would not interpret that activity, which I understand the gentleman's question to be directed toward——

Mr. CABELL. This is for the benefit of the general public. It does not necessarily go to the stockholders or the employees of the bank.

Mr. HANSEN of Idaho. Then it would not be permitted under the language of the amendment.

Mr. CABELL. That was the observation that I made. I raise this question because those are very valuable adjuncts in all walks of business life in encouraging registration and where no other effort is made, merely to impress upon those contacted their obligation to register and exercise their vote.

Mr. HAYS. I am afraid I disagree with my friend from Idaho about this because it seems to me under the scope of his amendment if the bank, which is a corporation, is using its place of business and its employees to register voters, then I think under the gentleman's amendment it would be prohibited as much as a labor union would be prohibited from using its place of business and its employees to register the general public. Do you agree?

Mr. HANSEN of Idaho. The gentleman has not disagreed with me. That is the view I expressed.

Mr. HAYS. Then it would be prohibited.

Mr. HANSEN of Idaho. It would be prohibited.

Mr. CABELL. If the gentleman will yield further, does the gentleman in the well believe that is consistent with good citizenship, to make it impossible for labor unions or corporate entities, as far as that goes, to exercise their duties and responsibilities of citizenship in registering voters and encouraging them to vote?

Mr. HAYS. The gentleman from Ohio can only say in reply that if I were writing the amendment, I would make it broader than it is. But the gentleman from Ohio is also a realist and he believes that this is probably as broad an amendment as we can get through. Therefore he is supporting the amendment offered by the gentleman from Idaho.

Mr. CABELL. I thank the gentleman for yielding. I hope the amendment is defeated.

Mr. HAYS. Mr. Chairman, I had a question I wanted to ask the authors of the bill. I do not see either one of them present in the Chamber at the moment. Perhaps I can defer the question to a later point in the debate. But since we are talking about corporations, I would call your attention to the language on page 14 of the so-called Senate substitute, line 15, which says—

"(e) 'contribution' means—

"(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business),

I wish to speak to this section, because this was in the bill that was reported out of the House Administration Committee, and it was an amendment I offered in the committee because of a fracas we had in Ohio last year, in which an attempt was made to prosecute the Republican candidate for Governor because he obtained a loan for $10,000 from a national bank. It just so happens that if the gentleman in question, the Republican nominee, had come to the bank of which I am chairman and asked for a $10,000 loan on his financial statement, we would have granted it to him, because he certainly was a good risk.

I do not think that it was very smart of my party or anybody else to raise this as an issue. But at the time the law was completely unclear and seemed to and probably did prohibit such a loan. I do not think a candidate for office who has a net worth of $100,000 or $200,000, who might not want to sell some equity he has to pay, perhaps, for his hotel bills and gasoline for the campaign, should be prohibited from borrowing the money, and I am delighted to see this particular section is in the bill.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. HAYS was allowed to proceed for 2 additional minutes.)

Mr. HAYS. Mr. Chairman, I thought I would call this to the attention of the membership and try to make a little legislative history here. The gentleman from Ohio (Mr. DEVINE), the ranking minority member, is aware of the controversy we had in Ohio. I would like to ask the gentleman if he thinks, in his opinion, this language would clarify that to the point where this would not happen under similar circumstances.

Mr. DEVINE. Mr. Chairman, if the gentleman will yield, I agree with the gentleman from Ohio it does clarify and it would avoid such a situation as did develop in our State during the last campaign.

Mr. HAYS. I thank the gentleman from Ohio.

Mr. CRANE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment that has been offered, because I think it has some egregious deficiencies. The proposed amendment would, in my judgment, allow labor unions and corporations to make expenditures for political activities which under a strict reading of the language of title 18 United States Code, section 610 are now prohibited.

Expenditures by corporations in connection with Federal elections have been flatly prohibited since the original Corrupt Practices Act was adopted in 1925. This prohibition was extended to labor unions in 1947 for the purpose: first, of reducing the undue and disproportionate influence of unions on Federal elections; second, preserving the integrity of such elections for the use of aggregated wealth by union as well as corporate entities; and third, to protect union members holding political views contrary to those supported by the union from use of their membership dues to promote acceptance of those opposing views.

The amendment proposed by the gentleman from Idaho (Mr. HANSEN) would create a large and very significant loophole which would legalize broad-scale union political action—which is now prohibited—and undermine whatever protection the law now seeks to give rank and file union members against political use of their dues money.

The Hansen amendment would redefine the phrase "contribution or expenditure" as used in section 610 as not including expenditures for voter registration and get-out-the-vote campaigns aimed at either a corporation's stockholders and their families or a union's members and their families. Its net effect would be to put the stamp of approval on partisan political action by unions with money obtained through compelled union membership dues and fees which rank and file union members are required to pay under compulsory union shop contracts.

Although the amendment purports to allow corporate expenditures on the same basis as union expenditures it would not work this way. Corporate expenditures for voter registration or get-out-the-vote activities would run head on into the existing laws of practically all States which prohibit corporate expenditures for any political purpose. In addition corporate expenditures for political purposes are considered ultra vires under prevailing case law, and could also be disallowed as not meeting the test of ordinary and necessary business expenses under section 162 of the Internal Revenue Code.

The Hansen amendment on the other hand would validate union voter registration functions which are conducted on a highly partisan basis. The director of AFL–CIO COPE, Alexander Barkan, has candidly described how organized labor has taken over the precinct voter registration activities for political candidates, and how these activities reach out to large segments of the population beyond the ranks of union members. In describing labor's activities in the 1968 elections Mr. Barkan says:

> In many States labor did the registration job for Humphrey singlehandedly, the Democratic party had abandoned the field . . . We were the major national organization working at registering black voters and getting out their vote . . . The labor movement mobilized Mexican-American farm workers; and the AFL–CIO funded an operation which included a million leaflets, radio spots, and hundreds of election day workers in California alone. . . . In many States, a house-to-house canvass was conducted as part of our get-out-the-vote effort, particularly in selected labor areas and in minority-group areas where there are relatively few telephones. The number of persons involved in this operation was 72,225.

The source for this is Barkan, Issues in Industrial Society, volume 1, No. 2, Cornell University School of Industrial Relations.

The AFL–CIO Executive Council meeting at Miami Beach, Fla., on November 16, 1971, announced a major union-financed effort to register newly enfranchised voters between 18 to 21 years old, and that political action will be "a primary activity of the entire labor movement from now to election day 1972."

The use of union money for these partisan political activities clearly violates the existing prohibition in title 18, section 610 against union expenditures in connection with Federal elections. The gentleman's amendment would legalize these illegal expenditures, in my judgment.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I am happy to yield to the gentleman from Indiana.

Mr. DENNIS. As the gentleman from Illinois has pointed out, the Hansen of Idaho amendment specifically and in so many words makes legal and authorizes the use of union funds, paid in as dues by voluntary and involuntary union members, for financing get-out-the-vote drives.

Is it not true that the gentleman in the well has an amendment which he will offer, if this Hansen of Idaho amendment is defeated, which specifically states that union funds of this kind cannot be used for financing a get-out-the-vote drive—nor can corporate funds—be so spent, but that either a corporation or a union can set up a separate voluntary fund to which voluntary contributions only are made and which can be used for financing get-out-the-vote drives?

Mr. CRANE. I thank the gentleman from Indiana for raising this question. I do indeed, in the event the amendment offered by the gentleman from Idaho fails, intend to offer an amendment to the amendment under consideration. As a matter of fact, this is already a part of the campaign spending bill that came out of the Committee on House Administration, and it received bipartisan support to come out of that committee.

I believe the essential difference between this amendment I intend to offer and that offered by the gentleman from Idaho is this language:

> Nothing in this section shall preclude an organization—

I am referring here to corporations, national banks or unions—

> from establishing and administering a separate contributory fund for any political purpose, including voter registration or get-out-the-vote drives, if all contributions, gifts, or payments to such fund are made freely and voluntarily, and are unrelated to dues, fees, or other moneys required as a condition of membership in such organization or as a condition of employment.

Mr. DENNIS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. HAYS. Mr. Chairman, will the gentleman yield to me for an observation?

Mr. DENNIS. I yield to the gentleman from Ohio.

Mr. HAYS. I should like to say to the gentleman I have had long experience in getting-out-the-vote drives and there is just one thing I can tell him. You can get them out, but once they get behind that curtain there is no way for you to know how they vote. I could give an experience we had in Ohio, where a sitting Governor was defeated in a primary.

Mr. DENNIS. I could give the gentleman some experiences, too, but I would rather get along with my remarks, if I may.

Mr. Chairman, I believe this is one place we ought to be very clear about what we are doing. We can do what we please, but let us not kid ourselves.

We have before us an amendment offered by the gentleman from Idaho (Mr. HANSEN) which specifically legalizes the use of union dues money, which is extracted from everybody who has to join the union to work in a union shop, for the purpose of voter registration and get-out-the-vote drives. Now, that is of very doubtful validity under the present law, but it is not going to be doubtful at all if you adopt the Hansen amendment, because the Hansen amendment just states that that is legal.

Mr. HANSEN of Idaho. Will the gentleman yield?

Mr. DENNIS. I yield briefly to the gentleman. Yes.

Mr. HANSEN of Idaho. Is it not true that the language in the present Hays bill adopted by the Committee on House

Administration would also permit union funds or corporate funds to be used to register voters? I believe the gentleman referred to registration of voters.

Mr. DENNIS. No. I talked about getting-out-the-vote drives. That is what I am talking about. I am perfectly well aware that the registration of voters clause was stricken out of the Crane amendment in your committee although the exact effect of that action may be debatable, but getting out the vote was not so stricken. Spending union treasury money for get-out-the-vote drives is not permitted under the Hays bill and it is permitted under your amendment, and that is exactly what you are trying to do.

Mr. HANSEN of Idaho. Except that the gentleman specifically referred to voter registration.

Mr. DENNIS. I am talking about getting-out-the-vote drives. That is what I am referring to now. If I referred to it erroneously before, I want to make that clear now.

However, what my friend from Idaho is doing is legalizing the use of union dues to finance get-out-the-vote drives. He cannot deny that. That is what he is doing.

Now, what Mr. CRANE'S amendment will do, if he gets a chance to introduce it, which he will not unless we defeat the Hansen amendment, is to specifically outlaw the use of union dues money for the purpose of financing get-out-the-vote drives or corporate money or stockholders' money, but Mr. CRANE'S proposed amendment specifically says that either a corporation or a union can establish and administer a separate contributory fund for any political purpose, including voter registration or get-out-the-vote drives, if all of the contributions are made freely and voluntarily.

So the issue is perfectly plain. If you are in favor of restricting the financing of get-out-the-vote drives to voluntary money contributed by a union member voluntarily, or by a stockholder voluntarily—if you want to limit it to that, then you ought to defeat Mr. HANSEN'S amendment and give Mr. CRANE a chance to introduce his. If you think it is all right and fine to take involuntary money that is paid in as dues or for some other purpose and use it to finance get-out-the-vote drives, then you ought to support the Hansen amendment.

What we are doing if we put this Hansen amendment in the law is that we are making positively legal a practice which is now illegal, although it is evaded every day. I have had experience with these things, too. Let us not kid ourselves about what we are doing. I am not against unions or corporations but I am for holding down political activity to voluntary money on the part of anybody.

Mr. HANSEN of Idaho. Will the gentleman yield?

Mr. DENNIS. Yes. I yield to the gentleman.

Mr. HANSEN of Idaho. I think it is important to point out that the permitted activity, that is, the get-out-the-vote drive, which is now permitted under existing law, is limited to the members of the union. I think every time reference is made to it it should be made clear.

Mr. DENNIS. Well, all right.

Mr. HANSEN of Idaho. It would be members of the union to whom this is directed.

Mr. DENNIS. I do not quarrel with that. I am talking about the member of the union who maybe does not want to use his money in that way.

Mr. STEIGER of Wisconsin. Will the gentleman yield?

Mr. DENNIS. I yield to the gentleman.

Mr. STEIGER of Wisconsin. One of the advantages of the Hansen amendment is that the present law is somewhat unclear about whether it is limited to unions.

Mr. DENNIS. But I want to make it clear that you cannot use any of this involuntary money in that way.

Mr. STEIGER of Wisconsin. May I say to my friend I think such a construction would pose serious constitutional problems.

Mr. ASHBROOK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the unique and privileged role of labor organizations in our election processes was recently underscored by delegates to the 1971 convention of the Nation's largest and wealthiest union.

Delegates to the Teamsters Union convention adopted what is generally regarded as an ominous amendment to their constitution. It authorizes the union's general president to "make expenditures from the general fund in amounts to be determined by him in his sole discretion for lobbying and other political purposes, including contributions to candidates for State, provincial or local office."

Without question, this amendment to the Teamsters' constitution will encourage the continued wholesale flouting of restraints imposed by the Congress on union political activities in 1947 when it amended section 610, title 18, of the United States Code.

It is common knowledge that dues payments collected from involuntary members, as well as from voluntary members, are deposited in a union's general fund. Obviously, President Fitzsimmons will not be under any internal restraints when he contemplates contributions to certain political candidates from the union's general fund.

Admittedly, the union's amended constitution does not authorize the use of money from the general fund in connection with Federal elections. Let us not be deceived, however.

The widely respected and authoritative Congressional Quarterly has stated flatly that union officials conceal contributions to Federal candidates by "simply reporting transfers of gross sums to State committees . . . The State committees, in turn, transfer the money to individual candidates, but the names of the recipients never appear on the nationally filed reports."

This in only one example of methods now being used to circumvent the existing law.

Mr. Chairman, I submit that the convention delegates who handed Mr. Fitzsimmons this blank check are not typical of the Nation's union members. All available evidence indicates that dues-paying unionists take a dim view of the use of union resources in political campaigns. Partisan politicking is strongly resented by those wage earners who are compelled by collective bargaining agreements to pay for unwanted union representation.

Inclusion of the Crane amendment in the pending legislation would close a gaping loophole in our present law. It will put unions on the same footing in the political arena with corporations, banks, and all other associations.

The amendment of the gentleman from Idaho (Mr. HANSEN) would not. In fact, it would open the door to a use of union general fund moneys not now available for political purposes. The Crane amendment would prohibit such use while the Hansen amendment would allow this use. Both amendments would properly distinguish between voluntary contributions and these which are extracted by union dues which are involuntary since in almost all instances there is a closed shop arrangement and union membership is a condition of employment.

Mr. Chairman, I particularly want to ask a question in relation to the preceding colloquy, and I direct this question to the sponsor of the amendment (Mr. HANSEN).

I think it is patently clear what we would get into. In the Hansen amendment, we are talking about getting out the union vote. Are we to assume that if your amendment were to pass and the Teamsters Union, for example, were to spend money to get out the vote that they could come to the door of the union member and his family and say "We will take you to the polls," but they could not take anyone else in the household to the polls? How can you possibly limit it, I would say to the gentleman from Idaho, just to members of the union and their families? Are you talking about families and friends? Or just family? How do you intend to limit it just to members of the union and their families?

Mr. HANSEN of Idaho. I would say in response to my friend that the language of the amendment includes the members of their families and the stockholders of a corporation and their families.

Mr. ASHBROOK. The gentleman said a few minutes ago that he wanted to make his amendment perfectly clear. It is not being directed just to unions and members of unions but also their families? How far does this go? Do you go to cousins—first, second, and third? What would be the interpretation of "families?"

Mr. HANSEN of Idaho. I would interpret it as immediate family.

Mr. ASHBROOK. In other words, the mother, father, sons, and daughters? That would be as far as you would go and not cousins and nephews?

Mr. HANSEN of Idaho. No, I would not include anything other than immediate family.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to my colleague from Ohio.

Mr. HAYS. I think in applying this you would have to use the rule of commonsense. I suppose if they went up to the door that anyone who lived in that house would be included.

Mr. ASHBROOK. That is the point I

was going to make. Consider this example. I am a union get-out-the-vote organizer. I come to the door of your home. There are people in the home such as the union member and his family but also people who are not members of the family.

Are you saying it would be legal to get out the vote for families of the union member but under the rule of reasonableness I would be allowed as a part of get-out-the-vote campaign to get out other people in the same household who would not be members of the family? Would it be legal, illegal or would the rule of reason cover it all?

Mr. HANSEN of Idaho. I can only give you my own opinion which is perhaps of no greater value than yours, or the opinion of the gentleman from Ohio. However, I would still limit it to immediate families, those who are in the home and are a part of what may be determined to be a family unit. As has been previously stated there may be some cases on the borderline that may be difficult to determine. But I would say to the gentleman that also under the existing law there is no limitation on how far you can extend the get-out-the-vote activities. There are indications of plans in the making for rather broad get-out-the-vote drives directed toward the public at large, but if some kind of language such as this strikes a reasonable compromise is not adopted, I think we will begin to see this activity undertaken.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Ohio.

Mr. HAYS. I would like to call the gentleman's attention to the language in the House Administration bill which, of course, we are not considering now. We are considering the substitute bill. However, we spelled it out as follows:

> For the purposes of this section, the term "immediate family" means a spouse, and any child, parent, grandparent, brother, or sister and the spouse of any of them.

I think, if the gentleman will yield further, that probably there will be some borderline cases. I think if you pulled up to a union member's house and asked the wife to go to the polls and her next door neighbor was sitting there and asked may she go too, I do not think they would turn her down. I do not think they should be prosecuted under those circumstances.

The gentleman will recall what I said earlier—it goes back to the old story that you can take a horse to water, but you cannot make him drink. You can haul people to the polls, but you cannot control how they vote once they get in there.

I do not know whether the gentleman remembers the case of Governor Davey when he was defeated in the primary.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

What we did, the late Governor Davey had all the money that you could imagine available to get people to the polls, and in my home county they advertised that they would have 300 cars, which was three cars to a precinct, available for this purpose.

I was managing the other campaign, we had no money for cars, we did have a little money for handbills, so we had 100,000 handbills printed that said at the top, "You paid funds to get people to get a ride." We said, "These are funds from State money that is hiring these cars, so just get in a car and take a ride with them and go to the polls and vote." And Sawyer carried the county by 10,000 votes.

So I am saying, I do not get too excited about who hauls the people to the polls, but I am excited about who they vote for when they get to the polls.

Mr. ASHBROOK. I would generally agree with the gentleman from Ohio in what he has said, but I do get excited about one particular aspect, and that is this. If you look at the Teamsters Union convention this very year, and the authority that they gave to their international president you can get excited. I will quote you that authority that they gave him. It was the absolute authority "to make expenditures from the general fund in amounts to be determined by him, in his sole discretion, for lobbying and other political purposes including contributions to candidates for State, provincial, or local offices."

So if we go on down the line on the Hansen amendment I do get excited. I will say to the gentleman from Ohio, my good friend and colleague, I do get excited about the absolute potential for abuse that you could have if we legalize this type of activity. When the Teamsters Union gives blanket authority to their international president to use his sole discretion to distribute any amount of money, for any legitimate purpose, I happen to think when we are talking about reform that we ought to be narrowing the area where unions can expend money rather than opening it up, which seems to be the thrust of this amendment.

Mr. CRANE. Mr. Chairman, if the gentleman will yield on the question of who is influenced by the unions. In their own literature they acknowledge operating on the assumption that for every member of the union you are reaching with labor publications, that you are simultaneously reaching their spouse at home, and two friends, neighbors, or relatives. So if we start with 15 million union members, you will be reaching, in addition to the 15 million members, the spouse of the member, and two relatives or friends, and we are then talking about somewhere in the neighborhood of 60 million voters.

I would also like to comment in response to the gentleman from Ohio on knowing where your voters are with a quotation by Mr. Meany himself:

> When you spend your money to get people registered, and then spend a lesser proportion to get them out to vote, you know you got a vote in the ballot box. Of course, we are a little bit choosy when we choose the districts in which we want to better these votes in the ballot box, so that when they go in we have a pretty good idea how they are going to vote.

I can assure the gentleman from Ohio that in my home State of Illinois I could on this "choosy" basis make some estimate as to how people would vote, and I think I would be good enough to know how the outcome would be by being 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. Meany himself said, the unions exercise selectivity in spending union moneys to get out the vote.

Mr. ASHBROOK. My concern comes more from a national scope than from a local scope, and in my district, if they want to get out the vote for the purpose of voting against me, it probably will end up helping me more than hurting me, but at the national level it is a different situation. I would respectfully oppose the amendment offered by the gentleman from Idaho.

Mr. ZION. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Indiana.

Mr. ZION. Mr. Chairman, under the terms of the Hansen amendment, regarding the involuntary dues, would the union be permitted to pay people to use the dues to haul friends and associates to the polls?

Mr. ASHBROOK. I would assume that would be a legitimate purpose. The gentleman from Idaho said a while ago, that my opinion was as good as his, but I think you will find that, as the author of the amendment, his opinion would be followed more closely than mine. So if the gentleman wishes to respond, I will be glad to yield to the gentleman.

Mr. HANSEN of Idaho. Mr. Chairman, I believe any communications ordered by a labor union to its members which is designed to get out the vote, to get people to the polls to exercise their obligations as citizens, would be permitted. It would also be true of support for the same purpose directed at its stockholders by a corporation.

Mr. STEIGER of Wisconsin. Mr. Chairman, I move to strike out the last word and rise in support of the Hansen amendment.

Mr. Chairman, I support the amendment offered by the gentleman from Idaho. I have listened to the comments of my colleagues on both the Republican and Democratic side and I must say, in all honesty, it is apparent that there are some who believe that if you are for the Hansen amendment that somehow you are granting power to organized labor which now they do not have.

I am one of those who has been rather vigorously opposed on a number of occasions by the AFL–CIO, the United Automobile Workers, and others in this field. Thus, I do not believe it ought to be construed as being pro or antilabor on corporations when one talks about what is available or legitimate for corporations and labor unions reporting under title 18, section 610. What the Hansen amendment does is to codify in the statutes what section 610 of title 18 has been interpreted to mean.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman.

Mr. GUDE. Mr. Chairman, I rise in support of the Hansen amendment

which is intended to clarify section 610 of title 18 of the United States Code making it a criminal offense for a corporation or labor union "to make a contribution in connection with any Federal election."

I think it is appropriate that we address ourselves to this problem while we are considering Federal election reform and I believe that the Hansen amendment is the best guarantee that the intent of section 610 will be understood and followed.

The original language of section 610 was so ambiguous that its full meaning only becomes clear when it is read along with the numerous court cases which interpreted the legislation. The Hansen amendment would codify these interpretations so that the original purpose of the section—to insure that the general funds of a corporation or union cannot be used for election activities geared to the general public on behalf of specific Federal candidates—will prevail.

Corporate and labor union political communications directed at their stockholders and members should be allowed. Likewise, nonpartisan registration and get-out-the-vote activities were not the target of the original section 610. And, of course, partisan electioneering directed at the general public financed by voluntary contributions are acceptable.

I believe that the Hansen amendment will be very helpful in clarifying the provisions of section 610 without imposing limitations on corporations and labor unions which either violate the Constitution or fly in the face of our American traditions.

I strongly favor the passage of a strict campaign reform measure, and I think that by accepting the Hansen amendment we will significantly improve our final product.

Mr. STEIGER of Wisconsin. I thank the gentleman for his contribution.

Mr. Chairman, I think it ought to be clear at the outset that what the Supreme Court said effects the rights of both labor and management to engage in a narrow range of educational and nonpartisan activities which are allowed and protected at the present time under the so-called CIO case.

The Supreme Court in that said, and I quote:

> If [18 USC § 610] were construed to prohibit the publication, by corporations and unions in the regular course of conducting their affairs, of periodically advising their members, stockholders or customers of danger or advantage to their interests from the adoption of measures or the election to office of men, espousing such measures, the gravest doubt would arise in our minds as to its constitutionality.

The Court then went on to say that "the evil" which Congress may constitutionally regulate is "the use of union funds to influence the public at large to vote for a particular candidate or a particular party."

One of the reasons the Hansen amendment makes sense is it does provide a limitation which presently is not found in the language of 18 U.S.C. 610. That limitation is that the funds that are to be used by the union or by a corporation—and I must admit to being somewhat amazed at my friends like the gentleman from Illinois and others who keep talking about unions and forgetting the dual nature of this problem and the fact that the amendment goes to both unions and corporations and that the Hansen amendment would make it possible for the first time to insure that the funds that are constitutionally protected—union and corporate funds under section 610 of title 18, United States Code can only be used in terms of carrying on campaigns for voter registration and drives to get out the vote and campaigns aimed at members on the family or stockholders of both labor organizations and corporations.

It is for that reason I think this amendment makes a lot of sense.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, let me simply remind the gentleman from Wisconsin that I quoted from my amendment which is contained in the House administration bill and refers equally to corporations, national banks, and labor organizations.

To me the issue still comes back to that of voluntarism versus compulsion. I do not care whether it is a corporation or a national bank or a labor organization—we are talking about compulsion. It seems to me in the interest of fairness and justice to all—whether you are talking of stockholders of a bank or a corporation or whether you are talking of members of a union—I think it is unjust, unfair, and inequitable to take money involuntarily from them and to use that money to promote ideals that are contrary to their own.

Mr. STEIGER of Wisconsin. I refuse to yield further. I might say this is on my time, though I am delighted to have the gentleman's contribution. I simply disagree with him. I think you are imposing what I would judge to be a very questionable concept on organizations, be it a labor union or a corporation, that somehow that organization does not have the right and should not be allowed to carry on a campaign of education among its stockholders or its members, and to try to deny that right on the basis of the ancillary issue of compulsorism versus voluntarism is beside the point.

It seems to me that what the Hansen amendment does is to assure that we restrict these funds to being used solely for the purpose of carrying on campaigns among their members and their families.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(By unanimous consent, Mr. STEIGER of Wisconsin was allowed to proceed for 2 additional minutes.)

Mr. HARVEY. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Michigan.

Mr. HARVEY. I thank the gentleman for yielding. My question is really one of clarification. I am not satisfied in my own mind that we are correct in lumping corporations and unions together in the manner in which we are doing it. I know they are lumped that way in the corrupt practices bill and the present bill. But as I see this, we are talking about corporations which, at least in the State of Michigan from which I come, do not have registration and get-out-the-vote drives, for that matter. However, there has been tremendous union activity.

As I look at what could be contemplated, I am bothered by this. My criticism is sincere, so I ask this question. Corporations are diverse, their stockholders scattered all over the country, and their efforts are perhaps limited to a letter campaign of some kind. But that is not what the unions are doing. The unions are actually registering people, sending out cars, deliverying them to the polls. They have computers and other sophisticated equipment to aid them in the process.

I wonder if it is fair to say that corporations are in the same category with unions in this respect?

Mr. STEIGER of Wisconsin. I am sorry I do not have time to yield further. No, corporations are not in the same category. But within my remaining time let me discuss a further reason I support the Hansen amendment. The other body is now considering a national voter registration program through use of the mails. We ought not to turn around and somehow make it impossible or more difficult for voluntary drives of the kind we have discussed to register voters and get out the vote. The United States stands proud in its reliance on volunteer efforts by private organizations—and the fact that we are not like France, Britain, or Canada where they have municipal systems or federal drives—in encouraging voluntary drives. I want the voluntary drive to be maintained and I do not want to move in the direction of our neighbors. Thus, I support the Hansen amendment and urge its adoption.

Mr. Chairman, I rise in opposition to the Hansen amendment primarily because, if adopted, it will preclude consideration of the Crane amendment. Those of you who have a copy of the House Administration bill, the Hays bill, before you, H.R. 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 antilabor by union spokesmen. So I think it is reasonable to presume that the amendment offered by the gentle-

man from Idaho would be considered an AFL–CIO amendment.

Whereas these spokesmen formerly insisted that union political activities are funded exclusively by voluntary contributions from members, union officials now complain that Mr. CRANE'S proposal "would prohibit all union activity financed by Treasury money, connected in any way with Federal elections." Their complaint represents an admission of noncompliance with section 610.

Another complaint by union spokesmen, namely, that "union funds could not be used for nonpartisan, 'get-out-the-vote' activities aimed at union members and their families," is altogether misleading.

In the first place, the Crane amendment includes this notable safeguard:

Nothing in this section shall preclude an organization from establishing and administering a separate contributory fund for any political purpose, including voter registration or get-out-the-vote drives, if all contributions, gifts or payments to such fund are made freely and voluntarily, and are unrelated to dues, fees or other moneys required as a condition of membership in such organization or as a condition of employment.

Second, there is an abundance of evidence proving that union sponsored "get-out-the-vote" campaigns are not nonpartisan. George Meany himself has acknowledged, when he said:

When you spend your money to get people registered, and then spend a lesser proportion to get them out to vote, you know you got a vote in the ballot box. Of course, we are a little bit choosy when we choose districts in which we want to better these votes in the ballot box, so that when they go in we have a pretty good idea how they are going to vote.

Furthermore, AFL–CIO Secretary-Treasurer Lane Kirkland, while addressing the Amalgamated Transit Union convention in Las Vegas, Nev., last September, exploded the myth that union political activities are merely "aimed at union members and their families." While vigorously attacking President Nixon, he said:

Over the next 13 months labor and its political arm—COPE—has a great deal of work to do. We have to carry our message to every American eligible to vote, and we have to make sure that they understand what America's choices really are. And we have to make sure that every voter we can reach is registered, and that they go to the polls.

Clearly, the leaders of organized labor are attempting to influence union members and all other voters in the Nation. And they are using union dues money provided mostly on a compulsory basis from members.

We must protect America's working men and women from this abuse.

I suggest we vote down the Hansen amendment, in order to give us an opportunity to consider the Crane amendment.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, I thank the gentleman for yielding and for his support for my amendment which I hope I will have a chance to introduce.

I want to comment on some of the remarks made earlier. Frankly, I find it somewhat surprising that the gentleman from Wisconsin should describe the issue of freedom of choice and freedom to dispose of one's property according to the dictates of one's own conscience as an "ancilliary red herring." Clearly in my judgment that is the problem involved.

I would also like to pass on a quotation of Justice Black on the subject.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(On request of Mr. CRANE, and by unanimous consent, Mr. DEVINE was allowed to proceed for 2 additional minutes.)

Mr. CRANE. Mr. Chairman, if the gentleman will yield, I would like to give the quotation by Justice Hugo Black:

There can be no doubt that the federally sanctioned union shop contract here, as it actually works, takes a part of the earnings of some men and turns it over to others, who spend a substantial part of the funds so received in efforts to thwart the political economic and ideological hopes of those whose money has been forced from them under authority of law.

There was a classic battle by Thomas Jefferson on behalf of freedom of religion in the State of Virginia. At that time he stated that to force a man to contribute his money to support the propagation of views that are contrary to his own is sinful and tyrannical. The principle involved today is exactly the same as that involved in Jefferson's day.

Mr. DEVINE. Mr. Chairman, I would ask the gentleman from Illinois if the proposed Hansen amendment does violence to the proposed Crane amendment?

Mr. CRANE. It does, because it ignores this question of involuntarily raised moneys and, in fact, puts the stamp of approval on the use of involuntarily raised moneys for registration drives and get-out-the-vote drives.

Mr. DEVINE. Is it the opinion of the gentleman from Illinois that if the Hansen amendment is adopted, the union activity would be broadened or confined?

Mr. CRANE. It would be significantly broadened and in my judgment it would be to the detriment of most Americans.

Mr. HARVEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am rather confused about this amendment. I should like to ask the author of it, the gentleman from Idaho, a couple of questions.

I would say to the gentleman, to preface my questions, that, believe it or not, I have great admiration for the efficiency of the unions in their activity in getting out the vote and in registration drives as well. These have both been conducted in Michigan, although in a highly partisan manner, nevertheless in an extremely efficient manner. I believe that can be truly said also around the country.

But in Michigan, I would point out, both the registration drives and the get-out-the-vote drives have been, at least in my best judgment, directed not only at union members but also conducted, No. 1, on a door-to-door basis and, No. 2, conducted among minority groups.

I say to my friend from Idaho, am I correct that his amendment would preclude any such activity in the future? In other words, am I correct that any union activity or corporation activity would be precluded on either a door-to-door basis or among minority groups?

Mr. HANSEN of Idaho. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. I yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. That activity would be precluded to the extent that it was aimed at persons other than members of the union and their families, or for corporations stockholders and their families.

I believe the gentleman raises an excellent point. There is now no effective or practical limitation in the law as to the extent to which these get-out-the-vote activities can go. They may very well be directed, to the general public or to certain segments of the general public, who are obviously more likely to vote in the same way as the sponsors of the campaign.

This amendment would have the effect of restricting the persons who would be the object of a get-out-the-vote campaign.

Mr. HARVEY. Mr. Chairman, in the September 1970, National Journal there was featured a 10-page article on the Committee on Political Education. It stressed, among other things, COPE's involvement in voter registration and campaign work. According to the Journal, and I quote:

In 1968 its nuts and bolts registration and get-out-the-vote effort helped elect 185 House Members and 15 of the 34 Senators chosen by America's voters.

What bothers me, Mr. Chairman, is, as I say, in Michigan, at least, this is not a bipartisan effort, but this is strictly a partisan effort. It points up to me that certainly this whole area is undoubtedly the biggest loophole in either the substitute we are considering or in the Hays-Macdonald bill that we are considering. While we are talking about placing limits on what a candidate can spend in his own behalf, and making that candidate account for all expenditures on his own behalf, we are saying either the union or the corporation, can go out and do it in behalf of a particular candidate and yet that is not accounted for at all.

Mr. HANSEN of Idaho. Mr. Chairman, will the gentleman yield further?

Mr. HARVEY. I yield further.

Mr. HANSEN of Idaho. The gentleman makes an excellent point, and I should like to underscore it.

The gentleman refers to the activities of COPE. I would point out COPE is not touched by this amendment or by the present law or by the language of the Hays bill. As a matter of fact, the Hays bill with the so-called Crane amendment specifically recognizes the right to establish a voluntary political fund, and that is what COPE is.

This amendment does not reach COPE. COPE is excluded from its coverage and from the terms of the Crane amendment as it was adopted in the Hays bill.

Mr. HARVEY. I thank the gentleman for his contribution.

Mr. HAYS. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I think it is important that we understand neither the Crane amendment nor the Hansen amendment is directed toward voluntary or COPE moneys. What we are talking about is Treasury money. The principal distinction is that the Hansen amendment would allow its use to get-out-the-vote drives for union members while the Crane amendment would not.

I cheerfully supported the Crane amendment in committee in its unexpurgated version, which is stronger than the version now in the Hays bill. There is a time, I think, when it is appropriate to retreat just a little bit. If we vote down the Hansen amendment in our efforts to get to the Crane amendment, we may well lose both of them and go into conference with nothing on the subject.

On the other hand, the Hansen amendment is a step forward in clarifying what has been judicial precedents in the field. Therefore I urge an affirmative vote on the Hansen amendment.

I yield to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. I would like to comment on the point the gentleman from Minnesota made.

I disagree. The Hansen amendment in effect guts the amendment I introduced before in the Committee on House Administration. I still argue it is a vital issue. I am fully cognizant of the nature of labor's influence in our legislative councils, and very frankly I do not anticipate, if my amendment were to stay in any bill that came out of this House, it would survive the conference committee.

I think we are engaged in an exercise in semantics, but let us not be hypocritical as to what is contained in the bill. That is the importance, in my judgment, of defeating the Hansen amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HAYS) to close debate.

Mr. HAYS. I would like to say to the Members who are here that there is a lot of sound and fury here about how much money labor spent. In 1968 the Ohio Medical Association contributed more money to my opponent than COPE did to the whole slate of congressional candidates in the State of Ohio.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho (Mr. HANSEN) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The question was taken; and the chairman announced that the ayes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. CRANE. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. CRANE. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. HANSEN of Idaho, CRANE, HAYS, and DENNIS.

The Committee divided, and the tellers reported that there were—ayes 233, noes 147, not voting 51, as follows:

[Roll No. 416]

[Recorded Teller Vote]

AYES—233

| | | |
|---|---|---|
| Abourezk | Garmatz | Murphy, N.Y. |
| Abzug | Gaydos | Natcher |
| Adams | Giaimo | Nedzi |
| Addabbo | Gibbons | Nix |
| Albert | Gonzalez | Obey |
| Anderson, Calif. | Grasso | O'Hara |
| Anderson, Ill. | Gray | O'Konski |
| Anderson, Tenn. | Green, Oreg. | O'Neill |
| Andrews, N. Dak. | Green, Pa. | Patman |
| Annunzio | Griffiths | Patten |
| Ashley | Gude | Pepper |
| Aspin | Hamilton | Perkins |
| Badillo | Hanley | Peyser |
| Begich | Hansen, Idaho | Pickle |
| Bennett | Hansen, Wash. | Pike |
| Bergland | Harrington | Podell |
| Bevill | Hathaway | Preyer, N.C. |
| Biaggi | Hawkins | Pryor, Ark. |
| Biester | Hays | Purcell |
| Bingham | Hechler, W. Va. | Quie |
| Boggs | Heckler, Mass. | Randall |
| Boland | Heinz | Rangel |
| Brademas | Helstoski | Rees |
| Brasco | Hicks, Mass. | Reid, N.Y. |
| Brooks | Hicks, Wash. | Reuss |
| Burke, Mass. | Hillis | Robison, N.Y. |
| Burlison, Mo. | Holifield | Roe |
| Byron | Howard | Rogers |
| Carey, N.Y. | Hull | Roncalio |
| Carney | Hungate | Rooney, N.Y. |
| Celler | Ichord | Rooney, Pa. |
| Chappell | Jacobs | Rosenthal |
| Chisholm | Johnson, Calif. | Roush |
| Clark | Jones, Tenn. | Roy |
| Clay | Karth | Runnels |
| Collins, Ill. | Kastenmeier | Ryan |
| Conable | Kazen | St Germain |
| Conte | Keating | Sarbanes |
| Conyers | Kluczynski | Scheuer |
| Corman | Koch | Schwengel |
| Cotter | Kyros | Selberling |
| Coughlin | Leggett | Shipley |
| Culver | Link | Shriver |
| Daniels, N.J. | Lloyd | Slack |
| Danielson | Long, Md. | Smith, Iowa |
| Davis, Ga. | Lujan | Smith, N.Y. |
| de la Garza | McCloskey | Staggers |
| Delaney | McCormack | Stanton, J. William |
| Dellenback | McCulloch | Stanton, James V. |
| Dellums | McDade | Steele |
| Denholm | McDonald, Mich. | Steiger, Wis. |
| Dent | McEwen | Stokes |
| Dingell | McFall | Stratton |
| Donohue | McKay | Stubblefield |
| Dow | McKinney | Sullivan |
| Drinan | Macdonald, Mass. | Symington |
| Dulski | Madden | Teague, Tex. |
| Dwyer | Mailliard | Terry |
| Eckhardt | Martin | Thompson, N.J. |
| Edmondson | Matsunaga | Thomson, Wis. |
| Edwards, Calif. | Mayne | Tiernan |
| Esch | Mazzoli | Udall |
| Eshleman | Meeds | Ullman |
| Evans, Colo. | Melcher | Van Deerlin |
| Fascell | Metcalfe | Vanik |
| Findley | Mikva | Vigorito |
| Fish | Miller, Calif. | Waldie |
| Flood | Mills, Ark. | Whalen |
| Flowers | Minish | Widnall |
| Foley | Mink | Williams |
| Ford, William D. | Mitchell | Wolff |
| Forsythe | Mollohan | Wydler |
| Fraser | Monagan | Yates |
| Frenzel | Moorhead | Yatron |
| Fulton, Tenn. | Morgan | Young, Tex. |
| Fuqua | Morse | Zablocki |
| Galifianakis | Mosher | Zwach |
| | Moss | |
| | Murphy, Ill. | |

NOES—147

| | | |
|---|---|---|
| Abbitt | Bray | Burleson, Tex. |
| Abernethy | Brinkley | Byrnes, Wis. |
| Archer | Broomfield | Cabell |
| Ashbrook | Brotzman | Caffery |
| Aspinall | Brown, Mich. | Camp |
| Baker | Brown, Ohio | Carter |
| Betts | Broyhill, N.C. | Casey, Tex. |
| Blackburn | Buchanan | Cederberg |
| Bow | Burke, Fla. | Chamberlain |
| Clancy | Hunt | Rousselot |
| Clausen, Don H. | Hutchinson | Ruppe |
| Clawson, Del | Jarman | Ruth |
| Cleveland | Johnson, Pa. | Sandman |
| Collier | Jonas | Satterfield |
| Collins, Tex. | Keith | Saylor |
| Colmer | Kemp | Scherle |
| Crane | King | Schmitz |
| Daniel, Va. | Kuykendall | Schneebeli |
| Davis, Wis. | Kyl | Scott |
| Dennis | Landgrebe | Sebelius |
| Devine | Latta | Shoup |
| Dickinson | Lennon | Skubitz |
| Dorn | Lent | Smith, Calif. |
| Downing | Long, La. | Snyder |
| Duncan | McClory | Spence |
| du Pont | McCollister | Springer |
| Edwards, Ala. | Mahon | Steiger, Ariz. |
| Erlenborn | Mann | Stephens |
| Fisher | Mathias, Calif. | Talcott |
| Flynt | Mathis, Ga. | Taylor |
| Ford, Gerald R. | Miller, Ohio | Teague, Calif. |
| Fountain | Mills, Md. | Thompson, Ga. |
| Frelinghuysen | Minshall | Thone |
| Frey | Mizell | Vander Jagt |
| Gettys | Montgomery | Veysey |
| Goldwater | Myers | Waggonner |
| Goodling | Nelsen | Wampler |
| Griffin | Nichols | Ware |
| Gross | Passman | Whalley |
| Grover | Pelly | White |
| Hagan | Pettis | Whitehurst |
| Haley | Pirnie | Whitten |
| Hall | Poage | Wiggins |
| Hammer-schmidt | Poff | Winn |
| Harvey | Powell | Wyatt |
| Hastings | Price, Tex. | Wylie |
| Henderson | Quillen | Wyman |
| Hosmer | Rarick | Young, Fla. |
| | Roberts | Zion |
| | Robinson, Va. | |

NOT VOTING—51

| | | |
|---|---|---|
| Alexander | Eilberg | Price, Ill. |
| Andrews, Ala. | Evins, Tenn. | Pucinski |
| Arends | Gallagher | Railsback |
| Baring | Gubser | Rhodes |
| Barrett | Halpern | Riegle |
| Belcher | Hanna | Rodino |
| Bell | Harsha | Rostenkowski |
| Blanton | Hébert | Roybal |
| Blatnik | Hogan | Sikes |
| Bolling | Horton | Sisk |
| Broyhill, Va. | Jones, Ala. | Steed |
| Burton | Jones, N.C. | Stuckey |
| Byrne, Pa. | Kee | Wilson, Bob |
| Davis, S.C. | Landrum | Wilson, Charles H. |
| Derwinski | McClure | Wright |
| Diggs | McKevitt | |
| Dowdy | McMillan | |
| Edwards, La. | Michel | |

So the amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. DEVINE TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. HARVEY

Mr. DEVINE. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. DEVINE to the amendment in the nature of a substitute offered by Mr. HARVEY: Page 21, line 21, after the word "value" and add "(except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business)".

The CHAIRMAN. The gentleman from Ohio (Mr. DEVINE) is recognized for 5 minutes in support of his amendment.

Mr. DEVINE. Mr. Chairman, this is a corrective and clarifying amendment.

The committee will recall that when the chairman of the committee, Mr. HAYS, was discussing the situation that occurred during the Ohio elections last year having to do with candidates borrowing funds for campaign purposes, that we adopted an amendment in committee and we approved an amendment here but it confined itself only to the

Criminal Code Amendments when it related to a definition of "contribution." That appeared on page 14, line 16, of the bill.

If we move to the subject matter and address ourselves to the amendment in question, it has to do with page 21 of the bill under the disclosure features. It merely makes the definition of "contribution" at that point conform with the same definition under the criminal section. I believe the gentleman from Ohio is aware of the amendment.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Ohio.

Mr. HAYS. I agree with everything the gentleman has said. This is in the nature of a corrective amendment to make the bill the same in both areas, and I think that everybody in the House would probably be in favor of it. I certainly support it.

Mr. DEVINE. Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. DEVINE), to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. KEATING TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. HARVEY

Mr. KEATING. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. KEATING to the amendment in the nature of a Substitute offered by Mr. HARVEY: Page 37, immediately after line 17, insert the following:

(b) It shall be the further duty of the Comptroller General to serve as a national clearing house for information in respect to the administration of elections. In carrying out its duties under this subsection, the Comptroller General shall enter into contracts for the purpose of conducting independent studies of the administration of elections. Such studies shall include, but shall not be limited to, studies of—

(1) the method of selection of, and the type of duties assigned to, officials and personnel working on boards of elections;

(2) practices relating to the registration of voters; and

(3) voting and counting methods.

Studies made under this subsection shall be published by the Comptroller General and copies thereof shall be made available to the general public upon the payment of the cost thereof. Nothing in this subsection shall be construed to authorize the Commission to require the inclusion of any comment or recommendation of the Comptroller General in any such study.

And redesignate the following subsection accordingly.

Mr. KEATING. Mr. Chairman, my amendment is designed to broaden the jurisdiction of the Comptroller General which is established in the hopes amendment to the substitute bill.

My amendment will give the Comptroller General the responsibiilty to contract independent studies on the problems of election administration and shall serve as a clearinghouse for this information. The Comptroller General is restricted from making any recommendations and is to provide information only when requested. He will not interfere with local and State governments.

Election day is the most important day in any democratic nation. When the Government fails to function efficiently on this day, a tremendous credibility gap occurs between the Government and the people. All of the sections of the bill are meaningless if we are unable to properly execute the election itself.

In Cincinnati this past election the citizens woke up the morning after the election to read in the paper:

There are no election returns to report. There won't be for three days.

A day later the papers reported:

The Hamilton County Board of Elections has tentatively agreed to start the count of all ballots of last Tuesday's election Sunday evening.

Research into this problem shows there have been numerous difficulties in election administration across the Nation.

In Detroit during the primary election the newspaper headline was: "Computers Foul Vote Count." Later when the general election occurred the paper in Detroit reported:

For the second time in a row the counting of Detroit's new punch card ballots turned into a colossal foul-up Tuesday night. Some computers broke down.

Similar stories have appeared in San Francisco, Atlanta, Los Angeles, and indeed in other cities across the Nation.

The magazine Computerworld reported a case in Philadelphia where:

James Martin, a candidate for judge in the recent primary election was almost "elected" by errors in keypunching.

This amendment will allow for State and local officials to turn to a national center or clearinghouse for information on good and bad ideas on voting systems. The center also will collect information on the responsibilities and duties of board of elections officials and personnel, plus the maintaining of registration list and any other problems that plague the effective administration of elections. Hopefully with information officials will be able to carry out their responsibilities on election day in the most efficient manner possible.

It is my understanding that the gentleman from Minnesota (Mr. FRENZEL) and the gentleman from Ohio (Mr. BROWN) and the gentleman from Ohio (Mr. HAYS), the Chairman, are in agreement with this amendment.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, this amendment was proposed to us a long time ago. It seems to us it is a reasonable inclusion for the duties of the supervisory authority without giving them authority in local elections, but it does provide for them a central marketplace for ideas.

Mr. KEATING. Mr. Chairman, I thank the gentleman for his comments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KEATING) to the 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 read as follows:

Amendment offered by Mr. BINGHAM to the amendment in the nature of a substitute offered by Mr. HARVEY:

Page 13, after line 2, insert a new title as follows:

"TITLE II

"SEC. 201. No candidate for federal elective office may expend, in a primary, primary runoff, or general election, an amount in excess of the limitations imposed by Section 104 of Title I (for the use of communications media) for the following purposes: (a) telephone campaigns, including the cost of telephones, paid telephonists and automated equipment, when telephones are used in banks of five or more instruments to communicate with potential voters, (b) postage for computerized or identical mailings in quantities of 200 or more. Amounts expended for the use of communications media as provided in Section 104 of Title I will be charged against the limitations imposed by this section."

And renumber the following Titles and sections accordingly.

Mr. BINGHAM. Mr. Chairman, earlier I spoke of the amendment that I had intended to offer to the substance of the Macdonald bill, which we have already adopted. This amendment, which I have worked out with the assistance of some of the experts in this House—and I am indebted to them—provides for the same kind of compromise I was talking about before.

What the amendment does is to add two categories to those categories which are the subject of the limitations of title I, and the two categories are organized telephone campaigns and organized mailings using computerized or identical mailings in the quantities of 200 or more. As far as the mailings are concerned, only the postage is covered, and as far as the telephones are concerned, the cost of the telephones or paid telephonists or of automated equipment would be covered. These items are readily identifiable, they constitute a major share of the cost of congressional campaigns in many districts, and if we do not include something of this kind, and if we then adopt the Senate substitute, we will have left a major gap in the coverage intended by this bill.

This does not go as far as the Hays bill, which I personally supported. It does not call for a ceiling across the board covering all expenditures. I myself felt that that effort should be made, but an argument has been raised against that, that all kinds of expenditures would be subject to argument. Do we include this and do we not include that under the ceiling?

If this amendment is adopted we will have five clearly defined, identifiable categories of expenses which cover the major expenditures in the various campaigns we are trying to provide for. I would submit to the committee that this

offers a compromise position between the limited coverage in the Senate bill, the Harvey substitute, and the complete coverage in the Hays bill as it emerged from the Committee on House Administration.

I would hope very much that this amendment would be acceptable to the chairman of the committee and to others who heretofore have supported the complete provisions in the Hays bill, and that it would also be acceptable or at least not objectionable to those who have favored the Senate bill as it emerged from the Senate.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Ohio.

Mr. HAYS. I had hoped, of course, we could get a bill that would set a top ceiling on expenditures for Congress, for the Senate and for the President. The original bill which came out of the Committee on House Administration set a limit of $50,000 for congressional races, 6 cents times the population of a State or $50,000 whichever was larger for senatorial races, and 6 cents times the population of the United States for the presidential races. That would be the ideal I should like to shoot for, but, as I said earlier, I am a practical man. I sense that the House does not want to go along with that type of complete limitation, so as a compromise I certainly support the position of the gentleman from New York, because with this amendment and the categories already covered in the Macdonald of Massachusetts amendment we would have the five principal categories of expenditures placed under limitation; namely, telephone, direct mail, radio and television, and newspapers and outdoor advertising.

I could say to the Members, while this does not meet my ideal, some of the press which has been howling for reform and wanting much less than this, apparently, saying that the Senate bill was a great bill—I did not think the Senate bill went far enough—should be informed that I think, with a couple of other minor amendments, I might be in a position to say, "Yes, I will buy the substitute and we can finish up this evening and have a bill perhaps not as complete as some of us might like but one certainly better than what we have now."

Mr. BINGHAM. I thank the chairman very much.

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. I sympathize very much with the gentleman's position. As I said earlier today, candidates from large cities and congressional districts cannot use TV and radio very effectively. But I would ask the gentleman, is this not sort of a backdoor way of amending title I, which has already been adopted?

Mr. BINGHAM. I would say to the gentleman, no. This adds a new title. It is not in any way a violation of the rules under which we are proceeding. I have discussed it with the parliamentarian.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. BINGHAM was allowed to proceed for 1 additional minute.)

Mr. BINGHAM. I should like to say I am sure that this is perhaps not the most artful way to accomplish the purpose, but I would also assume in conference the conferees would be able to work it out so that the gist of these provisions could be added in an orderly way.

I yield to the gentleman from Michigan (Mr. HARVEY).

Mr. HARVEY. I thank the gentleman for yielding.

I very reluctantly have to oppose the gentleman's amendment. I know that he is sincere in seeking a compromise here, but I would say to the gentleman that what the Senate is trying to do and what the Macdonald bill is trying to do is to establish certain categories that could be very easily enforced.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. HARVEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, what the Senate in their deliberations in the other body finally agreed upon is very similiar to what the deliberations of the Interstate and Foreign Commerce Committee were and what they finally agreed upon. What both were trying to do was, somehow to find some criteria that could be enforced. This is awfully important. It is one thing to set an absolute limit on what any person can spend in his campaign. It is another thing for anyone to have to prove that person has spent more than that particular limit. It is very difficult to prove that more than that limit has been spent. But if you do limit it to certain readily identifiable and readily provable categories, this can be done. That was the whole intent, I might say, of limiting it to broadcasting, to newspapers, to magazines and then yesterday, by the Frey amendment, enlarging it, as we did, to include outdoor advertising as well.

Certainly the cost of telephones and the cost of the people to man the telephones are a bona fide election expense for any particular candidate. I would guess that the cost of the telephones themselves could probably be proved very easily, but when we get into the telephonists themselves and how much the candidate is paying that particular person, we are getting into a category which is very, very difficult to prove.

Mr. Chairman, as I say, I know the amendment is offered in good faith and the gentleman wants us to enlarge these categories, but for these reasons I must oppose it.

Mr. HAYS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, in my opinion, this amendment plugs up the most serious loophole in the Senate bill.

I do not know whether some Members are aware of it or not, but it is possible to go to certain computer firms and for a tremendous amount of money buy an address, an inside address, a "Dear Mr. Jones" letter to everybody in your district in different categories if you want to compose different letters. Now, that would run in the normal district about $100,000 or more. This is not covered in any way, shape, or form in the so-called substitute, and all Mr. BINGHAM is trying to do is to bring this kind of expenditure under the limitation.

For those of you who depend on radio and television, that is fine, but there are a number of districts where the Members do not use it much, and this subjects them to the same kind of a blitz that everybody here has been deploring with regard to television and radio. This is easily proved, because if you buy computerized mail, you have to report it, and if you do not report the correct amount, they can go to the firm and, if necessary, subpena the records and find out how much you did spend.

The same thing with computerized telephones. That is what this is directed to. Nobody is going to say very much or do very much if you have volunteers.

As a matter of fact, they are specifically exempted. This is banks of computerized telephones which again run into tremendous sums of money, and if this amendment is adopted, then the substitute becomes a real campaign limitation bill and I think it is one that all of us should support and one with which we can live.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I would like to associates myself with the gentleman's remarks.

In our committee in talking over these things we were trying to figure every possible loophole we could within the jurisdiction of our committee. However, some of these are outside the jurisdiction of our committee. I think in order to have an effective bill this would very much improve it.

Mr. HAYS. I thank the gentleman.

Mr. Chairman, I would say that there has been a lot of talk about compromise. I have attempted and endeavored to compromise. As I said earlier, if we can get a real limitation here in the form of this amendment—perhaps, the language will have to be changed a little in conference and be made more specific with reference to telephones; I do not know—but this will be a bill with which we can live.

Further, if two other minor amendments are accepted to the substitute and if the House adopts the substitute, then we can call it a day.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Would the gentleman give me some kind of description of "postage for computerized or identical mailings in quantities of 200 or more"?

The gentleman is chairman of the House Administration Committee and as such that committee makes available to Members of Congress reproduction machinery which can reproduce letters from a tape system as well as other kinds of equipment which can produce what I would call "computerized mailings" and "computerized letters."

Is it my understanding that postage for computerized identical mailings in quantities of 200 or more would cover any mailing made by a Member of Congress that would exceed 200?

Mr. HAYS. No, it would not. The gentleman lives under an identical provision as this in the Ohio law. The gentleman mails out campaign literature asking "Vote for Mr. Brown" and if he does so he must put a stamp on it and he must include the cost of the printing, the cost of the stuffing, and the cost of the postage.

This requires that if you send out something that you cannot send out under a frank in quantities of 200, you have to report how much it costs.

Mr. BROWN of Ohio. Mr. Chairman, if the gentleman will yield further, suppose I send out a letter telling what a wonderful job I did in voting on a particular bill of interest to farmers or businessmen in my district and it is a computerized letter?

Mr. HAYS. Are you going to send it out under your frank or not?

Mr. BROWN of Ohio. Suppose it is sent either way?

Mr. HAYS. If you send it under your frank it does not count; otherwise, it does. Your conscience has to be the guide as to whether or not it is campaign literature.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent (at the request of Mr. BROWN of Ohio) Mr. HAYS was allowed to proceed for 1 additional minute.)

Mr. BROWN of Ohio. Suppose I send it out with a stamp.

Mr. HAYS. Then, you have to report it.

Mr. BROWN of Ohio. Because it has a stamp it becomes a campaign expense?

Mr. HAYS. If in your judgment it has become a campaign document. If you send it out this year under a stamp this year or under a frank and say, "I voted for the election reform bill" as a matter of information, I would assume you would send it out under your frank and it would not be covered. However, to send it out 2 weeks before the election in my opinion it would be a campaign document and would be covered.

Mr. BROWN of Ohio. What would be the limit in terms of time under this provision with reference to mailings? Would the gentleman tell me when it becomes all right? If it is not all right 2 weeks before the election, is it all right 2 months before the election?

Mr. HAYS. I cannot set a specific limit of time. As the gentleman knows, some Members send out what purports to be a newsletter 2 weeks before the election, and it has been ruled to be a newsletter, if it is not blatantly political. So it would have to be a bona fide newsletter or a campaign document.

Mr. BROWN of Ohio. So, this becomes a kind of a guessing game?

Mr. MACDONALD of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to clarify in my own mind, and I suppose other Members have the same question in their mind—I would like to ask the gentleman from New York (Mr. BINGHAM) if there is some definition of the word "banks" as far as telephones are concerned?

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman.

Mr. BINGHAM. Bank is described as five or more telephones in the same place. I think the word is commonly understood. I do not believe it is a technical term.

Mr. MACDONALD of Massachusetts. I would just like to point out to the gentleman what troubles me, and the gentleman from Ohio (Mr. HAYS) indicated that perhaps this will be cleared up in conference, but I would like to have the gentleman clear up what he has in mind because in my area, in my particular district, we have people who volunteer to come in and use a telephone, and they call their friends, or they call throughout a ward, or call an area, would that be included in this bill within this amendment?

Mr. BINGHAM. Where you have——

Mr. MACDONALD of Massachusetts. If I had, for example seven telephones that were used for calling at once, would they be precluded from the jurisdiction of your amendment?

Mr. BINGHAM. If you had seven telephones being used for calls for the purpose of contacting the potential voters, I would say they would be included, yes. People you know who may work on their own time, on their own phones, they would not be included.

Mr. MACDONALD of Massachusetts. Would you think that there would be some sort of difficulty with the first amendment about this, people who want to call their friends, who are we to say they cannot call their friends?

Mr. BINGHAM. No. I do not say that. That is precisely why it is worded this way. It would not prevent or interfere with someone who wants to call his own friend from his own telephone. What we are talking about are telephones installed in banks, and I have done this in campaigns myself, 20 or 30 telephones, and you attempt to get volunteers to do it. And we have gotten volunteers to do it, but the expense is certainly quite substantial, particularly in the city of New York where you pay for each individual telephone call. But this was particularly drawn to exclude the individual who on his own time and on his own phone calls up his friend.

Mr. HAYS. Mr. Chairman, would the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Ohio.

Mr. HAYS. Even if you have banks of telephones manned by volunteers, the only expense you have to report is the telephone expense, you do not report any costs for the volunteers.

Mr. MACDONALD of Massachusetts. That is right, obviously not. But, say you have very generous friends, and they are willing to put in different phones that you do not pay for, and they are doing it on their own, they are paying for the phone, and they are giving you volunteered service, would they be covered by this?

Mr. BINGHAM. If the gentleman will yield, I think the answer there would be the same as the case under the gentleman's bill for a friend who takes a newspaper advertisement on his own and whether this would be covered. I do not believe there is any substantial difference in that, and the organized phone campaign. If it is conducted for the benefit of the candidate, then I think it would come within the limitation provided there are five or more in one place.

Mr. HAYS. Mr. Chairman, would the gentleman yield further?

Mr. MACDONALD of Massachusetts. I yield further to the gentleman from Ohio.

Mr. HAYS. If you have 100 friends who said, "I am going to put on a telephone campaign," and they divide the phone book up into 100 different sections, and they do it on their own time and on their own phone, that would be all right. It is only if you pay for it.

Mr. MACDONALD of Massachusetts. I thank the gentleman.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, it seems to me that we are going far afield for the purpose of this bill that we have before us. We have already established limitations on the five main categories that we have a reason primarily to put limitations on, the radio, television, newspapers, billboards, and printed material. If we carry this into all other categories you are going to put yourselves—or your opponent—out of business. How far do you go in this?

You add the telephone business, you add the other category—the computerized mail—that he has listed in this particular amendment, I say to you you could put 50 more items in. Are you going to charge for just any kind of telephone in the headquarters? Or are you going to charge for putting furniture in the headquarters?

Are you going to charge for transportation of all kinds? Are you going to have to account for bringing any speaker into your district? Are you going to have to account for all kinds of recreation, food, drinks, including, perhaps, some beer or Coke parties or other entertainment?

Where do we stop? I say that we have already adopted the five categories. We have jurisdictional rights to make limitations in these categories. Our State laws will govern other costs. You keep on and you could put yourself out of business. Some of you pure in heart want to write a bill that the Post and the Star would like. I want to write a bill that I think would be fair to the people in office and the people who would be running against them.

I think you have stretched this so far that you take it clear out of the realm of practicality. I hope you use some judgment here and do not get carried away with the emotion of the moment by saying we are going to account for every conceivable cost in addition to the five categories. I just do not think that is feasible and I think it is going too far.

We have already have these five categories in the bill. I say that that is enough unless there is a bigger and overpowering reason, but I do not think that

there is any such overpowering reason that we should try to detail 50 other categories. I just think we ought to close this thing off and vote down this amendment and I say this without any sense of derogation at all at the gentleman from New York.

I just think we ought to stay with this and stop there and quit trying to find trouble areas for individuals who want to try to run for office.

Mr. ABBITT. Mr. Chairman, I move to strike out the last word.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman.

Mr. HAYS. Mr. Chairman, I want to thank the gentleman for yielding and to say to the gentleman from Texas that we are not trying to kill anybody.

If $50,000 is not enough to get elected in Texas—we are only limiting radio and television and billboards and newspapers and if this amendment is adopted, banks of telephones and computerized mail.

We are not putting in anything about your beer parties—I do not know how many votes you can get with them, but as many as you can—go ahead. We are not putting in anything about spending money for banquets or about buying balloons to pass out at fairs or nail files or matches and all of those categories. There is nothing like that.

There are plenty of States where you have to report everything. Of course, there are not very many States where you can raise as much money as you can in Texas, but there are plenty of States where you have to report every dime that you spend. We are not trying to do anything to you Texans. We are just saying that in these five categories, you cannot spend over $50,000 and on all the rest the sky is the limit—let the money come from where it may, presumably.

Mr. PICKLE. Mr. Chairman, will the gentleman from Virginia yield?

Mr. ABBITT. I yield to the gentleman.

Mr. PICKLE. We have five categories now under title I, and you have added two more categories. Why don't you put in fingernail filers and pencils and all of those things?

Mr. ABBITT. And beer parties.

Mr. PICKLE. All of those things go for many who have been elected.

I am just saying as a practical matter—try to be reasonable about it. I just say we have gone far enough.

Mr. ABBITT. In Virginia we have to report all expenditures and we do not have any trouble. I think this is a very mild and a very reasonable amendment. I hope very much it will be accepted.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman.

Mr. HAYS. This amendment only plugs up the biggest loophole of all—computerized mail can be the most expensive thing and can put a candidate of modest means out of business.

Mr. McKINNEY. Mr. Chairman, I would just like to rise and support your remarks on this amendment.

For those of us who live in large urban areas and cannot afford the TV market and cannot afford newspaper ads, the boilerroom and computerized mail operations have become one of the most vicious unreported campaign tactics going. I will support this amendment to bring that under control.

Mr. ABBITT. As a matter of fact it is a very modest amendment and only applies to mailings and telephone banks and would not apply to any volunteer workers.

Mr. Chairman, I hope the amendment will be adopted.

Mr. FRENZEL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and Members of the Committee, this was one of the very important features which was not in the Senate bill and is in the House bill. Of course, the House bill is much stronger. Nevertheless, in working this out on the floor of the Senate, a very delicate compromise was reached between the majority and the minority and, we are told, concurred in by the White House.

To go beyond that delicate balance may imperil this bill and will certainly make it less of a reform measure.

In the second place, Mr. Chairman, these expenditures are really not auditable. You can disperse your mailing of letters in such a way that nobody in the world can possibly audit you.

You can break down your campaign telephones into fours or fives any way you want to to subvert the definition of the gentleman from New York as to what a bank of telephones is.

Mr. Chairman, these expenses are not verifiable.

In the third place, this particular provision extends the advantage of the incumbent over the challenger, which is delightful for all of us who are incumbents, but there are very few people who speak in the name of the challenger. If a challenger is to do a boilerroom or computer mailing under the limitations imposed here, he could do but three such mailings. In the meantime, there is nothing to prevent any of us from rolling out the same kind of mailing on a weekly basis under our frank, using any kind of mailing or newsletter we would choose to employ.

Mr. Chairman, we have staff. We have telephone privileges. We have access to the media. We have a vast arsenal of weapons with which we can campaign in a legitimate way, and we are not subject to the limitations that a challenger would have. This provision unfairly loads this bill toward the incumbent and against the challenger.

Finally, Mr. Chairman, it broaches the limits of the Macdonald amendment and threatens the expenditure limits that the House has voted upon in the last 2 days. By putting these two items in our expense limitations, we would limit that which we thought would be desirable under the Macdonald amendment.

The gentleman from Texas has correctly stated the problem. This amendment is not meritorious. We have made two decisions in the last 2 days in this House in favor of a 10-cent limitation for media expense. To go beyond that would imperil the passage of this bill. It would be very unwise to give ourselves such additional advantages as to make our vote hardly credible to the public today.

I yield back the balance of my time.

Mr. HAYS. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment cease in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. PODELL).

Mr. PODELL. Mr. Chairman, I support the amendment offered by the gentleman from New York. But I would like to point out to the House that it does not do the trick, nor does it answer the problem that many of us have.

I was involved in a campaign in which my opponent opened up 11 offices, 11 store fronts, each with large billboards, distributing millions of pieces of literature. And there is nothing that prevents an opponent of yours from doing the very same thing, even with the Bingham amendment. I think what we have got to do is to provide an overall limitation on campaign expenditures. If you do not do that, then the bill you are passing today is not worth the paper it is printed on. If any man can go into a district and spend a million dollars to beat you in your seat, let me tell you that for a million dollars he is going to beat you. If that is the kind of thing you want, that is what you are going to get, unless you limit the total amount that a candidate can spend.

One gets to wonder at times whether or not the office held by a public official has that much value, where people spend millions of dollars to try to win it. I ran against a multimillionaire the last time I ran in 1968. Believe me, I know what it means to fight that kind of money. The man organized his own party. He had no major endorsement at all. He had no party affiliation. He organized a brand new party. And I barely beat him by a few thousand votes. That is what could happen in a campaign where money is the major commodity.

I think the people of this country need public officials who are dedicated, who are interested and committed to public life, not people who are millionaires and have nothing else to do but run for public office.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The question was taken; and on a division (demanded by Mr. HARVEY) there were—ayes 80, noes 48.

So the amendment to the amendment in the nature of a substitute was agreed to.

Mr. DEVINE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, last night the Evening Star contained a story about the financ-

ing of the GOP National Convention in San Diego. The story raises a matter which I feel we must clarify as we address ourselves to the issues of reforming the Federal election campaign laws.

Every 4 years major cities throughout our Nation bid for political conventions. These conventions bring business to the cities that far exceed the moneys proffered by them to attract the convention. Not only do they bring business, but they focus national attention on that city as a convention city and this in turn brings more conventions and more business. The convention business is, indeed, a vital part of the financial life blood of our cities.

It has been noted, however, that the Federal law is "gray" or "fuzzy" regarding the necessary activities of the cities in raising bidding money, goods, and services to attract political conventions. I agree that the law is gray and fuzzy in that it is silent, but I think that the legislative history of the Corrupt Practices Act of 1925 and the years of practice under that law are very clear. For example, I note that the Internal Revenue Service has ruled that a corporation may take a deductible business expense for contributions to a committee organized to bring a national political convention to the locality in which the taxpayer is engaged in a trade or business, provided such contributions are made with a reasonable expectation of a commensurate financial return, Revised Ruling 55–265, 1955–1, CB22. Also it is a deductible business expense for any amount paid or incurred for advertising in a convention program of a political party distributed in connection with a convention held for the purpose of nominating candidates for the offices of President and Vice President, provided, first, the proceeds from the program are actually used solely to defray the costs of conducting the convention, or a subsequent convention held for the same purpose; and, second, the amount paid is reasonable in light of the business the taxpayer may expect to receive directly as a result of such advertising, or as a result of the convention being held in an area in which the taxpayer has a place of business. See IRC 276(c).

Since most of these goods, services, and funds must come from local merchants, hotels, and the like, and most of these businesses are corporations, I do not believe that it was ever the intent of the Congress nor has it been the intent of this reform legislation, to place restrictions on corporations contributing to cities to enable them to bid for political conventions. Of course, I am referring to corporations that do business in that city and corporations that would properly anticipate a return on their expenditure in the form of more business.

Mr. Chairman, I had considered offering an amendment addressing itself to this problem, but after reviewing the legislative history of the 1925 act, the many years of practice under that act, the extensive hearings that have been held regarding the needed reforms under the old law and discovering that this problem has never been deemed to be an improper practice, and discussing this matter with a number of my colleagues, I do not feel that it is necessary. The old law is very clear that it does not prohibit such corporate contributions and the amended language of the new law referring to "contributions" and "expenditures" makes it even clearer that such corporate contributions are not within the proscriptions of the Federal law.

I am raising this matter to make it very clear in the legislative history of this reform legislation that such contributions by corporations are not improper expenditures or contributions. To the contrary they are very healthy expenditures in that they benefit not only the city, but also the corporation, and help defray the increasing cost of the convention phase of our campaign process. I hope that by raising this matter at this time there will no longer be a "gray" or "fuzzy" problem in interpreting the Federal law.

AMENDMENT OFFERED BY MR. UDALL TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. HARVEY

Mr. UDALL. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment Offered by Mr. Udall to the Amendment in the Nature of a Substitute Offered by Mr. Harvey: Page 44, line 16, strike out "title" and insert in lieu thereof "Act".

Page 44, line 18, strike out "title" and insert in lieu thereof "Act".

Mr. UDALL. Mr. Chairman, before we finish marking up the Senate bill I have two clarifying amendments, and I do not believe there is much opposition to them, and I hope they will be accepted.

The first one deals with the severability clause in the Harvey amendment, which is the Senate bill. On at least half of the amendments which have been before us in this debate someone has raised a question whether a particular provision or a particular amendment is constitutional or unconstitutional.

The Senate language has a very limited severability clause, limited just to title III of that bill. All this amendment will do is to strike out "title" and insert in lieu thereof "Act" so that we will have a workable severability clause applying to the entire bill, and if any one of these clauses should be held to be unconstitutional we will make sure it does not affect the balance of the act.

I hope the amendment will be accepted, and then I can offer the next amendment, which I hope will not be any more controversial.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. UDALL) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. UDALL TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. HARVEY

Mr. UDALL. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. UDALL to the amendment in the nature of a substitute 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) (1) Nothing in this Act shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this Act.

"(2) Notwithstanding paragraph (1), no provision of State law shall be construed to prohibit any person from taking any action authorized by this Act or from making any expenditure which he could lawfully make under this Act."

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Chairman, I have offered this amendment at the request of several of my colleagues. It deals with the conflict between the new Federal law we are going to have and the 50 State laws. Some of the State laws are very ancient and have unrealistic and unworkable spending limitations and all the rest.

This amendment comes in two parts.

The first deals with the dilemma one might have, where, by complying with the reporting provision in the Federal law one would violate the State law, or, by complying with the State law, would violate the Federal law. So the first half of the amendment says:

Nothing in this Act shall be deemd to invalidate or make inapplicable any provision of any State law, except where compliance was 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 problem, and it says that:

No provision of State law shall be construed to prohibit any person from taking any action authorized by this Act or from making any expenditure which he could lawfully make under this Act.

Let me give you an example. One Member here tells me in his State there is a very rigid provision which limits him to about $5,000. The new Act will have a $50,000 limitation in it. All this amendment says is you can spend up to the amount authorized by the Federal Act without regard to a lot of old, obsolete State Acts. I do not know of any controversy. I hope it will be adopted.

Mr. STRATTON. Will the gentleman yield?

Mr. UDALL. I yield to the gentleman from New York.

Mr. STRATTON. I wonder if you can explain that last point again. Which provision of your amendment deals specifically with it? It is my understanding you are using the same language as appears in the Frenzel substitute, which refers to cases where "compliance with such provision of State law would result in a violation of the provisions of this

title." If you have a State law that limits you to an unrealistic total of $5,000 and the only way you can conduct a campaign is to set up separate committees, then if you are going to report properly under this new Federal bill, you would have to report amounts greater than the state limit of $5,000.

Mr. UDALL. This says you can do that without violating State law.

Mr. STRATTON. I want to make sure that the gentleman's wording actually does take care of that situation.

Mr. UDALL. Let me assure the gentleman from New York that it does. I checked this with staff counsel and with the Legislative Reference Service and double-checked it and submitted it to two or three Members who are very concerned about being prosecuted under State law, and everyone agrees that it does the job.

Mr. STRATTON. I thank the gentleman. I think it is a very necessary amendment.

Mr. GROSS. Will the gentleman yield?

Mr. UDALL. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. In both instances the gentleman changes "title" to "Act," does he not? In both amendments.

Mr. UDALL. Well, I did change the word to "Act" so it applies clear across the board. That is right.

Mr. GROSS. In both instances and in both amendments—

Mr. UDALL. Yes.

Mr. GROSS. The gentleman referred to title.

Mr. UDALL. I thank the gentleman for his clarification.

Mr. McKAY. Will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. McKAY. With your amendment, for example, in my State there is a total limitation on all campaigns, primary and general, of $50,000. Would this then have the effect of doubling the opportunity for spending, in my State considering the two, both primary and general?

Mr. UDALL. No, it would not. The Federal law would apply in that case, and you have to comply with the Federal law. Under the Symington amendment of yesterday you cannot use money from your primary $50,000, in effect, for the general election.

Mr. McKAY. But is not the present law we are working on granting $50,000 as a maximum for each election, primary and general, totaling $100,000?

Mr. UDALL. $50,000 for the primary and $50,000 for the general.

Mr. McKAY. Which is $100,000.

Mr. UDALL. Yes.

Mr. McKAY. But in my State there is a total for those two elections of $50,000 for both.

Mr. UDALL. And a candidate would be able to spend up to $100,000, $50,000 in each election, by my amendment.

Mr. McKAY. My State is one of those that have been a little more progressive in working on this issue. Therefore, I feel bound to oppose the amendment, because it doubles the potential expenditure in my State.

Mr. PODELL. Will the gentleman yield?

Mr. UDALL. I yield to the gentleman from New York.

Mr. PODELL. I thought you mentioned a moment ago that there was a limitation of $50,000 on expenditures. That is not the case here. There is no limitation here.

Mr. UDALL. On some expenditures. Under the Bingham amendment, which we just adopted, it is $50,000 on these five categories.

Mr. PODELL. Yes. But it is possible to spend at least $100,000 in other categories and still be under the provisions of this bill.

Mr. UDALL. In that event, if you had a State law which prescribed a limitation on the other expenditures, the State law would apply.

Mr. PODELL. But if there is no State law, there is no limitation in the bill.

Mr. UDALL. That is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. UDALL) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PODELL TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. HARVEY

Mr. PODELL. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

Mr. Chairman, I ask unanimous consent that the reading thereof be waived and the amendment be printed in the RECORD, and I will explain the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. GERALD R. FORD. Mr. Chairman, reserving the right to object, is the gentleman from New York asking that we waive the reading of the amendment?

Mr. PODELL. Mr. Chairman, if the gentleman will yield, only for the purposes of clarification.

Mr. GERALD R. FORD. How long is the amendment?

Mr. PODELL. It is a very brief amendment, but a number of pages had to be reordered in order to get to the meat of the amendment. If I could have the opportunity to explain it—if the gentleman will reserve his objection——

Mr. GERALD R. FORD. Has the gentleman from New York provided us with copies of the amendment?

Mr. PODELL. No, I have not.

Mr. GERALD R. FORD. Then, Mr. Chairman, I object.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. PODELL to the amendment in the nature of a substitute offered by Mr. HARVEY: Page 45, insert after line 14 the following:

OVERALL EXPENDITURE LIMITATIONS

SEC. 402. (a) For purposes of this section:

(1) The term "election" means (A) any general, special, primary, or runoff election or (B) a convention or caucus of a political party held to nominate a candidate.

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

(3) The term "Representative" means the office of Representative, or Delegate or Resident Commissioner to the Congress.

(4) The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of one or more candidates for Federal elective office.

(5) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift, of money, or property or services of significant value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(6) (A) For purposes of paragraph (5), the term "money, or property or services of significant value" includes money in any amount and services or property (other than money) the value of which exceeds $25.

(2) Notwithstanding paragraph (5) and subparagraph (A) of this paragraph, the term "expenditure" when used in this section shall not include (i) the rendition of personal services for which no compensation is paid to the individual rendering the services, or (ii) an individual permitting a candidate or political committee to use the individual's nonbusiness property or his nonbusiness telephone (but not including toll calls) or similar service.

(b) Notwithstanding any other provision of this Act, the aggregate amount of expenditures made by any candidate for Representative or on behalf of his candidacy—

(1) may not exceed the limitation determined under subsection (c) in any general election,

(2) (i) may not exceed the limitation determined under subsection (c) in each primary, or primary runoff, in which he is a candidate and which is held to select candidates for Representative for any general election.

(b) The limitation applicable to any election for Federal elective office is $50,000.

(d) For purposes of this section, an expenditure shall be regarded as having been made on behalf of a candidate if it is made at the direction, request, or with the consent of the candidate or of any political committee supporting his election or agent thereof.

(e) Any person who violates this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(f) This section shall apply with respect to elections occurring after December 31, 1971.

Mr. GERALD R. FORD (during the reading). Mr. Chairman, I will withdraw my objection, but reserve the right to object until the explanation by the gentleman from New York.

The CHAIRMAN. Does the gentleman from New York (Mr. PODELL) desire to make a unanimous-consent request?

Mr. PODELL. Yes; I do, Mr. Chairman, so as to explain the amendment.

I ask unanimous consent that further reading of the amendment be dispensed with, and that it be printed in the RECORD.

The CHAIRMAN. And the gentleman from Michigan (Mr. GERALD R. FORD) reserves the right to object to that request?

Mr. TIERNAN. Mr. Chairman, I also object.

The CHAIRMAN. Does the gentleman from Rhode Island object?

Mr. TIERNAN. Yes, Mr. Chairman, I object, because we are halfway through the amendment, or more, at this stage, and it should be read, since we do not have a copy of it.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk concluded the reading of the amendment.

Mr. PODELL. Mr. Chairman, that long amendment that was just read by the Clerk does but only one thing: It provides that notwithstanding the provisions of title I, and notwithstanding any other provisions of the bill before us, the total amount that can be expended by any candidate in a primary election or in a general election is $50,000 for each election.

In other words, if you have a primary you can spend up to $50,000. If you have a general election you can spend an additional $50,000, subject, of course, to the provisions passed by the gentleman from Missouri (Mr. SYMINGTON) in that the moneys cannot be carried over from one election to the other.

I bring this amendment to the attention of the House because I believe that there comes a point in time when more than enough money is spent on elections for public office—particularly to elections in the House. This does not include elections in the Senate, obviously, nor does it include elections for the President.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I yield to the gentleman from Texas.

Mr. KAZEN. What about runoff elections after the primary?

Mr. PODELL. You would have the right to spend $50,000 in each election that you are compelled to be in.

Mr. KAZEN. Mr. Chairman, if the gentleman will yield further, if I understand the gentleman correctly, a runoff election, is a separate election, and $50,000 would be the limit for the runoff election itself?

Mr. PODELL. For each election. A runoff election is obviously a separate election.

Mr. KAZEN. But it is in the primary system.

Mr. PODELL. But it is a separate election.

Mr. KAZEN. Therefore, the gentleman is talking about $150,000 if a candidate has a primary, a runoff, and a general election; am I correct?

Mr. PODELL. That is right, if you have three campaigns, yes.

Mr. KAZEN. I thank the gentleman.

Mr. PODELL. There is one additional thought that I would like to commend to the attention of this body, and I have mentioned this before. While we are sitting here there are people who are running against us, campaigning against us and taking advantage of the fact that they are at home, talking to our constituents, while we are here trying to pass legislation for the benefit of the country.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I understand what the gentleman from New York is trying to do, and I sympathize with the gentleman, but I would point out to the gentleman that in title I we have already covered that subject, and have put in a cost-of-communications escalator in which, as the cost of communications grow, then the amount of money that can be spent in that area can also grow. It seems to me that if the amendment offered by the gentleman from New York (Mr. PODELL) is adopted that this would put an artificial ceiling on what the House has already adopted. Therefore I urge the defeat of the amendment.

Mr. HARVEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am not at all sure that I understand this amendment. In the first place, none of us over here have seen the amendment at all. We have heard it read and it is impossible to understand from the way it was read.

Mr. PODELL. Mr. Chairman, will the gentleman yield to me to explain the amendment to him?

Mr. HARVEY. I do not yield to the gentleman at this time, but I will ask the gentleman some questions in just a minute.

I do want to protest what you are going to do here. Yesterday we adopted what I thought were some amendments in title I and today we adopted the Macdonald amendment where we affirmed what we said today and we agreed we were not going to plow up old ground.

Now it seems we are doing just exactly that. You seem to be putting in another limitation now on what a candidate can spend here.

This, as I understand it, is a complete overall limitation disregarding completely the number of people of voting age in a district over 17 years of age as spelled out in the Senate bill and as spelled out in the Macdonald bill.

There is no difference at all. It is a flat amount—any candidate for Congress can spend, as I understand it, $50,000; is that correct?

Mr. PODELL. That is correct.

Mr. HARVEY. Well, I will say to my friend that I seriously object to that. I think it discriminates very sharply against any district that happens to be a large district and that happens to have over 500,000 people—and it is bound to happen in the next period of the census. I do not think that was intended at all.

Mr. PODELL. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. I yield to the gentleman.

Mr. PODELL. Under the one-man one-vote—I think we can agree that most of the districts in the country will eventually at that time be uniform. So, therefore, we will all be operating at the same advantage or disadvantage from the population point of view.

Second, as to the question of the amount of limitation in the Macdonald amendment, it simply means if it is limited to one who spends $50,000 on television, he can do it. But if he is going to spend $50,000 on television, he just cannot go out and buy bumper stickers and placards—that is it—it is the limit. You might call it a poor man's limitation.

But there are certain Members—perhaps millionaires who want to enter into campaigns and spend hundreds of thousands of dollars—and they campaign for Congress. I think it is wrong.

Mr. HARVEY. May I ask my friend another question.

Does this do away completely with categories of expenditures that were set up—the broadcasting media, newspapers, magazines, and outdoor advertising and just recently postage and telephones?

Mr. PODELL. It does not. It says, "Notwithstanding any of the categories aforementioned, no candidate can in any event expend more than $50,000."

That is all the amendment does.

Mr. HARVEY. I still say to my friend, I am beginning to understand this better now, but I still do not see any reason why you should discriminate here against the person who has a really large district and this seems to me exactly what you are going to do.

Mr. PODELL. I discriminate only against a person who has a real large amount of money.

Mr. HARVEY. Under the Macdonald amendment that we agreed to here, we are talking about 10 cents a vote. Now that 10 cents a vote can conceivably before 1980 when the next census is taken mean a very great deal to some candidate or to some challenger in a district that suddenly mushrooms into the suburbs, of 800,000, and it takes place over and over again.

Mr. Chairman, I do not see any reason at all why you should set up a limitation on this. It seems to me we have acted with a great deal of wisdom so far and I fail to see why you should try to set an upper limit on what is spent at all and change what the Macdonald substitute contains.

Mr. KEITH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I spent about $30,000 in each of last year's campaigns—the primary and the election. One of my opponents spent $184,000 in the primary and lost, and the other reported spending a total of $171,000 in his primary and the runoff.

And so, I do not believe that $50,000 is at all realistic. If one runs against an incumbent, even though it would have assured my election the last time, $50,000 or any figure approximating that is unrealistic. Accordingly I cannot support this amendment.

Mr. O'HARA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I represent one of those mushrooming suburban districts that my good friend, Mr. HARVEY, of Michigan, has suggested would be discriminated against under this amendment. My district has a population of 630,000 as of the 1970 census. However, that is not 630,000 of voting age, and the Macdonald amendment speaks in terms of voting age. I cannot imagine a district growing so rapidly that it would, by the end of a decennial census period, have a voting-age population in excess of 500,000 people.

And as a Representative of a large district, let me say that I support Mr. PODELL's amendment. We do need a good, tight, overall limit.

I do not think that any of us really think that a congressional candidate ought to have to raise that kind of money. None of us really feels comfortable with backers who have contributed very large sums. Certainly the public is not served by having its representatives beholden to large contributors. I ask that the Podell amendment be agreed to.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Arizona is recognized.

Mr. UDALL. Mr. Chairman, I rise in opposition to the amendment. We are getting a pretty good bill here. I now am encouraged to think that we will have a workable, defensible bill. I hope we do not go too far. I am sympathetic with my friend from Michigan. I am sympathetic with the problem of my friend from New York (Mr. PODELL). A millionaire could not beat him and I do not believe I could have withstood that kind of campaign. I suspect that he will either die in office or retire voluntarily because he cannot be defeated.

I associate myself with the remarks that the gentleman from Ohio (Mr. HAYS) made on this subject awhile ago in talking about the Bingham amendment. I associate myself also with what Mr. MACDONALD said earlier on this subject.

The philosophy of the bill we have developed so far is twofold. There are certain expenditures in a campaign which can be checked, monitored and controlled. There are certain kinds of expenditures that cannot be effectively monitored or controlled, and you breed hypocrisy or evasion when you try to do so.

The things we can control are such things as billboards, television rates, newspapers, magazines, postage and telephones. But as to the cost of matchbox and fingernail-files and beer busts, and workers, and so forth, we have a different situation. Who can tell whether a person is being paid by an employer to work for a candidate? Who can say what the values are? To try to control that kind of thing merely breeds hypocrisy and evasion. You cannot control that kind of thing.

As to the things we can control, we will handle them by tight limits. We can monitor them. You and your opponent can be checked out on those things.

But as to the things you cannot control, the remedy—and it is not a perfect remedy in an imperfect world—is disclosure. We will have a new, tight disclosure system.

So while I am sympathetic with and originally favored the kind of approach proposed, I think we have a good middle ground that we should not depart from.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Ohio.

Mr. HAYS. One thing bothers me. You say there are certain things you cannot control and we never know what is spent. In the next breath you say we will have complete disclosure where the candidate is required to disclose. If we cannot control it on the one hand, how can we control it on the other? If the gentleman will yield further, I would like to point out that in Ohio we have to disclose everything we spend over $10, and to be frank with you, I am afraid not to disclose everything. Therefore, I report everything. If we have a $50,000 limitation, when I get to $49,500, I quit spending.

Mr. UDALL. You have a good law in Ohio. It works. We want a workable system. We do not want to breed hypocrisy and evasion by trying to limit some things that we cannot effectively limit.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman from Arizona for yielding.

I think the gentleman is talking practical commonsense when he takes the position that he takes in opposition to the amendment of my good friend, the gentleman from New York (Mr. PODELL). We have had experiments in my own State with overall limitations that did not specify categories and give provable limitations, provable standards for those various categories. To my way of thinking, this bill as it stands right now is a practical, workable, and sensible method of controlling the areas in which the abuses have been most severe. I hope it will not be complicated by the additional amendment that has been offered.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I echo what the gentleman from Arizona has said in the very cogent arguments he has made against this particular amendment. We do not want to make this a completely proincumbent bill, and that charge has already been made, but when we take into consideration the staff allowances and the mail allowances and the travel allowances we have as Members of Congress, to impose that kind of ceiling on the challenger is to truly, I think, make this a proincumbent bill, where it will not be really a reform bill at all.

I earnestly hope the Members of this House heed the advice of the gentleman from Arizona, the advice that he has given us that we proceed with what we have worked out today and yesterday, which I think is a very workable bill, wherein we limit the spending ceiling to those items clearly identifiable as listed in the bill.

Mr. HAYS. Mr. Chairman, I ask unanimous consent that all debate on this amendment cease in 5 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DENT. Mr. Chairman, is that limitation to apply after my 5 minutes are up?

The CHAIRMAN. The Chair observed standing when the unanimous-consent request was agreed to the gentleman from Ohio (Mr. HAYS), the gentleman from Pennsylvania (Mr. DENT), the gentleman from Ohio (Mr. BROWN), and the gentleman from Minnesota (Mr. FRENZEL).

Mr. DENT. Mr. Chairman, I was on my feet and asking recognition before the time limit was asked. Normally the person on his feet is given his time before the limitation of time is begun.

The CHAIRMAN. The Chair asked if there was objection, and heard none.

Mr. DENT. Mr. Chairman, I asked for my 5 minutes before the gentleman did, and when he made his request, I asked whether my time would come out first. I think, in fairness, I have not taken the floor yet, and this came out of our committee and I do have a few words to say.

Mr. HAYS. Mr. Chairman, I wish to amend the unanimous-consent request. I do not want any time myself. I do know the gentleman from Pennsylvania was on his feet.

Mr. Chairman, I ask unanimous consent that all debate end in 10 minutes on this amendment and that 5 minutes be given to the gentleman from Pennsylvania and the other 5 be given to the named gentlemen.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. DENT) for 5 minutes.

Mr. DENT. Mr. Chairman, I know all of us are interested in elections and in being elected, or we would not be here. I suppose there are great differences in many of the districts, but I find if one goes out to spend money in an election, he triggers spending on the part of his opponent.

It has been said this is all in favor of the incumbent. I do not know how some Members run their elections, but I was amazed when I heard the reports of a million dollars or $300,000 being spent. I wonder how any normal person can really have faith in the membership of the Congress of the United States when we are quibbling about a limitation on only a restricted type of spending of almost two and a half times our total gross salary in this body.

Now it is well known that the person who pays the fiddler usually calls the tune. We do not have to spend that kind of money. I do not know whether I am something special. I do not believe I am. But I ran for the U.S. Senate against an incumbent who was entrenched with 12 years of service and a reputation of invincibility at the polls.

I ran for the Congress at the same time. My total expenditure, for both offices, was $67,000, and I came within 2½ percent of winning the Senate and would have won that if I had not gotten a little "double deal" in Philadelphia.

I say to you, if you want to bring some faith and trust back to the elected offices in the Congress of the United States, let us not tell the people that we cannot win unless we spend the enormous sums some of us are talking about.

Look over the last list of the last immediate elections to this Congress, and look at the amounts that were spent. They may be good Members, certainly.

I do not think it is wrong for a man to be a millionaire, but he should not have to spend a million to be elected.

I should like to know what chance a person like myself has, who is celebrating his 40th year as a member of a legislative body, never having spent at any election during my lifetime more than $17,000 for a primary and general election, and most of that spent to help carry my colleagues running for the legislature.

Perhaps the time has come when we should do a little peddling of ourselves among our people. What truth is there in an election when one spends the money to hire a John Wayne or somebody to represent him on the air? I am sure if I had to go on TV I would have to hire somebody, because I would never be elected on my looks.

I say to you, it is wrong and completely wrong, and the amendment offered by the gentleman from New York at least tries to make it a little reasonable. Every item should count toward the total limitation of spending per election.

In my case, if I were a big spender, it would be good for me to defeat his amendment, because all my campaigning is done with little items. There is a matchbook now and then, and maybe a little pen or a pencil, little insignificant thing; and I keep it up 24 months every 2 years. I try to go to every wedding, every christening and every funeral. I see people in my office from dawn till dusk when I am not here in the District of Columbia.

I cannot walk down the street without someone saying "Hello," and everybody saying "Hello," and even little kids calling me "Johnny."

I remember when the Governor came to town, they let me ride in the car with him, and everybody was hollering "Johnny," and he said, "Don't they know my name is 'George'?"

If you are going to represent your people, do not represent them through a shadow man or an inbetween runner. Represent them yourself, and you will not need these enormous sums of money, and I do not care what they spend against you. You are talking about things of value.

The most valuable political asset is yourself, see your people, know your district. Stand up to be counted for your people.

This is the formula, not the canned heat campaign of money, money, money.

This is everybody's democracy. Do not put up barriers of gold against the honest but not rich candidate.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I am sure my 2½ minutes are not going to be worth the gentleman's time, but I believe the gentleman from Arizona (Mr. UDALL), as is so frequently the case, spoke common sense on this subject in opposing the overall limitation on spending.

As we consider this bill we walk a narrow line between trying to determine what controllable expenditures can really be controlled versus unduly limiting the spending by non-incumbents who are trying to unhorse an incumbent Member of Congress.

I suppose if we set a limit of $50,000 on what our opponent can spend to try to get our job this year, a couple of years from now we could reduce that to $25,000, and then perhaps to $10,000, and then to $5,000, and then to $2,000, and in a few years hence just make it illegal for anybody to run against us while at the same time we increase our staff allowances and our travel allowances and the various privileges we have as incumbent Members of Congress. At that rate, I think we will probably be able to increase the percentage of incumbents who are reelected from about 93 percent to about 99 percent or even 102 percent.

Mr. LONG of Maryland. Will the gentleman yield?

Mr. BROWN of Ohio. I do not have too much time, so I will yield in a moment when I have completed my thought.

We must have some confidence in the ability of the people to make a judgment on when their vote and their support is being purchased with the challenger's money and when incumbents are trying to purchase voter support with the voting taxpayers' own money. By limiting what we can spend and what we let the challenger spend on the one hand and by increasing what we make available to ourselves in taxpayer financial congressional allowances to spend in holding and trying to maintain ourselves in office.

All of us in this body do run continually for 2 years. We all make those trips home, as the gentleman from Pennsylvania (Mr. DENT), indicated, to go to public functions and baptisms and funerals and all that, but Members of Congress do some of that on the taxpayers' money. If we put an overall limit of the nature of the gentleman from New York's amendment, we will have done a disservice to the voters.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman and members of the committee, I think we should go back to the first point that the gentleman from New York made, which is that this imposes no limitation on the Senate and the President. We are only talking about ourselves. The only people that need special kinds of protection from all challenges are those of us in this body.

Why do we have to have special protection? I submit every man here is good enough to stand on his own two feet against a reasonable challenge from a challenger.

Mr. Chairman, this imposes an additional unreasonable limitation on those already imposed by the Macdonald amendment, and renders the Macdonald amendment limitation redundant. You will be simply restricted to total spending in such a way that it does not make any difference what limitations are applied by the Macdonald amendment.

This does not do anything to protect you or any challenger, from the celebrity candidate. You have protected yourself from a challenger, because he cannot spend enough to gain recognition, but how are you going to spend enough to defend yourself from John Wayne or Henry Fonda or Lenny Dawson or some other movie star or sports celebrity?

Mr. Chairman, this is an unreasonable restriction which falls more heavily on the minority than on the majority. This amendment ought to be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. PODELL) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DANIELSON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HARVEY

Mr. DANIELSON. Mr Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. DANIELSON to the amendment in the nature of a substitute offered by Mr. HARVEY: Page 30, lines 9 and 10, after the word "value" in line 9, strike out "of $100 or more," and insert "in excess of $100,".

Mr. DANIELSON. Mr. Chairman and members of the committee, this is simply a perfecting or conforming or clarifying amendment.

In the major portion of the amendment offered by the gentleman from Michigan (Mr. HARVEY), the frame of reference is to receipts in excess of $100. I do not wish to delineate them all, but they appear on page 31, line 8, page 31, line 17, page 31, line 24, and so on.

Mr. Chairman, my amendment would conform the language on page 30, line 9, so that we are talking about contributions having a value in excess of $100. It would conform to the rest of the bill, and I urge that the amendment be adopted.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I am hard pressed to understand the purpose of the amendment.

Mr. DANIELSON. It is very simple to understand, if I may say so.

Mr. BROWN of Ohio. You are changing it from $100.01 down to $99.99?

Mr. DANIELSON. No; just the opposite. It is just the opposite. It is so that throughout the bill we have a uniform standard; we must report contributions which exceed $100 but we need not report contributions which do not exceed $100.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DANIELSON) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. DANIELSON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HARVEY

Mr. DANIELSON. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. DANIELSON to the amendment in the nature of a substitute offered by Mr. HARVEY: Page 39, line 9, after line 8, strike out lines 9 through 25 of page 39 and lines 1 through 14 of page 40.

Mr. DANIELSON. Mr. Chairman and Members, the effect of this amendment is to strike out all of that portion of the amendment which requires the filing of campaign statements and the like with the clerk of the U.S. district court.

My purpose in submitting this amendment is, first of all, in line with my belief that we must and should continue to maintain a complete separation of powers between the executive, the judicial, and the legislative branches.

Second, I do not know how the law reads in the other 49 States, but I assume that there are some which are similar to my own State of California in which all candidates, including congressional candidates, are required to file a sworn campaign statement with the secretary of state and with the registrar of voters of the county in which the race is being run.

This provides ample local access to your campaign statement, and I would say to do more is redundant.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I fail completely to understand the constitutional argument that the gentleman has raised against the filing of such statements with the clerk of the U.S. district court. You have said that this somehow violates the doctrine of the separation of powers when you file in the district court when the clerk merely accepts the filing of the statement by candidates. This is merely a ministerial function.

It seems to me it is important to the public's right to know that your statements be on file in the Federal district court in the constituency where a man is running

I fail to understand either the constitutional argument or why the gentleman should be adverse to having this additional resource made available to the public.

Mr. DANIELSON. Mr. Chairman, I decline to yield further. I desire to answer the gentleman's implied question. I do not say that the proposed procedure is unconstitutional. I said that we should maintain an absolute, complete, separation of powers. I do not want the Judiciary participating even to this extent in our elections. It is much like Caesar's wife, she must avoid even the suspicion of evil.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield further?

Mr. DANIELSON. Yes; I yield further to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Would the gentleman in his concern for the doctrine of separation of powers go so far as he would not want a Federal judge to administer the oath of office to a member of the executive branch?

Mr. DANIELSON. I think we can carry that a little too far. In other words, in our search for virtue, we should not render ourselves sterile.

I would like to point out one other thing. We have here the fourth estate. We have the press. Is there any need to go further than to make a public record here in Washington of these campaign statements?

I wager that the press will report your declaration and mine. They will report every peccadillo, every infraction of law, that any of us make by any chance. That is their mission. They have a public service to perform and I am sure they will do it.

Take the Pentagon papers, there they published something that might not even have been legal. I am certain they would publish anything illegal that appears in our campaign statements.

To further relieve the mind of the gentleman from Illinois, I would like to point out that if this provision of the bill is to do what it claims to do it is ineffective. I would wager that within this body about one-half of the Member do not have a U.S. District Court within their district, therefore it would not pertain, quite obviously.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I am hard pressed to know how you are going to get information back to your newspapers, and television and radio stations in some of the smaller districts, say, as far away as California. Are they to send for this information, or are they to send a reporter to Washington to the Clerk of the House, or the Secretary of the Senate, or the Comptroller General, to get the information?

Mr. DANIELSON. Under the existing law we must file them with the Clerk of the House and the Secretary of the Senate. Frankly, I do not believe we should change that present system, and by passing this amendment we are going to reinstate the present system.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from Iowa.

Mr. GROSS. They do have newspaper services, and press services.

Mr. DANIELSON. I certainly agree.

Mr. BROWN of Ohio. Mr. Chairman, if the gentleman will yield further, I think that the press services would be kept filled for several days, nay, for week, getting reports on a line-by-line basis as to what may have been contributed and spent in each campaign.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HAYS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. DANIELSON).

Mr. Chairman, I would not want to use the word "phony" about some of these arguments about the Federal court, but I will use the word "specious." The gentleman from Illinois says that they want it in the local district court so your local people can have access to it. Do you know where my local district court is? It is in Dayton, Ohio, which is 50 miles farther than Columbus, where I have to report to the secretary of state, and nobody in my district would ever know what is filed there. And that applies to many of the other Members.

This is a ridiculous requirement. Under this bill now if it becomes law you have to report six times a year, six times a year, to the Clerk of the House, presumably once or twice to the local official in your State, and then they want you to report six more times a year to the Federal court. I say it is ridiculous. I say it is unnecessary. I say let us keep the courts out of the Congress.

I hope the amendment passes, and quickly.

Mr. UDALL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the full 5 minutes, but I believe that this amendment is very unwise. For 47 years we have had a system that has been unworkable, and that has caused a great erosion in the public confidence in our whole electoral system. We hope today, and I believe we are going to do it, to start a new system that will start a whole new era, and make politics the honorable profession it ought to be, and which it has been. But the engine that will make that new system work is disclosure. Now either you believe that the public and your local newspapers and your opponents have the right to know what you are spending in your preelection reports, or you do not. If we believe in disclosure then let us make it effective.

The bill now has a provision in it which says—and the opponents of the Senate bill have already won the point—that the Clerk of the House, is going to be the instrument for the filing of all this. They have won that main point. It is not going to be the Comptroller General. All it says, you send the Clerk your report, you make a carbon copy of it to send to your local U.S. district court.

Now, I have heard great fears here about incumbents. We are all worried about what is going to happen to us as incumbents. Well, let us take a look at that. Say you have a millionaire opponent that the gentleman from New York (Mr. PODELL), was talking about, and he is trying to buy the election. We already have him controlled on television and on billboards, and the only way he can buy the election is through paid workers, store fronts, match boxes, beer busts entertainment, and all the rest. What is needed is disclosure, so that you can charge him—and prove it—with buying the election. And what the simple provision now in the bill does, and this amendment would take it out, is to permit the local press, if we ever find ourselves in that kind of situation, not to have to come to Washington. My local press does not have anyone here in Washington. Can you imagine the scene in the basement of the Longworth Building 9 days before the election, in the heat of all that is going on, with reporters and staffers, of people that you have phoned desperately in Washington, to get over there and find your opponent's report? This would put the information locally where it ought to be. And if disclosure is going to work, then disclosure ought to be effective, and ought to be practicable, and ought to be complete.

It is not going to help much if the Washington Post knows how much your opponent is going to spend for the election, if they have enough interest to send reporters to find out.

I want the local papers to know where and how my opponent is spending $200,000, and where he got it.

Mr. DANIELSON. Does the gentleman realize that there are some 98 or 99 U.S. district courts and there are 435 Members of Congress? Each district court is located in somebody's district. What are you going to do with the other 336 Members of Congress who do not have a district court?

Mr. UDALL. This is an imperfect situation. The solution is not perfect. What the bill provides is that every congressional district is in some judicial district. There is not a town in America or a congressional district in America that is not in a U.S. court judicial district. You file and your report is sent to the clerk of the court who is closest to the hometown of that candidate. The place from which he files his report.

In three districts out of four there will be no serious problems of administration. I would venture in 80 percent of the cases and in my own case at least, in the district court where it is filed, it is very obvious one can send a law student or volunteer or a college kid over there every morning to find out what your opponent is up to and what he filed.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman.

Mr. STEIGER of Wisconsin. You are right. The whole basis for making this system work is discrimination. I think it is intolerable if this amendment is adopted and it would seriously impair the public and the press' right to know what is being spent by whom and for what.

I commend the gentleman for his statement and I want to join with him and urge the defeat of the amendment.

Mr. ABBITT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this is a very simple amendment. It takes out the requirement that we file with the clerk's office in the district court in our district.

This is a useless matter. We already file in our State and file in the clerk's office.

I hope very much the amendment will be approved. It seems to me we have ample filing requirements now. This is just another requirement to file with the Federal judiciary. I do not want to express my opinion of some members of the Federal judicial courts at this time.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman.

Mr. HAYS. I have listened to the most ridiculous arguments that I have ever heard—that the local papers will not know what you file.

In the first place, the UPI and the AP have a whole bunch of reporters here and they send it out on the wire the minute your return is filed back here to your local paper exactly what you filed, from the office of the Clerk of the House.

In addition, nearly every State requires you to file with the secretary of the State in the State capital and they also send it out.

So this is a red herring about the public's right to know.

You know I have tried to cooperate with the gentleman from Arizona and with the gentleman from Illinois. Sometimes I wonder who on the committee is handling the bill and who is writing it. I hesitate to bring this up, but the last time we had a big bipartisan move like this, we got the postal reform bill. God forbid that we get another one like that.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman.

Mr. GROSS. I am surprised that the gentleman from Arizona (Mr. UDALL) did not suggest making two copies in order to send one each to the Associated Press and the United Press. That would take care of the situation by providing full and immediate disclosure and I am for that. There is no good reason for filing with the Federal district courts which only means these courts will demand more employees to handle the filings.

The press services supply the television and radio stations with their news and it would simplify the dissemination of information to send each a copy of the statement.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman from Ohio.

Mr. HAYS. I would say that that would make a lot of them happy because they would not then have to go to the bother of doing any work to get it out to their newspapers. They would merely put it on the wire.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman. The gentleman said that the UPI and the AP would pick up the information and they will, but they'll only give the totals. But if I want to get a handle on my opponent, I want to know who his contributors are and exactly what and where he has spent, the UPI or AP will not carry a detailed story on my opponent's spending.

Mr. HAYS. Let me say to my good friend from Arizona that if you want to get a handle on what your opponent has reported, you have 15 employees in Washington. Have one of them walk over to the clerk's office and copy down the details for you.

Mr. ABBITT. Mr. Chairman, this is a simple amendment and I hope it will be adopted.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. ABBITT. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I wish to associate myself with the remarks of the gentleman from Virginia and the originator of the amendment. Every Member of this body has to report to the proper authorities in his own State as well as to the Clerk of the House of Representatives and those reports are open to the press and to everybody else in the country—I believe this part of the bill is just whittling away some of the strength of the House of Representatives. The first thing you know it would be perhaps to the Department of Justice or to the Supreme Court or to the President of the United States to whom we would have to report? How do we know?

I say that we should stick by the Constitution in the way it was written. If you want to whittle away the powers given to us, this is the way to do it. I say we should report here, and anybody can get any facts they want to get and report them. Why require them to go to a district court? I would have to go 100 miles to a district court if I wanted to be sure that things were right there or if I had some question about the report. Someone might live in a place where a district court is located. But on many others this is an extra burden.

As I have said, the next step will be a requirement to report to the Attorney General, the President, or somebody else.

Mr. Chairman, we have belittled this Congress enough now. Instead of providing that some other officer of the Government is going to supervise what we have to do, we ought to be our own masters.

Mr. FRENZEL. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. FRENZEL. When our committee held hearings on the subject of election reform, the only idea that every witness agreed to with full and vigorous enthusiasm was the concept of disclosure of election expenses—complete and timely disclosure. The amendment that you have before you is an anti-disclosure amendment.

It is a limited-disclosure amendment. In fact, we might call it "what the people do not know would not hurt them" amendment. Sure, it is fine if you are a big newspaper, a big radio station, or a large television station. You can send a representative to Washington. It is also possible, if you are so minded, for you to subscribe to the AP or the UPI. But in my district I have a lot of weeklies and small radio stations that do not subscribe to those services. Nevertheless, the people they serve should be fully informed, and as fully informed as the readers of the Washington Post and the subscribers of the Associated Press.

Mr. Chairman, the proposal is not perfect, because there are not enough of these district locations. Nevertheless, it is a hundred times better than jamming the reports into one office in Washington and letting people pick out the evidence. If we really support the people's right to know, we will defeat this amendment.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from New York.

Mr. CONABLE. I am at a loss to understand the vehemence of the opposition to disclosure. I subscribe completely to the statements the gentleman has made. I urge opposition to the amendment. It may be a simple thing, but it is very basic to any idea of reform of election laws. I think we must leave the disclosure provision in the bill.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I would like to say that I am certainly not one who does not wish to disclose what he spends, and I do not think there is a Member on this side of the aisle or on the other side of the aisle who does not want to do that either. I do not believe the gentleman meant to say what he did about antidisclosure. Why was the district court picked out? Why did not you pick somebody else out? Why did you not pick out the Secretary of State or someone else? We have to disclose in our States to our State officials.

Mr. FRENZEL. Mr. Chairman, the answer is that this is the best we could determine in attempting to assemble evidence in a place where it would be readily obtainable by the public. State capitals would have given us half as many locations. That would be a better solution than merely striking this provision.

I thank the gentleman for his comments.

Mr. STAGGERS. If the gentleman will yield further, there are 364 districts that do not have district courts. Yet there is a desire to submit it to the district courts. I would say why do we not find somebody in our own districts, if we are going to do that, or why not give it to the press right there? I think we should have it here, because we have access to it when it is mailed in. It should be in our State capital and here, but the gentleman wants to give it to a district court, and there are nearly 364 districts that do not have district courts. That does not mean to me good commonsense.

Mr. FRENZEL. Mr. Chairman, I did not mean that any Member was antidisclosure. I mean that the amendment is antidisclosure.

Mr. WAGGONNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. We would believe, from listening to the discussions here on this particular amendment, that no disclosure would be required if the amendment offered by the gentleman from California (Mr. DANIELSON) prevails. We are required by his amendment to report to the Clerk of the House. His records are open for any who are curious enough to inquire. I have just talked with the Clerk of the House, and he tells me that the media does inquire.

For those Members who do not believe that reporting to the Clerk is sufficient, I would say there is no prohibition that prohibits a Member from doing more. I would suggest to the Members that any who believe they should do more have Xerox machines in their offices, paid for by the Government, by the taxpayers of this country, and they can duplicate and mail to everyone they choose to, perhaps to every citizen, to every newspaper, radio station, television station, or to every Federal judge and to the U.S. Supreme Court, if the Member feels there is something somebody ought to know without being curious enough to inquire.

I would suggest we support this amendment, because there is no basis for believing that a Member of this House is dishonest because he simply wants to limit required reports to the Clerk of the House. The U.S. attorney can inquire if he believes any Member has done something fraudulent in reporting what he has received and how he has expended it.

I say this is a matter for the Congress and not a matter for the courts until someone charges formally there has been fraud. One of our problems today and maybe our most serious is too much intervention by the Federal courts.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, another thing under the present law is that we do not have to report contributions of certain sizes, and we do not have to report on the committees. This bill expands it from what we have had, yet the morning paper attacked me and said it was full of loopholes and came out for the Senate bill.

The radio station owned by this same newspaper has some slimy little character who in an editorial said I did not file any report for the last time. The truth is they had a copy of the report which was filed with the Secretary of State and it listed every single contribution over 10 cents, if there was one that low, and every single expenditure of over $10, with a receipt. But they ignored those facts and in their editorial said exactly what it suited them to say. I do not really care, because WTOP does not reach my district. They even went so far, with this slimy little jerk, as to mail a copy of his editorial to papers in my district, and none of them used it. So far as I am concerned, this bill gives WTOP the chance to come to the Clerk's office and see. If they want it mailed down to them, that I am not going to do.

Mr. WAGGONNER. The gentleman is exactly right. This is a matter for the Congress and not the courts until someone has done something fraudulent which would then involve the courts.

Mr. Chairman, I urge support of the amendment.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it seems to me there are two things really, basically, that we can talk about in this bill. One of them is some kind of expenditure limitation, which is what we have done most of the talking about up until now, and the other is the matter of disclosure.

Now, an expenditure limitation sounds good, but as a matter of fact we have a lot of problems with limitation if we want to look at it, some of them constitutional. If we are not careful we will get ourselves into a position where we have an unrealistic limitation, as we do in the law now, which leads to evasion, as the gentleman from Arizona said awhile ago. We have to watch that, so far as limitations are concerned.

When it comes to disclosure, I really cannot see why we should not have the very fullest disclosure. So far as I am concerned, file them in any number of places. I do not understand the excitement about this particular amendment. File it with the Clerk of the House. File it with the U.S. district court.

In my State we file with the circuit court already. Nobody has ever considered that was a violation of the separation of powers or anything else. We have been doing it for years.

I will file it with the district court. Why not? File it anywhere. Let us disclose it.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Minnesota.

Mr. FRASER. As I understand the provision now in the bill, that would be stricken, and what we are asked to do is to file with the court as a repository. It does not really involve the court in any respect; it is just simply a place to have the report within the State so that it is available for the press and others who are interested.

Mr. DENNIS. I think the gentleman is right. I suppose for a Federal office one would, under this bill, file it with the clerk of a Federal court, just as I file mine now with the clerk of the State court.

Mr. FRASER. I agree with the gentleman. I do not think it is a wise amendment. I think the disclosure part of this bill is very important.

Originally I was going to support the amendment, but I have listened to the debate, and I think the amendment would be a sad mistake.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the distinguished chairman.

Mr. HAYS. I have no objection to disclosure. I had hoped we could write in something where we would do it in our own districts, with the election board of the largest county in the State, or something of that kind. But if this amendment is defeated, and then we go to conference, there will be no leeway.

There are 300 or 216, or whatever number it is, that have no district court.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. The gentleman from Ohio makes a good statement. On the basis of what he said we ought to defeat this amendment and, if the gentleman would like, put in an amendment to provide that we file with the Board of Elections of the largest county, which is the Ohio law, or at the State capital, which is the Ohio law.

I would be happy to accept that, but I do think the public has a right to know what is spent, and this is the reason for this provision in the law.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Arizona.

Mr. UDALL. I have been bothered by this point all day. I have been carrying around an amendment which says to file it with the postmaster. There seems to be objection to the district court. The gentleman from Ohio mentioned that.

We could file it with a U.S. postmaster in the congressional district, and that may be the answer.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I just want to make a suggestion, and I thank the gentleman for yielding.

If we really want to be fair, why do we not defeat the amendment? I will say at the moment I am for the amendment, because this part of the bill is just a lot of folderol, where we would be demeaning Members of Congress, taking away a little all the time, saying we are not capable, that we are just a bunch of crooks and thieves.

I would say to defeat it, and there ought to be an amendment that would compel every Member to file in every county court, in every county, and in the district, and then everybody would know. I would not mind filing it that way.

Mr. PATTEN. Mr. Chairman, I rise in support of the amendment.

I was the secretary of state in New Jersey for 8 years, and some of you are talking as if you do not know what you are talking about.

In the first place, I have heard no testimony as to how many millions the Federal courts will want if they are willing to take this responsibility.

Let me give you a little of the physical setup in my office the Friday before election where the candidates must file their reports. I have 72 daily papers in the State. I will tell you how it shapes up. Every candidate who is interested in it will have his friends in the area. When you have the 12 or 15 Congressmen and you have a couple of Senators that have to file, it is not uncommon to have 400 people waiting around. You have all of these important friends of the opposing candidates and you have one sheet of paper in connection with the report that is filed the Friday before election. You have a problem there. You will be behind a desk trying to satisfy everybody. Will you read it aloud, or how are you going to do it?

I can tell you that we stayed in our office until 12 o'clock on Friday night to serve the press and everybody else. Most of the reports come in by mail on Saturday. We would be open on Saturday to satisfy the press and other interested people, but you do not think the Federal court clerk will make himself available after 4 p.m., do you?

He will not do it alone, either. You will have five clerks doing it. This takes a little doing. And if he is going to work on Saturday morning, that is another deal.

That is only on the preelection report. Now, on the postelection report where you are supposed to get the whole story, if you think it does not take a little clerical work and activity with four or five people setting up things and security I want to tell you you are wrong. It is a big job.

And I will predict that the clerks of the Federal courts will not even pay any attention if you pass the law. They do not want this task. Otherwise they will be back here next year seeking about $1 million in order to make it operate.

Mr. HAYS. Will the gentleman yield?

Mr. PATTEN. I yield to the gentleman from Ohio.

Mr. HAYS. I hope we can vote on this amendment shortly.

I would say to the House that if this amendment passes and we go to conference and have the whole subject up in conference, the conferees can write out a better system.

Mr. PATTEN. And on telephoning, most of your friends around the State call you on the telephone. It is just a beehive of activity. And it is not just a mere filing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DANIELSON) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The question was taken; and on a division (demanded by Mr. HAYS) there were—ayes 69, noes 56.

TELLER VOTE WITH CLERKS

Mr. BROWN of Ohio. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. BROWN of Ohio. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. DANIELSON, Mr. BROWN of Ohio, Mr. ABBITT, and Mr. DEVINE.

The Committee divided, and the tellers reported that there were—ayes 230, noes 154, not voting 46, as follows:

[Roll No. 417]

[Recorded Teller Vote]

AYES—230

| | | |
|---|---|---|
| Abbitt | Dickinson | Jones, N.C. |
| Abernethy | Dingell | Jones, Tenn. |
| Addabbo | Donohue | Karth |
| Alexander | Dorn | Kazen |
| Annunzio | Dow | Kee |
| Ashbrook | Downing | King |
| Aspinall | Drinan | Kluczynski |
| Baker | Dulski | Kyros |
| Barrett | Edmondson | Landgrebe |
| Betts | Edwards, Ala. | Latta |
| Bevill | Edwards, Calif. | Leggett |
| Biaggi | Fisher | Lennon |
| Blackburn | Flood | Long, La. |
| Boggs | Flynt | Long, Md. |
| Bow | Frelinghuysen | McCulloch |
| Brasco | Fulton, Tenn. | McKay |
| Bray | Fuqua | McMillan |
| Brinkley | Gallagher | Madden |
| Brooks | Gaydos | Mahon |
| Broomfield | Gettys | Martin |
| Buchanan | Giaimo | Mathias, Calif. |
| Burke, Fla. | Goldwater | Mathis, Ga. |
| Burke, Mass. | Gonzalez | Matsunaga |
| Burleson, Tex. | Goodling | Melcher |
| Burlison, Mo. | Gray | Metcalfe |
| Cabell | Green, Pa. | Mills, Md. |
| Caffery | Griffin | Minish |
| Carey, N.Y. | Griffiths | Mizell |
| Carney | Gross | Mollohan |
| Casey, Tex. | Grover | Monagan |
| Cederberg | Hagan | Montgomery |
| Celler | Haley | Moorhead |
| Chappell | Hall | Morgan |
| Clark | Hammer-schmidt | Murphy, Ill. |
| Clausen, Don H. | Hanley | Murphy, N.Y. |
| Clawson, Del | Hansen, Wash. | Myers |
| Clay | Harrington | Natcher |
| Cleveland | Harsha | Nedzi |
| Collins, Ill. | Hathaway | Nelsen |
| Collins, Tex. | Hawkins | Nichols |
| Colmer | Hays | Nix |
| Conyers | Helstoski | O'Konski |
| Corman | Henderson | O'Neill |
| Crane | Hicks, Wash. | Passman |
| Daniel, Va. | Howard | Patman |
| Daniels, N.J. | Hull | Patten |
| Danielson | Hungate | Pelly |
| Davis, Ga. | Hunt | Pepper |
| de la Garza | Hutchinson | Perkins |
| Delaney | Ichord | Pettis |
| Denholm | Johnson, Calif. | Peyser |
| Dent | Johnson, Pa. | Pickle |
| Devine | Jonas | Pike |
| Poff | Schmitz | Poage |
| Powell | Scott | Sullivan |
| Price, Tex. | Sebelius | Symington |
| Purcell | Seiberling | Teague, Calif. |
| Quillen | Shipley | Thompson, Ga. |
| Randall | Shoup | Thompson, N.J. |
| Rarick | Shriver | Thomson, Wis. |
| Roberts | Skubitz | Tiernan |
| Robinson, Va. | Slack | Ullman |
| Roe | Smith, Calif. | Vanik |
| Rogers | Smith, Iowa | Vigorito |
| Roncalio | Snyder | Waggonner |
| Rooney, N.Y. | Spence | Wampler |
| Rooney, Pa. | Springer | Whalley |
| Rostenkowski | Staggers | White |
| Rousselot | Stanton, J. William | Whitehurst |
| Runnels | Stanton, James V. | Whitten |
| Ruth | Stephens | Williams |
| Ryan | Stokes | Wolff |
| St Germain | Stratton | Wydler |
| Sandman | Stubblefield | Yates |
| Satterfield | Stuckey | Yatron |
| Saylor | | Young, Tex. |
| Scherle | | Zablocki |
| | | Zion |

NOES—154

| | | |
|---|---|---|
| Abourezk | Ford, Gerald R. | Mills, Ark. |
| Abzug | Forsythe | Mink |
| Anderson, Calif. | Fountain | Minshall |
| Anderson, Ill. | Fraser | Mitchell |
| Anderson, Tenn. | Frenzel | Morse |
| Andrews, N. Dak. | Frey | Mosher |
| Archer | Galifianakis | Moss |
| Aspin | Gibbons | Obey |
| Badillo | Grasso | O'Hara |
| Begich | Green, Oreg. | Pirnie |
| Bennett | Gude | Podell |
| Bergland | Hamilton | Preyer, N.C. |
| Biester | Hansen, Idaho | Pryor, Ark. |
| Bingham | Harvey | Quie |
| Boland | Hastings | Rangel |
| Brademas | Hechler, W. Va. | Rees |
| Brotzman | Heckler, Mass. | Reid, N.Y. |
| Brown, Mich. | Heinz | Reuss |
| Brown, Ohio | Hicks, Mass. | Riegle |
| Broyhill, N.C. | Hillis | Robison, N.Y. |
| Byrnes, Wis. | Hosmer | Rosenthal |
| Byron | Jacobs | Roush |
| Camp | Jarman | Roy |
| Carter | Kastenmeier | Ruppe |
| Chamberlain | Keating | Sarbanes |
| Chisholm | Keith | Scheuer |
| Clancy | Kemp | Schneebeli |
| Collier | Koch | Schwengel |
| Conable | Kuykendall | Smith, N.Y. |
| Conte | Kyl | Steed |
| Cotter | Lent | Steele |
| Coughlin | Link | Steiger, Ariz. |
| Culver | Lloyd | Steiger, Wis. |
| Davis, Wis. | Lujan | Talcott |
| Dellenback | McCloskey | Taylor |
| Dellums | McClure | Terry |
| Dennis | McCollister | Thone |
| Duncan | McCormack | Udall |
| du Pont | McDade | Van Deerlin |
| Dwyer | McDonald, Mich. | Vander Jagt |
| Eckhardt | McEwen | Veysey |
| Erlenborn | McKevitt | Waldie |
| Esch | McKinney | Ware |
| Eshleman | Macdonald, Mass. | Whalen |
| Evans, Colo. | Mailliard | Widnall |
| Fascell | Mann | Wiggins |
| Findley | Mayne | Wilson, Bob |
| Fish | Mazzoli | Winn |
| Flowers | Meeds | Wyatt |
| Foley | Mikva | Wylie |
| | Miller, Ohio | Wyman |
| | | Young, Fla. |
| | | Zwach |

NOT VOTING—46

| | | |
|---|---|---|
| Adams | Dowdy | McClory |
| Andrews, Ala. | Edwards, La. | McFall |
| Arends | Eilberg | Michel |
| Ashley | Evins, Tenn. | Miller, Calif. |
| Baring | Ford, William D. | Price, Ill. |
| Belcher | Garmatz | Pucinski |
| Bell | Gubser | Railsback |
| Blanton | Halpern | Rhodes |
| Blatnik | Hanna | Rodino |
| Bolling | Hébert | Roybal |
| Broyhill, Va. | Hogan | Sikes |
| Burton | Holifield | Sisk |
| Byrne, Pa. | Horton | Teague, Tex. |
| Davis, S.C. | Jones, Ala. | Wilson, Charles H. |
| Derwinski | Landrum | Wright |
| Diggs | | |

Mr. VIGORITO changed his vote from "no" to "aye."

So the amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. HAYS TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. HARVEY

Mr. HAYS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HAYS to the amendment in the nature of a substitute offered by Mr. HARVEY: Page 23, line 2, immediately after "value" insert the following: "(except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business)".

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. HAYS. Mr. Chairman, this provision has already been written into the bill in two places. The amendment would put it in a third place to make the language conform. The amendment was agreed to on the other occasions it was offered unanimously. I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HAYS) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. HAYS TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. HARVEY

Mr. HAYS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HAYS to the amendment in the nature of a substitute offered by Mr. HARVEY: Page 45, immediately after line 14, insert the following:

"PROHIBITION AGAINST USE OF CERTAIN FEDERAL FUNDS FOR ELECTION ACTIVITIES

SEC. 402. No part of any funds appropriated to carry out the Economic Opportunity Act of 1964 shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Office of Economic Opportunity who, in his official capacity as such an officer or employee, engages in any such activity. As used in this section, the term 'election' has the same meaning given such term by section 301(a) of this Act, and the term 'Federal office' has the same meaning given such term by section 301(c) of this Act."

And renumber the following section accordingly.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. HAYS. Mr. Chairman, the amendment would merely prohibit the OEO and any of its adjuncts in setting up political organizations in any community to influence the vote in any primary or general election. I think it is fair that we do not allow them to use the taxpayers' money for as against any candidate in a Federal election. There have been many instances in which this has been alleged. In a couple of cases I know they were an adjunct of a local election. I do not think that should be, but because I wanted to keep the thing germane, I did not take in local elections but only Federal elections.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Washington.

Mr. McCORMACK. I do not have a copy of the amendment before me, so I am not certain of the language of the amendment. Would the amendment prevent a person who is employed in an administrative capacity in the OEO from becoming involved in a voter registration program on his own time?

Mr. HAYS. Not on his own time, but it sure does on the Government time if any of them work.

Mr. McCORMACK. I thank the gentleman.

Mr. JACOBS. Mr. Chairman, if the gentleman will yield, would this cover the so-called Model Cities program?

Mr. HAYS. It does. In my district in one instance there were some tenants in a low-cost housing project that were literally tearing the place down. The manager of the project sought to evict them. Somehow or other it got to the Federal court, and, talking about the Federal court judges, the Federal judge appointed an attorney at $40 an hour to defend these people from eviction.

Mr. HARVEY. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Michigan.

Mr. HARVEY. Mr. Chairman, I have no objection to the amendment. In fact, I intend to support it, but this question does come to my mind, which is: How is it that the officers and employees of the Office of Economic Opportunity are presently able to do this under the Hatch Act—at the present time?

Mr. HAYS. They set up these community activities programs, and they take in some people who are so-called volunteers, and pay their way into the meetings, and get them under the thumb, and tell them what they ought to do, and they do it. I cannot tell the gentleman how it happens, but it happens.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HAYS) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. BINGHAM TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. HARVEY

Mr. BINGHAM. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

Amendment offered by Mr. BINGHAM to the amendment in the nature of a substitute offered by Mr. HARVEY: Page 17, line 22, after the word "family" insert "under his control". Page 18, strike out lines 8 through 11 and insert in lieu thereof the following:

"(b) No individual may, in any calendar year, make contributions from his personal funds (including contributions from the personal funds of his immediate family under his control) on behalf of the candidacy of any one candidate for nomination for election, or election, to Federal elective office in excess of—

"(1) $35,000 in the case of a candidate for the office of President;

"(2) $5,000 in the case of a candidate for the office of Senator; or

"(3) $5,000 in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"For the purposes of this subsection, a candidate for Vice President in a general election shall not be treated as a candidate for Federal elective office, but contributions made on behalf of his candidacy shall, for the purposes of such subsection, be deemed to be contributions on behalf of the candidacy of the candidate for the office of President with whom he is running.

"(c) For the purposes of this section, 'immediate family' means a spouse, and any child, parent, grandparent, brother or sister and the spouses of such persons.

and redesignate the following subsections accordingly.

Mr. BINGHAM. Mr. Chairman, what this amendment does is to incorporate into the Harvey substitute the provisions of the Hays bill as it was reported out of the House Administration Committee with regard to limitations on individual contributions to campaigns.

The Senate bill, the Harvey substitute, provides limitations on candidates of $50,000 for a candidate for President or Vice President $35,000 on the candidate for Senator, and $25,000 on the candidate for the House. Those limitations include the members of his family, which are defined quite broadly to include not only the spouse but also the child and parent, grandparent, brother, or sister.

What my amendment does is to set some limitations, I believe they are quite generous limitations, on contributions to candidacies.

Those limitations would be $35,000 per calendar year in the case of a presidential campaign and $5,000 in the case of a campaign for the Senate or for the House.

In one way this is a restrictive amendment, and in another way it is a liberalizing amendment.

It is restrictive in the sense that it would extend a limit to individual contributions to campaigns, which is not now in the Senate bill. But it would also liberalize to some extent the limitations on the candidates which are now in the Senate bill, by putting in the term that a contribution from a member of the family is included only if that is a member of the family under the control of the candidate.

As it now stands, a contribution from a candidate's brother is in a different category from a contribution from a candidate's friend or a candidate's nephew.

It seems to me that there is no logic in saying that we are going to limit what the candidate can spend and what the candidate's sister can spend, or his brother in his behalf, but we are not going to limit what the candidate's friend can contribute to the campaign.

A candidate for the House is limited to $25,000, and that includes everything from any member of his immediate family, but if he has a friend willing to put up $100,000 or $50,000, that is perfectly OK as it now stands.

That is what this amendment does. It would provide relatively generous limitations on individual campaign contributions, and this is what was recom-

mended by the Committee on House Administration by an 18 to 4 vote.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. There is one part of the amendment which troubles me, which is the portion of it which uses the words "under his control." I believe those were the words.

This intrigues me, because I do not know what those words mean. I know that a sister might be under control and a wife not. A 16-year-old boy might be under control, yet a grandmother might not.

What does the gentleman mean by the words "under his control?"

Mr. BINGHAM. That is a fair question. This was discussed in the committee.

What is intended to be covered is the case, let us say, of a minor child who has money of his own, or the case of a spouse, where the funds are actually under the control of the candidate.

Mind you, what we are setting up is a limitation on any contribution, so if the contribution is made by the candidate's brother and it is not under his control, that brother is free to contribute up to $5,000 to the congressional campaign.

In the present bill, as it now stands, the limit is $25,000 for the candidate and includes brothers, sisters, parents, grandparents, and so on.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from New York.

Mr. PIKE. Specifically, is the candidate's wife deemed to be under his control?

Mr. BINGHAM. I think there could be no certain answer to that.

Mr. PIKE. So that although there might be a limit on the candidate the wife could go ahead and spend anything she wanted in his behalf?

Mr. BINGHAM. No. If she had funds of her own under her control she would be limited to the proper contribution.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. BINGHAM was allowed to proceed for 2 additional minutes.)

Mr. BINGHAM. She would be limited to the contribution limit of $5,000 in a congressional campaign.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the chairman of the committee.

Mr. HAYS. I think it is perfectly clear that when they say "under his control" that means, for example, if he gave his wife $5,000 to turn around and give, in addition to what she had already given of her own, that would be under his control.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Do these words apply to the control by the candidate of the money because of legal reasons or do they apply to the relation because of the relationship?

Mr. BINGHAM. No. It is in the funds. If it is held in trust or if it is held, as I said, by minors under control of the parent. In one case there was a matter publicized where a 15-year-old child made a large contribution to a parent's campaign. Now, that would be considered to be under the control of the parent. But if you have brothers and sisters living 5,000 miles away, it does not seem to be logical to put them under greater restraint as far as contributions are concerned than you put your friend.

Mr. EVANS of Colorado. How about loans of money?

Mr. BINGHAM. Loans are considered as contributions, but that is under a different section of the bill.

Mr. VANIK. Will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I would like to ask what the gentleman's amendment will do with respect to family foundations. They have been a factor in several elections.

Mr. BINGHAM. I do not know.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute in order to respond to the gentleman from Ohio's question.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. ROUSSELOT. Mr. Chairman, I object.

Mr. HAYS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments to the substitute end at 7 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. HARVEY. Mr. Chairman, reserving the right to object, I was on my feet trying to get recognition before the chairman made that request. Is my time included in that figure, also?

Mr. HAYS. I would think your time and my time and everybody's time would have to be included.

Mr. HARVEY. Then, I object, Mr. Chairman, because I think the minority ought to have an opportunity to answer this very serious amendment.

MOTION OFFERED BY MR. HAYS

Mr. HAYS. Mr. Chairman, I move that all debate on this amendment and all amendments to the substitute end at 7 o'clock.

May I propound a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. HAYS. Is it in order to reserve, let us say, 3 minutes to each side?

The CHAIRMAN. Not on a motion.

The question is on the motion offered by the gentleman from Ohio.

The motion was agreed to.

PARLIAMENTARY INQUIRY

Mr. BROWN of Ohio. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BROWN of Ohio. If there is a teller vote on the Bingham amendment or any subsequent amendment, would those teller votes come out of the time limitation at 7 o'clock?

The CHAIRMAN. The Chair will state in response to the parliamentary inquiry of the gentleman from Ohio that the time limitation has been fixed at 7 o'clock and all time used comes out of that time limitation.

(By unanimous consent, Mr. GERALD R. FORD, Mr. COLLIER, and Mr. ABBITT yielded their time to Mr. HARVEY.)

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. HARVEY. Mr. Chairman, the hour is late and we are all impatient to go about our business. However, let me say, Mr. Chairman, that this amendment was discussed in our committee. But more importantly it was discussed over in the other body when that body passed their particular bill. They very carefully considered whether there should be a limitation on contributions.

Mr. Chairman, two things stand out from their consideration of this matter. No. 1, the evidence that it was unconstitutional to place a limitation upon what a person could contribute to a candidate or to a committee was overwhelming, but more important, was the fact that the White House was violently opposed to such an amendment. I say that because thus far this body has pretty well worked its will. I believe we have come up with a bill, although not perfect, nevertheless, is a bill with which we can live. It will go a long way toward campaign spending reform in this country.

But, I say to any of you who truly want to scuttle the bill and end it, adopt this amendment and write in some unconstitutional provisions to the amount which can be contributed.

Let me read a couple of lines by Prof. Ralph Winter of Yale University Law School wherein he says as follows:

> No matter what else the rights of free speech and association do, they protect explicit peaceful political activity from regulation by the Government. But the legislation under consideration openly sets a maximum on the political activity in which persons may engage.
>
> Such a law is indistinguishable from laws forbidding people from engaging in other kinds of activity. A law forbidding someone from spending more than a certain amount cannot be distinguished from a law forbidding speeches of over 10 minutes in public parks.

I would point out also that the Attorney General, Mr. Kleindienst, testified it was unconstitutional, but more than that such a requirement, such a limit on contributions, also discriminates. It discriminates against a person who chooses to exercise his political activity by making a contribution. It discriminates against him and in favor of, for example, a labor union which makes its contribution by registrations and by getting-out-the-vote drives such as we have had. It discriminates in favor of universities. As I stated earlier, universities or colleges will declare a recess during which to provide that 2 weeks before an election their students can disband and go to work for whomever they please. Apparently, that is the way they choose to exercise their political activity. They are in favor, rather, of the students who say they are not able to contribute so

many thousands of dollars, we will contribute so many hours in time.

Mr. Chairman, it is clearly discriminatory and for all of these reasons I urge you to oppose the amendment.

But most of all, Mr. Chairman, I urge you to oppose it because it can make the difference as to whether we have an election reform bill or whether we do not have one.

This is really the guts of the reform bill that you have in front of you right now. So I say to you that under all of the circumstances it should be opposed.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, I wonder if the gentleman from New York (Mr. BINGHAM) would respond to a question?

In the amendment I understand that the limits apply to a calendar year. What if a candidate announces 2 or 3 years in advance for an office? Would he be entitled to $35,000 per year for each year he has announced?

Mr. BINGHAM. He would be, that is correct.

Mr. THOMPSON of Georgia. That would discriminate, would it not, against the major parties whose candidates probably would not be determined or may not be announced candidates until the election year, and they would have a $35,000 limitation. But if a person wanted to announce 4 years in advance then he would have $140,000.

Mr. BINGHAM. Mr. Chairman, if the gentleman will yield further, presumably the limitation would apply——

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, there has been so much talk about constitutionality on every issue that has come here that I find myself constantly saying, "I see no constitutional questions about this."

Now, there must be some very sharp constitutional lawyers here to find a constitutional issue on almost every amendment.

There is a constitutional right for a person to express himself by buying his own time on a specific issue, but I know of no constitutional right that anyone can exercise to expend an unlimited amount of money on a campaign of another.

We regulate the right of various organizations to contribute at all, and therefore we cut off the right of expression in some areas with respect to a campaign, but we cut off no one's right to express his own views on his own time, and on issues which he desires to express himself. Certainly there can be no constitutional issue in this particular case.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I think this is a senseless amendment in that it discriminates against somebody from a large family which has four generations covered, as this amendment does, because that means each generation can contribute $1,330. If you are married, that makes it $670.

It seems to me that if you are a single person with no siblings, no parents living, or children, then you can contribute the whole $5,000. Now, if that is not some kind of a constitutional impingement on a person's right to express himself on a campaign, I never heard of it.

Further than that I would like to ask if it is not a constitutional question, because we set $5,000, then obviously we could set $1 as a limit on an individual. And, frankly speaking, I think as free citizens we ought to be able to express our opinions with respect to campaigns as long as we are doing it out of our own resources.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, now that I think I understand this amendment, I would like to say a couple of words in its behalf:

I cannot accept the concept that it is not unconstitutional to limit the speech of a candidate by limiting his expenditures, but it is unconstitutional to limit the speech of somebody else by limiting their contribution.

I agree with the gentleman from Texas (Mr. ECKHARDT) that there is no constitutional question here. This amendment is directed toward individuals. We are talking about discriminating against individuals. Well, who are the individuals we are talking about? Those who contribute more than $35,000 to a presidential campaign, more than $5,000 to a senatorial or a congressional campaign.

I am perfectly willing to put a few limitations on the power brokers of our land, because that is what we are talking about in this situation.

Mr. Chairman, I would like to see the amendment adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. GRAY).

(By unanimous consent, Mr. GRAY yielded his time to Mr. HAYS.)

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman and members of the committee, there is no reason whatever to adopt under these circumstances a figure which places a limitation on contributions which can be made by anyone including especially a member of a candidate's family. There is nothing sacrosanct about $35,000 for the Office of the Presidency or about $5,000 for a U.S. Representative. The figures are just magically drawn out of a hat—they are arbitrary, they are meaningless and are unneeded. This amendment should be rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, this amendment is constitutional. I have made speeches for limitations and written articles for limitations. I am going to vote against it. I want to tell you very quickly why.

We have Democrats on this side who had better decide right now whether you want a bill or an issue. We have a cracker jack bill here today. It will stop millionaires from buying Senate seats. No one will be able to buy the presidency under this bill. The Macdonald bill got this television monster under control.

I think the President was wrong to indicate that he did not want a contribution limitation. He said he would veto the bill and is also looking for an excuse to veto the bill and this is going to give him that excuse if this is adopted.

I am going to introduce legislation to put contributions in once we get out of the woods here.

I want to make two or three other points.

I have a letter from organized labor that says they want the Senate bill.

The Senate bill—Senator MANSFIELD and other people put it in over there.

This is a bill which the Democratic National Committee wanted. You have a letter from Larry O'Brien on this. The Democrats got more large contributions, oddly enough, over $5,000, than the Republicans. So on the very practical ground tonight of determining whether or not you want a bill, I urge you very reluctantly, and forcefully appeal to you to please vote down this amendment and we will have a bill and have something meaningful, and something we can be proud of.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I just want to make two points very quickly.

The constitutional point has been well made. I previously put in the RECORD comments by Professor Bickel of the Yale Law School and Professor Freund of Harvard Law School and Professor Rosenthal of Columbia Law School sustaining the constitutionality.

The second point I want to make is that this is not antifamily. It is the Senate provision that is antifamily because if the gentleman from Ohio will look at his own bill, he will find he is limiting contributions that a candidate can get from members of his family to $25,000 for a contest of the House—brothers, sisters, parents, and so forth.

My provision would increase that amount by $25,000 for a candidate and those under his control plus $5,000 from each of his relatives. I would say this is less antifamily than the existing bill.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, the provision to establish limitations on personal contributions is probably unconstitutional; it is certainly unfair; and it is obviously discriminatory since it is many times more restrictive on presidential candidates than on other candidates.

First. Constitutionality: Personal campaign limitations may violate not only the first amendment but also the fifth. The Supreme Court has not reviewed specifically, but dissenting Justices in United States against CIO—1948—and United States against UAW—1957—raised first amendment questions.

In CIO, Justice Rutledge referred to the "presumptive" weight against intrusions or encroachments upon the—first amendment—reserves against legislative annexation.

Justice Douglas in United States against Auto Workers—1956—said:

When the exercise of First Amendment rights is tangled with conduct government may regulate, we refuse to allow First Amendment rights to be sacrificed merely because some evil may result.

The equal protection guaranteed by the Constitution may be especially significant to protect the rights of minor party or independent candidates to participate in election processes.

In William against Rhodes—1968—the Supreme Court struck down as unconstitutional a part of the Ohio law. The law imposed more burdensome restrictions on minor candidates to get on the Ohio ballot than for regular party candidates.

Second. Unfairness: Money is the only way that some people can participate in political campaigns. It is one valuable commodity. Other valuable commodities are a celebrity status, name recognition, personal services, use of nonbusiness cars and telephones and nonmoney gifts. Of these, obviously personal services are the most usual campaign contribution. We have already given anonymity to those who contribute personal or noncash services. We have already given them unlimited ability to contribute those services. We have already stripped anonymity from the cash participant. Now we seek to place a limit on that which we can contribute. This is obviously an unreasonable and unfair provision. It strikes most violently at the aged and infirm who have no other way to participate in politics.

Third. The provision has been written in such a way that it obviously discriminates against presidential candidates. Whether it intends to discriminate against one obvious presidential candidate or not is a moot question, but the suspicion will arise, and I raise it specifically here, that it may have been aimed at President Nixon. Based on the number of people in the constituency which all of the bills have accepted as a basis for other limitations, the limitation on contributions for a presidential campaign should be 435 times that allowed for a congressional campaign. That ratio would allow contributions in excess of $2 million. Instead, the proponent of this provision seems to be pretending that it only costs seven times as much to run a presidential campaign as it does to run a House campaign. The Senate limits are equally inappropriate, particularly in the large States. This kind of bias has no place in any election law reform and makes use of the term "reform" ridiculous on its face.

There was no showing of evil in the subcommittee or committee hearings.

Second, this is unfair as well as unconstitutional. Money is the only way some people can participate. It is one valuable commodity. Some other commodities are celebrity standing—voter recognition—your own personal contacts—personal telephones of whatever.

This provision strikes most violently at the aged and the infirm who have no other way of participating.

Third, it is discriminatory against the President. If we have a $5,000 limitation for Congress, it should be 435 times $5,000, but you have made it seven times. Therefore, it looks like somebody is trying to put a little "stuff" in the game. I do not know which President it happens to be aimed at. It looks like it is aimed at the incumbent.

Mr. Chairman, obviously it is unfair. The amendment should be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. MACDONALD).

(By unanimous consent, Mr. MACDONALD of Massachusetts yielded his time to Mr. HAYS).

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, at this late hour we have accomplished, it seems to me, the almost miraculous task of melding together two House committee bills and a Senate bill, and in the process I think we have come up with a pretty acceptable piece of legislation. It seems to me absolutely incredible that my friends on the other side of the aisle, many of whom I know are sincerely dedicated to the cause of campaign finance reform, would put that entire tortuous effort in jeopardy at this late hour by the adoption of this amendment. I tried myself on one occasion to draft a contributions-limitation amendment. I know from my study of the problem that the Bingham amendment is full of loopholes. It does not apply to the Special Interest Committee. It does not apply to groups like COPE.

Why is it wrong for an individual to make a $25,000 contribution, or for one of these huge national committees to go ahead and make a contribution of that kind? There are loopholes in this law, and I would submit we already have had enough of that under the Corrupt Practices Act of 1925.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, a moment ago I said that what we do here with the district courts should also cover the circuit courts. I meant the county courts and all the courts of the United States.

First, I would like to say this: After all the debate—and a lot of it has been emotional—I think we are coming up with a very good bill. I am for this amendment, and I would not let the threat of a veto deter me from voting the way I think I should vote. I do not believe the gentleman really meant it when he said that we should let that stop us from voting for what we think is in the best interests of the Nation. I think when we come out with a bill, it will be a bill that has been melted down and has come together. It has not been partisan. There has been a great deal of bipartisanship here, and I want to congratulate every Member of the House for the part he or she has taken in it. I think we have come up with a good bill, and the amendment should be adopted.

Mr. BADILLO. Mr. Chairman, for the first time in nearly half a century, the Congress is about to enact a comprehensive election reform bill and it is my most sincere hope that the final product will represent a major step toward restoring public confidence in the electoral process and in elected officials.

There is no more serious problem in the American political process today than the financing of campaigns. The skyrocketing cost of campaigning has produced a situation in which practically all but the wealthy—or their friends—are prohibited from running for office.

In recent years it has become apparent that the potential candidate of modest means is being driven from the field. Without a source of outside wealth, he is faced with the choice either of running a shoestring campaign or relying on a few major contributors. If he chooses the former course, he faces staggering odds. If he seeks out large contributors, he creates a serious potential conflict-of-interest situation.

It seems clear that at a time when the demand for reform grows strong on many fronts, the area of election law must not be ignored. Current Federal election laws are more loophole than law. Their limits do not limit and their penalties are empty threats.

The Federal Corrupt Practices Act purports to require disclosure of campaign contributions and expenditures, but because the law does not apply to primaries nor to campaign committees operating solely within one State, it is gravely defective.

Another unfortunate omission is our failure to enact legislation either to broaden the base of campaign finance by encouraging contributions from small donors through tax incentives or to achieve perhaps the ultimate campaign reform which eliminates private contributions altogether.

Proposals to replace private campaign contributions with public funds are not new. Such proposals were suggested by President Theodore Roosevelt many years ago and they were recommended to Congress by President Johnson in 1967. As we debate this bill today, the Senate already has passed an amendment to the revenue bill which would create public funding of presidential campaigns through a $1 tax checkoff fund administered by the Comptroller General.

While such an amendment would not be germane to the legislation before the House today, I am hopeful that the House conferees on the revenue bill will accept it.

With regard to the legislation now before us, it is my hope that we will combine the bill H.R. 11231 reported by the Committee on Interstate and Foreign Commerce with H.R. 11280, which is identical to the bill passed by the Senate, and strengthen both with amendments. I think we must keep in mind the overwhelming likelihood that whatever form the election reform bill ultimately takes, it will represent at best a first step and that further reforms clearly will be called for on the basis of our experience under the new law.

The House Commerce Committee bill has several key features which deserve our support. Among these are repeal of section 315, the equal-time provision, of the Federal Communications Act, for presidential and vice presidential can-

didates. This is essential for the broadcasters to provide free air time for debates between the major party presidential candidates but I supported the amendment of the gentleman from California (Mr. VAN DEERLIN) extending this provision to U.S. Senate candidates while authorizing a study of the desirability of including House candidates, as well.

Another key feature of H.R. 8628 is the 10-cent-per-voter ceiling on broadcast media spending. This feature, coupled with the requirement that broadcasters charge candidates the lowest unit rate for media time represents a major step toward curbing the excessive costs of campaigns.

It will be argued that a media spending limitation is only a partial cure for the high cost of campaigns, and that an overall spending limit should be enacted. In this regard, it must be pointed out that whatever law we write here is only as good as the means by which it can be enforced. I am convinced that a media limitation is far more enforceable than an overall limitation and that it really gets at the root of excessive campaign costs.

The key features of the Senate bill I feel should be incorporated are:

First, effective requirements for public reports of campaign contributions and expenditures. The Senate bill requires five reports at regular intervals before an election and on the following January first. The preelection reports will provide the public with the kind of campaign financing information to which it is entitled.

Second, the Senate bill establishes a bipartisan Federal Elections Commission to enforce the legislation, to receive all required reports and to make public the information it receives. This mechanism is clearly preferable to H.R. 11060, which gives this authority to the Clerk of the House and the Secretary of the Senate. If we are to increase public confidence in the electoral process and in elected officials, the task of policing the election reform law must be assigned to an independent agency with no conflicts of interest.

S. 382 has one glaring defect, however, and it must be corrected here. As the bill now stands, limits are set on what a candidate and his immediate family can spend on a campaign, but no limits are set for other contributors. In this regard, the bill actually is regressive for present law contains limits for all contributors. At the very least, the existing limits should be incorporated in this measure, or as an alternative, the limits contained in the House Administration Committee bill, H.R. 11060, should be adopted. These latter limits are $5,000 from individuals for House and Senate candidates, and $35,000 per year for presidential and vice-presidential candidates, while use of a candidate's personal funds would be limited to $15,000 for House races, $20,000 for Senate races, and $35,000 for presidential and vice-presidential races.

Adoption of these provisions will represent a major effort by Congress to make the electoral process more responsive and more responsible. It will represent a true response to a public demand which has been growing for years and which, if not met, would result in an even greater credibility gap between the American people and their Government. A strong election reform bill will stand as one of the major achievements of this Congress. We dare not ignore the challenge.

Mr. DONOHUE. Mr. Chairman, our overriding and lasting objective, with respect to these Federal election reform bills before us, must be, in my opinion, to restore and strengthen public faith and confidence in the National Government.

Our more immediate purpose is to try to insure that our Federal elective offices are, in fact, equally open to any qualified candidate and are not the exclusive preserve of individuals who possess great personal wealth or those who have access to extraordinarily large amounts of campaign spending subsidies.

To accomplish both of these urgently needed objectives, the majority of this House must, and I hope they will, approve the strongest possible compromise bill that will effectively limit campaign spending to a reasonable level and will require a contributor revelation procedure that will serve to remove any public doubt about unwholesome influences in our National Government election campaigns.

In my opinion, the acceptance of the substance of the Senate and Macdonald bills, with other improving amendments, would be a substantial forward step toward the accomplishment of the objectives we desire to reach in this legislative area. I would also hope that the provision in the tax bill, very recently adopted in the Senate, as a beginning toward ultimate public financing of all election campaigns, by permitting individual tax deductions on small political contributions and by allowing each taxpayer to earmark $1 of his tax for the presidential candidate of the party of his choice or for a fund from which presidential candidates could draw, will be accepted by the House when that measure comes before us in the near future. It seems to me that, in the finality, the establishment of a public financing system that will include all Federal offices might well be the best method of insuring the elimination of the plague of special interest influence by donors of private money in election campaigns and also reassure the public of the integrity of our election processes.

Mr. Chairman, I want to emphasize my belief that neither the executive nor legislative branch of our Federal Government can effectively operate in the national interest without the confidence and the backing of the majority of the American people. The retention and expansion of that public confidence is truly at stake in our action on this campaign spending reform legislation. The particular challenge to the Congress, in this question, is to demonstrate to the American people that, irrespective of personal or party concerns or loyalties, we can patriotically legislate in the lasting national interest by restoring public 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. I, therefore, urge and hope that the House will overwhelmingly accept the challenge and fully discharge the legislative responsibility that is facing us today.

Mr. CONTE. Mr. Chairman, I support the amendment offered by the distinguished gentleman from Idaho.

The purpose of the amendment is quite simple: To codify recent Supreme Court decisions regarding the use of union treasury funds during political campaigns by amending title 18 of the United States Code.

Let us be perfectly clear. This amendment would not prohibit the use of union treasury funds to explain union positions to union members. Nor would this amendment prohibit nonpartisan "get-out-the-vote" activities aimed at union members and their families.

But this amendment would quite properly safeguard the interests of shareholders in their corporations and workingmen 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 workingmen 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 untrammeled functioning of our electoral process. Shareholders and union members have the right to determine whether or not to contribute to particular candidates. And they have the right to make this decision without fear of reprisal. Passage of this amendment would affirm their right to give full vent to their political beliefs without the threat of losing their livelihood.

As a clarification of Supreme Court rulings in this area and as a ringing affirmation of the right to unfettered participation in American political life, this amendment deserves our unqualified support.

Thank you, Mr. Chairman.

Mr. BRASCO. Mr. Chairman, the ever-growing cost of political campaigning is lowering the quality of American political life. As television increasingly dominates most candidates' considerations, he or she must come to grips with the realities of what it costs to run significant numbers of television advertisements. In no way can this be avoided.

Television is the surest way to reach a mass audience up to the moment of the actual poll. The growth of cable television is bringing this harsh reality to the farthest corners of the Nation. A wired society is in the immediate offing, and political candidates are being whipsawed by the political costs. The few special interests who can deliver massive amount of campaign money are too often in a commanding position as far as eventual influence upon an elected candidate's voting positions. This is as true of the Federal as it is of the State legislative area. In sum, the quality of political life

is lowered and the people are less well served in the process.

Campaign spending reform is the only answer and sole hope for a reversal of this ominous trend. We have before us exactly such an opportunity, the first of its kind in 45 years.

It is also a fact that the Republican Party has a virtual lock on major campaign contributions from large vested interests. Most major corporations have persistently poured significant contributions into the coffers of this party, with more than usual success in terms of a quid pro quo.

We must strike some sort of balance which will hold down rising campaign costs and reveal more of the sources of political money. Only in this way can we make public servants less vulnerable to a big, single checkbook. Only in this manner can we insure that the public will know far more of what its public servants are doing in their name. Sunshine is the best disinfectant, and especially in the national legislature its exposure is required.

We have already made significant progress. But more must be made if the measure is to emerge as a full scale reform.

It is my fervent hope that we will understand how unlimited special interest money and the rising cost of campaigning are corrupting the national political process. Understanding these factors, the next step is the obvious one of acting to wrap up the reform package.

Mr. FISHER. Mr. Chairman, the pending bill has my support. I would hope the controls and limitations on campaign spending are made enforceable.

The vast amounts of money expended by and on behalf of candidates for office in recent years has become a national scandal. By sheer influence of unlimited spending, making maximum use of radio and television, and in other ways, wealthy candidates and those who have access to wealth, strive to literally buy public offices. Is the Congress to become eventually a rich man's club?

This spending craze has created a crisis which affects the American system of government. Efforts to control the evil has been feeble and nonproductive. An intolerable situation has been created. It begets corruption, unethical tactics, deceit, and deliberate distortion of facts and issues. That is inherent in "win-at-any-price" campaigns. The public is fed up with it and demands relief. A recent Gallup poll showed 78 percent of the public favors a meaningful limitation on campaign spending.

I am sorry the bill does not contain a restriction on campaign contributions by labor unions. The Corrupt Practices Act now prohibits contributions by corporations and banks. Why should it not apply to union funding, much of which is derived from union dues—and contributed without, in many instances, the consent of those who pay the dues. Whether done indirectly, by evasion or otherwise, the public interest would be better served if such contributions were prohibited. Then let individual union members and their officers provide financial assistance to their favored candidates, within the limitations applied to all others.

It is interesting to note that labor unions spent $1,097,000 on 24 successful Senate candidates last year—up to as much as $151,000 for one candidate.

In addition, unions contributed $669,000 to 17 unsuccessful Senate candidates.

On the House side, 32 successful union-backed candidates got more than $10,000 each; with $140,000 going to unsuccessful candidates.

But that is not all. There were 58 additional successful candidates for House seats who received $5,000 or more each from unions.

These contributions were legal. But it would seem that in the public interest such financial help should come from individuals and not from organizations which obviously and admittedly have selfish interests to be served. Although I am not aware of any individual Member being influenced unduly by such contributions, I think the system which permits it is bad.

Mr. Chairman, on February 4 of this year I introduced H.R. 3620, which contains the chief objectives of the legislation now being considered. I am pleased that progress is being made in advancing legislation on this subject. If the final version, as worked out by the House-Senate conference committee, is in accord with what is being attempted here, and if meaningful enforcement provisions are included, the result will be widely acclaimed by the American public.

Mrs. ABZUG. Mr. Chairman, as we debate H.R. 11060, the Hays bill and the two substitute bills—H.R. 11231 and 11280—we face one of the most serious questions in American politics. We must find a way to reduce the influence of money in the electoral politics of this country if one man, one vote is ever again to have meaning.

The need for reform in the laws governing the financing of Federal elections is urgent. The present laws are inadequate, ignored, and unenforced. As the costs of campaigns increased over the past several years, parties and candidates alike have continued to rely extensively on a few big givers to meet their expanded needs. At the present time, the best estimates have it that 90 percent of the money raised for political campaigns comes from 1 percent of the contributors. There is no way to accurately assess the influence that this secondary constituency of big givers has on public policy.

While the present law provides a ceiling on individual gifts, it is easily and routinely circumvented. First, the limit is excessive—$5,000 per donor, per committee. Since there is no limit on the number of committees that each candidate may establish, big contributors—and their sons, daughters, and wives—merely contribute whatever total amount they choose to a myriad of special committees. I do not propose to go through the litany of these particular abuses at this time. The Members of this body know them well. None of the bills before us alleviate this problem.

Perhaps the best single example of the unreality of the present law is its failure to cover primary elections. All of us know that as much and perhaps more money is actually raised and spent in primaries. What possible lapse in legislative intent can explain our failure to provide for reasonable limits and effective disclosure in the nominating process? In this respect, the legislation before the House is a step toward realistic reform.

Even where ceilings on cash contributions are reasonably protected by State reporting laws, Federal statutes have not prohibited corporations and the wealthy from evading those laws by lending airplanes, executives, and other company resources to favored candidates.

Moreover, and most importantly, there has simply been no enforcement of our present laws. Attorneys General in every administration of both political parties have shrugged off their obligations—and candidates for Federal office have routinely engaged in the most transparent hypocracies without fear of prosecution.

I intend to vote for the modified Senate bill (H.R. 11280) legislation we have before us today. But I want to say that I will do so most reluctantly. I will vote for it because it represents a step away from the past, but, at best, it is only a tentative step into the future. By no means does this bill represent a serious effort to reform campaign spending in this country. Moreover, my vote for this bill is cast reluctantly because I am concerned that our present requirements have remained on the books as the law of the land for the past 46 years. If by passing this bill, we are lulling ourselves into the belief that the necessary reforms have been accomplished, then this legislation is more dangerous than no legislation at all.

But, as I have said, I will vote for this bill as a needed, but temporary, measure. In so doing, I believe I assume an obligation to continue to examine this problem and to establish a dialog in the country about the problem and some proper solutions. And I think that we undertake an obligation also to formulate legislation in the next session, and each session thereafter, until we achieve a system of political finance in this country that will restore to voters and dollars the relative influence that they properly deserve.

I do not know all the attributes of such a system, but there are certain characteristics that are fundamental.

There must be effective limits on the size and number of political contributions. The present $5,000 limit is perhaps 10 times too large; $50 would be more appropriate if we genuinely seek to limit the influence of money in politics.

At the same time, we should provide tax incentives to encourage small giving. Parties and candidates have been equally lax in developing programs to stimulate average citizens to participate in politics with their dollars as well as with their votes. It is a small enough investment in democracy to permit a citizen a reasonable deduction from his income taxes in return for his support for the candidate of his choice.

There must be effective disclosure provisions to insure that the public is aware of whose money is supporting the po-

litical campaigns of its elected representatives. Reporting provisions must be timely so that abuses are not turned up 45 days after the election, but in time for them to be made public before election day. The penalties for violations must be severe enough to make candidates resist the temptation to evade the law and realistic enough that our law enforcement authorities take them seriously.

Primary elections must be subject to the same regulations as general elections. This is fundamental and cannot be compromised. to purify the influence of money at the final stage of the process and ignore it at earlier stages is either self-deluding or contemptuous of the public intelligence.

Finally, we must begin to reassess the entire premise of our present system of total reliance on private gifts. In this era of rising campaign costs, we have attempted only to regulate the size of private gifts and the total amount of dollars spent. We have been transfixed by ceilings, when the more fundamental problem has to do with floors. We must seriously address the question of how many Americans can no longer afford to participate in politics as active candidates for public office. How many people today find the price tag of public office prohibitive? When a citizen must risk personal bankruptcy or go into political hock to special interests in order to be able to make the initial decision to run for public office, we have created a situation that corrodes the foundation stones of our democracy. We must begin to seriously examine the need for public subsidies for political campaigns. We must equalize access to our political system for all citizens. The costs are not high, especially when measured against the eroding confidence and growing cynicism bred by the present law.

Mr. BLACKBURN. Mr. Chairman, during the debate today, many Members have discussed the need for full disclosure of all campaign finances. I believe there are arguments in opposition to this proposition which have not adequately been presented to this body.

The arguments have been developed that: First, the cost of political campaigns has become so high that America can no longer afford unregulated democracy in action; second, "fat cat" contributors demand commitments from candidates before making contributions and, thus, candidates are controlled by big contributors; and third, a candidate's purity of motive would be insured by complete disclosure by the candidate of every contributor and the amount of his contribution.

These arguments have received such wide publicity that, by reason of repetition, they are rapidly approaching the status of divine revelation, not to be challenged. Let me take this opportunity to challenge these arguments, recognizing the political risk involved in standing alone when political security could best be served by following the herd instinct.

I am firmly convinced that no small motivation of those proposing such legislation is the preservation of office for those who enjoy the status of being an incumbent. Anyone proposing to defeat an incumbent must carry the fight to the incumbent. This entails the use of a lot of money, the amount varying from one congressional district to another. Thus, arbitrary limitation will restrict the ability of nonincumbents to carry the fight, and, thus, help to insure the safety of incumbent officeholders.

But, let me address myself to the three arguments that I have heard most frequently given in favor of rigid campaign limitation laws and rigid reporting laws.

First, I challenge the statement that America cannot afford a free exercise of the democratic process. The right to participate in political campaigns, not only as voters, but as contributors or campaign workers, is too valuable a right to be limited by law. Suppose you, as a citizen, desire to contribute to my opponent in next year's campaign but your contribution is returned because my opponent was limited in his spending and had already accepted the total amount allowable under law. It would be your right as a citizen that would be curtailed, and not merely the candidate who is being inconvenienced.

When I see the material comforts of life which we enjoy, I am somewhat skeptical when someone argues that we cannot afford the most precious right a citizen in a democracy can ever enjoy: that is, in giving direction to his government through full participation in political campaigns.

The second argument, that big contributors exercise an inordinate influence over officeholders probably has some merit. But the campaign limitation laws would only improve their control because a few big contributors could soon fill the financial limitations and thus exclude the smaller contributors from having any impact on a candidate's campaign.

In the final analysis, a politician's personal character will determine the degree to which he can be a "bought" man. If a man is for sale for one price, he is probably equally for sale at a lesser price, depending on his needs of the moment. It is a politician's conduct in office which answers the question of his personal character and integrity. It is these qualities which are reexamined periodically when he offers for reelection. If his conduct in office shows a pattern of undue responsiveness to a particular segment of his constituency to the disadvantage of the great majority of his constituency, then this is a matter to be considered by the voters in choosing between one candidate and the other.

The demands for a disclosure of contributors and the amount of contributions is probably the most questionable argument being advanced. In the first place, a dishonest candidate and a dishonest contributor are not going to report their financial transactions. It would be an impossibility to adequately enforce such a provision of law. The honest candidate and the honest contributor would be the most disadvantaged.

The implementation of full reporting laws would do more to discourage contributions to nonincumbents than any other one law. My campaign treasurers can attest to the differences and difficulties in raising funds for an incumbent and a nonincumbent. People have a right to remain anonymous in casting their ballot.

I think to some degree, there is a parallel between the sanctity of secrecy of the ballot and the right to remain anonymous in making political campaign contributions.

Many people, by reason of their business connection, or professional connections, may wish to support a candidate who espouses a political ideology for which they hold a sympathy. At the same time, they might fear retaliation against their business interests of their professional association by persons holding positions of authority who do not agree with their thinking.

Ironically, it is the small businessman, seeking to hold government-related business, the union member, seeking to support a candidate his union leadership opposes, or the college professor seeking to establish tenure with a college having a leadership of strong political philosophy contrary to his, who would be the least able to afford public disclosure of their financial support for political candidates. The result would be a greater polarization of our country into contests involving big business, big money, and big union bosses to an ever greater exclusion of participation by the "little man" that these laws ostensibly are seeking to serve.

Mr. GUDE. Mr. Chairman, it is a credit to the House that the issue of Federal election reform is up for consideration, and that there is a bipartisan effort to forge a meaningful reform measure. Many of the critics of Congress predicted that a reform bill would never reach the floor. Instead we stand on the verge of passing a strong reform bill which would meet the requirements of those of us who wish to see the undue influence of money in politics reduced and the integrity of the democratic electoral process shored up.

Any campaign reform legislation must, in my view, have as its base a strong reporting and disclosure provision. Private wealth has become a corrupting force in American politics today, not because of the nature of the democratic system or the character of the men in politics, but because of the soaring costs of campaigning. Federal offices must not be allowed to become the exclusive property of millionaires or those whose politics attracts the support of the wealthy. This is not an ideological or party matter. Individuals of both leftwing and rightwing persuasions have been substantial contributors to political campaigns.

I also feel that it is important to keep the system open to challengers. A bill favoring incumbents would be a mockery and would in all likelihood be vetoed. People are well aware of the many advantages enjoyed by incumbent office holders. Well qualified individuals will hesitate to spend their time and money on a campaign if the odds are further stacked against them. As Representatives

we should recognize that our personal self-interest and the national interest separate at this point.

Campaign financing reform must, of course, eventually set some limits on spending. This limit must be high enough to allow a challenger to make himself known and yet low enough to be a meaningful limit and not an enticement to media saturation.

In my view, the Senate passed campaign reform bill, H.R. 11280, is a noteworthy and acceptable measure. The Senate bill would limit broadcast spending to 5 cents per eligible voter and spending for newspapers, magazines and billboards to 5 cents as well. Twenty percent of unspent funds in one category may be transferred to another thus allowing 6 cents per voter for broadcasting and 4 cents per voter for nonbroadcasting media.

H.R. 11280 also puts a limit on spending from the personal funds of candidates in campaigns for nomination or election. These limits would be $50,000 in a Presidential race, $35,000 in a Senate race and $25,000 in a House race. No limit was placed, however, on contributions.

Finally, the Senate bill has quite adequate disclosure provisions. Candidates, individuals and committees would have to file periodic, detailed reports and the bill would extend the report requirements to all primary elections, the presidential nominating process, and State and District of Columbia committees not now covered.

I believe that the time is at hand to control the power of private wealth in Federal elections and we have before us, in H.R. 11280, the means with which to do this.

Mr. CRANE. Mr. Chairman, on the floor of the House of Representatives, we again witness a display of the awesome muscle that organized labor wields in this body.

After an intensive campaign, the labor union bosses have finally succeeded in getting their language into a campaign reform bill, rather than the language that would have provided the only true campaign reform.

My amendment, which was included in H.R. 11060, would have prohibited the use of involuntarily raised funds for political purposes by the unions. It would have restored to millions of union members the right to determine whether they wanted their hard-earned money to be used to support political causes of their own choosing, or to support the causes dictated by the union bosses.

The bill which has now been passed by the House of Representatives is a mockery of campaign reform. It opens wide the floodgates to union, bank and corporate activity in an area where it has never been legal before.

Therefore, I had no alternative but to oppose the bill.

HISTORY

My first contact with this problem came during my academic career in 1963 and 1964 when I was writing a book entitled "The Democrat's Dilemma." The central theme of this book deals with the power and control which organized labor has over the U.S. Congress.

When I was writing that book I did not realize that I would one day feel the effects of that power first hand. Following my election in 1969, after a bipartisan agreement, I was to be appointed to the House Committee on Education and Labor along with my colleague from New York (Mrs. CHISHOLM). But the unanimous-consent request, mutually agreed upon by the Democrat and Republican leadership, was denied, and I was subsequently assigned to the Banking and Currency Committee. The events of that day have been detailed in an article by the noted columnist, Willard Edwards, which appeared in the Chicago Tribune. At this time I insert the Edwards column:

CRANE FINDS WHO IS BOSS IN HOUSE

(By Willard Edwards)

WASHINGTON, December 26.—On his 22d day in office, Rep. Philip M. Crane, Illinois' newest Republican congressman, was given a dismaying lesson in the harsh political realities of life on Capitol hill.

Crane learned who really controls the Democratic majority in the House and, thus, Congress itself, even in such a minor matter as a freshman's committee assignment.

It is not, he discovered, Speaker John W. McCormack [D., Mass.] or Rep. Carl Albert [D., Okla.], the majority leader, or the Democratic chairmen of House committees.

These Democratic leaders can be overruled, he found, when organized labor, in the person of Andy Biemiller, chief lobbyist for the AFL–CIO, chooses to exercise his influence.

As a result, Crane was deprived of a position on the House education and labor committee, for which he is eminently qualified as a former history professor at Bradley university and as an author and expert on the problems with which the committee deals.

Instead, he was shunted to a spot on the banking and currency committee. Its legislative jurisdiction, while important, is remote from the field in which his talents would be most useful.

After Crane was sworn into office Dec. 1 he sought out Rep. Gerald Ford [Mich.], the Republican minority leader, and asked to be assigned to the education and labor committee.

Ford consulted Speaker McCormack and Albert, majority leader, as well as the committee chairman, Carl Perkins [D., Ky], and Rep. William H. Ayres [R., O.], the ranking minority member.

All agreed that Crane was a "natural" for the committee. The Democrat leaders were also seeking a place for Rep. Shirley Chisholm [D., N. Y.], the first Negro woman to serve in Congress. They decided to enlarge the committee to 37 members from 35, putting Crane and Mrs. Chisholm in the two places created.

But when labor lobbyist Biemiller learned of this plan, according to bipartisan sources, he put his foot down. He regards the committee, with considerable reason, as his domain. He made it clear that his opposition was based on an aversion for Crane, a conservative who in his book, "The Democrats' Dilemma," denounced control of Congress by a labor hierarchy, mentioning Biemiller by name.

Protests against the Democratic leadership proposal were led by Representatives Roman C. Pucinski [D., Ill.] and Augustus F. Hawkins [D., Cal.].

In vain, McCormack, much disturbed, pleaded with these objecters that he had reached a firm agreement with Ford. Such bipartisan arrangements are always respected.

But he was rebuffed. The fact that Mrs. Chisholm would also go down the drain was disregarded by Biemiller, who was incensed by his loss of a fight against President Nixon's Philadelphia plan, a formula for encouraging Negro employment in the construction trades. Mrs. Chisholm voted against him. Ford engineered the defeat.

A last-minute attempt was made on the House floor to secure unanimous consent for the committee enlargement. Both Pucinski and Rep. Joe D. Waggoner [D., La.] jumped up to object. Waggoner, whose objection was presumably aimed at Mrs. Chisholm, won.

"It was disappointing and disillusioning," Crane said of the experience. "It certainly proves my contention that Congress is dominated by labor chiefs who pay little attention to the wishes of the rank and file."

Mr. CRANE. We witness another example of the blatant power of the labor unions. While decrying the Crane amendment, they manage to foist on this House a substitute which would legalize their past illegal actions, while simultaneously stating that this was merely "codifying section 610" of title 18 of the United States Code, the Corrupt Practices Act.

CORRUPT PRACTICES ACT

The intent of title 18, United States Code, section 610, is to prohibit contributions or expenditures by banks, corporations and labor unions in connection with Federal election campaigns. Although section 610 appears on its face to be clear and unambiguous, it has not effectively prevented large scale political expenditures by labor unions as Congress intended. When section 610 was amended in 1947 to cover labor union political expenditures, its stated purpose was:

First, to reduce the undue and disproportionate influence of labor unions upon Federal elections;

Second, to preserve the purity of such elections against the use of aggregated wealth by union as well as corporate entities; and

Third, to protect union members holding political views contrary to those supported by the union from the use of funds contributed by them to promote acceptance of those opposing views. See *U.S.* v. *CIO, 335 U.S. 106.*

Unfortunately, these objectives of the law have not been met. Today the influence of organized labor on Federal elections is greater than ever before, and a very large part of the time, energy and wealth of major labor unions is devoted to political action in Federal election campaigns.

By becoming deeply involved in political campaign activities, American labor unions have departed from their primary functions as collective bargaining agents and have become, in practical effect, political organizations. In the process they are rapidly transforming one of the two major political parties into a labor party, a result which will most certainly have an adverse effect upon the traditional two-party system in this country.

If membership in labor organizations were entirely voluntary, objections to partisan political activities by unions would perhaps have not so strong a base. But Bureau of Labor Statistics figures show that approximately 85 percent of all union contracts now contain clauses which compel continued union membership or payment of union dues and fees as a condition of employment. The rank-

and-file worker is thus compelled to provide financial support for the union even though the union uses a substantial portion of his compulsory dues dollar to support candidates and political causes which he either opposes or would not willingly support if he were given a free choice. Public opinion surveys immediately following the 1968 election showed that 44 percent of union members and their families opposed the presidential candidate endorsed and financially supported by their unions. It was precisely this sort of situation that title 18, section 610 was intended to reach.

THE CRANE AMENDMENT

My amendment, which is identical to section 8 of H.R. 11060 except for a technical change, would have clarified and broadened the definition of the terms "contribution" and "expenditure" as used in title 18, section 610. Under this new definition it would be perfectly clear that labor organizations, as well as banks and corporations, could not have made any direct or indirect payments or provide any services or any other thing of value to any candidate, campaign committee or political party or organization, or to make any expenditure related to get-out-the-vote activities in connection with Federal election campaigns, if involuntarily raised.

At the same time, it also made clear that this section would not prohibit a union from organizing and administering a separate contributary fund for political purposes if all contributions, gifts or payments to such fund are made freely and voluntarily, and not related to dues or fees required as a condition of employment. Enactment of this provision would have clarified the intent of Congress to distinguish between voluntary contributions and the use of compulsory union dues for political purposes.

UNION POLITICAL ACTIVITIES

It is no secret that labor organizations provide cash contributions to political candidates. But more important is the furnishing of a large volume of union-paid manpower to perform partisan precinct level functions of getting-out-the-vote and moving voters to the polls. During election campaign periods, and even between elections, thousands of union salaried staff personnel are assigned full time to the job of registering voters, keeping voter lists up to date and all of the other functions related to traditional partisan political activity. The massive scale of this type of union political activity is described by Alexander Barkan, director of AFL–CIO COPE, in an article appearing in Issues in Industrial Society, vol. 1, no. 2, published by the New York School of Industrial Relations at Cornell University.

Evidence of the intensity of labor's political activity in 1968 was the 55 million pieces of printed matter distributed by National COPE to union members and an additional 60 million plus distributed by state AFL–CIO bodies and international unions. It is unlikely that any organization—including the two major parties—ever produced so much political literature in any one campaign.

Labor's nationwide registration drive put 4.6 million voters on the registration rolls. Most were Humphrey supporters. The figure not only represents trade union members and members of their families but reflects the results of labor's registration drives in the Negro, Puerto Rican, and Mexican-American communities. *In many states, labor did the registration job for Humphrey singlehandedly; the Democratic party had abandoned the field.*

Negro trade unionists were mobilized at a series of conferences in the spring of 1968 which led to the formation of units in 31 big cities to increase the vote in the black community. Three and a half million pieces of literature, especially prepared for the Negro community, were distributed. We were the major national organization working at registering black voters and getting their vote. The Negro vote for Humphrey exceeded 80%.

The labor movement mobilized Mexican-American farm workers; and the AFL-CIO funded an operation which included a million leaflets, radio spots, and hundreds of election day workers in California alone. Farm workers' ballot boxes in the state also exceeded 80% for Humphrey.

In many states, a house-to-house canvass was conducted as part of our get-out-the-vote effort, particularly in selected labor areas and in minority-group areas where there are relatively few telephones. The number of persons involved in this operation was 72,225.

There have been other cases. Twice during the past decade the U.S. Supreme Court acknowledged that union officials are spending compulsory dues money for partisan political purposes. Associate Justice Hugo Black wrote 10 years ago.

There can be no doubt that the federally sanctioned union shop contract here, as it actually works, takes a part of the earnings of some men and turns it over to others, who spend a substantial part of the funds so received in efforts to thwart the political, economic and ideological hopes of those whose money has been forced from them under authority of law.

RECENT CASES

Mr. Speaker, the interests of union members who oppose the political views of union officials are not being protected under existing law. Because the members are obligated to pay union dues in order to retain their employment, they are powerless to forestall the diversion of their dues into partisan political channels. Only the avenue of costly litigation is open to them, but because of their limited means, it is beyond their reach in most instances.

Just a few months ago a group of McDonnell-Douglas Corp. employees in California achieved a notable legal victory. In 1967 they filed a lawsuit challenging the use of their compulsory "agency shop" fees for political purposes. Their complaint was dismissed by the trial court, but last year their appeal was upheld by the U.S. Court of Appeals for the Ninth Circuit. In a commonsense opinion reversing the trial court, the court of appeals held as follows:

The diversion of the employees' money from use for the purposes for which it was exacted damages then doubly. Its utilization to support candidates and causes the plaintiffs oppose renders them captive to the ideas, associations and causes espoused by others. At the same time it depletes their own funds and resources to the extent of the expropriation and renders them unable by these amounts to express their own convictions, their own ideas, and support their own causes. (*Seay* v. *McDonnell Douglas* 427 F.2. 996, CA 9 [1970])

If additional proof is needed to confirm labor unions' involvement in partisan politics, listen to this. In January 1968 the national AFL–CIO's official organ, in an article dealing with the federation's annual convention during the preceding month, reported, and I quote:

The Convention called for top priority for political action . . . All unions are urged to assign as many full-time staff members as possible for full-time political education work as early as possible in 1968.

Here is another example. This past June, national director Al Barkan of the AFL–CIO's Committee on Political Education was a principal speaker during the annual convention of the Hotel and Restaurant Employees and Bartenders Union in Chicago. Both he and a Member of the House of Representatives talked principally about the 1972 presidential election, according to reporter Thomas Power of the Chicago Tribune.

Mr. Barkman cautioned his audience not to become confused about its priorities of 1972. According to the Tribune's account, he shouted to the delegates:

Don't tell me about your contract negotiations next year. The important thing you have to do next year is to organize your members and win the election.

Mr. Speaker, thousands and thousands of hours of union staff time are required to carry out the various activities I have just described—staff time that is paid for with the dues collected from union members. By defeating the Crane amendment, we have said to the victims of compulsory unionism:

We will not lift a finger to restore either your freedom of association or your political freedom. You will be required to continue paying union dues against your will in order to earn your livelihood, and we do not object to the use of your tribute to elect candidates you will not voluntarily support.

Mr. Speaker, I, for one, am appalled that we would transmit such a message to our country's union members.

PARLIAMENTARY BACKGROUND

In the House Administration Committee, of which I am privileged to be a member, my bill—H.R. 1259—was accepted in a modified form as section 8 of the bill under consideration, H.R. 11060. My bill thus became title 8 of the bill which we are presently discussing.

When the Frenzel-Brown measure was considered as a substitute for the original House administration text, I realized that my section 8, the so-called "Crane amendment" would have to be added as a new section to this measure.

As you know, Mr. Speaker, I attempted to obtain recognition to introduce my amendment, but the Chairman of the Committee of the Whole House instead recognized the gentleman from Idaho (Mr. HANSEN).

There followed a succession of speakers on the new Hansen amendment which included Republicans and Democrats, Liberals, and Conservatives. Regrettably, the Hansen amendment passed by a vote of 233 to 147, which precluded consideration of the Crane amendment.

I say "regrettably" Mr. Speaker, because the Hansen amendment in no way

gets to the problem which we face in this area. In fact, it puts the imprimatur of this body on a situation which has existed for a number of years and which is clearly outside the law. Here I am referring specifically to the use of mandatory union dues for political purposes.

THE HANSEN AMENDMENT

Let me explain what the Hansen amendment does.

The Hansen amendment will, in my judgment, allow labor unions and corporations to make expenditures for political activities which under a strict reading of the language of title 18 United States Code, section 610 are now prohibited.

Expenditures by corporations in connection with Federal elections have been flatly prohibited since the original Corrupt Practices Act was adopted in 1925. This prohibition was extended to labor unions in 1947 for the purpose: first, of reducing the undue and disproportionate influence of unions on Federal elections; second, preserving the integrity of such elections for the use of aggregated wealth by union as well as corporate entities; and third, to protect union members holding political views contrary to those supported by the union from use of their membership dues to promote acceptance of those opposing views.

The amendment by the gentleman from Idaho (Mr. HANSEN) will create a large and very significant loophole which will legalize broad scale union political action—which is now prohibited—and undermine whatever protection the law now seeks to give rank and file union members against political use of their dues money.

The Hansen amendment will redefine the phrase "contribution or expenditure" as used in section 610 as not including expenditures for voter registration and get-out-the-vote campaigns aimed at either a corporation's stockholders and their families or a union's members and their families. Its net effect will be to put the stamp of approval on partisan political action by unions with money obtained through compelled union membership dues and fees which rank and file union members are required to pay under compulsory union shop contracts.

Although the amendment purports to allow corporate expenditures on the same basis as union expenditures it will not work this way. Corporate expenditures for voter registration or get-out-the-vote activities will run head on into the existing laws of practically all States which prohibit corporate expenditures for any political purpose. In addition corporate expenditures for political purposes are considered ultra vires under prevailing case law, and could also be disallowed as not meeting the test of ordinary and necessary business expenses under section 162 of the Internal Revenue Code.

The Hansen amendment on the other hand will validate union voter registration functions which are conducted on a highly partisan basis.

NONPARTISAN?

There is an abundance of evidence proving that union-sponsored get-out-the-vote campaigns are not nonpartisan. George Meany himself has acknowledged:

When you spend your money to get people registered, and then spend a lesser proportion to get them out to vote, you know you got a vote in the ballot box. Of course, we are a little bit choosy when we choose districts in which we want to better these votes in the ballot box, so that when they go in we have a pretty good idea how they are going to vote.

Furthermore, AFL–CIO Secretary-Treasurer Lane Kirkland, while addressing the Amalgamated Transit Union convention in Las Vegas, Nev., on September 28, 1971, exploded the myth that union political activities are merely "aimed at union members and their families." While vigorously attacking President Nixon, he said:

Over the next 13 months labor and its political arm—COPE—has a great deal of work to do. We have to carry our message to every American eligible to vote, and we have to make sure that they understand what America's choices really are. And we have to make sure that every voter we can reach is registered, and that they go to the polls.

Clearly, the leaders of organized labor are attempting to influence union members and all other voters in the Nation. And they are using union dues money provided mostly on a compulsory basis from members.

In this regard, I have received a copy of a letter to the editor of the Washington Post—which has not yet been published—and which clearly sets out organized labor's role in the 1968 elections. I include the letter at this point:

LETTER TO THE EDITOR

DEAR SIR: Mr. Califano's plea for public subsidy of campaigns (November 16, 1971) on the basis that some elected officials are too indebted to an elite group of wealthy individuals obfuscates the real problem of campaign reform. The less than $3 million which he cites as having been spent by these individuals on the Republican candidate in the 1968 Presidential election is a pittance when compared with the more than $50 million spent by the various unions on the Democrat candidates in the same elections. Beyond the quantitative differences, however, the real difference is that the money given by wealthy individuals to either party is given on a free will basis, while contributions extracted from union members are seldom obtained in that manner.

An example is the recent disclosure of the nefarious activities of the Marine Engineers Beneficial Association, AFL–CIO, pension fund. Here union officials virtually extort $10 a month from retired members and widows of former members of the union which are put into a political kitty for distribution to a few favored individuals. It is clear to me, and I think to the vast majority of Americans, that while neither they nor I are completely pleased with large donations from wealthy individuals, nonetheless this does much less violence to the conscience and free will of the individual citizen than does an automatic $10 rake-off from a $300 a month pensioner.

A second area of campaign reform which Mr. Califano conveniently ignored is the manner in which the Democratic party particularly is in the process of obtaining taxpayer funding for a good portion of its 1968 campaign debts. The maneuver is quite simple: Charge as much as possible during the campaign period for such items as air fares, telephone, printing, etc., thus overextending yourself far beyond your anticipated income and, then, when the campaign is over, you are unable to pay the bills. This happened to the Democrats in 1968 to the tune of a reported $9 million. Indications are that the Democrats have no intention of paying this money. Therefore it will be written off as a bad debt by those corporations to whom it is owed, their net profit will decrease accordingly, and the government's tax (usually 48% of the net profit for these corporations) will also decrease proportionately. Thus, the $9 million debt of the Democrat National Committee and its allied groups will end up costing the taxpayer more than $4 million lost in revenue to the Treasury.

In summary, Mr. Califano and his friends in the Congress seem unwilling or unable to distinguish between voluntary contributions (of any magnitude) and those which are compulsorally obtained. Beyond this, they also have a very strong proclivity toward spending beyond their means and then saddling the taxpayer with their debts. The latter trait, I might parenthetically add, is certainly not limited to their campaign activities but is very much in evidence daily in the Congress.

Cordially,

EDWIN J. FEULNER, Jr.

The Wall Street Journal, in an article by Jerry Landauer on November 15, 1971, describes in more detail the corruption and coercion involved in the Marine Engineers Benefit Association's pension fund. The MEBA is a constituent unit of the AFL–CIO. They finance their political activities by compulsory assessments of $10 a month from retired members and widows of members and, according to Mr. Landauer's article, virtually extort this money from these members before providing them with the remainder of their pensions.

I inserted the full text of Mr. Landauer's article in the CONGRESSIONAL RECORD on November 17, 1971. It appears on page 41903.

UNION ACTIONS

Mr. Speaker, The unique and privileged role of labor organizations in our election processes was recently underscored by delegates to the 1971 convention of the Nation's largest and wealthiest union.

Delegates to the Teamsters Union convention adopted what is generally regarded as an ominous amendment to their constitution. It authorizes the union's general president to "make expenditures from the general fund in amounts to be determined by him in his sole discretion for lobbying and other political purposes, including contributions to candidates for State, provincial or local office."

Without question, this amendment to the Teamsters constitution will encourage the continued wholesale flouting of restraints imposed by the Congress on union political activities in 1947 when it amended section 610, title 18, U.S.C.

It is common knowledge that dues payments collected from involuntary members, as well as from voluntary members, are deposited in a union's general fund. Obviously, President Fitzsimmons will not be under any internal restraints when he contemplates contributions to certain political candidates from the union's general fund.

Admittedly, the union's amended constitution does not authorize the use of money from the general fund in connection with Federal elections. Let us not be deceived, however.

The widely respected and authorita-

tive Congressional Quarterly has stated flatly that union officials conceal contributions to Federal candidates by "simply reporting transfer of gross sums to State committees. The State committees, in turn, transfer the money to individual candidates, but the names of the recipients never appear on the nationally filed reports."

This is only one example of methods now being used to circumvent the existing law.

Mr. Speaker, I submit that the convention delegates who handed Mr. Fitzsimmons this blank check are not typical of the Nation's union members. All available evidence indicates that dues-paying unionists take a dim view of the use of union resources in political campaigns. Partisan politicking is strongly resented by those wage earners who are compelled by collective bargaining agreements to pay for unwanted union representation.

Inclusion of my amendment in the legislation adopted Tuesday would have closed a gaping loophole in our present law. It would have put unions on the same footing in the political arena with corporations, banks and all other associations.

THIRTEENTH DISTRICT OPINION

Within the past few months, I conducted my annual constituent survey and one of the questions asked was "Do you favor the use of mandatory union dues for political purposes?"

Almost 40,000 questionnaires have been returned to my office and better than 93 percent of them, representing more than 36,000 of my constituents, indicated they oppose such use of involuntarily raised funds.

I submit that this not only represents the overwhelming majority in my district but that one would find similar views throughout the Nation. Further, I insist that it is hypocrisy to speak of meaningful campaign reform so long as any involuntarily raised funds are used for any political purposes. Mr. Speaker, we have failed in this most elemental regard, and therefore, the bill which is before us is a mockery of campaign reform. Worse still will be the disillusionment suffered by those who are gulled into believing significant reforms have been introduced when belatedly they discover the truth.

I, for one, will not be a party to this deceit. It was for this reason that I voted against the bill when it came before the House.

UNION OPPOSITION TO THE CRANE AMENDMENT

My amendment was inserted in H.R. 11060—the Hays bill—by the House Administration Committee because its members recognized that section 610, title 18, has failed in the purpose for which Congress had intended it—to inhibit the activities of labor unions in the political arena. Thus, my amendment would have done nothing beyond that which Congress set out to do in 1947 when the law was amended to cover political contributions by labor organizations.

Although my amendment was aimed at corporations and banks, in addition to labor organizations, it was denounced as antilabor by union spokesmen. I include excerpts from letters I have received from Mr. Biemiller, the legislative director of the AFL–CIO and from Mr. Fitzsimmons, president of the Teamsters Union:

One provision, the Crane amendment, is patently anti-labor. If broadly interpreted, this amendment would prohibit *all* union activity financed by treasury money, connected in *any* way with federal elections. This interpretation would include prohibitions against using union treasury funds to explain union positions to union members. In addition to prohibiting this educational activity, union funds could not be used for non-partisan "get out the vote" activities aimed at union members and their families.

If narrowly interpreted, the Crane amendment would continue present permission for educational and registration activities, but would prohibit any "get out the vote" activities.

The Crane amendment clearly is aimed at depriving union members of the informed views of their leaders on political matters—views that the members have every right to consider. Further, the amendment's attempt to deny unions the right to get their members to the polls is contrary to the basic precept that exercise of the franchise is a civic duty.

If the Crane amendment is offered to the substitute (H.R. 11280), the AFL–CIO urges you to vote against its adoption. If the substitute bill fails and the House is amending the Hays bill (H.R. 11060), the AFL–CIO urges you to support the effort to strike this unfair provision.

Sincerely,

ANDREW J. BIEMILLER, *Director.*

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We call your special attention to the "Crane" Amendment introduced by Congressman Philip Crane (R.-Ill.) which is directed toward labor unions. This amendment, if made the law would seriously impair efforts to extend the exercise of the right to vote to thousands, if not millions of Americans who would otherwise fail, through ignorance, fear or apathy, to express their political opinion. We, you and our institution, cannot allow those few who fear the will of the American people to narrow the possibility of the exercise of the right to vote.

We cannot express too strongly that the "Crane" Amendment must be defeated in order that the American political base will not be narrowed.

Sincerely,

FRANK E. FITZSIMMONS,
*General President.*

CRANE REPLY

Mr. Speaker, in reply to the Biemiller letter, I sent my own detailed letter to all of my colleagues, and I include the full text of it in the RECORD at this point:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D.C. November 29, 1971.*

DEAR COLLEAGUE: Section 8 of H.R. 11060, the Election Reform Bill, contains a provision which would strengthen that portion of existing law (Section 610, Title 18, USC) which prohibits contributions and expenditures by banks, corporations and labor unions in connection with Federal elections.

In 1947 the Congress amended Section 610 to cover political contributions and expenditures by labor unions. Its purposes were summarized as follows in 1948 by the U.S. Supreme Court in *U.S. v. CIO*, 335 US 106:

". . . (1) to reduce what has become regarded in the light of recent experience as the undue and disproportionate influence of labor unions upon federal elections; (2) to preserve the purity of such elections . . . against the use of aggregated wealth by union as well as corporate entities; and (3) to protect union members holding political views contrary to those supported by the union from use of funds contributed by them to promote acceptance of those opposing views. . ."

Section 8, which does nothing beyond that which Congress set out to do in 1947, was inserted in H.R. 11060 at my request by the House Administration Committee because its members recognize that the 1947 amendment to Section 610 has failed in the purpose for which Congress had intended it—to inhibit the activities of labor unions in the political arena.

Although Section 8 is aimed at corporations and banks, in addition to labor organizations, it is now being denounced as "anti-labor" by union spokesmen.

Whereas these spokesmen formerly insisted that union political activities are funded exclusively by voluntary contributions from members, union officials now complain that Section 8 of H.R. 11060 "would prohibit *all* union activity financed by treasury money, connected in any way with federal elections." *Their complaint represents an admission of non-compliance with Section 610.*

Another complaint by union spokesmen, namely, that "union funds could not be used for non-partisan, 'get-out-the-vote' activities aimed at union members and their families," is altogether misleading.

In the first place, Section 8 includes this notable safeguard:

"Nothing in this section shall preclude an organization from establishing and administering a separate contributory fund for any political purpose, including voter registration or get-out-the-vote drives, if all contributions, gifts or payments to such fund are made freely and voluntarily, and are unrelated to dues, fees or other moneys required as a condition of membership in such organization or as a condition of employment."

Secondly, there is an abundance of evidence proving that union sponsored "get-out-the-vote" campaigns are not non-partisan. George Meany himself has acknowledged:

". . . when you spend your money to get people registered, and then spend a lesser proportion to get them out to vote, you know you got a vote in the ballot box. Of course, we are a little bit choosy when we choose districts in which we want to better these votes in the ballot box, so that when they go in we have a pretty good idea how they are going to vote."

Further, AFL–CIO Secretary-Treasurer Lane Kirkland, while addressing the Amalgamated Transit Union convention in Las Vegas, Nevada, on September 28, 1971, exploded the myth that union political activities are merely "aimed at union members and their families." While vigorously attacking President Nixon, he said:

"Over the next 13 months *labor and its political arm*—COPE—has a great deal of work to do. We have to carry our message to *every American eligible to vote*, and we have to make sure that they understand what America's choices really are. And we have to make sure that *every voter we can reach* is registered, and that they go to the polls." (Emphasis added)

Clearly, the leaders of organized labor are attempting to influence union members *and* all other voters in the nation. And they are using union dues money provided mostly on a *compulsory* basis from members.

The interests of union members who oppose the political views of union officials are *not* being protected under existing law. Because the members are obligated to pay union dues in order to retain their employment, they are powerless to forestall the diversion of their dues into partisan political channels.

Only the avenue of costly litigation is open to them (the only such cases on record required more than ten years in court), and because of their limited means it is beyond their reach.

I solicit your support for the Crane Amendment.

PHILIP M. CRANE.

SMALL BUSINESS SUPPORT FOR CRANE AMENDMENT

It is clear that the bill which passed the House will work to the advantage of the big unions and the big corporations, but what of the backbone of America, the small, independent businessman?

These individuals wield no big stick in Washington, but they do know what has happened in the past under the Corrupt Practices Act and, therefore, they overwhelmingly support my position.

I include a letter which I have received from the legislative director of the National Federation of Independent Business at this point:

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
*Washington, D.C., November 26, 1971.*

Hon. PHILIP M. CRANE,
*U.S. House of Representatives,*
*Washington, D.C.*

DEAR MR. CRANE: On Monday, November 29th, the House will begin consideration of the Election Reform Bill (H.R. 11060). Attached to this legislation is the Crane Amendment—a proviso to strengthen the existing law prohibiting contributions and expenditures by corporations, business organizations and labor unions during Federal elections.

On a recent Mandate Ballot, the 294,000 member firms of the National Federation of Independent Business voted 91% in favor of this position.

The reason for this overwhelming endorsement is clear. Small independent businessmen view recent trends in political financing as alarming and dangerous. The spectacle of big business and labor using their almost unlimited economic power and resources to vie for poltical favor has had a sobering effect. And our member firms strongly believe that the time has come for Congress to take action to eliminate these sources of potential political abuse.

The Federation, therefore, respectfully urges that you give every serious consideration to the merits of the proposed Crane Amendment.

Sincerely,

JAMES A. GAVIN,
*Legislative Director.*

CONCLUSION

In conclusion, Mr. Speaker, I would only say that the Nation is again going to receive legislation which will be hailed as a true reform, but which will not be such.

The small man will be the one to suffer, because the large union and the large corporation can participate in their own political activities.

I will not be a party to this charge, and commend my colleagues who endeavored to help me achieve meaningful campaign reform.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HAYS) to close the debate.

Mr. HAYS. Mr. Chairman, I am in favor of this amendment. I do not want to belabor it. I will support the bill whether the amendment is in it or whether it is not. But I think it would be a good addition.

Perhaps the funniest statement I have heard today is that if this amendment passes Mr. FRENZEL said it would take away from the aged and infirm their right to participate. If you know any aged or infirm person who wants to contribute $5,000 to a crackerjack candidate for Congress, I will be glad to send him my card.

Mr. Chairman, there has been a great deal written in the local press about this issue. There has not been much in the press back home about election reform. I have not been able to impress them with its importance. I believe that if I had sponsored the Senate bill, the editorial writers for the Post—I am not talking about the reporters—would have said it was a bad bill. They start out with the premise that I would not be for anything good, and anything I might propose, in their eyes, is bad. Now that we have the Senate bill with some amendments, I would very much like to confound them, but I know I will not. I know they will find some way to weasel out of it. I would like to confound them by being for the Senate bill with the amendments that have been adopted. We could make a partisan effort to defeat the substitute and go back through all this process with the committee bill. I feel this is not a perfect bill. It does not do everything we desire or would like to see done. But I think it is a start in the right direction and I am going to support the substitute whether you call the substitute the Frenzel-Brown substitute, the Harvey-Brown substitute, the Harvey-Hays substitute, or whatever you call it. I have no pride in authorship. I am not trying particularly to get my name on the bill. I suspect the bill ultimately will be called the elections reporting bill of 1971.

So I intend to support the bill. I do support this amendment. I hope it passes. If it does not, then the vote will come on the substitute and I will vote yes, and if the substitute prevails, the committee can then rise, and the House can vote on the substitute.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY).

The question was taken; and on a division (demanded by Mr. BINGHAM) there were—ayes 38, noes 122.

So the amendment to the amendment in the nature of a substitute was rejected.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. HARVEY) as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11060) to limit campaign expenditures by or on behalf of candidates for Federal elective office; to provide for more stringent reporting requirements; and for other purposes, pursuant to House Resolution 694, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. SPRINGER. Mr. Speaker, I demand a separate vote on the so-called Macdonald of Massachusetts amendment to the Harvey amendment in the nature of a substitute.

The SPEAKER. The question is on the amendment on which a separate vote has been demanded.

Mr. SPRINGER. Mr. Speaker, on that I demand tellers.

Tellers were refused.

PARLIAMENTARY INQUIRY

Mr. SPRINGER. Mr. Speaker, a parliamentary inquiry. May I ask at this time for a division?

The SPEAKER. The gentleman from Illinois requests that this vote be taken by division.

The question was taken; and on a division (demanded by Mr. SPRINGER) there were—ayes 257, noes 1.

So the amendment was agreed to.

The SPEAKER. The question is on the amendment adopted by the Committee of the Whole.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 373, nays 23, not voting 35, as follows:

[Roll No. 418]

YEAS—373

| | | |
|---|---|---|
| Abbitt | Burleson, Tex. | Dingell |
| Abourezk | Burlison, Mo. | Donohue |
| Abzug | Byrnes, Wis. | Dorn |
| Adams | Byron | Dow |
| Addabbo | Cabell | Downing |
| Alexander | Caffery | Drinan |
| Anderson, Calif. | Camp | Dulski |
| | Carey, N.Y. | Duncan |
| Anderson, Ill. | Carney | du Pont |
| Anderson, Tenn. | Carter | Dwyer |
| | Casey, Tex. | Eckhardt |
| Andrews, N. Dak. | Cederberg | Edmondson |
| | Celler | Edwards, Ala. |
| Annunzio | Chamberlain | Edwards, Calif. |
| Archer | Chappell | Erlenborn |
| Aspin | Chisholm | Esch |
| Aspinall | Clancy | Eshleman |
| Badillo | Clark | Evans, Colo. |
| Baker | Clausen, Don H. | Fascell |
| Barrett | | Findley |
| Begich | Clawson, Del | Fish |
| Bennett | Clay | Fisher |
| Bergland | Cleveland | Flood |
| Betts | Collier | Flowers |
| Bevill | Collins, Ill. | Foley |
| Biaggi | Colmer | Ford, Gerald R |
| Biester | Conable | Ford, William D. |
| Bingham | Conte | |
| Blanton | Conyers | Forsythe |
| Boggs | Corman | Fountain |
| Boland | Cotter | Fraser |
| Bolling | Coughlin | Frelinghuysen |
| Bow | Culver | Frenzel |
| Brademas | Daniel, Va. | Frey |
| Brasco | Daniels, N.J. | Fulton, Tenn. |
| Bray | Danielson | Fuqua |
| Brinkley | Davis, Ga. | Galifianakis |
| Brooks | Davis, Wis. | Gallagher |
| Broomfield | de la Garza | Gaydos |
| Brotzman | Delaney | Gettys |
| Brown, Mich. | Dellenback | Giaimo |
| Brown, Ohio | Dellums | Gibbons |
| Broyhill, N.C. | Denholm | Gonzalez |
| Buchanan | Dennis | Goodling |
| Burke, Fla. | Dent | Grasso |
| Burke, Mass. | Devine | Gray |

| | | |
|---|---|---|
| Green, Oreg. | Mailliard | Ruth |
| Green, Pa. | Mann | Ryan |
| Griffin | Martin | St Germain |
| Griffiths | Mathias, Calif. | Sandman |
| Grover | Mathis, Ga. | Sarbanes |
| Gude | Matsunaga | Satterfield |
| Hagan | Mayne | Saylor |
| Hamilton | Mazzoli | Scheuer |
| Hammer-schmidt | Meeds | Schneebeli |
| | Melcher | Schwengel |
| Hanley | Metcalfe | Scott |
| Hansen, Idaho | Michel | Sebelius |
| Hansen, Wash. | Mikva | Seiberling |
| Harrington | Miller, Calif. | Shipley |
| Harsha | Miller, Ohio | Shoup |
| Harvey | Mills, Ark. | Shriver |
| Hastings | Mills, Md. | Skubitz |
| Hathaway | Minish | Slack |
| Hawkins | Mink | Smith, Calif. |
| Hays | Minshall | Smith, Iowa |
| Hechler, W. Va. | Mitchell | Smith, N.Y. |
| Heckler, Mass. | Mizell | Snyder |
| Heinz | Mollohan | Springer |
| Helstoski | Monagan | Staggers |
| Henderson | Moorhead | Stanton, |
| Hicks, Mass. | Morgan | J. William |
| Hicks, Wash. | Morse | Stanton, |
| Hillis | Mosher | James V. |
| Holifield | Moss | Steed |
| Hosmer | Murphy, Ill. | Steele |
| Howard | Murphy, N.Y. | Steiger, Ariz. |
| Hull | Myers | Steiger, Wis. |
| Hungate | Natcher | Stephens |
| Hunt | Nedzi | Stokes |
| Hutchinson | Nelsen | Stratton |
| Ichord | Nichols | Stubblefield |
| Jacobs | Nix | Stuckey |
| Jarman | Obey | Sullivan |
| Johnson, Calif. | O'Hara | Symington |
| Johnson, Pa. | O'Konski | Talcott |
| Jonas | O'Neill | Taylor |
| Jones, Ala. | Patman | Teague, Calif. |
| Jones, N.C. | Patten | Teague, Tex. |
| Jones, Tenn. | Pelly | Terry |
| Karth | Pepper | Thompson, Ga. |
| Kastenmeier | Perkins | Thompson, N.J. |
| Kazen | Pettis | Thomson, Wis. |
| Keating | Peyser | Thone |
| Kee | Pickle | Tiernan |
| Keith | Pike | Udall |
| Kemp | Pirnie | Ullman |
| King | Poage | Van Deerlin |
| Kluczynski | Podell | Vander Jagt |
| Koch | Poff | Vanik |
| Kuykendall | Powell | Veysey |
| Kyros | Preyer, N.C. | Vigorito |
| Latta | Price, Tex. | Waldie |
| Leggett | Pryor, Ark. | Wampler |
| Lennon | Purcell | Ware |
| Lent | Quie | Whalen |
| Link | Quillen | Whalley |
| Lloyd | Randall | White |
| Long, La. | Rangel | Whitehurst |
| Long, Md. | Rees | Widnall |
| Lujan | Reid, N.Y. | Wiggins |
| McCloskey | Reuss | Williams |
| McClure | Riegle | Wilson, Bob |
| McCollister | Roberts | Winn |
| McCormack | Robinson, Va. | Wolff |
| McCulloch | Robison, N.Y. | Wyatt |
| McDade | Roe | Wydler |
| McDonald, Mich. | Rogers | Wylie |
| | Roncalio | Wyman |
| McEwen | Rooney, N.Y. | Yates |
| McFall | Rooney, Pa. | Yatron |
| McKay | Rosenthal | Young, Fla. |
| McKevitt | Rostenkowski | Young, Tex. |
| McKinney | Roush | Zablocki |
| Macdonald, Mass. | Rousselot | Zion |
| | Roy | Zwach |
| Madden | Runnels | |
| Mahon | Ruppe | |

NAYS—23

| | | |
|---|---|---|
| Abernethy | Goldwater | Passman |
| Ashbrook | Gross | Rarick |
| Baring | Haley | Scherle |
| Blackburn | Hall | Schmitz |
| Collins, Tex. | Kyl | Spence |
| Crane | Landgrebe | Waggonner |
| Dickinson | McMillan | Whitten |
| Flynt | Montgomery | |

NOT VOTING—35

| | | |
|---|---|---|
| Andrews, Ala. | Dowdy | McClory |
| Arends | Edwards, La. | Price, Ill. |
| Ashley | Eilberg | Pucinski |
| Belcher | Evins, Tenn. | Railsback |
| Bell | Garmatz | Rhodes |
| Blatnik | Gubser | Rodino |
| Broyhill, Va. | Halpern | Roybal |
| Burton | Hanna | Sikes |
| Byrne, Pa. | Hébert | Sisk |
| Davis, S.C. | Hogan | Wilson, |
| Derwinski | Horton | Charles H. |
| Diggs | Landrum | Wright |

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Burton for, with Mr. Hébert against.

Until further notice:

Mr. Garmatz with Mr. Broyhill of Virginia.
Mr. Price of Illinois with Mr. Arends.
Mr. Evins of Tennessee with Mr. Belcher.
Mr. Blatnik with Mr. Halpern.
Mr. Ashley with Mr. Derwinski.
Mr. Sikes with Mr. Bell.
Mr. Sisk with Mr. Hogan.
Mr. Charles H. Wilson with Mr. Gubser.
Mr. Davis of South Carolina with Mr. McClory.
Mr. Byrne of Pennsylvania with Mr. Railsback.
Mr. Rodino with Mr. Horton.
Mr. Eilberg with Mr. Diggs.
Mr. Wright with Mr. Dowdy.
Mr. Andrews of Alabama with Mr. Rhodes.
Mr. Hanna with Mr. Landrum.
Mr. Pucinski with Mr. Roybal.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes."

Mr. HAYS. Mr. Speaker, pursuant to House Resolution 694, I call up from the Speaker's table for immediate consideration the bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. HAYS

Mr. HAYS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HAYS moves to strike out all after the enacting clause of S. 382 and insert in lieu thereof the provisions of H.R. 11060, as passed, as follows:

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

TITLE I—CAMPAIGN COMMUNICATIONS

SHORT TITLE

SECTION 101. This title may be cited as the "Campaign Communications Reform Act".

DEFINITIONS

SEC. 102. For purposes of this title:

(1) The term "communications media" means broadcasting stations, newspapers, magazines, and outdoor advertising facilities.

(2) The term "broadcasting station" has the same meaning as such term has under section 315(d) of the Communications Act of 1934.

(3) The term "Federal elective office" means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States (and for purposes of section 103(b) such term includes the office of Vice President).

(4) The term "legally qualified candidate" with respect to Federal elective office, or nomination for election to such office, has the same meaning as such term has when used in section 315 of the Communications Act of 1934.

(5) The term "voting age population" means resident civilian population, eighteen years of age and older.

(6) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

MEDIA RATE REQUIREMENTS

SEC. 103. (a) Section 315(b) of such Act is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office shall not exceed the actual charges made by such station for any comparable use of such station for other purposes."

(b)(1) To the extent that any person sells space in any newspaper or magazine to a legally qualified candidate for Federal elective office, or nomination thereto, in connection with such candidate's campaign for nomination for, or election to, such office, the charges made for the use of such space in connection with his campaign shall not exceed the charges made for comparable use of space for other purposes.

(2) If any person makes available space in any newspaper or magazine to any legally qualified candidate for Federal elective office, or nomination thereto, in connection with such candidate's campaign for nomination for, or election to, such office, such person shall make equivalent space available on the same basis to all legally qualified candidates for the same office, or for nomination to such office, as the case may be.

LIMITATIONS OF EXPENDITURES FOR USE OF COMMUNICATIONS MEDIA

SEC. 104. (a)(1) No legally qualified candidate in an election (other than a primary or primary runoff election) for a Federal elective office may—

(A) spend for the use of communications media on behalf of his candidacy in such election a total amount in excess of the greater of—

(i) 10 cents (or such greater amount as may be certified under paragraph (4)(A)(i)) multiplied by the voting age population (as certified under paragraph (4)(B)) of the geographical area in which the election for such office is held, or

(ii) $50,000 (or such greater amount as may be certified under paragraph (4)(B)(ii)), or

(B) spend for the use of broadcast stations on behalf of his candidacy in such election a total amount in excess of 60 per centum of the amount determined under subparagraph (A) with respect to such election.

(2) No legally qualified candidate in a primary election for nomination to a Federal elective office, other than President, may spend—

(A) for the use of communications media, or

(B) for the use of broadcast stations,

on behalf of his candidacy in such election a total amount in excess of the amounts determined under paragraph (1) (A) or (B), respectively, with respect to the general election for such office. For purposes of this subsection a primary runoff election shall be treated as a separate primary election.

(3)(A) No person who is a candidate for presidential nomination may spend—

(i) for the use in a State of communications media, or

(ii) for the use in a State of broadcast stations,

on behalf of his candidacy for presidential nomination a total amount in excess of the amounts which would have been determined under paragraph (1) (A) or (B), respectively, had he been a candidate for an election for the office of Senator from such State (or for the office of Delegate or Resident Commissioner in the case of the District of Columbia or the Commonwealth of Puerto Rico).

(B) For purposes of this paragraph, a person is a candidate for presidential nomination if he makes (or any other person makes on his behalf) an expenditure for the use of any communications medium on behalf of his candidacy for any political party's nomination in an election to the office of Pres-

ident. He shall be considered to be such a candidate during the period—

(i) beginning on the date on which he (or such other person) first makes such an expenditure (or, if later, January 1 of the year in which the election for the office of President is held), and

(ii) ending on the date on which such political party nominates a candidate for the office of President.

For purposes of this title and of section 315 of the Communication Act of 1934, a candidate for presidential nomination shall be considered a legally qualified candidate for public office.

(C) The Attorney General shall prescribe regulations under which any expenditure by a candidate for presidential nomination for the use in two or more States of communications media shall be attributed to such candidate's expenditure limitation in each such State, based on the number of persons in such State who can reasonably be expected to be reached by such communications media.

(4)(A) During the first week of January 1974, and during such week in every second subsequent year, the Secretary of Commerce shall certify to the Attorney General and publish in the Federal Register—

(i) an amount which bears the same ratio to 10 cents, and

(ii) an amount which bears the same ratio to $50,000,

as the value of the communications price index for the last calendar year ending before the date of certification bears to the value of such index for 1972. The communications price index shall be a price index, using 1972 as a base year, measuring changes in the charges to candidates for the use of communications media. Such index shall be established and maintained by the Secretary of Commerce.

(B) During the first week of January 1972 and during such week in every second subsequent year, the Secretary of Commerce shall certify to the Attorney General and publish in the Federal Register an estimate of the voting age population of each State and congressional district for the last calendar year ending before the date of certification.

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

(6) For purposes of this section and section 315(c) of the Communications Act of 1934, spending and charges for the use of communications media include not only the direct charges of the media but also agents' commissions allowed the agent by the media.

(7) For purposes of this section and section 315(c) of the Communications Act of 1934, any expenditure for the use of any communications medium by or on behalf of the candidacy of a candidate for Federal elective office (or nomination thereto) shall be charged against the expenditure limitation under this subsection applicable to the election in which such medium is used.

(b) No person may make any charge for the use by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) of any newspaper, magazine, or outdoor advertising facility unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such person in writing that the payment of such charge will not violate paragraph (1), (2), or (3) of subsection (a), whichever is applicable.

(c) Section 315 of the Communications Act of 1934 is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

"(c) No station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate any limitation specified in paragraph (1), (2), or (3) of section 104(a) of the Campaign Communications Reform Act, whichever paragraph is applicable.

"(d) For the purposes of this section:

"(1) The term 'broadcasting station' includes a community antenna television system.

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

"(3) The term 'Federal elective office' means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States."

REGULATIONS

SEC. 105. The Attorney General shall prescribe such regulations as may be necessary or appropriate to carry out sections 102, 103 (b), 104(a), and 104(b) of this Act.

PENALTIES

SEC. 106. (a) Whoever violates any provision of section 103(b), 104(a), or 104(b) or any regulation under section 105 shall be assessed a civil penalty of not more than $1,000 for each violation.

(b) Any legally qualified candidate who willfully violates section 104(a) or any regulation under section 105 shall be punished by a fine of not more than $10,000 or by imprisonment of not more than one year, or both.

EFFECTIVE DATE

SEC. 107. Section 103 of this Act and the amendments made thereby shall take effect on January 1, 1972. Section 104 and the amendments made thereby shall apply only to expenditures for the use on or after such date of communications media.

TITLE II

SEC. 201. No candidate for Federal elective office may expend, in a primary, primary runoff, or general election, an amount in excess of the limitations imposed by section 104 of title I (for the use of communications media) for the following purposes: (a) telephone campaigns, including the cost of telephones, paid telephonists and automated equipment, when telephones are used in banks of five or more instruments to communicate with potential voters, (b) postage for computerized or identical mailings in quantities of 200 or more. Amounts expended for the use of communications media as provided in section 104 of title I will be charged against the limitations imposed by this section.

TITLE III—CRIMINAL CODE AMENDMENTS

SEC. 301. Section 591 of title 18, United States Code, is amended to read as follows:

"§ 591. Definitions

"When used in sections 597, 599, 600, 602, 610, 611, and 614 of this title—

"(a) 'election' means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

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

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

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

"(e) 'contribution' means—

"(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

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

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

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

"(5) notwithstanding the foregoing meanings of 'contribution', the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

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

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

"(g) 'person' and 'whoever' mean an individual, partnership, committee, association,

corporation, or any other organization or groups of persons; and

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

SEC. 302. Section 600 of title 18, United States Code, is amended to read as follows:

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

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

SEC. 103. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitations on contributions and expenditures

"(a) (1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

"(A) $50,000, in the case of a candidate for the office of President or Vice President;

"(B) $35,000, in the case of a candidate for the office of Senator; or

"(C) $25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"(2) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

"(b) No candidate or political committee shall knowingly accept any contribution or authorize any expenditure in violation of the provisions of this section.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed $1,000, imprisonment for not to exceed one year, or both.".

SEC. 304. Section 609 of title 18, United States Code, is repealed.

SEC. 305. Section 610 of title 18, United States Code, relating to contributions or expenditures by national banks, corporations, or labor organizations, is amended by adding at the end thereof the following paragraph:

"As used in this section, the phrase 'contribution or expenditure' shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value to any candidate, campaign committee, or political party or organization, in connection with an election to any of the offices referred to in this section; but shall not include communications by a corporation to its stockholders and their families or by a labor organization to its members and their families on any subject; nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families; the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization: *Provided*, That it shall be unlawful for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination or financial reprisal; or by dues, fees or other moneys required as a condition of membership in a labor organization or as a condition of employment, or by moneys obtained in any commercial transaction."

SEC. 306. Section 611 of title 18, United States Code, is amended to read as follows:

"§ 611. Contributions by Government contractors

"Whoever—

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

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

shall be fined not more than $5,000 or imprisoned not more than five years, or both."

SEC. 307. The table of sections for chapter 29 of title 18, United States Code, is amended by—

(1) striking out the item relating to section 608 and inserting in lieu thereof the following:

"608. Limitations on contributions and expenditures.";

(2) striking out the item relating to section 609 and inserting in lieu thereof the following:

"609. Repealed.";

(3) striking out the item relating to section 611 and inserting in lieu thereof the following:

"611. Contributions by Government contractors.".

## TITLE IV—DISCLOSURE OF FEDERAL CAMPAIGN FUNDS

### DEFINITIONS

SEC. 401. When used in this title—

(a) "election" means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

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

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

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

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a National or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

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

(3) a transfer of funds between political committees;

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

(5) notwithstanding the foregoing meanings of "contribution", the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential and vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

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

(3) a transfer of funds between political committees;

(g) "supervisory officer" means the Secretary of the Senate with respect to candidates for Senator; and the Clerk of the House of Representatives with respect to candidates for Representative in, or Delegate or Resident Commissioner to, the Congress of the United States; and the Comptroller General of the United States in any other case;

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

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

### ORGANIZATION OF POLITICAL COMMITTEES

SEC. 402. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a

vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution in excess of $10 for a political committee shall, on demand of the treasurer, and in any event within five days after receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address (occupation and the principal place of business, if any) of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

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

(1) all contributions made to or for such committee:

(2) the full name and mailing address (occupation and the principal place of business, if any) of every person making a contribution in excess of $10, and the date and amount thereof;

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

(4) the full name and mailing address (occupation and the principal place of business, if any) of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

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

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

(f)(1) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the appropriate supervisory officer is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402."

(2)(A) The supervisory officer shall compile and furnish to the Public Printer, not later than the last day of March of each year, an annual report for each political committee which has filed a report with him under this title during the period from March 10 of the preceding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain—

(i) a copy of the statement of organization of the political committee required under section 403, together with any amendments thereto; and

(ii) a copy of each report filed by such committee under section 404 from March 10 of the preceding year through January 31 of the year in which the annual report is so furnished to the Public Printer.

(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the supervisory officer.

REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 403. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1,000 shall file with the supervisory officer a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the supervisory officer at such time as be 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 supvisory officer.

(c) Any change in information previously submitted in a statement of organization shall be reported to the supervisory officer within a ten-day period following the change.

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

REPORTS BY POLITICAL COMMITTEES AND CANDIDATES

SEC. 404. (a) Each treasurer of a political committee supporting a candidate or candidates for election to Federal office and each candidate for election to such office, shall file with the supervisory officer reports of receipts and expenditures on forms to be prescribed or approved by him. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the supervisory officer may prescribe, which shall not be less than five days before the date of filing except that any contribution of $5,000 or more received after the last report is filed prior to the election, shall be reported within forty-eight hours after its receipt.

(b) Each report under this section shall disclose—

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

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

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

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

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

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

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

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

(9) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom an expenditure or expenditures have been made by such committee or on behalf of such committee or candidate within the calendar year in an aggregate amount or value in excess of $100, the amount, date, and purpose of each such expenditure and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made;

(10) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of $100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

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

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the supervisory officer may prescribe and a continuous reporting of their debts and obligations after the election at such periods as the supervisory officer may require until such debts and obligations are extinguished; and

(13) such other information as shall be required by the supervisory officer.

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

REPORTS BY OTHERS THAN POLITICAL COMMITTEES

SEC. 405. Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of $100 within a calendar year shall file with the supervisory officer a statement containing the information required by section 404. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

FORMAL REQUIREMENTS RESPECTING REPORTS AND STATEMENTS

SEC. 406. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report 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) The supervisory officer may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 404 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

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

REPORTS ON CONVENTION FINANCING

SEC. 407. Each committee or other organization which—

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

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

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

DUTIES OF THE COMMISSION

SEC. 408. (a) It shall be the duty of the supervisory officer—

(1) to develop and furnish to the person required by the provisions of this Act prescribed forms for the making of the reports and statements required to be filed with him under this title;

(2) to prepare, publish, and furnish to the person required to file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;

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

(4) to make the reports and statements filed with him available for public inspection and copying, commencing as soon as practical but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person: *Provided*, That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

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

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

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

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

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

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

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

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

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

(b) It shall be the further duty of the Comptroller General to serve as a national clearing house for information in respect to the administration of elections. In carrying out his duties under this subsection, the Comptroller General shall enter into contracts for the purpose of conducting independent studies of the administration of elections. Such studies shall include, but shall not be limited to, studies of—

(1) the method of selection of, and the type of duties assigned to, officials and personnel working on boards of elections;

(2) practices relating to the registration of voters; and

(3) voting and counting methods.

Studies made under this subsection shall be published by the Comptroller General and copies thereof shall be made available to the general public upon the payment of the cost thereof. Nothing in this subsection shall be construed to authorize the Comptroller General to require the inclusion of any comment or recommendation of the Comptroller General in any such study.

(c) (1) Any person who believes a violation of this title has occurred may file a complaint with the supervisory officer. If the supervisory officer determines there is substantial reason to believe such a violation has occurred, he shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the supervisory officer, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

(2) In an action brought under paragraph (1) of this subsection, 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).

PROHIBITION OF CONTRIBUTIONS IN NAME OF ANOTHER

SEC. 409. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

PENALTY FOR VIOLATIONS

SEC. 410. Any person who violates any of the provisions of this title shall be fined not more than $1,000 or imprisoned not more than one year, or both.

EFFECT ON STATE LAW

SEC. 411. (a) (1) Nothing in this Act shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this Act.

(2) Notwithstanding paragraph (1), no provision of State law shall be construed to prohibit any person from taking any action authorized by this Act or from making any expenditure which he could lawfully make under this Act.

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

PARTIAL INVALIDITY

SEC. 412. If any provision of this Act, or the application thereof, to any person or circumstance is held invalid, the validity of the remainder of the Act and the application of

such provision to other persons and circumstances shall not be affected thereby.

REPEALING CLAUSE

SEC. 413. (a) The Federal Corrupt Practices Act, 1925 (2 U.S.C. 241-256), is repealed.

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

TITLE V—MISCELLANEOUS

EXTENSION OF CREDIT BY REGULATED INDUSTRIES

SEC. 501. The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 401(c) of the Federal Election Campaign Act of 1971), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.

PROHIBITION AGAINST USE OF CERTAIN FEDERAL FUNDS FOR ELECTION ACTIVITIES

SEC. 502. No part of any funds appropriated to carry out the Economic Opportunity Act of 1964 shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Office of Economic Opportunity who, in his official capacity as such an officer or employee, engages in any such activity. As used in this section, the term "election" has the same meaning given such term by section 301(a) of this Act, and the term "Federal office" has the same meaning given such term by section 301(c) of this Act.

EFFECTIVE DATE

SEC. 503. Except as provided for in section 501 of this Act, the provisions of this Act shall become effective on December 31, 1971, or sixty days after the date of enactment of this Act, whichever is later.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio.

The motion was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 11060) was laid on the table.

APPOINTMENT OF CONFEREES

Mr. HAYS. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

The Chair hears none and appoints the following conferees on all titles of the foregoing amendment except for titles I and II:

Messrs. HAYS, ABBITT, GRAY, HARVEY and DICKINSON.

And appointed the following Members as managers on the part of the House on titles I and II:

Messrs. STAGGERS, MACDONALD of Massachusetts, VAN DEERLIN, SPRINGER and DEVINE.

## AUTHORIZATION FOR CLERK TO MAKE TECHNICAL AND CONFORMING CHANGES IN ENGROSSMENT OF H.R. 11060

Mr. HAYS. Mr. Speaker, I ask unanimous consent that the Clerk, in the engrossment of the bill H.R. 11060, be authorized and directed to make such changes in section numbers, cross references, and other technical and conforming corrections as may be required to reflect the actions of the House.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## GENERAL LEAVE

Mr. HAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## THE SCHOOL PRAYER AMENDMENT CONTROVERSY

(Mr. BURLISON of Missouri asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BURLISON of Missouri. Mr. Speaker, we all know of the great emotion that has been stirred by the school prayer amendment controversy. Many have threatened revenge and retribution to those who have taken the unpopular side on this issue involving the very personal matter of prayer.

A leading newspaper in my district, "The Southeast Missourian" of Cape Girardeau, Mo., has put the entire affair in proper perspective and I am pleased to bring its editorial of Friday, November 26, 1971, to the attention of my colleagues. It is reprinted below.

THE HONEST "NO"

It is ironic that those congressmen who voted against the school prayer amendment are now to be the objects of a campaign to defeat them for reelection in 1972.

That, at any rate, is the strategy announced by Mrs. Ben Ruhlin, the lady from Cuyahoga Falls, Ohio, who has been the moving force behind the amendment.

Funds will be raised to buy billboard space in the districts of all 162 members who, she says, "(a) voted against the civil right of free school prayer and (b) ignored the proven will of the vast majority of the nation."

It is ironic because there can be little doubt that, in this instance at least, 162 politicians acted with honesty and integrity, which is the way religious people are supposed to act. There is no way of telling how many of the 240 others who voted for the amendment did so from conscience and how many because it was the safe and popular thing to do.

There has been so much misunderstanding about this issue that some of it can only be laid to willful ignorance.

The Supreme Court did not kick God out of the public schools; it kicked the state out of religion.

The Supreme Court never banned voluntary prayer and meditation in the public schools; it forbade state-written prayer and held that even though children could be excused from participation this still amounted to an "establishment of religion."

Perhaps most important, the Supreme Court did not outlaw the teaching of religion in the public schools; it opened the door to it. But this oportunity has been almost wholly ignored.

The prayer amendment may yet be passed by a future Congress and be ratified by the states. Yet what would be accomplished?

Students would be subjected to one more rote exercise so watered down that even many church leaders say it would be meaningless. The piety of a few people would be satisfied, but schoolchildren would still be learning nothing about religion.

In the meantime, we are asked to punish 162 congressmen for demonstrating the very kind of character prayer is supposed to build.

## CIVIL RIGHTS STILL DENIED LARGE GROUP OF AMERICANS

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BIAGGI. Mr. Speaker, this body has always shown great concern for civil and humanitarian rights. However, there is still one group of citizens that is consistently denied their civil rights. That group is the law enforcement officers of this Nation, the men we call on to assure the rights of others.

Two recent Federal court cases clearly show that a police officer today does not enjoy the rights of due process afforded all other citizens. I inserted fuller commentary on the cases under extensions of remarks yesterday.

However, briefly, in the first case, the judge ruled that a police officer was not entitled to legal counsel at a departmental hearing—a hearing, mind you, that could result in a loss of one's job or in being charged with a crime. The judge stated that—and I quote—

If every omcer who appeared before the panel were to invoke the full paraphernalia of judicial process, serious impairment of the disciplinary processes of the Chicago police department could occur."

Is this equal justice?

When a mob threatens to tear up the city of Washington, the courts require full due process for those arrested—regardless of the consequences to the city and its citizens.

In the second case, the court ruled that a lieutenant was not entitled to reinstatement on the force because he sued the police chief. This was a challenge to the authority of the chief and could result in—quote—"internal dissention."

What policeman will resort to the courts for settlement of grievances if he knows the courts will automatically rule against him on the grounds he is challenging the authority of his chief?

The policeman today is truly a second-class citizen. He is frustrated by the contradiction of his position—enforce the law, but the law is not for you. To correct this shameful situation, I have introduced legislation to guarantee civil rights

to all law enforcement officers. Over 100 of my colleagues have cosponsored this measure.

I will again reintroduce the measure and I hope that more of those who serve in this Chamber will see the urgent necessity of extending civil rights to law enforcement officers.

## CONSTITUTIONAL RIGHTS OF WOMEN

(Mr. WIGGINS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WIGGINS. Mr. Speaker, on November 22, 1971, the U.S. Supreme Court in *Reed* v. *Reed* (404 U.S. ——, docket No. 70–4), rendered a unanimous decision protecting the constitutional rights of women. This decision is of particular importance to this House since it recently passed a resolution, House Joint Resolution 208, proposing an amendment to the U.S. Constitution, which its sponsors claim is necessary to guarantee equality of rights for women. During that floor debate there were many Members who indicated their belief that women are entitled to equal rights under our present Constitution. *Reed* v. *Reed* is substantial support for that assertion. The facts of the case are as follows:

A child died intestate—without a will—in Ada County, Idaho, in March of 1967. His adoptive parents had separated prior to his death and are the parties involved in the action. The mother of the decedent was the first to file in probate court seeking appointment as administratrix of her son's estate. Prior to the date set for the mother's hearing, the father of the decedent filed to have himself appointed administrator of his son's estate.

The probate court decided in favor of the father based on an Idaho statute that stated when persons are equally entitled to administer an estate, males must be preferred to females. The mother appealed to the district court of the Fourth Judicial District of Idaho. The district court held that the challenged section violated the equal protection clause of the 14th amendment. The father took a further appeal to the Idaho Supreme Court, which reversed the district court. The judgment of the Idaho Supreme Court was reversed by the U.S. Supreme Court and the case remanded for further proceedings. The issue was whether an arbitrary preference established in favor of males violates the equal protection clause of the 14th amendment. The court held that:

> The arbitrary preference established in favor of males . . . cannot stand in the face of the Fourteenth Amendment's command that no State deny the equal protection of the laws to any person within its jurisdiction.

The Idaho statute listed the order of intestate succession—section 15–312, Idaho Code—which stated that the administration of the estate of a child dying without a will must be granted to the father or mother, and of several persons claiming and equally entitled to administer, males must be preferred to females. The reason given by the State for the latter part of this statute is:

> To eliminate one area of controversy when two or more persons, equally entitled under the statute seek letters of administration and thereby present the probate court with the issue of which one should be named.

To this the U.S. Supreme Court responded that:

> Clearly the objective of reducing the workload on probate courts by eliminating one class of contests is not without some legitimacy. The crucial question, however, is whether the probate statute advances that objective in a manner consistent with the command of the Equal Protection Clause. We hold that it does not. To give a mandatory preference to members of either sex over members of the other, merely to accomplish the elimination of hearings on the merits, is to make the very kind of arbitrary legislative choice forbidden by the Equal Protection Clause of the Fourteenth Amendment; and whatever may be said as to the positive values of avoiding intrafamily controversy, the choice in this context may not lawfully be mandated solely on the basis of sex.

The court pointed out that the intestate statute in question sets up a class—parents—and provides that different treatment be accorded to persons within that class solely on the basis of their sex.

Mr. Speaker, the court has long held that persons similarly situated may be classified for different treatment under the law so long as the classification has a reasonable basis in fact and the classification is necessary to achieve a proper legislative objective. Otherwise, the equal protection clause requires that laws be of like application to all persons similarly situated. Obviously, a father and a mother as parents are similarly situated with regard to their child. To favor one over the other without a legitimate factual basis therefor is arbitrary and unreasonable and thus is a violation of equal protection of the laws. This proposition is the very least that this decision can be cited for.

In my opinion, Mr. Speaker, this decision can properly withstand a broader application. Traditionally, when the U.S. Supreme Court is interpreting our Federal Constitution, it does so very narrowly and this is done for good reason. So to give broader application to a particular decision is a risky exercise. However, since the Congress is seriously considering amending the Constitution with regard to equality of rights for women, it is relevant, in this instance, to try and derive a direction toward which the Supreme Court is headed.

Mr. Speaker, you will recall that when the House Judiciary Committee reported House Joint Resolution 208, amended, it stated that the:

> Discriminatory features of our legal system could be eliminated without amending our Constitution if the Supreme Court were eventually to accord women the full benefit of the equal protection clause of the 14th Amendment. However, to date the case law in this area has not been thoroughly developed.

The Reed decision is, of course, a narrow one, but its rationale is broad enough to be cited as authority for the proposition that women are entitled to the full benefit of the equal protection clause. This decision holds that when there is a classification which is inclusive of both sexes, different treatment of persons based solely on sex may not lawfully be mandated by a State.

Mr. Speaker, the Reed against Reed decision is a significant development in favor of equality of rights for women. In applying traditional equal protection principles, it does not go as far as the proposed constitutional amendment, which demands an identity of treatment between persons without regard to the rationality of different treatment. For me, this decision signifies two very important victories in the battle to secure equality of rights of all people: First, the equal protection clause of the 14th amendment does embrace women on a legal parity with men; and, second, our judiciary is the proper forum by which to secure these 14th amendment guarantees.

## WAR IN INDIA MAY BE A REALITY

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FRELINGHUYSEN. Mr. Speaker, it is becoming increasingly apparent that full-scale war on the Indian subcontinent is more than a possibility. It already may be a reality.

The latest in a series of alarming press reports indicates that there has been another major intrusion into East Pakistan by Indian troops. As many as 40,000 men are said to be involved in heavy fighting, supported by tanks and heavy artillery—reported to be Soviet made.

While it is impossible to gain an accurate picture of what is occurring from press accounts, several things are clear. In the first place, the Indians themselves have admitted they have made at least three crossings into Pakistan territory. Unquestionably a serious escalation has taken place. What has up until quite recently been a serious, but manageable problem threatens to explode into all-out war. Under such circumstances, the world community must make every effort to avert catastrophe.

It is clear also that India's role is changing from one of relative passivity to activities which appear increasingly aggressive. Until recently India has been engaging in exerting heavy psychological pressure on Pakistan, presumably to precipitate movement toward a political accommodation in that country. During the past week, however, India appears to have decided to press for a military solution to her own difficulties. By exploiting her military superiority over Pakistan and sending large numbers of Indian troops into East Pakistan to engage Pakistan forces there, India seems to be inviting a military showdown.

India's apparent decision to disregard international counsels of restraint is a cause for serious concern. It is a problem which should be faced squarely, and promptly, by the United Nations. Furthermore, in my opinion, it calls also for a reevaluation by the United States of continuing any further aid to India, whether military or economic. The United States shares with the international community the responsibility of

seeking to preserve the peace. An all-out war would be a totally unacceptable "solution" to the present crisis. Even at this stage every effort must be made to encourage a pullback from the brink of war.

## THE COMPREHENSIVE CHILD DEVELOPMENT PROGRAM

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, this week the House of Representatives is scheduled to vote on S. 2007, the conference report which extends the Office of Economic Opportunity for 2 more years and establishes a comprehensive child development program.

As chairman of the Select Subcommittee on Education of the House Committee on Education and Labor, the subcommittee which considered the comprehensive child development legislation, I take this opportunity to call to the attention of my colleagues a number of letters, articles, and statements in support of the child development program.

Mr. Speaker, I believe that the child development program represents the results of much hard work and effort, on the part of both Democrats and Republicans in both the House and the Senate, to shape a measure that will make good the commitment which President Nixon voiced on August 11, 1969, when he said:

> This Administration is committed to a new emphasis on child development in the first five years of life. The day care that would be part of this plan would be of a quality that will help in the development of the child and would provide for his health and safety, and would break the poverty cycle for this new generation.

### AFL–CIO ENDORSES COMPREHENSIVE CHILD DEVELOPMENT BILL

For example, Mr. Speaker, here is a copy of the November 29, 1971, letter from Andrew J. Biemiller, director, Department of Legislation, AFL–CIO, endorsing the comprehensive child development bill:

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
*Washington, D.C., November 29, 1971.*

The AFL–CIO strongly supports the House-Senate conference report on S. 2007, legislation extending the Office of Economic Opportunity for two more years.

Included within S. 2007 is creation of an historic comprehensive child development program and establishment of an independent National Legal Services Corporation.

The AFL–CIO has, since its inception, supported OEO. We continue to do so. We also are convinced that the new legal services corporation, as resolved in conference, is beneficial legislation.

The new comprehensive child development program meets a long-recognized national need. The Conference report calls for education, health, and nutrition services to children. Once implemented, working parents—as well as welfare recipients—will have decent day care available for their children.

President Nixon declared, August 11, 1969, that: "This Administration is committed to a new emphasis on child development in the first five years of life. The day care that would be part of this plan would be of a quality that will help in the development of the child and provide for his health and safety, and would break the poverty cycle for this new generation."

The President's 1969 plan only covered the children of welfare recipients. The S. 2007 conference report provides free services for these children and similar services for the children of working parents willing to pay fees established on a graduated scale according to family income.

Despite a rash of recent "scare" propaganda, the conference report's day care program is not mandatory. Instead, for the first time, comprehensive day care will be available for the children of parents who want something better than all custodial care—or no care at all—for their children.

Such a comprehensive child development program has long been a goal of the AFL–CIO and the millions of America's working parents with young children.

The AFL–CIO urges you to approve the conference report on S. 2007, including this important new program.

Sincerely yours,
ANDREW J. BIEMILLER,
*Director, Department of Legislation.*

### NEW YORK CITY HUMAN RESOURCES ADMINISTRATOR ENDORSES PROGRAM

Mr. Speaker, the former Director of Headstart, Jule M. Sugarman, now administrator of Human Resources Administration, city of New York, has written the following letter to the Secretary of Health, Education, and Welfare, Elliot Richardson, in support of the comprehensive child development bill and has appended an excellent analysis of the bill:

NOVEMBER 29, 1971.

Hon. ELLIOT L. RICHARDSON,
*Secretary of Health, Education, and Welfare, Washington, D.C.*

DEAR MR. SECRETARY: This week the Congress will act upon the Conference Committee's report on the child development bill. I must urge you to fully support that bill in the Congress and to recommend to the President in the strongest possible terms that he approve it.

This bill follows nearly three years of bipartisan effort involving extensive hearings and committee work. The vital need for child development services has been thoroughly documented. Studies financed by your Department, and soon to be released, make it clear that child development programs can have substantial long-term impact. The programs authorized in this bill are wholly consistent with the specific research findings and recommendations of those studies. There is great public understanding and support for the legislation involving a wide spectrum of American society. Now, as soon as the Congress completes its action, the President must act favorably.

Recent newspaper reports have speculated that the bill might be vetoed by the President. However, no White House or Department spokesman has confirmed or denied those reports and the public record is one of a firm President commitment to "providing all American children an opportunity for a healthy and stimulating development during the first five years of life."

Now is the time for the President to make clear that his Administration intends to honor that promise. Unfortunately, reports of lobbying by White House staff indicate that the President may not intend to honor his commitment.

Among the reasons suggested for White House opposition is the cost of the bill. I think that the record needs to be much clearer on that point. The requirement that a child development council be created and a comprehensive child development plan prepared for each community means that it will certainly be 12 to 18 months before any significant number of communities can qualify for operating funds. Thus, neither the current nor the fiscal year 1973 budget is likely to be heavily affected. The first substantial effect will not take place until fiscal year 1974. Even then, I doubt that communities will be prepared to spend more than $2 to $3 hundred million above present levels. Surely that level of funding, or even twice that level, is not a great problem when compared to the amounts spent on other public programs.

Another reason advanced for possible opposition is a political response by the White House to mail from conservative and right wing leaders arguing that this is part of a Communist plot. That is not only poppycock, but a slander upon the Members of Congress who have worked so hard to bring the bill to fruition. It is an attack on the very thing that the President and you have urged in connection with H.R. 1; namely, the provision of quality child care. This kind of attack should be promptly answered by the White House and HEW.

Finally, there are those who say that the bill is being opposed because it does not provide a significant role for the states. No one who has read the bill thoroughly can make that charge. The language is specific requiring state involvement at every stage; creation of prime sponsors, formation of comprehensive child development plans and project operation. Up to 5% of operating funds will be available to states to carry out their functions. HEW may use states to provide technical assistance and program coordination. In other words, there is every opportunity for the states to identify problems, to help in solving them, and to point out to HEW that programs are not meeting the requirements of the Act or HEW standards. The state which fails to influence programs positively in this situation will do so because of its own ineptitude rather than any deficiency in the law.

Mr. Secretary, there is nothing in this bill which should stand in the way of approval. The choice for the President and yourself is whether to yield to reactionary and unsupportable arguments against the bill, or to make a monumental contribution to the real needs of children which were so eloquently recognized by the President in the past.

Sincerely,
JULE M. SUGARMAN,
*Administrator, Human Resources Administration, City of New York.*

### FACTS ON THE COMPREHENSIVE CHILD DEVELOPMENT BILL*

#### A. RIGHTS OF PARENTS

Parental authority in relation to the child as well as the child development program in which he or she participates is assured in the compromise bill.

The Statement of Findings and Purpose states that comprehensive child development programs should be available to children whose parents or legal guardians shall request them regardless of economic, social and family backgrounds (Sec. 501(a)(2) page 5). To ensure that services are voluntary, each Comprehensive Child Development Plan submitted must include a proviso that services shall be provided only for children whose parents or legal guardians have requested them (Sec. 515(a)(24) page 16).

Section 581(a) (page 33) requires that no part of the bill shall be applied or construed to infringe upon or usurp the moral or legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional or physical development

* Analysis prepared by the Human Resources Administration, City of New York.

of their children. Nor can invasion of privacy or abridgment of legal remedies for such legally protected invasion be accomplished.

Specific protection provided against testing without informing the parent and giving him an opportunity to except his child. (Sec. 580 page 2) And if a parent objects in writing on religious grounds to medical or psychological exams or immunization (except to protect public from epidemics) or treatment, his child is excepted from such treatment. (Sec. 574(f) page 31)

A child development plan must provide for regular and frequent dissemination of relevant information to parents and the community in their functional language. (Sec. 515(a)(15) page 16). The plan must also coordinate, insofar as possible, its programs with other social programs so as to keep family units intact or in close proximity during the day. (Sec. 515(a)(10) page 15).

The bill's Statement of Findings and Purpose concludes that decisions on the nature and funding of child development programs are to be made at the community level with the full involvement of parents and others in the community interested in child development (Sec. 501(b) page 6).

Parent involvement in their children's programs is required at various decision making levels such as:

1. In the project: At least one half of the project policy committee must be parents and the other members, except for the specialist, must be representative of the community and approved by the parent members, (Sec. 516(a)(2) pages 17–18). The committee must directly participate in the development and preparation of the project application. Training, administrative expenses and necessary out-of-pocket for low-income members are required. Members of committees are appointed by the project applicant but existing Head Start agencies can continue their method of election, presumably.

Functions of the project committee include approving goals, policies, actions and procedures for the project applicant.

The project application must also provide for the regular and frequent dissemination of information about the project to parents and interested persons in the functional language. Projects must also employ paraprofessional aides and volunteers, especially parents and others (Sec. 516(a)(10) page 19). Staff must be adequate to meet specialized needs of each child. (Sec. 516(a)(12) page 19).

2. In the Prime Sponsor through its Child Development Council: The Prime Sponsor's Plan must provide for direct parent participation in the conduct, overall direction and evaluation of programs (Sec. 515(a)(11) page 15). The membership of the Child Development Council must be at least ½ parents of children in programs selected by Head Start and project policy committees. At least one-third of the total membership must be parents who are economically disadvantaged. (Sec. 514 (a and b) pages 13–14). The Council's functions are similar to policy committees but it may also conduct public hearings. (Sec. 514(b)(3) page 14).

3. At the national level:

Not less than one-half of the membership of the Special Committee on Federal Standards for Child Development Services to develop program standards and of the Special Committee to develop Uniform Minimum Code For Facilities must be parents of children in child development programs, Head Start, and day care under Title IV programs. Both committee memberships are to be appointed by the Secretary and report to him. (Sec. 534, 535, pages 23–24).

B. RIGHTS AND ROLE OF THE STATES

The Statement of Findings and Purpose states that it is essential that the planning and operation of child development programs be a partnership of parents, community and state and local governments with appropriate assistance from the Federal Government (Section 501(a)(6), page 6).

The participation of the states is encouraged by Section 517 that provides for special grants to states to carry out activities such as identifying the state's goals and needs, assisting child development councils, encouraging the participation of related state agencies, etc. (see pages 19 and 20). Up to 5% of the funds allocated for use in a state are reserved for the state upon its application (Sec. 503 (c), page 8).

The Governor must have 30 to 60 days to review applications for designation, to offer recommendations to applicants and to submit comments to the Secretary (Sec. 513(g), page 12). In addition, no plan or modification of a prime sponsor shall be approved unless the Secretary determines that the Governor of the State has had an opportunity to submit comments to the prime sponsor and the Secretary (Sec. 515(b)(3), page 17).

No locality or state may reduce its expenditure for day care or child development because of assistance under the bill (Sec. 520 (e), page 22).

Here, Mr. Speaker, is a memorandum from Mrs. Audrey O. Blackwell, coordinator for early childhood training programs in Metro Denver:

OCTOBER 29, 1971.

To: Mr. Burton, Member of Conference Committee on Comprehensive Child Development Act of 1971.

From: Mrs. Audrey O. Blackwell, Coordinator for Early Childhood Training Programs in Metro Denver.

Subject: Provisions for training, title III Training of Child Development Personnel in H.R. 6748 (Brademas) and S. 1512 (Mondale) bills.

I have discussed this legislation with regional and state training specialists, and with members of the coordinative advisory committee with whom I work. (See attached list) The following opinions have been expressed:

1. The national contracting system used for Head Start training has been wasteful and ineffectual in this region because local needs are slighted, and travel and layered administration is expensive. Therefore it is hoped that the legislation will specify that *planning* for training and *training* be done on a *decentralized basis*, that persons presently working in child development programs help with the planning, and that training be tied to a *career development plan*.

2. Training funds *should not be earmarked*, as they are in the Brademas bill, without strong justification. However, the legislation should include the following kinds of training: basic, pre-service, inservice based on individual need, and technical assistance. All persons in child development centers should receive training, including administrators.

3. If earmarking is justified, "professional," "non-professional," "inservice," and "technical assistance" should be defined. Also, the committee should take into consideration, if earmarking, that many more non-degreed persons will be working in child development centers than will those with degrees, and that the former will have greater need for assistance with stipends, baby-sitting, and transportation. Earmarking inservice training monies may hamper efforts now being made to incorporate on-the-job training into credit programs.

We hope that these opinions will be of value in finalizing this very important piece of legislation.

Here is a letter to Secretary Richardson from the National Organization for Women:

NOVEMBER 1, 1971.

OPEN LETTER TO MR. ELLIOT RICHARDSON, SECRETARY OF HEALTH, EDUCATION, AND WELFARE

The National Organization for Women (N.O.W.) is very concerned with recent developments involving child care legislation currently in House/Senate Conference. We understand that there is a move to reduce the income ceiling for free child care from $6,900 to $4,300 or, in the least to a compromise at $5,200. We also understand that even the pitifully small proposed funding of $2 billion in Senator Mondale's bill is possibly in jeopardy.

We strongly urge that the $6,900 income level be adhered to as more realistic than any below that. To a family with a combined income of $6,900, the normal cost of day care (around $2,000 per year) is still an overwhelming financial burden. We see any lowering of this level as seriously jeopardizing the needs of the working and single parent who is above the currently defined poverty level.

NOW has supported an original funding level of $5, $8 and $10 billion as proposed by Congresswomen Abzug and Chisholm. Although still not approaching the goal of providing child care for all those who need it, this level was seen by NOW as a more humane and realistic, albeit interim, step. More humane, because it would not force middle income and poor to grovel over an amount of money inadequate for either of their needs. Realistic, because somewhere between $8 to $10 billion is needed to supply child care to preschoolers of parents already working. In addition, $7 billion alone is needed to provide services to all disadvantaged children.

NOW and other groups have had great hopes that the Mondale/Brademas bills were the beginning of a new era for child care—that they were not merely expansions of the existing Head Start program, as stated by you in recent testimony before the Senate Finance Committee.

In the future, we hope that child development services will be separated from public welfare programs, that they will not be developed in order to lessen public assistance roles, but rather as a basic right. The child welfare concept of day care—as a service only to poor and problem families—has contributed to the resistance to enlarging services to cover broader segments of the population and, concurrently, has prevented ethnic and socioeconomic integration of preschools. We cannot support programs that further separate the poor from the rest of the population.

In closing, we would like to reiterate that we have not completely supported any of the current child care legislation, even in its originally introduced form, because none approaches our goal of universally available child care. The rationale for our position is contained in the attached NOW statement, "Why Feminists Want Child Care."

Please make this communication and attached statement a part of your deliberations and respond to us with some statement of your decision and intent. If you have any questions, may I refer you to our Washington, D.C., Legislative Liaison for Child Care, Vicki Lathom, 18–X Ridge Rd., Greenbelt, Md. 20770, telephone (301) 345–1039 or 345–5443.

Your very truly,

WILMA SCOTT HEIDE,
*President.*

MARY ANN STUART,
*Child Care Task Force,*
*National Organization for Women.*

I insert at this point a letter from Jay M. Arena, M.D., president, American Academy of Pediatrics, Evanston, Ill.:

NOVEMBER 24, 1971.

DEAR MR. BRADEMAS: The American Academy of Pediatrics, the national organization of board certified physicians providing care to children, heartily supports the adoption of the conference report on the Economic Opportunity Amendments, S. 2007. We are particularly enthusiastic about the comprehensive child development title of this legislation which provides for the establishment of a national, federally assisted child development program. The Academy supports the concept of child care as a composite of comprehensive and coordinated services designed to offer a sound basis for growth and development of the child while supporting and encouraging the parents in their effort to care for their children. We are of the opinion S. 2007 would provide a sound legislative basis for the establishment of such a program.

The Academy endorses the section of the child development title which provides for local administration of child care programs. We recommended in testimony before Senate and House committees that the major responsibility for planning and delivery of child development programs is most appropriately placed at the community level. We believe the conference report is equitable, and will allow for possible funding of most jurisdictions which apply for prime sponsorship responsibility. Jurisdictions which are able to plan and operate a quality child care program should be given this opportunity.

We are in complete agreement with the concept of funding priority to ongoing Headstart programs. The provision further assuring local review of Headstart programs is an additional strength of the conference report. The extension of the excellent programs like Headstart to all low income families desirous of child development services will be facilitated by the enactment of this legislation.

The level for eligibility for free child care services decided upon by the conferees is reasonable, and will not place an undue financial hardship on poor and near poor families who wish to utilize the child care programs.

In summary, we believe the child development title of the Economic Opportunity Amendments provides a realistic framework in which child development programs can operate that are responsive to the needs of individual children and communities. We sincerely urge your support for the adoption of the conference report on the Economic Opportunity Amendments of 1971.

Sincerely yours,

JAY M. ARENA, M.D.,
*President, American Academy of Pediatrics, Evanston, Ill.*

I here insert a resolution of the California Council of Parent Participation Nursery Schools, Inc.:

CALIFORNIA COUNCIL OF PARENT PARTICIPATION NURSERY SCHOOLS, INC.

*October 28, 1971.*

Whereas, we of the California Council of Parent Participation Nursery Schools are a statewide group of parents who recognize the necessity for parent involvement in the education of young children; and

Whereas, for the greatest benefit to all children, the following must become a reality: (1) a sound ecological balance (2) good mental health care and (3) good physical health care; therefore, be it

*Resolved*, That CCPPNS support passage of legislation providing for a sound ecological balance and good mental and physical health care.

Whereas, we agree with many authorities that most of a child's learning patterns are set in the first five years; and

Whereas, recognizing this, we feel that all preschool children need enriching experiences outside as well as inside the home; and

Whereas, these experiences should include a group of peers, a variety of media and play equipment, and an opportunity to relate comfortably to adults; and

Whereas, all parents must have adequate, safe care for their children, whether it be part-day, all-day or night-time care; therefore, be it

*Resolved*, That a variety of preschool programs and facilities providing enriching experiences and adequate safe care, which meet the highest standards, be made available to all families throughout the state of California.

*Resolved*, That CCPPNS support the passage of legislation providing these services until all the children who need them are served.

Whereas, recognizing that the parent is the primary influence during the first five years of life; and

Whereas, parent involvement provides continuity between the enrichment program and the home; therefore, be it

*Resolved*, That parent involvement in the organization and educational aspects must be built into all pre-school programs.

*Resolved*, That teachers must be trained to work with both parents and children.

NEWSPAPER EDITORIALS

Mr. Speaker, a number of newspaper editors in a number of papers have endorsed the comprehensive child development bill and I insert a number of these editorials at this point in the RECORD:

[From the New York Times, July 18, 1971]

A NEW DEAL FOR CHILDREN

A bipartisan group of Congressmen, led by John Brademas, Indiana Democrat, and Ogden Reid, New York Republican, has sponsored an important bill which would offer pre-school care and education to all children at least from the age of two.

The Comprehensive Child Development Act, which has been approved unanimously by a subcommittee of the House Committee on Education and Labor, could usher in a new era in American child care. By helping to close the gap between the children of the rich and the poor, it may hold the key to prevention of the massive retardation for which the existing school systems have found no remedy.

The advantage of this measure over an Administration proposal to extend similar day care privileges to children of welfare families is that it does not limit the benefits of early pre-school physical, educational and psychological development only to the deprived. Although disadvantaged children would be given absolute priority, middle-class youngsters could, in return for modest fees adjusted to their parents' income, share in the natural extension of American education. The children of the more affluent already enjoy many of these advantages, either in expensive nursery schools or in the home.

The proposal includes Federal funding for public and private nonprofit agencies other than the schools, thereby promising greater diversity of ideas and action in a field that has already given rise to much promising experimentation outside the traditional education system.

With its concern for all children, the act reduces the danger of creating another educational ghetto for the underprivileged. This is important because pre-school programs can so easily be turned into cheap, unimaginative and stultifying babysitting arrangements merely to get children temporarily out of their parents' way. Giving all mothers, including those with educational sophistication and political influence, a stake in truly imaginative child development centers is a way of creating an instant support force to fight for high quality and expert staffing. The act properly extends the American education commitment to those early years of growth in which the seeds of success or failure, and of frustration or happiness, are so often sown.

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[From the Washington Post, Aug. 4, 1971]

A NEW CHANCE FOR CHILDREN

There is no way of figuring the United States Congress. Sometimes they take their own sweet time over major social legislation. The passage of Medicare took a whole generation of pressure, debate and publicity. At other times the wheels of change turn quickly and almost silently. We may witness this second phenomenon in the current session if—as now seems at least possible—Congress passes a Comprehensive Child Development Act. This piece of legislation could be as important a breakthrough for the young as Medicare was for the old.

The Senate Committee on Labor and Public Welfare has reported, as a new title of the Economic Opportunity Act, a Comprehensive Child Development Bill, sponsored by Senator Mondale and 29 of his colleagues from both sides of the aisle. A somewhat similar bill is being shepherded along on the House side by Congressmen Brademas and Reid.

The Mondale Bill would provide federal funds for locally administered child development programs of an extremely comprehensive sort. The emphasis would be on child development centers for pre-school children, which would be much more than day care centers. They would aim to provide a stimulating educational experience, as well as health services and attention to nutrition. Funds could also be used for infant care, after-school activities for older children, parent education programs and a variety of other activities. Parents would have a strong voice in the decision-making process through a series of local child development councils. Priority would be given to low income groups, but this is not just a program for welfare families. Services would be extended to all children, with special emphasis on children of working mothers and single parents. Families with incomes above a certain level would pay part of the cost.

Although some details might be improved, it is our view that the Mondale Bill embodies a highly constructive new approach to the well-being of children. It gets away from the dismal question of whether mothers should be *forced* to work—of course not, participation would be voluntary—and recognizes the fact that millions of mothers *do* work and more would like to if they could only make satisfactory arrangements for their children.

As every working mother knows, unless she is lucky enough to have a trusted relative down the street, it is almost impossible to find a good child care setup in most communities at any price. All-day programs for preschool children, even where available, are usually dreary, under-staffed, custodial arrangements that promise little more than to keep the child from physical harm, if that. Good nursery schools provide intellectual stimulation and creative play programs, but the private ones are expensive, the public ones are usually restricted to the very poor, and hardly any are geared to the needs of working mothers. Most nursery schools operate three to six hours a day, send the child home if he has a sniffle and close down for the whole summer. Even when the child reaches school age the average working mother is constantly worrying over makeshift arrangements for coping with after-school hours, illness and the long vacations. Those nice pictures of children learning and playing

happily and safely while their mothers work always seem to be taken in Scandinavia or Israel or Eastern Europe.

The Comprehensive Child Development Bill is a recognition that good child-care arrangements are not just a concern of the poor, but of vast numbers of middle-income families. Indeed, the main reason why "day care" has such a dismal image and such inadequate support may be that it has mistakenly been regarded as just "something for the poor." A law giving the non-poor a stake in good public programs may be needed to break out of the current mold. It could also provide an opportunity for mixing children from different economic and racial groups and for genuine cooperation among diverse groups of parents. Bringing in the non-poor does not have to mean that services are free to everybody. One can have a sliding scale of fees for those who can afford them.

But the most important thing about this bill is that it is not a day-care bill; it is a child-development bill. It is not primarily intended to free mothers to work, but to provide comprehensive development services for children, whether their mothers work or not. This shift of emphasis to the child and his well-being may be the bill's most important feature. Day care of the custodial variety is probably not a good national investment even in the strict economic sense. But there is accumulating evidence that the early years of life are crucial—that stimulating the natural curiosity of children and developing their creativity and self-confidence can make a vital difference. This bill just might provide a vehicle for a new national effort to make childhood livable.

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[From the Courier-Journal, Sept. 13, 1971]

MAKING DAY CARE FAR MORE THAN JUST FREEDOM FOR MOM

Not the least intriguing aspect of the Senate's approval four days ago of a national child development plan is that so few Americans have been aware of just how monumental a piece of legislation this is. The day-care movement, which had been picking up steam as a way to emancipate women and help families earn their way off welfare, would now become a program aimed largely at increasing the ability of this nation's children to get more out of life.

As one of the bill's sponsors, Senator Mondale of Minnesota, said three months ago: "This is social legislation in a class with Medicare. Yet it is happening without any initiatives from the executive branch and without much public notice. It's like spontaneous combustion."

Head Start set the pattern of federal financing for something more than day nurseries where working mothers could leave their offspring. But fewer than 100,000 children—all of poverty-level families—were enrolled last year in this comprehensive program of health, educational and social services. And fewer than 700,000 children attend licensed day care centers, while 800,000 more are dropped off daily at nursery "schools" that seldom offer more than an adult supervisor or two, toys, playground equipment and a spartan lunch.

OPEN TO ALL FAMILIES

Yet 3.7 million mothers with children under 5 now work, and by 1980 the number is expected to reach 5.3 million. So within this decade we'll need to at least triple the nation's day-care capacity.

This need would be met in part by the Senate bill, with its anticipated spending of $13 billion over the first three years of the program. But almost more important is its emphasis both on comprehensive care like Head Start's, going far beyond the custodial role of most pre-school nurseries, and on its extension to all families, not just the poor.

As part of his welfare reform program, President Nixon has urged an expansion of day-care services to welfare families, as an essential part of enabling these people to take job-training and then go to work. But this still would be basically manpower-oriented, a device to free working mothers.

The importance of the Senate bill is that it goes beyond this concept to become child-oriented as well, and to extend these services to families above the poverty line. Poor people would pay nothing; families that could afford to pay something would do so on a sliding scale.

The point of this, as *The New York Times* observed editorially in July, is that "by helping to close the gap between the children of the rich and the poor, it may hold the key to prevention of the massive retardation for which the existing school systems have found no remedy . . . Although disadvantaged children would be given absolute priority, middle-class youngsters could, in return for modest fees . . . share in the natural extension of American education."

That's an important start on removing the stigma of social pathology from federal support of day care, and on extending to more American children the kind of superior nursery-school advantages that hitherto have been available only to the affluent.

The men and women in Congress who have led the bipartisan struggle for this epic legislation can't rest yet. Indiana's Representative John Brademas and others still must persuade the House to follow the Senate's lead. But 117 years after opening of the first day nursery in this country, we now seem ready at last to think of this care not simply as organized baby-sitting (except for the affluent few) but as something *all* parents will want for their children.

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[From the New York Times, Sept. 14, 1971]

FOR MOTHER AND CHILD

The child development bill, passed by the Senate 49 to 12, offers to all American mothers the kind of daily care for their children that used to be available only to the very rich, and more recently some of the very poor. The measure would underwrite the establishment of professionally staffed day-care centers for preschool children, free of charge for the poor and on a pay-as-you-can basis for middle-class families.

Day care, with its combined physical, psychological and educational emphasis on child development, has long been routine in many other countries. Its belated acceptance in the United States comes as a special ray of hope for the children of urban and rural slums; but it also is clearly an essential ingredient in any effort to bring greater equality of opportunities to women who want to work while raising their families. This is particularly true when trained and reliable domestic help is in short supply and not considered a tax-deductible business expense, even to the extent that such help is available.

The only danger in a massive day-care program is that its rapid expansion, plus shortages of suitable personnel, may turn it into a vast baby-sitting venture designed simply to get children out of the way. As a safeguard against such a perversion of the program, the bill's provision for training high-quality staff and planning effective programs will require top priority.

A bipartisan companion bill in the House has been sponsored by John Brademas, Democrat of Indiana, and Ogden Reid, Republican of New York. It deserves speedy enactment.

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[From the Christian Science Monitor, Sept. 29, 1970]

"LATCH-KEY" OR DAY CARE?

We shall undoubtedly be hearing more and more of day-care centers for working mothers, whether the mothers be on welfare or financially independent. The Nixon administration sees the day-care idea as popular with blue-collar workers, whom it wishes to woo. Women's Lib people see the centers as one more step in "liberating" women.

And there's the fact that a number of day-care franchise operators are setting up centers in Florida, Rhode Island, Missouri and elsewhere.

A mother's presence in the home is an invaluable factor in the wise and moral upbringing of her children. But what of situations where the mother is obliged to work to make ends meet? Or where she is determined to work to broaden her life? It is estimated that four million American children under six years of age have working mothers. In 1965 a report to Congress said that nearly one million "latch-key" children looked after themselves while their mothers worked. This was hardly good child care.

Many better-off families have had day-care centers functioning for years—but they are called nursery schools. Their existence spotlights the point that a good day-care center is more than a baby-sitting service. It must also be a place where the early educational, social, and cultural development of the child begins, under qualified personnel.

At present high costs and sparse facilities have meant that American day-care centers cater to only 640,000 children, according to Editorial Research Reports. During the 1969 fiscal year, $35 million was appropriated for day care for preschool children of welfare mothers who took jobs or training. An extension of the antipoverty program would provide $50 million in fiscal 1971. The Nixon administration's welfare reform plan, when finally enacted, would provide $386 milllion, to reach 150,000 more preschool and 300,000 school-age children.

This program would be limited to welfare mothers being trained for jobs. However a task force under Assistant Labor Secretary Rosow recommends child-care services for the working wives of any and all blue-collar workers.

The heart of the problem is that the number of working mothers with young children doubled from 1960 to 1969. Faced with this situation, officials have to decide whether to have enough day-care centers or to have children roaming the streets, a prey to every wrong influence.

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[From the La Porte Herald-Argus, Oct. 13, 1971]

DAY CARE CENTERS

Congress has adopted an Economic Opportunity Act which includes a far-reaching day care center funding program.

The Federal government, by this act of Congress, is getting into the business of raising children almost as deeply as some mothers.

That's not to say day care center financial assistance is not needed. It is needed. Today's working mother faces the necessity of leaving small children in competent hands during the working day.

The day care center business is expanding in the private sector. But a critical shortage of adequately staffed and reliable centers exists in the metropolitan areas. And in many rural regions of the country, a day care center is unheard-of.

Will the Congress really finance the program it has adopted? House members appeared to raise that question. The Senate earlier had approved a day care center measure which provided free services to families with incomes under $6,690 a year.

The House cut that figure. The House-passed bill sets the family income at $4,320 a year, and several experts still insist Congress will be wise to appropriate $2 billion the first year to meet the day care center obligation.

Apparently that substantial figure is evidence of how badly daytime care centers—good ones, reliable agencies—are needed.

A Chicago survey taken recently revealed that about 12,500 children are enrolled daily in day care centers there. Surveyors said an estimated 300,000 children are eligible for a day care program, mostly from welfare families. That would explain why the Congress needs to appropriate nearly $2 billion for the first year of the program.

Last year's White House Conference on Children provided sad accounts of the inadequacies of day care centers in the nation's big cities.

From the sound of the reports, some centers were more like warehouses for storing children than well-staffed agencies trained and skilled in the art of caring for the youngsters.

Perhaps not much news will be made by Congress as it goes about funding its new day care center creation, but many of the nation's women will be vitally interested.

Chances are that women from several liberation groups will keep their eyes peeled on Congress' action in this area.

These "liberated women," incidentally, have been known to make congressmen step lively. Figure them as the day care center "watchdogs."

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[From the New York Times, Nov. 29, 1971]

CHILD DEVELOPMENT IN DANGER

Two major education bills that enjoy bipartisan support in Congress are threatened by the Administration's fiscal meatgrinder. The Child Development Act is on the brink of obliteration; higher education aid faces either postponement or fiscal anemia.

The child-care measure is in danger of a Presidential veto unless its supporters surrender to the White House demand that its benefits be limited to children of welfare families. Even so, the bill may be stalled to help push welfare reform legislation through the Congress later.

Backers of the measure who had originally envisioned a dramatic new approach to child development—free of charge for the children both of welfare families and of the working poor, and available at a fee to middle-class youngsters—have already reluctantly scaled down the scope of their plan. In a compromise which seemed to have the approval of Health, Education, and Welfare Secretary Elliot Richardson, they agreed to limit free services to families below the $4,320-income level, with a graduated fee structure for all others.

It now appears that Mr. Richardson underestimated the power of the Administration's budget-cutters and political manipulators. It is questionable whether anything better than a baby-sitting service for the poorest children—or indeed anything at all—will emerge.

OTHER ARTICLES

Mr. Speaker, at this point I insert other articles and statements concerning the comprehensive child development bill:

[From the Washington Post, Dec. 20, 1970]

CHILD CARE PROGRAM URGED

(By George Lardner Jr.)

The White House Conference on Children called yesterday for federal funding of comprehensive child care programs, a guaranteed family income and immediate steps to root out racism in America.

Delegates to the six-day meeting put these measures at the top of their "overriding concerns" for children in the current decade, the Conference's national chairman, Stephen Hess, reported at a news conference.

Most delegates gave No. 1 importance to a "reordering of national priorities beginning with a guaranteed basic family income adequate for the needs of children."

As further steps, they recommended a doubling of federal spending devoted to children in the decade ahead and an increase of at least 50 per cent in the proportion of the gross national product now allocated to public expenditures for children and youth.

Some of the conferees who had submitted the proposition for a vote had wanted it to include calls for an end to the war in Vietnam and abandonment of such programs as the supersonic transport, but these were left out. The explanation given yesterday was that the sponsors wanted to avoid any suggestion that heavier spending on social welfare programs could wait until the war was over or the SST scuttled.

The balloting was held Friday, the final day of the conference, but officials said the results were held up by the complex method used to tally the votes.

Hess voiced enthusiasm about the results, although only 1,912 delegates took part in the voting. Many others left early to go home, Hess said, and others refrained from voting because they wanted equal importance attached to all the Conference proposals.

Conference officials had estimated that 4,000 delegates were at the sessions, held each decade since 1909, but yesterday Hess put the attendance at less than 3,700.

The recommendation for federal funding of comprehensive child care programs is expected to give impetus to legislation along these lines already proposed in Congress. The delegates emphasized that the programs should include health care, early childhood education and social services, and not be limited to custodial day care.

They also said that enough federal funds should be supplied immediately to provide for 500,000 children and then increased to encompass another 250,000 children each year until all families in need are reached.

The child care proposal won No. 1 ranking among the 16 "overriding concerns" under the weighted method of counting ballots recommended to Conference officials by the American Arbitration Association. It came out No. 3 when only first-place votes were counted.

The call for a reordering of priorities beginning with a guaranteed family income ranked No. 3 under the weighted method, although it was No. 1 in first-place votes.

Ranking second, no matter how the votes were counted, was the Conference call for "the development of programs to eliminate the racism which cripples all children."

Hess said he considered the Conference "an unqualified success."

The chairman of the black caucus at the Conference, Dr. Charles G. Hurst, president of Malcolm X College in Chicago, said he, too, was "very pleased" with the sessions.

The delegates also voted on a list of 25 recommendations for remedial action, with each voter listing the six he considered most important.

The most popular was a call to "provide opportunities for every child to learn, grow, and live creatively by reordering national priorities."

The next five, in order, were recommendations to:

"Redesign education to achieve individualized, humanized, child-centered learning," including establishment of a National Institute of Education.

Establish "citizen community action groups" to implement the conference's recommendations.

Reform the system of justice for children, including steps to "emphasize prevention and protection" and to "replace large institutions with small, homelike facilities."

Underscore the "rights of children, including basic needs and education, and require legal and other accountability of individuals and agencies responsible for providing them."

Establish "a Child Advocacy Agency financed by the federal government and other sources, with full ethnic, cultural, racial and sexual representation."

Conference officials indicated it will take at least several months to put together a final Conference report, including all the explanatory materials and voluminous background papers, for submission to President Nixon. Much of it has yet to be written.

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[From the South Bend (Ind.) Tribune, Mar. 7, 1971]

CHILD CARE CENTERS WIN SUPPORT

(By Susan K. Singer, Ph. D.)

As a citizen, a mother, and a clinical psychologist I feel that I must respond to your article Feb. 24, "Psychiatrist Raps Day Care Centers." Dr. Eades' assertions that day care centers would destroy the family and serve as tools for the political indoctrination of children are blatant appeals to fear and unreason.

Research on the effects of pre-school attendance has shown that it is generally beneficial to social and intellectual development in children. Dr. Eades' statement that British orphans in WW II suffered in institutions has no relevance to the question of day care here and now. That was a situation involving complete separation from the family during a period of extreme stress.

We are talking about places where children can stay while their parents are working. Many mothers must work in order to sustain their families. And there are families in which mothers have died or are absent, and fathers need a place to leave children while they work.

Well-staffed, well-equipped day care centers provide an excellent service to such families, much better than haphazard baby-sitting arrangements or leaving children with older brothers and sisters.

I agree with Dr. Eades that children need love and emotional security within their families. But there is no reason to fear that a child will be harmed by spending part of his day in a well-run day care center. Instead of condemning day care centers and those who would use them our efforts should be directed to seeing that they are well-staffed, well-equipped, and set up so as to best meet the needs of children.

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THE DAY-CARE TRAP

(By Kevin P. Phillips)

WASHINGTON.—As more and more U.S. mothers take jobs outside the home, they are creating a tremendous demand for day-care facilities where they can leave their pre-school-age children from, say, 8 A.M. to 6 P.M.

Now that Congress is finally about to act on proposals for Federal assistance to beef up inadequate day care, Republicans are concerned that a little-known functionary in the Federal Office of Management and Budget is blocking the Nixon Administration's indorsement of enlarged day care, and in the process perhaps maneuvering the President into a dangerous political trap.

Next Friday, May 21, Health, Education and Welfare Secretary Elliot Richardson will present the Administration's day-care views to the House Select Subcommittee on Education. Then on May 27 he will repeat them to a joint meeting of two Senate subcommittees. As the first date approaches, what Richardson will say remains conjectural, although his personal sentiments are clear.

Like most House Republicans, Richardson favors legislation to expand day-care facilities under the guidance of state governments, and with an eye towards insuring the effective participation of middle-income families. Indeed, the HEW Secretary has

actively helped Congressional Republicans to develop this approach. Many Democrats, on the other hand, favor a new, multi-billion dollar day-care program under the control of neighborhood action-type groups that would orient services towards low-income and welfare mothers even though others would be technically eligible. The GOP will support this approach, but would prefer the former.

So far, however, the Federal Office of Management and Budget has successfully thwarted HEW support of any additional day care, and Congressional Republicans are concerned that OMB may succeed in blocking (or watering down) Secretary Richardson's pro-day-care testimony.

The chief mover and shaker of OMB's hostility to expanded day care is Richard P. Nathan, one of the office's twelve assistant directors. Nathan's logic is simple: He has been trying to safeguard the Administration's Family Assistance Plan, which includes a small day-care provision, from the detrimental competition of a separate, larger day-care bill. (Nathan's personal concern reflects the fact that he headed the 1968–69 Presidential task force that blue-printed FAP.) But this worry no longer seems valid inasmuch as the House Ways and Means Committee just last week cleared FAP as part of a much larger Christmas tree package with enough goodies to probably assure its passage.

Republicans on the House Education and Labor Committee believe that if the Administration will support a reasonable day-care program oriented towards effective middle-income participation, then such a popular program might win Congressional enactment. They are also worried about the result if the Administration follows OMB advice. In this case, they say, Congress is likely to go its own way and pass a multi-billion dollar, "neighborhood action" type of day care aimed at low-income groups. Some Democrats, they add, are trying to trap the President with a budget-busting day-care bill he cannot veto without "being against the little children."

The statistical case for day care is overwhelming. At present, there are roughly 14 million working women, mostly housewives, with children under 6. Day-care facilities are few and far between.

The toughest circumstances confront women who are heads of households and who must also work. Female-headed households have a median income of $4,000 per year as opposed to the $11,000 median income of families headed by men. Many divorcees and widows able to earn only a marginal living find their circumstances particularly pressing because of the difficulty of first finding day-care facilities and then paying their high rates.

Politically, President Nixon should be leaping for this issue. Welfare mothers are hardly likely to vote for him, but working mothers, a huge slice of the electorate, are extremely reachable on the subject of day care—especially young women, aged 18–35, among whom the President is weak, according to the polls.

Under these circumstances, if HEW Secretary Richardson fails to testify on behalf of a major expansion of day-care facilities, it will be vivid testimony to the extraordinary behind-the-scenes influence of the capital's budget bureaucrats.

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[From the Washington Star, May 24, 1971]

CHILD CARE PLAN CONSIDERED FOR HIGHER INCOME FAMILIES

(By James Welsh)

The Nixon administration, caught in a political squeeze, is considering a plan that would provide free child-care services not only for welfare mothers but for a higher-income group of the working class.

Secretary of Health, Education and Welfare Elliot L. Richardson, who was to have testified Friday before a House subcommittee on the controversial issue of day care, abruptly cancelled his appearance the evening before. He is now scheduled to testify this week.

"We haven't quite got it together yet," said one of his top aides in explaining the postponement.

At issue, in part, is whether the White House is willing to extend its day-care commitment to millions of families in the lower-middle income range, families in which many wives work.

LIMIT ON COMMITMENT

So far it has not done so, preferring to limit the commitment to its efforts, contained in the Family Assistance Plan, to get welfare recipients to work.

But it is faced with Democratic alternatives in both the House and Senate that would go far beyond that, offering free day care to a family of four with an income of $6,900 and partial subsidies to families above that income mark.

In the meantime, the White House has embraced a principle in day care financing that will surprise many liberals.

It has decided, where possible, that mothers should be able to use a "voucher payment method" in spending federal day care assistance to purchase day care services.

This would extend a maximum of consumer control, giving mothers hundreds or thousands of dollars each of purchasing power in the day care field. With vouchers, they could shop in the open market for the day care program they believe would best suit their children.

The day care issue has political significance that is readily recognized by administration officials.

$1,600 PER CHILD

Government programs in recent years generally have failed to reach the working class in the $4,000-to-$10,000 income range. Most observers believe a massive day-care program would be highly attractive to this group.

But such a program would be enormously expensive. HEW now is using the figure of $1,600 as the cost of all-day, year-round care of one child, and the cost of a large, national program would run into the billions of dollars.

Administration insiders say Richardson may well get the go-ahead to offer a new, expanded proposal. Said one:

"It's up in the air at this point. Do we go further, and how much further? And that's not the only question. Another is one of nuts-and-bolts administration. What's the 'best way to run a program that could involve thousands of day-care centers and agencies running programs for millions of pre-school and school-age children?'

"The Democrats have come up with what looks like a sexy system. But we're not sure. A program like this, if it's not established right, could turn into an administrative nightmare."

The administration's position on vouchers for day care was stated in a largely ignored part of President Nixon's response last week to a series of demands by the Black Caucus in the House. It said:

"The administration presently favors the voucher system because it will give the consumer control of the funds and thus of the programs."

At another point, the document said:

"Too many federal programs targeted on the disadvantaged have resulted in excessive administrative costs and reduced benefits for the intended recipients. By using vouchers, the full amount of the individual's grant will be available for the purchase of services."

An HEW official today confirmed the administration's decision to go with the voucher system.

This is not, however, at the heart of the dilemma facing the White House in taking a position on legislation House and Senate Democrats have introduced.

DEMANDS FOR REFORM

Both Republicans and Democrats have hurried into the issue because of the demands of welfare reform that the White House and Congress are pressing. Everyone concerned agrees that one of the great barriers to putting welfare mothers to work is the difficulty of their finding day-care services they can afford.

The Family Assistance Plan, now going to the House floor after its approval by the Ways and Means Committee, provides $386 million in federal funds to help establish a day-care system.

Measures introduced by both Sen. Walter Mondale, D-Minn., and Rep. John Brademas, D. Ind., would offer free day care for children where the income for a family of four is less than $6,900, far above the cutoff point for subsidies under the Family Assistance Plan.

The Mondale bill would provide $13 billion over four years for day care, while the Brademas bill contains no fixed spending authorization. The Mondale bill also contains strong provisions for parent control of what kinds of day care programs are established, along with greater opportunities for cities to complete with states as prime sponsors of day-care facilities.

Of the two bills, the White House favors the Brademas legislation. But it would rather have its own proposals, and that is what is at stake in the debate taking place within the administration.

LETTERS AND TELEGRAMS FROM INDIVIDUALS

Mr. Speaker, I have had many letter and telegrams from individuals across the country and I have inserted several of them:

NOVEMBER 6, 1971.

DEAR HONORABLE SIR: I must admire your courage to put such a benefit before our children—perhaps you are aware that too many of our children suffer in steel cages on a worse than animal level of existence—I for one do not consider this red but rather a moment of truth which will lead to other truths. I would hope that the present Republican administration would stop branding social progress and due progress of social events on a communist level but that is the old speak of principle and meaning of self satisfaction of 99 out of every 100 Republicans I ever met—an old iron fist in the velvet glove at any price—you have justified democracy as an instrument that our children must share in be it by law, due progress of social events or a course of greater social events leading to a higher state of equality among our children.

As an advocate of the founding of a national institute of philosophy NIP—I would ask your opinion and possible support as I believe that such a course of action would bind the people together in unity of purpose that being a more equal state of being for all our people. Unity of purpose and a sharing in of other men's ideals with mutual respect borne out of one's own something beyond the self should bring a greater time of social progress of social events. I do believe we must bring this into being before the sick sick philosophy of punish the poor and minority—punish the innocent child becomes more of a policy than a philosophy.

Men must come together to reason together to see that all that is pink in the Republican opinion is more social justice than the red they would make of it to avoid a time of truth, peace and equality among all people—we must give our children new hope—as one that was raised in a steel cage much in an animal level of existence I say give greater hope that lesser children will to endure such things from the past in their

future which is the only hope that our American children know.

How I would like to work against the present administration to set the record straight that we can forgive when we see children on an animal level of existence but we can never forget until this type of plight is ended for all children for all time—it is a rather bitter experience to be raised in such matters and see society the tools of it lead children into times of crime and the time of prison and death because of what society would make of children innocent yet guilty by nature of birth such as color or being in real poverty—we serve to alter the course of such past events refusing to forget even though we serve to preserve the good things of so great a nation and people.

Sincerely,

FRANK J. SCHEMMEL.

SALEM, OREG.

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NOVEMBER 8, 1971.

THE PRESIDENT,
*The White House,*
*Washington, D.C.*

MR. PRESIDENT: During a Family Day Care Orientation meeting at M.I.T., the people who signed their names on the attached list indicated support for the OEO extension bill, particularly the child care provisions which Senator Mondale and Congressman Brademas introduced.

These people hope you will sign the OEO extension bill and support it so that the necessary monies will be appropriated.

Respectfully yours,

DANIEL JAFFE.

CAMBRIDGE, MASS.

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NOVEMBER 17, 1971.

DEAR CONGRESSMAN BRADEMAS: I want to thank you for championing the Comprehensive Child Care Development Bill H.R. 6748.

I realize it is being held up over the allocation of money.

Please hang in there & don't compromise. I'd like to write Senator Walter Mondale & ask the same of him on S. 2007, but I don't have another air mail stamp!

Thank you again for your concern.

Very truly yours,

JOYCE SULLIVAN.

LODI, CALIF.

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NOVEMBER 22, 1971.

DEAR MR. BRADEMAS: As a concerned specialist in early childhood education, I would like to commend you for your efforts in development and support of the comprehensive child care bill (H.R. 6748).

I realize that the new bill emerging from the House-Senate Conference Committee has a new face but hope that you will continue support—some "face-lifted" bill is better than nothing at all.

The parts that greatly concern me is 1.) the fact that a family of four whose income is approximately $7,000 will, in all probability, not enroll a preschool child in day care services that cost approximately $300 a year. That family will probably have other priority for that amount of money. These people should be beneficiaries of free child care services. 2.) Also it troubles me that parents really have sole control of the governing board of the child care facility. I do not deemphasize their importance, but by all means a professional child care specialist should be a *Must* on each board.

Can you suggest to whom I might write a letter or letters to voice concern and support of the child care bill? I have already sent one to President Nixon.

Sincerely,

VICKI ARNOLT,
*Doctoral Fellow,*
*Indiana State University.*

NOVEMBER 23, 1971.

DEAR REPRESENTATIVE BRADEMAS: The provisions for child care reported out by the Senate-House conference committee on the OEO bill, although not as good as they might have been, do represent progress. The services, funds, and administration that would be made available would be a worthwhile advance toward beginning to meet a substantial part of the need for comprehensive child care in this country.

Therefore, I respectfully urge your support for this legislation when it is considered by the House.

Sincerely yours,

LOUIS P. DOLBEARE,
*Manager,*
*Subcontracted Day Care Services.*

PHILADELPHIA, PA.

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NOVEMBER 23, 1971.

DEAR SIR: Since the Bills: H.R. 6748 and S. 2007 have been passed for "Child Care Development", we, members of Beverly Womens' Club (the local chapter of the National Emma Lazarus Federation of Jewish Women), ask you to use your official power to obtain the allocated sum of 2 billion dollars for this most necessary project.

We also hope you will prevail upon your colleagues to help appropriate this necessary fund.

Thank you,

Respectfully yours,

Mrs. DORA H. SHAPIRO.

LOS ANGELES, CALIF.

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NOVEMBER 29, 1971.

Hon. JOHN BRADEMAS: Please see that the Bill 2-W-007 goes through so we get Child Care Centers which is so urgent in the now society.

Thanking you we remain,

The EMMA LAZARUS.

LOS ANGELES, CALIF.

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BENTON HARBOR, MICH.,
*November 20, 1971.*

Representative JOHN BRADEMAS:

Commend you for your efforts on the comprehensive child development bill (S. 23007). We are urging its support by writing and wiring numerous Members of the House and Senate.

DON RANUM,
*President, Twin Cities Area*
*Child Care Centers, Inc.*

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ENCINO, CALIF.,
*November 15, 1971.*

Representative JOHN BRADEMAS:

Urge you successfully conclude fight for signing uncompromised version S. 2007 and H.R. 6748 into law.

FLORENCE TEMKIN.

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LOS ANGELES, CALIF.,
*November 11, 1971.*

Representative JOHN BRADEMAS:

Urge you maintain funding level in comprehensive child development bills. Challenge Nixon veto.

RUTH EHRLICK.

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## TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation.

The rate of production output-per-man-hour is determined by dividing the total hours of employment into the annual gross national product. The output-per-man-hour increases with better and more productive facilities. The output-per-man-hour, according to the Handbook of Labor Statistics, has increased since 1959 at rates indicated on the scale:

HOW OUTPUT PER MAN-HOUR INCREASES YEAR BY YEAR

Percentage of increase over previous year:

| | |
|---|---|
| 1959 | 5.71 |
| 1960 | 1.74 |
| 1961 | 2.27 |
| 1962 | 5.93 |
| 1963 | 4.02 |
| 1964 | 4.88 |
| 1965 | 4.09 |
| 1966 | 1.39 |
| 1967 | .68 |
| 1968 | 5.28 |

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## A DISGRACEFUL DISPLAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, Richard Nixon, not George Meany or any other AFL–CIO official, is the President of the United States. Elected by the people, he is creating a sound economy for the people. Yet, the President cannot restore the economy without the cooperaiton of the people. I call to the attention of my colleagues an editorial from the Columbus, Ga., Ledger which condemns those officials at the AFL–CIO convention whose inexcusable treatment of President Nixon disgraced the offices they hold. Commending President Nixon for his efforts, the editorial continues:

We admire the President for his firmness. We admire him for seeing his responsibility and making it known in no uncertain terms.

The entire editorial follows:

TOWARD THE NATION'S PRESIDENT—A DISGRACEFUL DISPLAY

The hierarchy of the AFL–CIO is blatantly attempting to place itself above the government of the United States and a majority of the people of this country.

This has manifested itself in many ways in recent days.

Every American should feel the sting of the back-handed slap applied to President Nixon by AFL–CIO officials when he went to Miami last Friday to address the convention on his wage-price control program.

First, these officials did not accord the office of President of the United States those courtesies usually reserved for the Chief Executive of this country.

These labor leaders, particularly AFL–CIO President George Meany, showed disrespect not only for President Nixon, but for the office.

For instance, when President Nixon left the speaker's platform, Meany said to the delegates: "We will now proceed with Act 2." How impolite. How crude and coarse.

Further, the labor leaders would not approve the playing of the traditional "Hail to the Chief" as the President of the United States entered the hall. Additionally, AFL–CIO officials overruled White House aides who had wanted Nixon's appearance announced over the loud-speaker as he entered.

These people acted in a manner wholely unacceptable to most Americans.

They have come to the point of such power that they believe they are more powerful than the country, the government and the President of the United States all put together.

They have come to the point they won't hesitate to put their selfish interest above the welfare and good of the country as a whole.

They have come to the point they won't hesitate to attempt to black-jack the President of the United States into doing their bidding, into giving in to their attempts, at the risk of doing great harm to the entire nation.

But even in the face of the humiliating experience accorded the Chief Executive, President Nixon stood firm, stood his ground.

"We want the participation of labor," President Nixon told the delegates who voted to refuse cooperation with his Pay Board's wage controls.

"But whether we get that participation or not, it is my obligation as President of the United States to make this program of stopping the rise in the cost of living succeed, and to the extent that my powers allow it, I shall do exactly that," the President added.

We admire the President for his firmness.

We admire him for seeing his responsibility and making it known in no uncertain terms.

Labor is more to blame than anyone else for the economic mess in which we find ourselves. Yet it is labor which would send this country down a road of more chaos, more inflation. It is a selfish, unthinking action, bordering on anti-Americanism.

At any rate, the whole shabby display at Miami Beach last Friday not only was an affront to President Nixon personally, but to the office of Chief Executive of the United States.

The American people will see this lack of common courtesy for what it is—an attempt to embarrass the President into giving in to labor at a time when he is trying to bring the economy under control.

## COMMISSION FOR THE PRESERVATION OF FOREIGN LANGUAGE RESOURCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, I am reintroducing today a bill to establish a National Commission for the Preservation of Foreign Language Resources, and urge your consideration and support.

Because of the need we have for more effective communication among various peoples with diverse linguistic, and cultural heritages, I feel it is immensely important that we preserve and study foreign languages. Consequently, I have proposed in the past, and propose again a Presidential commission which would provide a systematic approach to identifying and compiling our foreign language resources—thus, fortifying the link between our peoples now, and in the future.

Our knowledge of such languages as Czechoslovak, Bulgarian, Rumanian, Russian, Arabic, Swedish, Norwegian, Finnish, Japanese, Mandarin, Cantonese, and Hindi is in woefully short supply, and yet we do not utilize our citizens who might know these critical languages. The knowledge which our non-English-speaking or bilingual citizens possess of their languages and cultures should be considered as a priceless national resource. In effect, this commission would help cultivate this resource by:

First. Developing national policy for the identification, preservation and improvement of national foreign language resources.

Second. Evolving an active program for the conservation of the foreign language resources of the United States.

Third. Serving as consultant and coordinator to National and State professional educational associations for the development and implementation of programs and activities designed to preserve and identify national foreign language resources.

Fourth. Identifying information needed to inventory foreign language resources, and coordinate the development of this data with the various executive departments.

Fifth. Providing data on national foreign language resources to Federal, State, and local government agencies; educational systems, colleges, universities, and private businesses, in accordance with demonstrated needs and the national interest.

The commission would provide a report to the Congress and the President annually, on the results of its program.

I first became interested in this proposal a few years ago when I conferred with Dr. Jacques M. P. Wilson, then chairman of the foreign languages department of Our Lady of the Lake College in San Antonio. Dr. Wilson is now with the modern languages department at the University of Miami. Dr. Wilson's statement of support was most enlightening and informative, and relates the paradox which exists in our "nonutilization" of non-English language skills which our citizens have.

I appreciated Dr. Wilson's assistance in shaping the legislation I have introduced, and suggest that you take time to read his statement:

STATEMENT IN SUPPORT OF A BILL TO ESTABLISH THE NATIONAL COMMISSION FOR THE PRESERVATION OF FOREIGN LANGUAGE RESOURCES

(By Dr. Jacques M. P. Wilson)

Never before in this nation's history has there been such a pressing demand for individuals qualified to communicate with the world community in their native tongues. Man's destiny—indeed his absolute survival—is to an unprecedented degree dependent upon his ability to develop effective intercommunication in the family of nations. The vital questions of our time cannot be safely resolved by military force. Survival in this thermonuclear age depends as it never has before upon the ability to communicate effectively with other peoples in their languages and on discussing the issues and problems which beset us without filtering them through the admittedly imperfect tools of translation and interpretation.

Our national interest forced us to develop and utilize our non-English resources to meet World War II military commitments. Thousands of speakers of non-English languages were pressed into service to accomplish tasks such as teaching languages, preparing radio and press releases, intercepting radio transmissions, censoring mail, and hundreds of other duties too numerous to mention. The nation suddenly realized the value of this hidden resource possessed by our non-English speakers.

Concomitant with the utilization of the non-English language skills of these citizens, our nation's educators began to question the effectiveness of foreign language instruction at all levels of the educational structure. It became immediately apparent that the reading and translating objectives of foreign language instruction in high schools and colleges did not produce the skills and aptitudes needed by our nation. A rarity indeed was the foreign language student who developed the proficiency approximating that of a native speaker. Few were the college or high school students able to understand the foreign language they studied when spoken by a native speaker. Fewer yet were those able to converse intelligently in a foreign language. The number was pitifully small who could write acceptably in a foreign language.

While we needed non-English resources in such languages as: Czechoslovakian, Bulgarian, Rumanian, Russian, Arabic, Portuguese, Swedish, Norwegian, Finnish, Italian, Tagalog, Japanese, Mandarin, Cantonese and Hindi to name but a few, we discovered that most secondary school and college curricula offered: French, German and Spanish. Very few school systems or institutions of higher education helped those who spoke non-English languages to preserve the linguistic and cultural heritage of the ethnic group to which they belonged. Our twentieth century educational philosophy was a reflection of an 18th and 19th century ideal that the United States is a melting pot; that we embrace all who come to our shores as equals—but that they must forget their past: their culture, their traditions, their heritage and become homogenized copies of Mr. Babbit on Main Street, U.S.A. Our 19th century culture developed what amounted to an ethic that the individual who spoke with a "foreign" accent hadn't become quite completely Americanized. Those who spoke a non-English language at home were looked upon with suspicion and as somehow slightly un-American.

Teachers and educators reflected the prevailing opinion by systematically discouraging pupils and students from using or preserving the language and culture of the ethnic group to which they belonged. The schools' rejection of the home language, of those who spoke languages other than English, subconsciously denigrated their culture. Our local and state educational policies were monolingual and monocultural. We were a safe, secure continental island, separated from the rest of the world by broad oceans. In our dealings with those from other shores, we used English, and in many cases still do. Yet, as Joshua A. Fishman, in his study *Language Loyalty in the United States*, points out, at the national level, America has rarely implemented policies to "hasten the linguistic and cultural enfeeblement of its immigrant groups. . . . Immigrant minorities were never forbidden to organize and maintain their own communities, organizations, schools or publications."

After the end of World War II, the momentary recognition given those who possessed non-English language resources subsided. Some forward-looking educators and linguists, capitalizing on the advances in foreign language teaching technology pioneered by the Army Language School and other such projects, began conducting research in the development of foreign language teaching materials, the training of foreign language teachers, and the updating of our school and college curricula. In general, foreign language teaching returned to the

pre-World War II rut from which it had given promise to emerge. With the exception of a few cosmopolitan urban centers in the nation, our value systems still reflected a degree of mistrust of those who spoke another language than English. If not quite un-American, they certainly were not as "fully" American as those of white, Anglo-Saxon, English-speaking, Protestant, ethnic origin.

The advent of the first Russian Sputnik jarred the nation's leaders from their complacency. Since then, this country has made significant strides in expanding its reservoir of foreign language skills. Under the authorization contained in the National Defense Education Act, basic research in the field of foreign language teaching was subsidized. Thousands of teachers received crash training in hundreds of NDEA Institutes designed to improve their own qualifications in the languages they taught, as well as to receive training in the most up-to-date and scientific methodology of teaching foreign languages. Thousands of scholars were given opportunities to pursue advanced study in hundreds of languages classified as "critical" or "exotic" in terms of our national need.

As a result of the leadership of Congress, and the U.S. Office of Education, an aroused foreign language teaching profession has striven to expand our non-English language resources. Millions have been spent supporting programs which have been generally well-designed and carefully implemented. The entire national academic structure reflects the new value placed on acquisition of foreign language skills. Yet, at this time we have only attempted to do half the job.

In this nation, there are millions of individuals who speak other languages. Some are completely bi-lingual; others have yet to learn English. Each year many migrate to our shores and bring with them additional non-English language skills, language resources which are desperately needed. The nation's attitudes to these resources have changed but little since the 19th Century. Non-English speaking, non-Anglo-Saxon ethnic groups are still pressured to forget the past, to forget their cultural heritage, to forget their language. No systematic program exists to identify and inventory these resources. No agency or branch of government is charged with the responsibility of encouraging social, educational and political associations, educational institutions and educational systems at the state and local level to develop programs to preserve these priceless resources in our national interest.

In a democratic society such as ours, educational policy, whether at the national, state, or local level, should be based on the needs and well-being of the individual as well as the needs of the state. The failure to dignify the home language and home culture of the pupils has damaged the self-concept of speakers of other languages. Eventually, this attitude forced children to reject their home language. It has been repeatedly demonstrated that those who went through such an experience reach adulthood without acquiring literacy in their mother tongue. In such cases, their home language is practically useless for any professional or technical utilization where language proficiency is important. A valuable resource is thus wasted; but more importantly, an individual has been psychologically damaged in the process. Instead of bi-cultural, bi-lingual children, it has produced generations of citizens who are linguistic cripples, who are neither functional in their home culture, nor the dominant culture of this nation.

It is my strong conviction that Congress should take the initiative and establish a Presidential Commission for the preservation of the non-English language resources of this nation. This Commission should be a panel of leading educators, scholars who have made notable contributions in the field of bi-cultural and bi-lingual education. Through the Commission's statement, policies, and programs it can insure not only the preservation of an important strategic national resource, but a valuable counterpart to existing programs for the development of foreign language skills in this country. Truly, it can be said—It makes little sense to spend countless millions to teach people language skills in one segment of the population, while the same system unwittingly works systematically to stamp out these same, as well as other non-English language skills, in other ethnic groups. I respectfully urge the 90th Congress to support this greatly needed and long over-due legislation.

## RAIL PASSENGER SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Mrs. GRASSO) is recognized for 10 minutes.

Mrs. GRASSO. Mr. Speaker, the National Railroad Passenger Corporation—Amtrak—was created, we are told to upgrade America's deteriorating rail passenger service. By making the Nation's train service more efficient, effective, and convenient, Amtrak's goal is to again make popular a mode of transportation which has been long neglected.

This program of improving rail passenger service is certainly a sound and needed one. To be sure, some train runs around the country were superfluous and wasteful. Good management—with a national perspective—is essential in order to determine the demand for rail passenger service, to trim waste, and to provide service dependability. However, from its inception Amtrak has employed a seeming arbitrary, capricious, and piecemeal procedure of reaching decisions on when and where to provide passenger service—most often at the expense of its customers.

During July, I called for a full congressional investigation into Amtrak's arbitrary manner of adding routes to the basic national railroad passenger service system. When the Amtrak system was created, some States were left totally without rail passenger service. However, passenger service was reinstated in Montana, as well as between Washington, D.C., and West Virginia.

Efforts to reinstate other vital passenger service routes proved unsuccessful—such as the discontinued rail passenger service by two pairs of Penn Central trains which run through portions of my Sixth Congressional District between Pittsfield, Mass., and New York City. Unless Amtrak deals fairly with all parts of the Nation in the selection of routes, it cannot become a success.

More recently, I have been appalled and distressed by the needless lack of consideration shown to many of my constituents—in the towns of Enfield, Windsor Locks, and elsewhere—who commute to Hartford on Amtrak-operated Springfield to Hartford passenger trains. New train timetables which went into effect on November 14 place great hardships on these commuters.

Under previous timetables, residents of Enfield and Windsor Locks could take a commuter train to Hartford at 7:04 a.m. and 7:13 a.m. respectively, arriving in Hartford at 7:36 a.m. Coming home from work, Enfield and Windsor Locks commuters could leave Hartford at 4:55 p.m. and arrive in their home towns at 5:24 p.m. and 5:36 p.m. respectively.

However, new train schedules penalize many commuters in this area by forcing them to arrive in Hartford a full hour earlier than previously, often before their offices open. On the return trip, many commuters must wait in Hartford until 7 p.m.—after most people have eaten dinner—before a train is available to take them home. Efforts of the State department of transportation have helped to restore reasonable commuter service to one town, similar to that provided under the old timetables. But residents of Windsor Locks and other communities must subject themselves to a grueling and idiotic commuter schedule. By scheduling its commuter trains earlier in the morning and later in the evening, and by adding a new train both morning and evening which stops at only one point, Amtrak has succeeded in making its commuter service both inadequate and inefficient.

Distorted and inadequate Amtrak commuter service is not restricted to the communities of northern Connecticut. Many complaints are heard on train runs south of Hartford and throughout Connecticut, as well as across the country. One detailed letter to the editor in Sunday's edition of the Washington Post complains that schedules for overnight runs betwen Chicago and each of the following cities—New York, Washington, New Orleans, and Denver—are "inconvenient" to most who utilize the service. In addition to formulating attractive service schedules to lure the business trade, the writer suggests that Amtrak institute competitive prices to appeal to potential customers. Presently, the one-way coach fare by rail between Chicago and New York is $51, while the air coach fare is $59. A one-way roomette costs $98, while a first-class air ticket costs $76.

Amtrak, which is in severe financial disarray, is presently seeking $170 million from Congress to continue operations. Amtrak has already received a $40 million Federal grant—and one wonders how this money has been used to benefit rail passengers. In recent House Transportation Subcommittee hearings, Amtrak officials were asked for a detailed accounting of such items as a $3.8 million payment for consultant fees and a $500 a month expense for limousine service.

Amtrak's reason for existence is to make rail travel "a good thing again," as the saying goes. Thus far, Amtrak is a long way from fulfilling its purpose—and in some cases is providing poorer service than was the case in the pre-Amtrak era. I have called on the vice president for operations of the National Railroad Passenger Corp. to reinstate the train service which has proven itself to be most satisfactory to Connecticut commuters. In addition, it is my hope that Amtrak will draw together an enlightened management team willing and eager to institute innovation ideas to attract rail passenger transportation business.

If Amtrak is unwilling or unable to

perform this service for the American people as we seek to upgrade our Nation's transportation systems generally, then the future of rail passenger service and the future of Amtrak is precarious indeed.

## MISS JEAN MANNING OF NASHVILLE'S NEIGHBORHOOD YOUTH CORPS

The SPEAKER. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 10 minutes.

Mr. FULTON of Tennessee. Mr. Speaker, of the many federally supported programs which operate in my district the Neighborhood Youth Corps of Nashville's Metropolitan Action Commission is one of the most successful and outstanding.

For the current fiscal year the metropolitan NYC program has 331 in-school slots wherein students are assigned to work, usually in school libraries and cafeterias, while being paid for 9 hours work a week at a rate of $1.60 an hour.

The out-of-school program for 16- and 17-year-old dropouts offers a combination of remedial education, skill training, and work experience plus a weekly stipend while training. In the past month five enrollees have completed their training and are, today, gainfully employed.

The Neighborhood Youth Corps does not dwell entirely on the development of skills for the training and encouragement of enrollees. Many facets of an individual's ability and talents are touched and encouraged.

An outstanding example of this recently was demonstrated by enrollee Miss Jean Manning who produced two very meaningful pieces of poetry, "I Am Black" and "This House" which I ask unanimous consent to include in the RECORD at this point and commend to the attention of my colleagues:

I AM BLACK

(By Jean Manning)

Just because one's hair is straight, and his skin a little lighter than others,
Then we call him white
Just because one's hair is of a different nature and his skin a little darker than others,
Then we call him black
No man is actually black or white because his skin is dark or light.
My skin is dark, so I am classified as black,
But I believe that if every man would come together;
Open their eyes, and take a good look at each other,
They would soon realize we are all sisters and brothers.
No matter the color of our skin or the nature of our hair;
And if every man would join in brotherhood, blacks and whites would be sisters and brothers—everywhere.

THIS HOUSE

(By Jean Manning)

They always say there's no place like home;
No matter how far we travel and roam,
But the condition it's in is really a sin;
When my father comes home, I can't give him a hug,
Because I can't get through for all of the bugs;
When it rains, through the walls water seeps,
And the whole darn ceilings, are nothing but leaks.
When you go to rub your feet on the mat, you just can't rub for stepping on rats;
There are holes in the floor and cracks in the door,
The walls need painting where the curtains are hanging;
Still I love this house with the holes in the floor,
But the day it falls down, it won't be a home anymore.

## WORSENING TRADE PICTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 15 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, this weekend the newspapers reported what I feel to be probably the most ominous news on the economic scene since the 1930's. Figures released this weekend indicate that in October our Nation's foreign trade deficit reached the staggering figure for 1 month of $821,400,000. This trading deficit, the imbalance between out imports and our exports, is the worst without any question since the end of World War II and probably has not been rivaled since the depression of the 1930's.

When in September the trade surplus registered a $265,400,000 surplus, I felt that the press and the administration were being very hasty in their optimistic reactions. I felt at the time that the figure was a fluke and probably had more to do with the dock strike than the administration's wage-price freeze or anything else. After all, the annual rate of deficit for the first 8 months of the year was already considerably in the red.

Imports in 1971 have increased at the unbelievable rate of 14 percent, while exports have only managed to increase 3 percent from the 1970 total. This increased reliance on imports has become a trend which almost approaches an inbuilt import bias in recent months. Many of us have been warning on the floor of this House that this was the trend for years now, but our warnings have gone unheard.

Maybe now that this country has a 10-month trading deficit of $1,492,100,000 so far this year, this will do more to jog the national consciousness into action than any speeches by a Congressman could ever do. When compared to the trading surplus of $2,553,800,000 that was chalked up in 1970 I think the magnitude of this Nation's dismal trade performance is understandable.

We can no longer afford to stand idly by and allow the flooding of our domestic markets with cheap foreign imports month after month. We no longer can take comfort in the income earned in overseas investments by American firms. We must, in fact, substitute orderly growth for wholesale flooding of our domestic market. The unemployment figures require it, the balance-of-trade figures require it, and the balance-of-payment figures for the third quarter require it.

Those who take false comfort and proclaim that the cause of last month's exceedingly bad performance is solely the dock strike and its effects are grabbing at straws and expecting to be redeemed in the process. The underlying problems of this Nation's balance-of-trade performance are much more deep rooted than a temporary dock strike.

This deficit is much more than a temporary aberration in the figures. I do not know who has searched the ships waiting in our harbors filled with foreign goods waiting to come into this country, and determined that they possess less dollar value than the goods sitting on our docks waiting to leave the country.

Such figures are not available and any estimates are based more on guesswork than hard facts. What I am saying, though, is based on past experience. I am willing to wager that there are many more imports waiting to come into this country once the striking dockworkers go back to work than exports waiting to leave. This is clearly the message I see in this Nation's trade performance prior to the dock strike.

My feeling is that an anticipation of the dock strike shipments were accelerated in September producing the first favorable trade balance since March and the furthest I will go is to admit that this probably explains some of the marked decline in exports evidenced in October.

Government spokesmen who were going so far as to admit the possibility of a $1 billion trade deficit a few months ago are now admitting that it might well end up closer to $2 billion. Information on the effect of the imports surcharge in all of this is understandably sketchy at this point, but the fact that collections under the surcharge seem to be mounting, while imports continue to grow apace seems to me to give a preliminary confirmation of the opinion expressed by many of us that the 10 percent surcharge was not going to do the trick. I think the time has come for Congress to put first things first and get down to a complete review of this Nation's foreign trade policies before we experience another year like this.

I think it is time everyone in Congress started reading the financial pages very carefully because buried here and there in the corners of those pages are news releases which I feel go a good distance to explaining some of the causes of our trading problems. A few days before the release of the October trade figures was an announcement that Genesco, formerly the General Shoe Co., and one of this Nation's largest producers of shoes, has entered into a joint venture with a Tokyo firm to obtain Japanese textiles even more inexpensively than at the moment. The article I am including in the RECORD makes two interesting points: First, that Genesco is a substantial user of Japanese textiles and, second, that Genesco owns 2,500 retail stores in the United States.

Let me add to this that it is clear from other sources that Genesco is a major importer of foreign shoes, with manufacturing subsidiaries of its own overseas. With this kind of increasing dependence

upon foreign textiles and shoes, as is documented here in the case of but one major American company, is it any wonder that we have rising unemployment in America's shoe and textile industry? The 10-percent import surcharge is clearly not helping either these unemployed workers or preventing increases in imports. At the price they are importing shoes into this country, a 10-percent import surcharge is not going to have any noticeable effect.

I feel that to some extent the free trade lobby is not going to take my word on this about the need for a serious review for foreign trade and something approaching the Foreign Trade and Investment Act of 1972 which I introduced a few weeks ago and will shortly refile with additional cosponsors. Perhaps they will pay more attention to a recent speech by the chairman of the board of General Electric Co., one of their own multinational corporations, a speech which was reprinted in Forbes magazine November 15, 1971.

While the chairman of the board of General Electric doubtless is not in agreement with me on my solution to the problem, I feel that his analysis of the problem of poor export performance and the relative ease with which foreign imports find their way into our markets, is one of the best I have seen in any publication. These are not the musings of an academic but rather the conclusions of an experienced businessman of the world. His documentation of the extent to which other countries have been very careful to protect their domestic industries from disruptive imports and the difficulty American exporters have in bidding and quoting competitively in foreign markets should be required reading for anyone who has doubts about just how much of a one way street our present trade policies are. The referred to articles follow:

[From Forbes magazine, Nov. 15, 1971]

GENERAL ELECTRIC CHAIRMAN FRED BORCH LAYS IT ON THE LINE

One must approach a subject of such seriousness as the United States' foreign economic posture with a certain amount of disclaimer. I should say at the outset that I do not claim expertise on extractive materials or agriculture; rather, I speak to you from the viewpoint of a manufacturer with operations in most of the major countries of the world, and with several hundred millions of exports to those countries. Events in international trade have been particularly disappointing to one who represents a company that has consistently favored commerce between countries with a minimum of restrictive barriers and protectionist measures. We probably coined the expression, "free, fair trade," many years ago, though I am not sure of that. But we still believe in that objective for the U.S. and its trading partners, and are disturbed to note how far the trading nations of the world have drifted from trade that is both free and fair.

I must apologize for the fact that I am going to use a lot of numbers in this talk, but I see no alternative when I find that intelligent men on both sides of both oceans have been discussing the United States' trade situation with more emotion than facts.

One of the numbers that has been flashing a red alert for some time now is the U.S. trade balance with other countries. Obviously, if the United States is going to have any kind of equilibrium in our balance of payments we've got to have a trade and investment balance sufficient to cover all the other imbalances that spring from military expenditures abroad, U.S. tourists abroad, foreign economic aid, and so on. An obviously unacceptable alternative would be to resign ourselves to the fact that our favorable trade balance can never be restored, and then restrict foreign travel, foreign investment, imports and foreign aid accordingly.

So, let us look at our trade balance. As you know, the U.S. trade surplus declined from some $7 billion in 1964 to approximately $2 billion last year. As of August 1971 our cumulative current trade balance was in *deficit* for the fifth consecutive month, and totalled almost $1 billion in the red. If we wind up with a negative balance for the year, it will be the first time since 1893.

Now, let's cover the subject of our private investments balance offshore. We have all heard that American investments offshore are having a dire effect on the U.S. balance of payments—let's take a look. In 1964 the direct private investment by U.S. companies offshore reached a cumulative total of $47 billion; investment during the year was $2.3 billion, while income returned from this investment was $4.7 billion—or about twice the annual capital outflow. In 1970 the cumulative total reached $69 billion; the outflow for the year of our direct investments abroad was $4.4 billion while the return on this investment to the U.S. was $7.9 billion!

Now, if we take the overall commercial picture—the combination of trade and return on investment—we find that, in 1964, the return on investment comfortably supplemented a substantial trade balance in holding down claims against the dollar; today return from investments is our *last remaining positive item of significance.*

Labor officials, and others, who wax rhetorical about the dire effects of U.S. foreign investments on the U.S. balance of payments and U.S. jobs should look at these figures, which show that as our trade balance deteriorated rapidly, the return from our foreign investments accelerated—and a good thing it did, otherwise the dollar would be in a lot worse shape than it is today. And then they should go behind the numbers to find out why it was necessary to make these investments in the first place.

So in spite of the rhetoric on both sides of both oceans having to do with the dire effects of U.S. private investments offshore on our balance of payments, the figures show that much of this is "hogwash"—or in more polite terms, let us tag it as "False Rhetoric No. 1." We are thus drawn to the conclusion that the real problem with the dollar and the U.S. balance of payments is the drastic slippage in our trade, and that's what we should be discussing.

Which brings us to our second point: Why the drastic change in our trade balance? Again, we are told on both sides of both oceans that it's because of U.S. inflation, that we should get our own house in order. Let's take a look.

This is what happened to domestic consumer price levels in major industrial countries between 1964 and 1970. In the U.S. the domestic consumer price index rose 25% from 1964 to 1970. Let's admit that's bad. But let's take a look at what happened to each of our major trading partners: Japan, 40%; France, 27%; Germany, 17%; Italy, 21%; U.K., 31%—a range of from 17% to 40%, with only Germany appreciably below our 25%. And none of these countries had their Vietnams, and its inflationary impact.

From which the conclusion can reasonably be drawn that inflation is not the main cause in the reversal of the U.S. trade balance. Everyone had inflation, but not everyone had *trade balance* problems to the same degree. Let's tag this one as "False Rhetoric No. 2."

So then what is the cause of the massive change in our trade balance? Well, of course, then it must be, according to our concerned friends on both sides of the oceans, U.S. productivity, or the lack thereof, that is the culprit. And, we must admit, at first glance they could be right. In the U.S., productivity—in terms of output per man-hour—increased 14% between 1964 and 1970. Among our major trading countries the increase ranged from 22% in the U.K. to 99% in Japan.

So, it is certainly true that output per man-hour in other countries has grown much more rapidly than in the U.S. in recent years. It should! All other industrial countries have much greater incentives to modernize their manufacturing facilities to increase productivity—via their tax structures, such as our pre-1969 investment tax credit of 7%, much more rapid depreciation for tax purposes, and so forth. The disadvantage under which our manufacturing industries have operated since 1968 in this respect is clearly illustrated by the fact that the U.S. rules, until very recently, allowed an average tax cost recovery of under 8% in the first year, as compared with an average of 32% for the five countries mentioned; 34% for us *vs.* 63% for them at the end of three years; and 66% for us compared to 93% for them at the end of seven years.

These tax cost recovery allowances are typical of the incentives offered in other countries for the purpose of increasing productive investment. So, in view of our national interest, it is pertinent to ask why other industrial countries have done these things: Certainly not to give a "bonanza to business," as critics of President Nixon's proposals have contended, but to improve productivity, strengthen and grow their economies, and thereby maintain a fuller level of employment.

And it is appropriate to note that the pending investment tax credit of 7%, if passed by Congress together with a cutback in ADR, as seems most likely at the moment, will still leave us well short of equality with other countries in this regard.

So on this subject, we can now say, well we probably have the answer then; productivity has gone much faster for them than it has for us. But before we accept that, let's take a further look at what really counts, namely, *unit labor costs* in manufacturing, which are a combined measure of output and total employment costs.

It will come as no surprise that our wage and salary costs have been going up at a rate that exceeds productivity—between 1964 and 1970 unit labor costs in the U.S. rose by nearly 20%, much of the rise occurring during 1969–70.

Surely the other industrialized countries haven't experienced this sort of situation—or have they? Well, it comes down to this: Italy is very close to our 20% increase in these costs; France is marginally lower at about 16% and Japan—a circumstance I'll get to in a moment—is recognizably lower at a 12% unit labor cost increase. But [look at] two of our biggest trading partners: Germany, 26%; and Britain, almost 33%—all markedly higher than the U.S.

I should emphasize that these costs are stated in terms of national currencies rather than U.S. dollars, thus eliminating the distortions of revaluations both up and down that have occurred in these countries.

Now, a word on Japan. The big divergence really occurs in 1969 and 1970, when our own unit labor costs shot up. Before that, Japanese unit labor cost rises paralleled ours. Despite this generally comparable unit labor cost picture for the Japanese, they nevertheless turned around our two-way trade to their advantage by 1965.

Thus, the differences in unit labor cost trends do not seem to account for the massive change in our U.S. trade balance, and to tag U.S. productivity, or the lack thereof, as the chief culprit would seem to qualify as "False Rhetoric No. 3." At this point, we can

then suggest that as bad as inflation is, as bad as our productivity fall-off is—both for our domestic economy and for all of our citizens—neither is the main cause for our trade imbalance.

So then we come down to the core of the problem: What is the real reason for the serious U.S. trade situation? It is my thesis, as a manufacturer, that it boils down to the fact that other countries have placed international trade as a top national priority and have adopted structural policies to promote their trade balances and their balance of payments. The success of these policies is reflected in the degree to which they have been able to shield their export prices from the inflation in their domestic economies.

Thus, in the U.S., the export price index has almost kept pace with the domestic price index from 1964 to 1970—namely a 25% rise domestic and 20% rise export—for a spread of 5 points. But the rise in export indices of all but one of the other countries doesn't begin to approach the rise in their domestic indices during this period. In Italy, for example, the domestic price index rose 21% while the export price index rose only 9%—a spread of 12 points. In Japan the spread is 32 points. In France and England (both devalued their currencies—thus lowering the price of their exports) we see spreads of 19 and 21. And only Germany (as a result of upvaluation) kept her spread to 3 points. So, we have the U.S. at 5 points, and the five others ranging from 3 to 32.

How could they thus insulate their export pricing from their domestic economies? Let me suggest at least three reasons.

First, they had the freedom to devalue their currencies when their trade and their balance of payments got in trouble. Both England and France took advantage of this ability to devalue over the last several years with the result that their export prices were reduced and their import prices increased. Meanwhile, for good technical reasons under the International Monetary Fund, the U.S. was unable to institute similar compensatory competitive steps. So here we have one major reason some of the other countries have been able to offset their inflation and increased unit labor costs whereas we have not been able to.

By the same token, a number of other countries with consistently favorable balances have not done the reverse to the degree they should have; namely, revalued upwards, notably Japan. With this picture, I would give high marks to the Administration for its current emphasis on upvaluing other currencies and cutting loose from gold.

The second structural reason they could maintain the differential between their export prices and their domestic prices—in favor of their exports—is that they have been very careful to protect those domestic industries that they consider important to their economy, or to their employment, from what they consider might be disruptive imports. Let me give two examples, among many, of how this is done.

The first example is the allocation of the available business by their government procuring agencies to their domestic manufacturers at prices that guarantee an acceptable return on investment. The result is high prices for such equipment in the home country. This enables the manufacturer to adopt pricing practices which result in quotes in third markets and the U.S. significantly lower (10% to 50%) than the prices paid by their own government customers.

In my opinion, the attempt to keep other countries' government procurement practices more in line with those of the United States, if the U.S. market is to remain open to them, is long overdue, since the modest 6% Buy American penalty is an inadequate remedy. If, for example, we were free to bid, to go in there and seriously quote our own domestic prices, which we are not, we would be very competitive. And, at the least, it would bring out into the open, for the attention of their own taxpayer-consumers, the differentials they pay for this two-price system.

If our trading partners would follow the same kind of open bidding that our TVA [Tennessee Valley Authority] does, as required by law, resulting in purchasing tens of millions of dollars worth of electrical equipment offshore each year. I, for one, would gladly give up the Buy American 6% for the open bidding and the salutary effect it would have on this form of dual pricing. Until agreement is reached on open procurement, country by country, our government should no longer entertain bids from those who insist on closed procurement in their own country.

The second example of how foreign governments protect their own domestic industries is by moving in, in one form or another, when their own private enterprises can't cut it. We have seen this happen in steel, airlines, nuclear reactors, computers, commercial aircraft, jet engines. When the government steps in, the competitive rules change.

Of course, under this government umbrella, there is little need to be responsible for earnings, and there is no requirement that dividends be paid to nonexistent stockholders. Financing can be obtained from the country's treasury or nationalized financial institutions at concessionary rates or even without costs. Pricing, especially for export, can be jiggered for political purposes rather than economic realities, but such management nevertheless escapes the shadow of bankruptcy.

Privately owned companies find it extremely hard—not to say impossible—to stand up against such competition. It is sobering to note that some of those state-owned industries are now selling half of their production into export. And in the years immediately ahead, such competition is going to grow, and with it so will the size of the problem. These state-owned industries don't meet the economic criteria as we understand them, can insulate themselves from the disciplines of the marketplace, and by virtue of their semi-sovereign nature possess advantages not enjoyed by private concerns.

How we, in this country, are going to be able to handle such competition—domestically and internationally—poses some difficult and sticky choices for ourselves and our own government. Probably we shall have to depend on the almost continuous efforts of our commercial diplomats to persuade the governments behind such state-owned businesses that their industries must behave according to the usual rules of economics. But, as we know, the art of diplomacy doesn't always work. So I suspect we will have to revitalize the use of our countervailing duty laws and, perhaps through new legislation, see to it that the President possesses fast-acting retaliatory powers.

So much for some of the ways that countries protect those domestic industries that they consider important to their economies. Let us turn now to the third, and to me the most significant of all the reasons why the U.S. will remain at a growing and permanent disadvantage as these structural differences exist and proliferate—the different tax policies of our major trading partners.

If we look at the tax structures of many of these countries, we find a wide variety of incentives designed to promote exports. The extent to which such foreign countries have lowered their net income taxes on export income has recently been documented in hearings before the Congress. American businessmen should read these documents to get some idea of how serious this matter has become. While our tax officials undertook a massive effort beginning in 1962 to make sure that export income of U.S. corporations was taxed here in full, foreign countries have continued to permit the shifting of export income to a tax haven subsidiary, for example, or given extra deductions for costs tied to exports, such as extraordinary depreciation deductions for export related assets. In our country, the Administration has proposed to counter this practice by favoring export income on a tightly controlled basis under the DISC [Domestic International Sales Corps] proposal, but the proposal is not well understood in Congress and the direction has been to try to water it down, far below the effective level of an export incentive, and then to kill it.

Now let's turn to border taxes and export rebates.

Let me say that I smile ruefully at much of the hue and cry on both sides of both oceans at the imposition of what some call the "trade wall" of the 10% surcharge. Today's sound and fury absolutely fascinates me as a manufacturer who has spent many years trying to scale the import tax walls of other countries, where the rates of their border taxes range from 11% in Germany to 23% in France, and where the peaks for electrical appliance and TV imports reach 20% in Japan clear up to 36⅔% in England. You, here in Detroit, have the same problem with automobiles where the border tax rate rises to 33⅓% in France, 36⅔% in the U.K., 40% in Japan. And now we are in the process of repealing our relatively modest 7% automotive excise tax.

If I seem to have strong opinions on the equity of these situations, it is because I believe that the most important of the trade-affecting measures built into the structure by our trading partners is the heavy reliance on indirect taxes that are not reflected in the price of their exports and are imposed at the border on imports.

When the GATT [General Agreement on Tariffs & Trade] rules were written some 25 years ago, they provided that the member countries could exempt their exports from indirect taxes—which, then, were understood to be mainly sales and excise taxes—and charge an appropriate compensating border tax on imports. Simultaneously, the GATT rules forbade both export rebates and border levies for direct taxes—that is, those imposed on personal and corporate income, and for social security contributions.

What we did not foresee was the full impact of the difference in tax structures in Europe and Japan relying heavily on high rate indirect taxes, with a simultaneous shift in this country away from indirect taxes toward almost total reliance on the income tax as a source of national revenue. Excluding social security contributions, some 85% of Federal revenues come from the income tax, which cannot be rebated at the border under the GATT rules.

As a result of these opposing tax structures, we face the following situation. On products sold in his own country, the European manufacturer charges his domestic customer on a basis which reflects his tax burden, whether this burden is made up of income taxes, social security taxes, value added taxes, and whatever else. The mix, as these taxes are paid and collected, happens to be what each country determines for itself. In the U.S., the manufacturer's domestic price also reflects the mix of all taxes imposed by all our levels of government.

But there the similarity ends. For when the European manufacturer exports to the U.S. or elsewhere, his government rebates or waives the actual total amount of his indirect taxes that are included in his domestic price. His product then reaches the United States where it crosses the border free of U.S. taxes—or did, before Aug. 15. Thus, his export product price reflects domestic price, less the big domestic rebate, and no U.S. tax.

Now, let's turn the coin over. When the United States manufacturer exports to Europe, his price reflects the burden of all U.S.

taxes that can be ascribed to production and sale and there is no rebate from the U.S. Treasury for any of these. But at the European border the goods become subject to a tax equal to the local indirect tax rates—which I just mentioned as ranging from 11% to 36⅔%. And, as if that were not enough, the border tax is usually imposed on the landed cost, including the European customs duty. There is no corresponding burden on domestic sales. This is just a bit of additional salt rubbed into the wound.

This combination of the U.S. and foreign tax burdens clearly imposes a trade disadvantage on our exports. I am fully aware from the testimony before the Williams Commission and studies made elsewhere that economists are not agreed on the measure of this disadvantage; nor can they agree on just how to measure the extent to which European export tax rebates inflate imports to this country. But they do agree that the system has this table-tilting effect, and the higher the rate of the foreign TVA [added value tax], the more decisive the effect will be. I am convinced that it is high time to recognize this tax structure tilting as a major cause of our trade balance troubles.

Let us then go forward in time to 1972–73, and let us assume the major European industrial countries will all have harmonized their value-added tax at a rate of 15% or more. A European manufacturer exporting to the U.S. will therefore reflect in his export price only a small portion of his national tax burden and social costs—and none of the U.S. federal tax burden. The American exporter to Europe, however, will—just as before—find that his landed price covers his full share of U.S. taxes and, at the border, a contribution to Europe's tax take of something around 15%.

For these reasons—and in spite of the hue and cry on both sides of the waters about "economic overkill"—I believe that all three measures as proposed by the President were necessary. Revaluation without the investment tax credit; the investment tax credit without the 10% surcharge; the surcharge without the tax investment credit or revaluation—would have failed to face up to at least one or the other of the structural differences that currently disadvantage us.

Much of the controversy about "economic overkill" is centered on the 10% surcharge. How long should it remain? I propose that major industrial nations of the world should agree on a basic principle of overriding importance; namely, that there will no longer be any import surtaxes or export subsidies on goods crossing their borders. If a country feels the need for protection, let's call it protection and approach it by the tariff route which is open for all to see and where the legitimate threat of retaliation is enough to cause any country to pause. Until this principle is agreed upon, I would not want to see us as completely disadvantaged as we have been in the past, by having the 10% surcharge removed.

It is particularly unfortunate that Canada, which has a tax structure similar to ours, was caught in a line of fire that was essentially aimed at the trade-distorting practices of others. They, our Latin American neighbors and perhaps other developing countries should be exempt.

But without an agreement from our major trading partners to work toward the equitable removal of structural disadvantages of whatever name, I regretfully come to the conclusion that even with the currency revaluations now being discussed, the United States may still find itself in a position where its trade balance will be inadequate to cope with the overall balance-of-payments problems.

I have come to this conclusion with great concern, as one who has long maintained that international trade, on the broadest possible basis, and with the fewest possible restrictions, was the real economic hope for the world. I still believe this with a deep personal conviction and I will continue to fight for the removal of trade distorting and restricting practices wherever we find them, including right here at home.

But, as we have seen, the old economic rules of the game no longer seem to apply. It was never envisioned that "the invisible hand" of classic economic theory would contain a wide variety of table-tilting practices. Until relative equilibrium and stability can be restored, until the unhappy results of border tax walls are swept away by the two-way flow of goods over as small and low an obstacle course as nations can agree on, it may be necessary to adopt a whole new approach to negotiating—substituting "deeds" for "theories and words."

Thank you for hearing me out. I have spoken today as one who has his own serious responsibilities to General Electric employees and shareowners, and who feels very strongly about the very formidable barriers to free, fair trade being raised in the world today, and who believes that trade cannot long remain "free" unless it is also fair.

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[From the Washington Star, Nov. 23, 1971]

GENESCO, TOKYO FIRM STUDY JOINT VENTURE

NEW YORK.—Genesco, Inc., one of the biggest apparel producers and retailers, and C. Itoh & Co., a Japanese trading firm which is also among the world's biggest textile companies, are considering joint business activities.

The project, which could lead to creation of a jointly owned textile company in the United States, was disclosed in a New York Times interview with Franklin M. Jarman, chairman and chief executive officer of Genesco.

The project would enable Genesco, formerly the General Shoe Co., to obtain Itoh fabrics without higher costs already brought about by the floating of the Japanese yen. The project is subject to a definitive plan to be worked out by next July.

Genesco owns 2,500 retail stores in the United States, including Bonwit Teller, Henri Bendel, S. H. Kress, I. Miller and the Hardy, Flagg and Jarman shoe stores.

Itoh produces and markets a variety of consumer goods with curernt annual sales of about $8 billion, including about $4 billion in textiles.

"We've established joint task forces to study our planned arrangement to work on a project in the United States market," Jarman said. He said Genesco and Itoh had started talks on mutual projects last March.

Genesco is a substantial user of Itoh's textiles and is now paying 9 percent more in costs for such goods because of the floating yen. It expects another proposed revaluation could add as much as 20 percent more to such expenses, Jarman said.

Jarman said the two task forces are studying the feasibility of Genesco's entry, with Itoh, into the Asian and European markets, the latter venture aimed at selling textiles and apparel to East European countries.

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## APPROPRIATIONS DENIAL, ONLY ROUTE TO END WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, I would like to explain my vote against the 1971 military appropriations bill.

While I have at times voted for amendments to defense spending, I have not voted against the whole defense budget. But the courts have declared the war in Vietnam as constitutional because the Congress has appropriated the necessary funds. The Court has shifted full responsibility for the war upon the Congress and the Executive.

If it takes the defeat of an entire military appropriation bill to end the war, then I vote "no." I cannot in good conscience vote for legislation that continues this immoral and unnecessary conflict in Vietnam.

In Orlando against Laird, the U.S. court of appeals declared on April 20, 1971, that:

> Congress has ratified the executive's initiatives by appropriating billions of dollars to carry out military operations in Southeast Asia.—Both branches collaborated in the endeavor and neither could long maintain such a war without the concurrence and cooperation of the other.

I, for one, will no longer ratify or collaborate in what I believe is a senseless war that should never have started. I refuse to concur or to cooperate in our continued interference in Southeast Asia.

In Orlando against Laird, which was denied a writ of certiorari by the Supreme Court on October 12, 1971, the mandate of the Court is clear. It is only by cutting off the funds that we can have this war declared illegal and ended.

This House had an opportunity while considering this defense budget to cut off funds for the war in Southeast Asia. The Boland amendment, which I supported, would have cut off funds for "military combat or military support operations in or over South Vietnam, North Vietnam, Laos, or Cambodia after June 1, 1972" provided that prisoners of war were returned and an accounting made of all Americans missing in action. Unfortunately, that amendment was defeated by a vote of 238 to 163. The defeat of the Boland amendment and the court's decision in Orlando against Laird, leave me no other choice as a responsible public official but to vote against this military appropriations bill.

The American people have spoken out against the war in Southeast Asia. The Harris survey that was published in the Washington Post on November 8, revealed that "by nearly 3 to 1 the American people favor 'getting completely out' of Vietnam by next May." Of those surveyed, 62 percent supported complete withdrawal of all American forces—combat and support troops—by next May. Only 21 percent of those questioned were opposed to total withdrawal. Even if a Communist takeover would result from our withdrawal, 55 percent of the American people were opposed to leaving a residual force of 50,000 noncombat troops. Continued use of U.S. bombers and helicopters to support the South Vietnamese army was opposed by 57 percent. The giving of $1 billion military assistance to South Vietnam annually was opposed by 70 percent of the respondents.

It is a sad day when the Members of this House are so obviously out of step with the sentiments of the overwhelming majority of the American people who oppose the war.

The courts and the American people have spoken. If the only way to end the war is to cut off the appropriation for

the entire defense budget, then I join with the majority of the American people who oppose this war and vote "no" on the 1971 military appropriations.

## EULOGIES TO THE LATE J. HOWARD EDMONDSON, FORMER GOVERNOR OF OKLAHOMA

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, as I am sure all the Members know, the youngest man ever to be elected Governor of Oklahoma at the age of 33, J. Howard Edmondson, the brother of our colleague ED EDMONDSON, died recently of a heart attack at the age of 46. His funeral eulogies were delivered by his son, James Howard Edmondson, Jr., and his brother ED. They have described their father and brother more accurately than any of the many great men and women who praised him or journalists who wrote of his brilliant, sometimes stormy, career. I have no power to add to the portrait they have drawn; I include their remarks for the information of those who did not know the late Governor and Senator, and the concurrence, I am sure, of those who did.

The eulogies follow:

EULOGY

(By Ed Edmondson)

My brother and I, and many others in this house of God today, have been inspired by the moving words of Theodore Roosevelt who said many years ago, "It is not the critic who counts, not the man who points out how the strong man stumbled, or where the doer of deeds could have done them better. The credit belongs to the man who is actively in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes short again and again, who knows the great enthusiasm, the great devotions, and spends himself in a worthy cause—who, at the best, knows in the end the triumph of high achievement, and who, at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither defeat nor victory."

I believe my brother and Teddy Roosevelt, had they lived at the same time and place, would have been great friends. There was nothing cold nor timid about James Howard Edmondson. He was a man who knew the joy of daring greatly, and who spent himself in more than one worthy cause. He was a man who knew both defeat and victory, and in my belief, stood even taller in defeat than he did in victory.

Someone has said that a man who is loved is usually a man with a nickname. Our dad had a nickname for my brother when he was only a toddler. He called him "Man," and I believe he was a man in the best sense of the word, throughout his life. Others called him "Nugget," not only because he was known to be hardheaded on occasion, but more because he was pure gold as a human being who cared for other human beings and did what he could as a man and as a public servant to make this world of ours a better place for man. To some, who worked closely with him, of course, Howard was always known as "Gov."

Howard Edmondson loved his home, his family, his friends, his state and his country. He gave generously of himself to all of these loves. He loved the political arena, and all the storm and strife and struggle of that arena, and he stood tall and spoke his mind and defended his loyalties in the strongest winds of that arena.

But he did not see politics as a game or a hobby. For him it was *the* place where the action is, in the center of the struggle where the destinies of men and of nations are decided, and he cheerfully and tirelessly and inspiringly met the responsibilities of leadership and of citizenship in that struggle.

He loved young people, and he loved to join them and be with them, to encourage them to enter the political arena. One election which he relished above many was the one in which his own young daughter was elected precinct chairman in an affectionate family contest with her daddy.

The example which he set as our Governor in fighting hard and well to carry out his public campaign commitments in their entirety was, and is, an inspiration to all in public service.

The monuments to his public service are many—as County Attorney, Governor and Senator, but I will leave their enumeration to others.

As his brother, I am convinced he was the finest brother a man ever had. I know that his loving wife, and children, mother, sisters, and all members of our entire family share the sense of irreparable loss that is in my heart today. His two-year-old grandson is just as lost and just as sad at heart as we.

As for his friends, I can only say this—I have never seen more friends grieve, and share with the family their sorrow and their love than I have seen the last three days in November. In love of friends our cup runneth over.

The Father of us all who often moves in mysterious and awesome ways has taken from us at 46 one of the finest and most loved of men. The memory and the joy of his brave spirit and his love for family and his fellow man remain to warm and inspire all of us for all time to come.

EULOGY

(By James Howard Edmondson, Jr., Nov. 19, 1971)

In behalf of my mother, my wife, my sisters, my father's mother, his brother and sisters, and family, I want to express what we feel as we honor my dad today.

We loved him as a husband, father, son, and a brother. He was my closest friend. We have been deeply shocked, and it seems unbearably saddened, yet we are privileged to have been a great part of his life, to have touched him, and to have been touched by him.

His capacity to love and to give was without equal. Dad and I had the same birthdate. On our last birthday, we shared this thought—that to enlarge or illustrate this power and effect of love is to set a candle in the sun.

Not so long ago, in the Congress of the United States, my father said these words about his President and his friend, and they express our feelings about Dad:

"I marveled at his grace, his dignity, his wit.

"I trusted his words.

"His deeds projected the devotion of a man endowed with rare understanding—of himself, of his family, of his nation, of his world, which is a better place because of him.

"The silence his passing leaves is more deafening than all the applause his presence brought."

As he lived, we adored him. He will always be with us.

## PRESIDENT NIXON'S THREAT TO VETO TAX BILL

(Mr. ALBERT, at the request of Mr. MCFALL, was granted permission to extend his remarks at this point in the RECORD.)

Mr. ALBERT. Mr. Speaker, the President's veto threat of the tax bill comes with ill grace. When measured against the dismal record of economic performance which has been inflicted upon this Nation since January 1969, the President's pronouncement borders on intellectual arrogance. That the President and his economic advisers would still at this late hour endeavor to place upon this administration the mantle of economic infallibility is incredible.

President Nixon's administration for 2½ years in the face of a deepening recession, growing unemployment, and galloping inflation, did little other than issue Madison Avenue versions of Mr. Hoover's "Prosperity is just around the corner." Only on August 15 did a combination of ghastly economic news and political reality force the President to move. He has submitted legislative recommendations to the Congress aimed at reviving the economy. Congress has moved with dispatch and cooperation on those recommendations. Yet we have been subject to a continuous barrage of carping and nagging criticism by administration spokesmen because of our refusal in the case of either the tax bill or phase II to accept administration-drafted legislation without so much as dotting an "I" or crossing a "T." The President's veto threat of yesterday was but the culmination of these "the President knows best" pronouncements. I would respectfully remind the Chief Executive that the Congress is a coequal branch of government. And it certainly does not need any more lectures from the executive branch as to what this Nation needs in the way of economic stimulation legislation. The record of the Democratic 92d Congress in the economic field as against that of this administration stands as Gulliver to the Lilliputians.

## GUN CONTROL—REVERSED PRIORITIES

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, despite the wave of violent crime that is now sweeping America's cities, proponents of strict gun control—or gun confiscation—continue to ignore the fact that what is really needed is tough treatment of criminals who use guns in crime.

I have long supported strict, mandatory prison sentences for all who use guns in committing crimes. An essential part of this policy is the need for judges who are willing to strictly enforce these strict laws. Law-abiding Americans are simply fed up with judges who are lenient to the point that they are undermining respect for our laws.

In fact, as we recently pointed out in excellent editorials in two newspapers in my district, the Nashua Telegraph and the Claremont Daily Eagle, law-abiding American sportsmen deeply resent efforts to place controls on the ownership and use of guns at the same time that they see criminals being treated with velvet gloves and excessive leniency.

These two editorials make the very valid point that the priorities of gun control advocates are backward. The first thing that should be done is to crack down hard on abusers of guns. Unless and until that is done, gun owners feel it is ridiculous to pass laws and regulations which serve only to hamper the activities of respectable citizens who own and use guns with responsibility.

It is because I believe so strongly in mandatory, nonsuspendable sentences for persons committing crimes involving the use of a gun that I voted for the Gun Control Act of 1968 when it first passed the House. It came to the House floor containing these mandatory, nonsuspendable sentences, so I voted for the Gun Control Act in order to get the stricter treatment of abusers of guns. However, the Senate deleted the nonsuspendable, mandatory sentence provisions. So, when the Gun Control Act of 1968 returned to the House I voted against it.

The two fine editorials, from the Nashua Telegraph and the Claremont Daily Eagle follow:

[From the Nashua (N.H.) Telegraph, Oct. 19, 1971]

FUTILE GUN CONTROL LAWS

Judging by recent figures concerning the killing of policemen, sweeping gun control laws, aimed at depriving the law abiding of the right of gun ownership, would be about as effective as outlawing the rising of the sun. These figures show that of the arrested killers of policemen, 71 per cent had been arrested previously and 57 per cent had been convicted, mostly of crimes of violence. This means that it was already illegal for most of them to have guns under federal law and many state or local laws.

Between 15 and 20 per cent of the policemen murdered with handguns were killed with their own handguns, which their assailants snatched away from them. This could be the consequence of "Don't Shoot" orders given police in some cities. In the past three years, Black Panthers have murdered nine law officers and wounded 56 more with gunshots. Most of the guns traced to them were found to have been acquired by theft.

The simple fact, as pointed out in "The American Rifleman", is that, "Most police killings are committed by criminals with illegal guns. Rather than passing another law for them to ignore and break, the solution is to put them in jail. There are enough laws now under which that can be done without bedeviling the millions of honest citizens who own guns."

The right of gun ownership is one of the most fundamental and traditional of American freedoms. A gun is a companion of ranchers, farmers, trappers, woodsmen and sportsmen. Those who would strike down the right of gun ownership for these millions of responsible citizens in the name of curbing crime are committing the greatest disservice to the basic principles of our American philosophy of individual freedom.

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[From the Claremont (N.H.) Daily Eagle, Nov. 2, 1971]

JUSTIFIED RESENTMENT

Advocates of measures to deprive law-abiding private citizens of the right of gun ownership have a problem.

They find themselves confronted with a growing body of irate Americans who are sick and tired of seeing criminals riding roughshod over the sanctity of person and property while those who uphold the law are castigated by the politicians as if they were criminals simply because they oppose abridgement of firearm ownership.

Typical of the reaction of gun-owning sportsmen and concerned citizens to sweeping antigun measures was apparent in the state of Connecticut when several gun control bills were being considered by the state's General Assembly.

Some 4,000 hunters, target shooters, gun collectors and ordinary freedom-loving individuals packed the state capitol to make known their views.

Typical of these views was the comment of one opponent of the anti-gun proposals, who happened to be a woman.

She said:

"Sportsmen resent being told they must have an ID card, permits and licenses to enjoy their sport.

"They are tired of seeing persons who use firearms in crime go free, while law-abiding citizens are harassed."

The gun control legislation already on the books has not been effective in curbing crime, and there is little reason to believe further legislation would help the situation.

That is why gun control advocates that tar the law-abiding and the criminal with the same brush are finding growing public resentment toward:

(a) Lenient treatment of criminals.

(b) Proposals to disarm the law-abiding citizen.

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## MR. GORDON K. BROWN POINTS OUT JAPANESE GOVERNMENT AID TO TEXTILE INDUSTRY AS UNFAIR TRADE

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, recently, a constituent and good friend, Mr. Gordon K. Brown of West Swanzey, N.H., sent me an extract from the Daily News Record, dated October 18, 1971, which is printed in New York City.

This article again points out the unfair trade advantage gained when foreign competitors are subsidized and otherwise assisted by their respective governments. In marked contrast, when proposals are put forth to assist domestic industries against unfair competition from imports, bureaucratic proponents of "free trade" rally in opposition.

The article strongly reinforces my position as recorded on August 5, 1971, CONGRESSIONAL RECORD, 29829 and 29830.

The item demonstrates the degree of assistance, in one instance, extended by a government to help its textile industry. I would like to see "fair trade" become our objective, since "free trade" as presently practiced is not fair.

The article follows:

JAPAN TO AID INDUSTRY

TOKYO.—The Japanese Government said it would take positive measures to aid the textile industry following the settlement of the longstanding United States-Japan textile dispute.

The Government plans:

Purchase surplus textile machinery;

Extend low-interest loans to industry to finance inventories;

Defer or rebate corporate taxes;

Extend loans for change of business; and

Buy up surplus stocks from the market.

Despite these measures, the textile agreement is certain to draw fire from the textile industry, which is determined to fight back. It is viewed as almost certain that the Textile Federation would file administrative suits against the Government.

The industry also has threatened not to cooperate with the Government in implementing the agreement. This raises the problem of how the quota allocations and other administrative steps will be handled for 3,150 trading companies and 130,000 manufacturers involved.

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## SECRETARY LAIRD REFUTES SENATOR HARTKE

(Mr. MINSHALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MINSHALL. Mr. Speaker, such wide publicity has been given to reckless and politically motivated charges by a Member of the other body regarding President Nixon's promise to end our participation in the Vietnam war, that I feel it essential and in the best interests of our Nation to include in the RECORD the following exchange of correspondence:

THE SECRETARY OF DEFENSE,
*Washington, D.C., September 30, 1971.*

HON. VANCE HARTKE,
*U.S. Senate,*
*Washington, D.C.*

DEAR VANCE: I have been concerned by news reports which quote you as making the following statement: "But never has an American President lied so blatantly for so long as has Richard Nixon on the war in Vietnam." I realize, of course, that the quotation may not have been correctly reported; the news reports indicate the remark was made in California on Saturday, September 25, 1971.

I feel certain that as a member of the Senate you are fully aware that a charge that the President has lied to the American people about his steps to terminate U. S. participation in Vietnam fighting simply is not supportable by the facts. The record shows clearly and conclusively that President Nixon has kept every single promise he has made to our people regarding Vietnam and that in the process has successfully reversed the escalation policies he inherited and drastically reduced the level of U. S. forces in Southeast Asia.

When the President took office there was an authorized troop level of 549,500 American servicemen and women in Vietnam; casualty rates were averaging around 300 Americans killed per week; and there was no comprehensive plan to end the United States involvement in the war.

At the present time, more than 300,000 troops have been withdrawn from Vietnam, and U. S. casualties have been averaging less than 20 per week in recent months. In addition, at the President's direction we are continuing to withdraw Americans at an average rate of more than 14,000 per month. Most importantly, the United States has helped train and equip the South Vietnamese, through Vietnamization, so they can carry almost the entire burden of the defense of their country against Communist aggression. In a word, this country has done everything President Nixon has said we would do.

In June of 1969, the President announced a reduction in the troop ceiling of 25,000 men from Vietnam. These withdrawals were completed as scheduled by the end of August, 1969.

In September of 1969, the President announced an additional redeployment of 40,000 troops. These withdrawals were completed by December 15 of that year.

In December of 1969, the President announced an additional 50,000 troop reduction. These withdrawals were completed as scheduled by April 15, 1970.

In April of 1970, the President announced

a 150,000 troop reduction. These withdrawals were completed by April of this year.

On April 7 of this year, the President announced an increase in the rate of American withdrawals which will result in at least 100,000 more American troops being brought home from Vietnam by December 1. That schedule is presently being met and by all indications will exceed the President's expectations.

The President has promised another announcement of further withdrawals in November and as with all of his other announcements, we in the Department of Defense will meet or beat the commitment our Commander-in-Chief makes.

On the negotiating front, President Nixon has gone to exhaustive lengths to reach a settlement of the war at the Paris Peace Talks and in other channels. He has stated publicly on many occasions that the United States never will give up hope or stop trying to achieve a solution to the war through peaceful negotiations. In pursuance of that goal the President has offered the most comprehensive proposals for the settlement of differences in Indochina. His position has been restated on countless occasions—at Presidential news conferences, in newspaper interviews and in public speeches.

It is very clear from the record that this Administration has never raised false hopes about Vietnam nor made promises it couldn't deliver.

As Secretary of Defense, I am proud of the record and proud of promises kept. I would hope all federal officials could share that satisfaction and stand by our President as we continue his plan to end U.S. involvement in this war.

But, as I said, perhaps you were misquoted.

Sincerely,

MELVIN LAIRD.

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U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
*Washington, D.C., October 2, 1971.*

Hon. MELVIN LAIRD,
*Secretary of Defense,*
*Washington, D.C.*

DEAR MEL: I have your letter concerning the news report that I said President Nixon has lied blatantly about the war in Vietnam. You indicate your disagreement. Let me give you some instances of deliberate deception by the President about the war.

Your letter speaks of his reversal of "the escalation policies he inherited"; President Nixon himself has repeatedly spoken of the war as something started by somebody else and merely "inherited" by him. Yet the facts are the opposite. You know he worked with Secretary Dulles in 1954 to get us to help the French in Vietnam, even if this meant sending U.S. troops. I remind you of his April 16, 1954, speech to the Society of Newspaper Editors in which he said we could not afford further retreat in Asia and "if this government cannot avoid it, the Administration must face up to the situation and *dispatch forces.*" And you know of the Dulles-Nixon rejection of the July 1954 Geneva agreements and their injection of U.S. forces into South Vietnam in violation of those agreements. Mr. Nixon was one of the leaders who started the war—not an inheritor.

Furthermore, President Nixon was not the one who reversed our unfortunate escalation of the war. It was Lyndon Johnson who reversed it when he stopped our bombing of North Vietnam and developed an understanding that led to the Paris peace talks.

President Nixon merely followed President Johnson's de-escalation. Of course, Mr. Nixon is now apparently reversing the reversal by resuming the bombings on a large scale and thus escalating our military attacks, to the tune of 200 sorties in one day.

Let me remind you of Mr. Nixon's statements during his 1968 campaign that he had "a plan to end the war". As intended, this was interpreted by the public as a promise to end the war rather soon.

Suppose, instead, that Candidate Nixon had said throughout the 1968 campaign that he had a plan to end American ground forces combat in the war *after four more years and 20,000 American lives.* Do you think for a moment that he would have been elected President?

Could he have kept his promise to end the war? As early as May 14, 1969, President Nixon told the American people that he *could* have ended the war immediately after his inauguration. "This," he said, "would have been the easy thing to do . . ."

But he chose not to do so. He chose to continue the killing for what is now almost three more years. And although American combat infantrymen may all be out by this time next year, to the war itself, as you well know, there is no end in sight. American air and naval forces will continue to devastate the lands of Indochina, killing and making homeless tens of thousands of innocent civilians in the process. And a conscript army of South Vietnamese, supplied and paid for one hundred percent by American tax dollars, will continue to kill and be killed in a merciless civil war between rival dictatorships in Saigon and Hanoi.

The futile raids to release U.S. POWs, in North Vietnam and Cambodia, reflected terrible misinformation—unless the purpose was to deceive the American public. Since there is evidence that you and Mr. Nixon knew the POWs had already been moved, I am inclined to accept "calculated deception" as the purpose. Likewise with the Cambodian invasion. The President ballyhooed that as a great expedition to capture the enemy headquarters, the planning centers, and troops about to invade Vietnam. He found no headquarters, no planning centers, and no troops of significance. Was that an operation of stupidity or an attempt to mislead the American people into believing that progress was being made?

The Laos invasion illustrates a central theme of Nixon on the war. You remember that an Act of Congress prohibited American troops being on the ground in Laos. And so our newspapers carried stories of American forces stopping at the boundary line and thereafter doing their shooting and bombing from the air, keeping their feet above the ground except for occasional forays. Perhaps you obeyed the law, but if you did, it was pretty tricky, was it not? We were there, egging on the South Vietnamese and shooting from planes, but still we were not there. Incidentally, 46% of our citizens said at that time in a public opinion poll that they did not believe you. Trickiness is eventually self-defeating.

The President's repeated remarks about his solicitude for American POWs is another attempt to deceive. He raised this issue a year ago to justify continuing the war. But I know from my visits to Paris last spring that the North Vietnamese and Vietcong were willing to release our POWs if we agreed to get out of Vietnam. The Senate called for this type of arrangement in the Mansfield amendment last June and again on September 30. If the President had been willing to accept this policy, the war would be over, and the POWs enroute home in a matter of weeks. Despite his remarks, he is the one who is keeping them in prison.

This past week the President appeared before the relatives of our POWs in a cruel act of deception. In an emotional voice, he told of his alleged concern and efforts and hinted that he was doing more to obtain their release than he could reveal publicly. I frankly do not believe this. I think that the junior Senator from Kansas and Chairman of the Republican National Committee, Bob Dole, honestly reflected the Administration's policy when he told the meeting that he would not advocate the release of U.S. POWs at the expense of the Saigon government.

This is the crux of the matter. President Nixon's main purpose is to keep in power the dictatorship now propped up by our arms in South Vietnam. To put it another way, his main purpose is to carry out the Nixon-Dulles objectives in 1954 to impose a French or American colonial government on the people of Vietnam. That is why he turned down the policy offered by the Senate. That is why he rejected the Paris proposals—and, incidentally, timed that rejection so that it would be swallowed up in larger news stories, and the public would not realize that he had rejected an offer for peace and release of POWs. That is manipulating public information.

Mel, I am sorry to be so blunt about this, but I want you to know that there is ample evidence concerning the deception practiced by the President on Vietnam.

Sincerely yours,

VANCE HARTKE,
*U.S. Senator.*

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THE SECRETARY OF DEFENSE,
*Washington, D.C., November 29, 1971.*

Hon. VANCE HARTKE,
*U.S. Senate,*
*Washington, D.C.*

DEAR VANCE: Thank you for your letter of October 2, 1971. I had hoped that my previous letter would have clarified for you the basic plan of this Administration in winding down and terminating U.S. involvement in the war in Vietnam.

Apparently, you remain confused. More important to me as Secretary of Defense, you are confusing some sincere Americans around the country by giving wide circulation to the totally unfounded and unwarranted allegation that President Nixon has blatantly lied to the American people concerning Vietnam.

I am therefore responding at this time to your letter so that, in any further dissemination, you will be able to include my specific comments on the additional erroneous allegations contained in your letter of October 2nd.

My first impulse was to reply immediately to your letter. However, I felt it would serve no useful purpose to perpetuate a "dialogue" when it is clear you will continue to insist that policies with which you may honestly disagree must have arisen from devious and base motives on the part of those who undertake those policies. On an issue as grave and serious as war and peace, I hoped—apparently mistakenly—that responsible men could restrain their impulses to engage in "ad hominem" attacks in favor of a search and constructive debate not on the past but on what policies can most likely lead to peace in the future.

We will not resolve in an exchange of correspondence which men or what specific policies or policy utterances were historically responsible for leading America into a land war on the Asian Continent. Since becoming Secretary of Defense, I have sought to sift the debate in America from "Why Vietnam" to the more pertinent question of "Why Vietnamization." I think we have largely been successful in doing that. As the end of all American involvement in the fighting draws near, we are able more and more to focus our attention on the difficult questions of national security beyond Vietnam. In my view, that is what the debate in America should be about today.

I was frankly surprised to see you refer to the President's statement in 1968 in New Hampshire that he had a "plan" to end the war as further documentation of your charge.

He did indeed have a plan and we have been proceeding according to that plan not only in Vietnam but in all aspects of our foreign policy.

I frankly find it incomprehensible that you

as a public servant would malign another public official for conceiving a plan for peace and then proceeding to carry it out.

Basically, there are two concepts involved which are not difficult to understand unless one deliberately chooses to misunderstand them. One involves the Nixon Administration's plan to terminate American combat involvement—ground, air and sea—in the war in Vietnam. The other involves our Commander-in-Chief's plan to bring about lasting peace.

With regard to terminating U.S. involvement in the war in Vietnam, I spelled out in part how far we have come along that road in my letter of September 30th. Since that letter additional thousands of American troops have come home and the President set a new troop ceiling of 139,000 for next February 1, a total reduction of more than 400,000 from the troop ceiling of 549,500 that existed when we assumed office.

The de-escalation, or winding down of the war, has most emphatically included the level of air attack sorties. They are now down to about a third of what they averaged in 1968, and have been trending downward rather steadily since our start of Vietnamization in 1969. And it has included other actions which I did not mention, such as turning over naval responsibilities—actions which also are being accomplished on or ahead of schedule.

With regard to who is responsible for the de-escalation policies we have been pursuing since 1969, I would remind you that we were moving in the opposite direction from bringing troops home when President Nixon assumed office. In crediting the previous Administration with starting an inexorable de-escalation process with its announcement of a bombing halt on November 1, 1968, you seem to have forgotten that the then Secretary of Defense, Clark Clifford, 36 days before and 40 days after the bombing halt—to cite two examples—emphatically asserted that there were no plans to withdraw any American troops, that in fact, we were still building toward the authorized ceiling of 549,500 American troops in Vietnam, and that there was no prospect in the foreseeable future of bringing any American troops home. To quote from his December 10, 1968 press conference, Secretary Clifford said, "Let me reiterate that at the present time there is no plan for any net reduction in our troop level in Vietnam."

You may recall that I disagreed with the inflexible policy of ever-increasing troop levels at the time. I publicly predicted in September, 1968, that thousands of American troops could be withdrawn in 1969. The prediction was made on President Nixon's aircraft to representatives of the news media between Boise, Idaho, and Bismarck, North Dakota. It was made after lengthy discussions with Mr. Nixon, in the preceding days and weeks, on the details of the plan—which he referred to in New Hampshire and which later, after he became President, came to be known as Vietnamization and the Nixon Doctrine.

You may feel it is wrong to put first priority on terminating U.S. involvement in the war while simultaneously trying to achieve peace in Vietnam through negotiations. Apparently you do and you are certainly entitled to that view.

I happen to disagree and I believe the American people do too.

The other concept which I mentioned is the Nixon Administration's plan to end the war, as contrasted to simply ending American involvement in the war—or to state it positively and fully, to bring about lasting peace. In fact, the New York Times account of Mr. Nixon's pledge to end the war of March 5, 1968, quotes Mr. Nixon as follows:

"I pledge . . . new leadership will end the war and win the peace. . . ."

The New York Times further quoted Mr. Nixon as saying he had "no push button techniques," but that the war can be ended if "we mobilize our economic and political and diplomatic leadership."

The complementary twin tracks of Vietnamization and negotiations comprise and have comprised major elements of President Nixon's plan to end the war and win the peace. But that plan goes far beyond considerations of Vietnam alone. Both the President and other major spokesmen of his Administration have been pointing this out rather frequently and emphatically since 1969. I will offer just two quotes to illustrate. The first was taken from my first Defense Report to Congress early in 1970:

"Vietnamization is both a means to an end and a beginning: a means to end the American involvement in Vietnam and to make a credible beginning on our new policy for peace and increased self-reliance in Asia. This first step in implementing the Nixon Doctrine is of critical importance in ending the war. Moreover, success of the Nixon Doctrine can help remove the need for similar American ground combat involvement in future Asian wars, an important objective of our new strategy."

After restating that in my second Defense Report to Congress this past March, I went on to say:

"Our single objective in South Vietnam has been and remains to help that country insure self-determination and become capable of maintaining security and insuring its own future. At the same time, we seek methodically to terminate American combat involvement in Indochina *in such a way* that the prospects for effective self-defense—and, more hopefuly, the prospects for lasting peace in the area—will be enhanced by the orderly way in which we leave."

To put this in as straightforward a manner as I can, the Nixon plan to end the war is bound up in the entire fabric of the President's Foreign Policy and the complementary National Security Strategy of Realistic Deterrence. These new approaches have been conceived and implemented with the purpose of moving from an era of confrontation to negotiations and in order to foster conditions for what our Commander-in-Chief so often has referred to as a "full generation of peace."

Of course, no one can guarantee the future course of world events or ensure absolute success. But the probability of success would be greatly reduced if we lack understanding and support from Congress and the American people. Enhancing the prospects for success can also entail such controversial decisions as the Cambodia and Laotian operations and a willingness sometimes to take extra risks for peace. It can also involve other risks such as the bold attempt to free our prisoners of war in the Son Tay raid, even if the chance is only 50–50 that prisoners will be there.

One final point, Vance. You seem preoccupied with holding the President to absolute consistency in every word he has uttered over a period that spans more than 17 years. This prompts me to raise a question of consistency between two paragraphs in your letter of October 2nd.

On the one hand, you say (paragraph 4, page 2) that "there is no end in sight" to the war even if all American combat infantrymen are out by next year. You predict the fighting will continue between North and South into the indefinite future.

But, on the other hand, you say *"the war would* (already) *be over"* (paragraph 2, page 3) if the President had accepted the Mansfield troop withdrawal amendment.

And although those two contradictory statements appear in the same short letter, I find it hard to assign devious motives to you or to believe that you were seeking deliberately to deceive me or the American people.

I do feel compelled, however, because you are spreading erroneous information by distributing my personal letter to you and your misleading reply, to make this correspondence available to the public.

Vance, I am sorry to be so blunt about this, but I believe deeply that the best interests of the American people and of lasting peace would better be served if all of us tried to confine our dialogue to the substantive issues and to the facts, instead of resorting to what we used to call in our college debating classes "ad heminem" attacks.

Sincerely,

MELVIN LAIRD.

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## REPRESENTATIVE CAREY OF NEW YORK JOINS WITH CHAIRMAN OF WAYS AND MEANS COMMITTEE IN INTRODUCING INTERGOVERNMENTAL FISCAL COORDINATION ACT OF 1971

(Mr. CAREY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CAREY of New York. Mr. Speaker, I am pleased to join today with the distinguished chairman of the Ways and Means Committee in introducing the Intergovernmental Fiscal Coordination Act of 1971.

This is a timely and responsive bill. It addresses itself to the needs of the cities. It recognizes the realities of the severe fiscal crisis existing in all too many of our local governments, which are carrying excessive burdens in meeting problems which are truly national in scope.

The Mills bill also involves the States as copartners with the Federal Government in undergirding the interests of the localities. Payments are made to States to provide an incentive for States making use of the individual income tax. To fail to take into consideration this key factor of State revenue-raising effort would mean that States which now are not utilizing their tax resources would share equally well with States that are taxing themselves up to the hilt and, indeed, beyond their means.

This legislation is of a size which is manageable in terms of Federal obligations, and, although I wish it were more generous, it obviously bears in mind the prospect of a record deficit in the national budget. In other words, this bill provides as much assistance as the Federal Government can afford, yet it brings into local hands far more than State and local governments can afford to raise themselves. It is at least a stop gap in response to the defeats that have been suffered by State and local bond issues.

I am particularly pleased that the form of the bill setting forth grants directed to specified programs is much in accord with the legislation I introduced with 13 Members of the New York delegation in May of this year, the General Grant Revenue Return Act. Our bill also provided for grants within specific areas which both local governments and the National Government consider to be "high priority activities: public safety, environmental protection, public transportation, youth recreation programs, health financial administration, and related capital programs."

Some will argue that the Mills bill imitates the Nixon revenue-sharing program. On the contrary I maintain that this bill reflects the sound judgment of the Ways and Means Committee and its distinguished chairman, arrived after weeks of testimony and careful con-

sideration of the various plans generally referred to as revenue sharing, revenue shifting, tax credits, and so forth.

The Intergovernmental Fiscal Coordination Act avoids the unworkable and badly contrived mechanisms of the Nixon revenue-sharing bill. For example, the Nixon plan would discharge money in so many different directions that its impact would not be measurable. Miniscule provisions for scores of small and unrelated programs would have little impact on solving the pressing problems of the cities; taxpayers would have the right to feel that their dollars were being utilized in a frivolous way.

Most importantly, the Mills bill aims and direct funds to specific areas according to need—as did my own bill. In addition to the distribution of money on a per capita basis, the bill provides for a need formula which takes into account the number of low-income families. This stress formula follows the important principle of "distributive justice," that is, to gather from all according to their means and distribute to each in accordance with his needs.

The final title of the Mills bill provides for a system of Federal collection of State individual income taxes. There are many redundancies in tax collections now since almost all jurisdictions throughout the country are imposing identical or similar taxes—income, sales, estates, and so forth. There is no reason why we could not cut down the paper work and excessive bureaucracy brought upon the Government and the individual taxpayer. This multiplication of tax collection systems may be about to destroy our principal tax resource—the taxpayer himself—since he must financially support the inefficiencies of our present tax collection system. I am pleased that this sorely needed coordination of the collection of Federal, State, and local income taxes was also included in the General Revenue Return Act. Section 6 of that bill provided for the creation of a Federal-State-Local Income Tax Commission.

Mr. Speaker, I would like to commend Chairman Mills for his sound judgment in drafting such an ingenious and workable piece of legislation. I strongly urge my colleagues to give this bill the careful consideration and support which it deserves.

## MAURICE J. O'ROURKE

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, yesterday I brought to the attention of the House the fact that Maurice J. O'Rourke, a devoted public official and longtime friend, died of a heart attack on November 27.

As president of the New York City Board of Elections, Marcy O'Rourke opened the political process to many who had previously been denied a full share in American life. His dedication to making our electoral system work was unwavering. And as a result of his leadership, we have moved closer to the dream of America that we all share.

The mark Marcy O'Rourke has had on the political process was the subject of an editorial published in this morning's New York Times. I commend it to the attention of my colleagues:

[From the New York Times, Nov. 30, 1971]

A MEMORIAL FOR MR. O'ROURKE

Affable, ebullient, energetic, Maurice J. O'Rourke was more than merely president of the New York City Board of Elections; for many years he *was* the board, working full-time at what some considered a part-time job. He could be found from early dawn to late at night during every election period, trying personally to make certain that the local machinery of democracy functioned fairly and smoothly.

Yet no one knew better than he—or expressed the view more forcefully—that the Board of Elections itself stands as a political anachronism desperately in need of overhaul. Since the turn of the century, when Manhattan and Brooklyn dominated the new five-borough city, the Board of Elections has been composed of four members, one from each of the major political parties and one from each of these two boroughs. A recent court decision has held that the board as now composed unconstitutionally discriminates against the voters in the city's three other boroughs.

It remains our view, as it was Mr. O'Rourke's, that simply to expand the board's membership without making other fundamental changes would only make bad matters worse. It would increase the opportunity for political patronage which already undermines the board's effectiveness.

Only Mr. O'Rourke's fierce dedication to the integrity of the electoral process enabled the board to function as well as it has in recent years when, by Federal law and Constitutional Amendment, the number of eligible voters has been vastly expanded. Both a capital "D" Democrat and a small "d" democrat, Mr. O'Rourke could have no more fitting memorial than legislative approval of the electoral reforms he so stoutly advocated during many years of service to his fellow citizens.

## WILLARD EDWARDS' 50TH ANNIVERSARY

(Mr. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CRANE. Mr. Speaker, Members of Congress have been fortunate through the years to have the wisdom and guidance of many fine newspaper reporters at their fingertips through the various newspapers delivered daily on Capitol Hill and through the many reprints of newspaper articles included in the CONGRESSIONAL RECORD.

One such reporter, whose byline is almost as familiar in the RECORD as it is in the Chicago Tribune, is Willard Edwards, the very distinguished columnist whose comments appear regularly on the editorial pages of the Chicago Tribune.

Today is Mr. Edwards' 50th anniversary as a reporter and I am sure my colleagues join me in extending congratulations to him on this occasion, as well as best wishes for many years to come.

We should be grateful for his many wise comments in the past and I hope we will continue to reap the benefits of his experience and talents.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of South Carolina, for today (at the request of Mr. BOGGS), on account of official business.

Mr. ROYBAL (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. GUBSER (at the request of Mr. GERALD R. FORD), on account of death in family.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GIBBONS, for 1 hour, on December 8, 1971, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. MCKINNEY) to revise and extend their remarks and include extraneous material:)

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. BLACKBURN, for 5 minutes, today.

Mr. CRANE, for 30 minutes, December 1, 1971.

(The following Members (at the request of Mr. MONTGOMERY) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 10 minutes, today.

Mrs. GRASSO, for 10 minutes, today.

Mr. FULTON of Tennessee, for 10 minutes, today.

Mr. BURKE of Massachusetts, for 15 minutes, today.

Mr. ASPIN, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN and to include a speech.

Mr. FUQUA and to include extraneous matter.

Mr. MITCHELL and to include extraneous matter.

Mr. GROSS.

(The following Members (at the request of Mr. MCKINNEY) and to include extraneous matter:)

Mr. MINSHALL in two instances.

Mr. SCHWENGEL in three instances.

Mr. STEIGER of Wisconsin.

Mr. SPRINGER in three instances.

Mr. ANDERSON of Illinois in four instances.

Mr. WYMAN in two instances.

Mr. MCDONALD of Michigan.

Mr. HOSMER in two instances.

Mr. DERWINSKI.

Mr. SCHERLE.

Mr. KEMP in two instances.

Mr. ZWACH.

Mr. STEELE in 10 instances.

Mr. STEIGER of Arizona.

Mr. VANDER JAGT in two instances.

Mr. MCKINNEY.

Mr. BRAY in two instances.

Mr. TERRY.

Mr. REID of New York.

Mr. VEYSEY.

Mr. ASHBROOK in two instances.

Mr. ARCHER.

Mr. LUJAN.

Mr. BOB WILSON.

(The following Members (at the request of Mr. MONTGOMERY) and to include extraneous matter:)

Mr. RARICK in three instances.

Mr. KYROS in four instances.
Mr. MITCHELL.
Mr. DINGELL in two instances.
Mr. GONZALEZ in three instances.
Mr. ROGERS in three instances.
Mr. KLUCZYNSKI in three instances.
Mr. FOUNTAIN in three instances.
Mr. HAGAN in three instances.
Mr. SCHEUER in four instances.
Mr. BEGICH in five instances.
Mr. BINGHAM in two instances.
Mrs. SULLIVAN in two instances.
Mr. FLOOD in two instances.
Mr. CASEY of Texas in two instances.
Mr. BIAGGI in five instances.
Mr. HARRINGTON.
Mr. DANIEL of Virginia in two instances.
Mr. PRYOR of Arkansas.
Mr. JAMES V. STANTON in two instances.
Mr. KOCH in three instances.
Mr. ROYBAL in four instances.
Mr. PATTEN.
Mr. WILLIAM D. FORD.
Mr. WALDIE in six instances.
Mr. YATES in two instances.
Mr. NICHOLS in two instances.
Mr. MURPHY of New York.
Mr. MOORHEAD in five instances.
Mr. RYAN in three instances.
Mr. REUSS in six instances.
Mr. YOUNG of Texas.

## ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 41 minutes p.m.) the House adjourned until tomorrow, Wednesday, December 1, 1971, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1323. A letter from the Secretary of Commerce, transmiting the 97th quarterly report on export control, covering the third quarter of 1971, pursuant to the Export Administration Act of 1969; to the Committee on Banking and Currency.

1324. A letter from the Acting Secretary of the Interior, transmitting a copy of a proposed grant agreemnt with Montana College of Mineral Science and Technology Foundation, Butte, Mont., for a survey of underground mine heat sources and control methods, pursuant to Public Law 89–672; to the Committee on Interior and Insular Affairs.

1325. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend title 18 of the United States Code to provide for an appeal from certain orders by a defendant who has pleaded guilty, and for other purposes; to the Committee on the Judiciary.

1326. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend chapter 313 of title 18 of the United States Code; to the Committee on the Judiciary.

1327. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of grants approved by his office during the quarter ended September 30, 1971, which are financed wholly with Federal funds and subject to the reporting requirements of section 1120(b) of the Social Security Act; to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASPINALL: Committee of Conference. Conference report on S. 29. (Rept. No. 92–685). Ordered to be printed.

Mr. SISK: Committee on Rules. House Resolution 717. Resolution waiving points of order against consideration of H.R. 11932. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92–686). Referred to the House Calendar.

Mr. BLATNIK: Committee on Public Works. H.R. 9886. A bill to amend the act of July 24, 1956, to authorize the Secretary of the Army to contract with the city of Arlington, Tex., for the use of water supply storage in the Benbrook Reservoir (Rept. No. 92–687). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 9756. A bill to amend the Merchant Marine Act, 1936, as amended; with amendments (Rept. No. 92–688). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations: H.R. 11955. A bill making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes. (Rept. No. 92–689). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works S. 1237. An act to provide financial assistance for the reconstruction or repair of private nonprofit medical care facilities which are damaged or destroyed by a major disaster; with an amendment (Rept. No. 92–690). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. S. 2887. A bill authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes; with an amendment (Rept. No. 92–691). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLATNIK: Committee on Public Works. House Joint Resolution 893. Joint resolution to amend the Disaster Relief Act of 1970 to authorize disaster loans with respect to certain losses, arising as the result of recent natural disasters, and for other purposes; with an amendment (Rept. 92–692). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL (for himself, Mr. SAYLOR, Mr. TAYLOR, Mr. SKUBITZ, Mr. RYAN, Mr. RUPPE, Mr. MELCHER, Mr. RONCALIO, Mr. BEGICH, Mr. ABOUREZK, and Mr. MILLS of Maryland):

H.R. 11946. A bill to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CLARK:

H.R. 11947. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 11948. A bill to amend the joint resolution authorizing appropriations for participation by the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law; to the Committee on Foreign Affairs.

By Mr. GONZALEZ:

H.R. 11949. A bill to establish the National Commission for the Preservation of Foreign Language Resources; to the Committee on Education and Labor.

By Mr. MILLS of Arkansas (for himself, Mr. ULLMAN, Mr. BURKE of Massachusetts, Mr. ROSTENKOWSKI, Mr. VANIK, Mr. FULTON of Tennessee, Mr. CORMAN, Mr. GREEN of Pennsylvania, Mr. CAREY of New York, and Mr. KARTH):

H.R. 11950. A bill to provide for Federal collection of State individual income taxes, to provide funds to localities for Federal high-priority purposes, and to provide funds to States to encourage more efficient use of revenue sources; to the Committee on Ways and Means.

By Mr. LATTA:

H.R. 11951. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. RUPPE:

H.R. 11952. A bill to amend chapter 55 of title 10, United States Code, to provide maternity benefits for certain former members of the Armed Forces and certain dependents; to the Committee on Armed Services.

By Mrs. SULLIVAN:

H.R. 11953. A bill to protect the public health by providing authority to regulate or prohibit the transportation, sale, or other distribution in interstate commerce of live creatures intended to be offered as household pets, if determined to be infected with serious disease injurious to human beings; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas (by request) (for himself, Mr. TEAGUE of California, Mr. HELSTOSKI, and Mr. SCOTT):

H.R. 11954. A bill to amend chapters 31, 34, and 35 of title 38, United States Code, to increase the rates of vocational rehabilitation, educational assistance, and special training allowances paid to eligible veterans and persons; to provide for advance educational assistance payments to certain veterans; to make improvements in the educational assistance programs; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MAHON:

H.R. 11955. A bill making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

By Mr. BENNETT (for himself, Mr. WRIGHT, and Mr. WILLIAMS):

H.R. 11956. A bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles; to the Committee on Education and Labor.

By Mr. BLACKBURN (for himself, Mr. STEPHENS, Mr. THOMPSON of Georgia, Mr. DONOHUE, Mr. THONE, Mr. WARE, Mr. GARMATZ, Mr. FOUNTAIN, Mr. VEYSEY, Mr. HAWKINS, Mr. BIAGGI, Mr. WHITEHURST, Mr. DENHOLM, Mr. MAYNE, Mr. PODELL, Mr. FREY, Mr. BUCHANAN, Mr. HOGAN, Mr. ROBINSON of Virginia, Mr. BURKE of

Florida, Mr. GUDE, Mr. ROONEY of Pennsylvania, Mr. MCDONALD of Michigan, Mr. PICKLE, and Mr. LENT):

H.R. 11957. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. FAUNTROY:

H.R. 11958. A bill to amend title 10 of the United States Code to establish procedures providing members of the Armed Forces redress of grievances arising from acts of brutality or other cruelties, and acts which abridge or deny rights guaranteed to them by the Constitution of the United States, suffered by them while serving in the Armed Forces, and for other purposes; to the Committee on Armed Services.

H.R. 11959. A bill to provide certain new transportation services to elderly persons, to authorize studies and demonstration projects for the improvement of transportation services to the elderly, and for other purposes; to the Committee on Banking and Currency.

H.R. 11960. A bill to provide financial assistance for the construction and operation of senior citizens' community centers, and for other purposes; to the Committee on Education and Labor.

H.R. 11961. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

H.R. 11962. A bill to amend title III of the Public Health Service Act to authorize grants for projects to develop or demonstrate programs designed to rehabilitate elderly patients of long-term-health-care facilities or to assist such patients in attaining self-care; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN:

H.R. 11963. A bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II; to the Committee on Interstate and Foreign Commerce.

H.R. 11964. A bill to require community mental health centers and hospitals and other medical facilities of the Public Health Service to provide needed treatment and rehabilitation programs for drug addicts and other persons with drug abuse and other drug dependence problems, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11965. A bill to establish a Special Action Office for Drug Abuse Prevention to concentrate the resources of the Nation in a crusade against drug abuse; to the Committee on Interstate and Foreign Commerce.

By Mrs. HICKS of Massachusetts:

H.R. 11966. A bill to amend the Social Security Act to provide full Federal reimbursement to the States for any costs incurred in providing public assistance (including both assistance under the categorical Federal-State programs and assistance under State general assistance programs) to individuals and families with less than 1 year's State residence; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. CONYERS, Mr. CÓRDOVA, Mr. FAUNTROY, Mrs. GRASSO, Mr. HICKS of Washington, Mrs. HICKS of Massachusetts, Mr. LINK, Mr. MOORHEAD, Mr. RANGEL, Mr. REES, Mr. SARBANES, Mr. SCHEUER, Mr. STOKES, and Mr. WALDIE):

H.R. 11967. A bill to establish a transportation trust fund, to encourage urban mass transportation, and for other purposes; to the Committee on Ways and Means.

By Mr. KUYKENDALL (for himself, Mr. BLANTON, and Mr. JONES of Tennessee):

H.R. 11968. A bill to name the bridge being constructed across the Mississippi River linking the States of Tennessee and Arkansas in honor of Hernando DeSoto; to the Committee on Public Works.

By Mr. PRYOR of Arkansas:

H.R. 11969. A bill to provide for a highway bridge across the Norfork Reservoir in Arkansas; to the Committee on Public Works.

By Mr. ROE:

H.R. 11970. A bill to amend the Flood Insurance of 1968 to expand flood insurance coverage; provide broader flood disaster relief; authorize the acquisition of certain properties; reduce interest rates on SBA disaster loans; provide public information program on flood insurance; and extend Federal-State cooperation on flood control, forecasting, and damage prevention; to the Committee on Banking and Currency.

By Mr. SATTERFIELD (for himself and Mr. TEAGUE of Texas):

H.R. 11971. A bill to amend title 38, United States Code, relating to veterans' benefits, to provide for the screening, counseling, and medical treatment of sickle cell anemia; to the Committee on Veterans' Affairs.

By Mr. STAGGERS:

H.R. 11972. A bill to amend the tariff and trade laws of the United States to promote full employment and restore a diversified production base; to amend the Internal Revenue Code of 1954 to stem the outflow of U.S. capital, jobs, technology, and production, and for other purposes; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 11973. A bill to provide for orderly trade in iron and steel products; to the Committee on Ways and Means.

By Mr. CHAMBERLAIN:

H.J. Res. 983. Joint resolution proposing an amendment to the Constitution of the United States relating to the assignment and transportation of pupils to public schools; to the Committee on the Judiciary.

By Mr. FRASER:

H.J. Res. 984. Joint resolution to amend the joint resolution providing for U.S. participation in the International Bureau for the Protection of Industrial Property; to the Committee on Foreign Affairs.

By Mr. FRELINGHUYSEN:

H.J. Res. 985. Joint resolution authorizing the President to proclaim the third week of June as "National Drum and Bugle Corps Week"; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.J. Res. 986. Joint resolution to amend title 5 of the United States Code to provide for the designation of the 11th day of November of each year as "Veterans Day"; to the Committee on the Judiciary.

By Mr. HOWARD:

H.J. Res. 987. Joint resolution to authorize the President to proclaim the last Friday of April of each year "National Arbor Day"; to the Committee on the Judiciary.

By Mr. STRATTON:

H.J. Res. 988. Joint resolution authorizing the President to designate the 29th day of May of each year as "John Fitzgerald Kennedy Memorial Day"; to the Committee on the Judiciary.

By Mr. MITCHELL (for himself, Mrs. ABZUG, Mr. BURTON, Mrs. CHISHOLM, Mr. CLAY, Mr. DIGGS, Mr. EDWARDS of California, Mr. HAWKINS, Mr. HELSTOSKI, Mr. ST GERMAIN, Mr. RYAN, and Mr. RANGEL):

H. Res. 718. Resolution: Health Bill of Rights; to the Committee on Interstate and Foreign Commerce.

# SENATE—*Tuesday, November 30, 1971*

*(Legislative day of Monday, November 29, 1971)*

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

## PRAYER

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

Almighty and eternal Father, with quiet heart and waiting spirit we pause and lift our minds to Thy holiness and perfection. Move us to a deeper commitment to Thee. Empty us of all that is ugly, or mean, or false. May we yield ourselves more fully to Thee—our thoughts, our words, our wills. Teach us the daily lesson that we may serve Thee as truly here as at the altar or in the pulpit of Thy house. Keep ever before us the vision of a better Nation and a better world and what we may do to bring it to pass. Anoint us and all the people of this Nation with a new awareness of Thy grace and love and power—

To serve the present age,
Our calling to fulfill
O may it all our powers engage
To do the Master's will.

Amen.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, November 29, 1971, be approved.

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

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

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

## DEATH OF HON. MANUEL TELLO, FORMER MEXICAN AMBASSADOR TO THE UNITED STATES

Mr. MANSFIELD. Mr. President, it is with sadness that I call the attention of the Senate to the death of Manuel Tello, who served with distinction and integrity as the Ambassador from the United Mexican States to this country